

Santa Fe Board of County Commissioners

Santa Fe Community Convention Center
201 Marcy Street, Santa Fe NM

SPECIAL MEETING

June 11, 2014 at 4:00pm

Please turn off Cellular Phones during the meeting.

Agenda

- I. Call To Order
- II. Roll Call
- III. Approval Of Agenda
 - Amendments
 - Tabled Or Withdrawn Items
- IV. Public Hearing
 - A. Growth Management
 1. CDRC Case # ZMXT 13-5360 Buena Vista Estates, Inc. & Rockology LLC. Buena Vista Estates, Inc, Applicant, Jim Siebert, Agent, Request Zoning Approval To Create A Mining Zone, On A 50 Acre ± Site, To Allow The Extraction Of Aggregate For The Use As Construction Material. The Site Will Take Access Off Of Waldo Canyon Road (County Road 57). The Property Is Located On The East Side Of I-25, Within Section 21, Township 15 North, Range 7 East (Commission District 3). Jose E. Larrañaga, Case Manager
- V. Adjournment

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Daniel "Danny" Mayfield
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

DATE: May 27, 2014

TO: Board of County Commissioners

FROM: Jose E. Larrañaga, Development Review Team Leader *JEL*

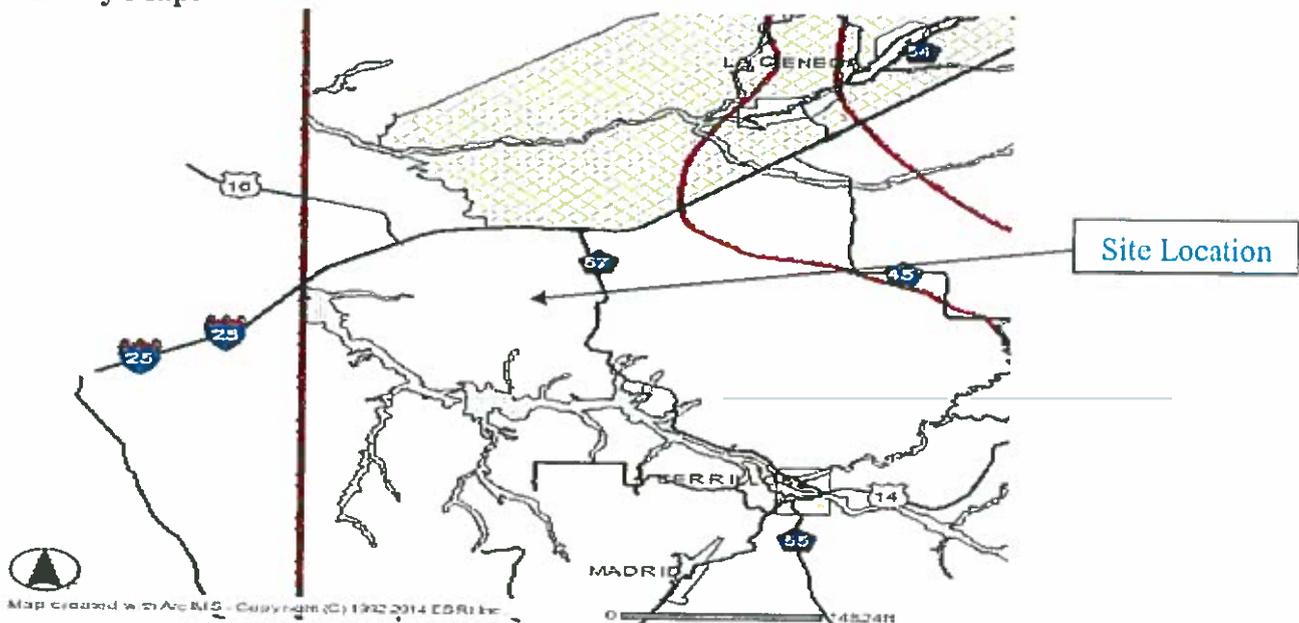
VIA: Katherine Miller, County Manager
Penny Ellis-Green, Growth Management Director *PEG*
Vicki Lucero, Building and Development Services Manager *VL*
Wayne Dalton, Building and Development Services Supervisor *WD*

FILE REF.: CDRC CASE # ZMXT 13-5360 Buena Vista Estates, Inc. & Rockology LLC.

ISSUE:

Buena Vista Estates, Inc, Applicant, Jim Siebert, Agent, requests zoning approval to create a mining zone, on a 50 acre \pm site, to allow the extraction of aggregate for use as construction material. The site will take access off of Waldo Canyon Road (County Road 57) and the property is located on the south side of I-25, within Section 21, Township 15 North, Range 7 East (Commission District 3).

Vicinity Map:



SUMMARY:

On March 20, 2014, the County Development Review Committee (CDRC) met and acted on this case. The decision of the CDRC was to recommend denial of the Applicant's request. The CDRC's findings for the recommendation of denial included: the proposed mining activity would have a significant adverse effect on the general welfare of the citizens of the area; not compatible with the transportation aspect of I-25; the area is not suited for mining because of the visibility; the history of mining is not in that area; the water supply and the way they want to obtain water is not acceptable.

Buena Vista Estates, Inc. owner, Rockology Limited, LLC, operator, are requesting approval of the creation of a Mining Zone to allow the extraction of aggregate for construction purposes to be used in redi-mix concrete, asphalt, landscaping, and base coarse. The Applicant states: "the basaltic material is a durable, sound aggregate, which is needed in construction of roads, bridges, homes, schools, buildings, and public works projects. The quality of the aggregate pits in the Santa Fe area generally does not meet the requirements for these types of construction projects". The mining will encumber 50 acres of land within a 1,359 acre parcel owned by Buena Vista Estates, Inc.

The mining operation is expected to last 25 years with the operation to be conducted in three phases. A materials stock pile and crusher will be located in each of the three phases (pits) to be excavated. The mining for each phase (cell) will occur over an approximate seven to eight year period. Rock drilling will follow the removal of overburden, drilled in accordance with the approved blasting plan. A licensed and insured blaster will perform the blasting operations in compliance with all regulatory agencies, including Santa Fe County, MSHA (Mine Safety & Health Administration) and Federal ATF regulations.

Article XI, § 1.1 (Applicability) states: "mineral extraction activity for construction materials, including but not limited to, stone, sand, gravel, aggregate, or similar naturally occurring materials, (hereinafter: construction materials) shall be allowed anywhere in the County, provided the requirements of this Ordinance are met".

Article XI, § 1.2 (Location Standards for Creation of New Mining Zones) states: "the Santa Fe County Board of County Commissioners may create new mining zones, provided the following location standards are satisfied: 1. Demonstrated existence of significant mineral resources. 2. Use of the land for mining uses is reasonably compatible with other uses in the area affected by the mining use, including but not limited to traditional patterns of land use, recreational uses, and present or planned population centers or urban and metropolitan areas. 3. A history of significant mining activity in the area, if mining has been conducted in the area (not required for creation of new mining zones). 4. The area designated is particularly suited for mining uses, in comparison with other areas of the County".

The Applicants have submitted an analysis of the above mentioned location standards criteria: 1. A soils investigation of the site was conducted. An aggregate summary report, prepared by AMEC Earth Environmental, Inc., describes the type of material found on the site. Basaltic material was found to the limits of the depth that can be achieved by an excavator, or approximately 20 feet.

2. Currently the property is being used for grazing purposes which would continue during the mining operation. The site is privately owned and is not an open area for public use. The site is not within a present or planned population district. 3. There are several mine sites in the vicinity of this property (Waldo Quarry, Gypsum Mine-Santo Domingo, San Pedro Mine & Rosario Asphalt). 4. The site is not neighboring any residences. The traffic created by the mine will not go through residential communities. The mine site will not impact the neighboring properties.

Article XI, § 1.5.1.d (Submittals for Mining Uses) states: “a plan to provide for reclamation of the mine site. For mining uses involving open pit mining operations, the mining operator shall be required to submit a plan for re-contouring and re-seeding or re-vegetation of the mine site or any phases thereof when the property or portions thereof has been mined. The plan for re-seeding or re-vegetation may not require seeding or re-seeding or re-vegetation of the open pit, but it shall require a plan to re-seed or re-vegetate the remaining disturbed areas of the mine site, excluding roads, with reasonable allowances to recognize areas that cannot be practically seeded or re-vegetated because of slope, rock conditions or other limitation factors, in an attempt to provide roughly comparable vegetation to that which existed in the area prior to mining, through a single reasonable effort. The Board may require a security for completion of the reclamation required under the section. The security may be in the form of a:

- (1) surety bond issued by an insurance company which is rated "A" or better by Standard and Poors or a comparable rating service; or
- (2) by a letter of credit in a form approved by the Board, issued by a state or national bank whose deposits are insured by the Federal Deposit Insurance Corporation; or
- (3) if approved by the Board, by a corporate undertaking issued by the applicant corporation or its parent corporation listed on the New York or American Stock Exchange or major foreign stock exchange”.

This Application was submitted on December 6, 2013.

Building and Development Services staff has reviewed this project for compliance with pertinent Code requirements and has found that the following facts presented support the request for the creation of a Mining Zone: the Application is comprehensive in establishing the scope of the project; existence of significant mineral resources has been demonstrated by the Applicant; the use of 50 acres of land, within a 1,359 acre parcel, for a mining use is reasonably compatible with other uses in the vicinity; the designated 50 acre site is particularly suited for mining uses, in comparison with other areas of the County; the review comments from State Agencies and County staff have established that this Application is in compliance with State and County requirements and Article XI, § 1 of the Land Development Code.

APPROVAL SOUGHT:

Creation of a Mining Zone to allow the extraction of aggregate for construction purposes on 50 acres of land within a 1,359 acre parcel.

**SUBMITTAL FOR MINING
USES:**

The following was submitted by the Applicant as required by Article XI, § 1.5.1: a vicinity map showing the mine site and the area within a three (3) mile radius of the mine site drawn on a U.S.G.S. topographic quadrangle map; a map for the mine site, general survey, aerial photograph illustrating the existing site data; an operations plan in accordance with Article XI, § 1.5.1 – 8; a plan to provide reclamation of the mine site; an estimate of the average annual payroll/economic benefit of the mine site; a list of permits required to be obtained to engage in the mining use on the mine site (Development Permit; Air Quality Permit; Mine Registration, Reporting, & Safe Guarding Program Services; Petroleum Storage Tank Bureau; Occupational Health & Safety Bureau; Mine Safety, Health Administration; Blasting); submission of an affidavit of ownership of mineral rights (Exhibit 8).

**AREA OF MINERAL
EXTRACTION ACTIVITIES:**

The neighboring activities are all industrial or transportation uses: the Waldo Quarry is 1.5 ± miles southeast of the proposed site; the New Mexico Rail Runner track traverses south of the proposed site; the Rosario Asphalt Terminal is located approximately three miles southwest of the proposed site; and in 1998, sand and gravel was mined in the area by Corn Construction for the I-25 construction.

ARCHAEOLOGIC:

Medium Potential, archeological report required for development of more than 10 acres. An archaeological report has been submitted for review. The Historic Preservation Division (HPD) reviewed the archaeological report prepared by Townsend Archaeological Consultants and concurred with the findings that no additional archaeological investigations are necessary. Because of the presence of segments of U.S. 85/66 and Camino Real within one mile of the project area, a line of site analysis was conducted to determine whether the materials pit would be visible from each of the segments. This analysis showed that the materials pit would not be visible from most locations because of intervening topography. Based on this analysis HPD had no concerns with the proposed project.

ACCESS AND TRAFFIC:

The site will be accessed from I-25 and Waldo Canyon Road (County Road 57). The distance from I-25, measured along County Road 57, to the access point to the site is approximately .6 miles. A Traffic Impact Analysis was

submitted for review. NMDOT stated that traffic impact from the development would be minimal to the state roadway system and that no further action would be required. Santa Fe County Public Works Department has imposed conditions that County Road 57 be improved (a two inch overlay of HMA shall be applied on County Road 57 starting from the East Interstate 25 Frontage to the most southern boundary of the access road to the site) as per Code requirements. Truck traffic both to and from the site will utilize I-25 and County Road 57 (north of the site) as described on page 13 of the Applicants Report (Haul Road Access). Traffic generated by the mine site will not go through any community, Traditional Community or pass any existing residences.

FIRE PROTECTION:

Turquoise Trail Fire District. Santa Fe County Fire Marshal recommends approval of the proposed project conditioned on compliance with Article 1, Section 103.3.2 of the Uniform Fire Code. A 10,000 gallon water tank will be dedicated for fire protection on the site. A draft hydrant will be attached to the tank to be accessible to fire trucks. A Knox locks will be installed on the gate located on County Road 57.

WATER SUPPLY:

Subsequent to the CDRC hearing, a water agreement was acquired from the City of Santa Fe for treated effluent from the City Wastewater Treatment Plant, located on County Road 56. This water will be used for dust control purposes and for establishing the re-vegetation of the site during the reclamation process. The County has issued a ready and willing letter to provide bulk water services from the SFCU dispensing facility located at 13B Camino Justicia. Santa Fe County Utilities Department has reviewed the project and has verified the issuance of a ready and willing letter to provide bulk water services to this project. Rockology will retain the right to utilize the bulk water services from Santa Fe County. The City non-potable water will serve as the primary water source with potable County water as a backup water source. The Applicant submitted a water budget of the annual use of water for dust control.

LIQUID WASTE:

Portable toilets will be brought on site for sanitary purposes for the employees. The operator will enter into a contract to supply and maintain the portable toilets.

SOLID WASTE:

The solid waste produced on site will be associated with trash generated by the employees eating lunch at the plant.

This trash will be placed in bags and taken to the Rockology office in Albuquerque to be disposed of in Albuquerque.

**FLOODPLAIN &
TERRAIN MANAGEMENT:**

The Applicant has submitted Topography data, a Soils map, Grading and Drainage Plan, and Reclamation Plan. A 31,245 cubic foot retention pond is proposed which will serve as drainage control for onsite drainage. The total amount of ponding required is 22,264. Therefore, the submittal is in conformance for phases I, II, and III and complies with Article VII, Section 3.4.6 and Ordinance 2008-10 Flood Damage Prevention and Stormwater Management Ordinance.

The site contains slopes of 0-15% and slopes from northeast to southwest portion of the extraction. The site is located outside of the 100 year FEMA designated flood hazard area and contains one small drainage location on the site. The Submittal is in conformance of Article VII, Section 3.4.6 and Ordinance 2008-10 Flood Damage Prevention and Stormwater Management Ordinance

SIGNAGE AND LIGHTING:

No signage has been proposed for this project. A portable generator will serve the electric needs for this project. There will be periods of time that the extraction of material will not take place therefore a consistent source of electricity is not required. Temporary, portable lights will be used in the crusher/screener area, not to exceed 20 feet in height.

EXISTING DEVELOPMENT:

The 1,359 acre parcel is currently vacant. The property is currently being assessed as agricultural.

ADJACENT PROPERTY:

The 50 acre site is bordered on all sides by property owned by Buena Vista LTD. County Road 57 is approximately 1,250 feet away from the site to the east. The site is set back from I-25 and the Waldo Canyon overpass 4,250 feet at the northern boundary. The set back from the southern property line is 1,250 feet and 9,000 feet from the west property line.

PHASING:

The project will be completed in 3 phases within a 25 year period. The estimated time frame from start to completion of Phase I is 2014-2021, with approximately 326,000 cubic yards of material to be removed from the site. The estimated time frame from start to completion of Phase II is 2021-2028, with approximately 397,000 cubic yards of material to be removed from the site. The estimated time frame from start to completion of Phase III is 2028-2039, with

approximately 543,000 cubic yards of material to be removed from the site. Reclamation will take place upon completion of each phase.

VISIBILITY:

On February 28, 2014, staff conducted a site visit to the proposed mine site. The Applicants placed 20' story poles, with white banners, at each corner of the 50 acre site. The Applicants also placed 20' story poles, with brown banners, where material would be stored within the 50 acre site. The purpose of placing the story poles was for staff to take photos at different locations to analyze the visibility of the proposed site. Staff GPS'd the property corners and the proposed stockpile location. Staff then went out onto I-25, I-25 Frontage Rd. and County Rd. 57 and took photos at locations where the poles or a portion of the poles were visible to the naked eye, these locations were also GPS'd. Staff also went out to areas to the south of the site and took photos of the general site using the cell tower as a landmark, the location of these photos were also GPS'd. Attached as Exhibit 6 is a map of the area which illustrates the location of the story poles and photos from different vantage points where staff could see the poles or a portion of the poles (each photo is matched up to the location where it was taken). Staff's conclusion is that the site will be visible on I-25 going west (headed towards Albuquerque), there will be very little visibility heading into Santa Fe on I-25. The site will be visible on County Rd. 57 at the entrance to the site.

AGENCY REVIEW:

<u>Agency</u>	<u>Recommendation</u>
County Fire	Approval
County Utilities	Approval
NMDOT	Approval
Public Works	Approval with Conditions
Traffic Planner	Approval with Conditions
OSE	Declined Comment
SHPO	Approval
NMED-	
Ground Water	Approval
NM Energy & Minerals	Approval

RECOMMENDATION:

CDRC Recommendation: The County Development Review Committee recommended denial of the Applicants request for zoning approval to create a mining zone by a 5-2 voice vote.

Staff Recommendation: Conditional approval for the creation of a mining zone, on a 50 acre \pm site, to allow the extraction of aggregate for the use as construction material subject to the following conditions:

1. Master Plan for all three Phases with appropriate signatures shall be recorded with the County Clerk, as per Article V, § 5.2.5 of the Land Development Code.
2. Staff recommends that the Board of County Commissioners require the Applicant to submit a financial security for completion of the reclamation in accordance with Article XI, § 1.5.1.d of the Land Development Code.

EXHIBITS:

1. Applicant Report
2. Proposed Plans
3. Reviewing Agency Responses
4. Aerial Photo of Site
5. Article XI, § 1
6. Visibility Assessment
7. Aerial of SFCU Dispensing Facility located at 13B Camino Justicia
8. Aerial of City of Santa Fe Wastewater Dispensing Facility
9. Affidavit
10. CDRC Minutes & Exhibits (letters received after March 12, 2014)
11. Letters of Concern

**CONSTRUCTION MATERIALS EXTRACTION
REPORT**

FOR

50 ± ACRE SITE

PREPARED

FOR

**BUENA VISTA ESTATES, INC
&
ROCKOLOGY LIMITED LLC**

PREPARED BY:

JAMES W. SIEBERT AND ASSOCIATES, INC.

**NOVEMBER, 2013
REVISED, MAY, 2014**



NBB-

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Appendix A	District Court Judgment & Deed
Appendix B	Legal Interpretation of Mineral Rights
Appendix C	Material Found on Site
Appendix D	Wesco's Operation Procedures & Blasting Guidelines
Appendix E	Ready, Willing & Able Letter with Receipt of Payment
Appendix F	Reclaimed Water Use Agreement

DEVELOPMENT REQUEST. PURPOSE AND BENEFIT

Buena Vista Estates, Inc. owner, Rockology Limited, LLC, operator, are proposing a Mining Zone to allow the extraction of aggregates for construction purposes to be used in ready-mix concrete, asphalt, landscaping, and base course. The basaltic material is a durable, sound aggregate, which is needed in construction of roads, bridges, homes, schools, buildings, and public works projects. The quality of the aggregate pits in the Santa Fe area generally does not meet the requirements for these types of construction projects. The mining will encumber 50 acres of land that is part of the existing 1,359 acre tract.

Aggregates are the most basic material required to support a growing and healthy economy. According to National Stone, Sand and Gravel Association:

- Each U.S. citizen uses 22,000 pounds of aggregates annually.
- 38,000 tons of aggregates are necessary to construct one mile of a four-lane highway
- 400 tons are required to build an average modern home.

As of August 2013, there were six permitted aggregate operations in Santa Fe County (Source: New Mexico Energy, Minerals and Natural Resources Department/Mining and Minerals Division).

- Waldo Quarry (owner Associated Asphalt and Materials)
- San Lazarus Gulch Mine (owner Paul Parker Construction)
- Aviation Mine (owner Montano's Excavating)
- Santa Fe River Pit (owner Eker Brothers, Inc.)
- Cerrito Pelado Mine (owner Big Chief Stone Inc.)
- La Cienega Mine (owner Crego Block)

Of the six operations, only three are capable of making construction grade aggregates. Two of the operations produce scoria for landscaping and block production, and the Santa Fe River Pit is primarily for landscaping, as the physical properties are not suitable for construction aggregates.

The shortage of permitted quality aggregate sources in the area necessitates material to be hauled in from outlying sources to meet market demand. Significant quantities are currently being hauled from Albuquerque, Placitas, and Algodones.

ECONOMIC BENEFITS

Approval to allow mining on this site would provide numerous economic benefits to residents, businesses, and public agencies in Santa Fe County and surrounding areas.

1. Reduced cost of materials
(The location will reduce transportation costs for aggregates from Albuquerque sources by an estimated \$4-\$5/ton.)
2. Gross Receipts taxes
Assuming 250,000 tons/year at average selling price of \$9/ton = \$2,250,000 revenue. Average haul rate at \$5/ton = \$1,250,000. (total revenue material and haul = \$3,500,000) Assuming 50% are non-taxable, potential GRT (at 7%) = \$122,500.
3. Employment opportunities
Anticipate 7 full-time employees at average wages of \$40,000 + benefits. Estimated annual payroll of \$280,000, plus cost of holidays, vacation, and insurance.
4. Will hire independent truckers to haul material:
Anticipate needing 6 independent haulers at average hourly rate of \$75/hour.
5. Purchase of effluent water from City waste water plant.
6. Utilization of local vendors for goods and services, including fuel, gas, oil, office supplies, food, electrical and mechanical services.

OWNERS, LOT OF RECORD, AND MINERAL RIGHTS OWNERSHIP

The owner of this tract is Buena Vista, Estates Inc. The address for this corporation is:

931 San Pedro SE
Albuquerque, NM 87108

The deed and the District Court judgment pertaining to this tract of land are found in Appendix A to this report.

Although Article XI, Section 1.5.1. specifies that the owner of mineral rights on the tract must be identified.

Various court cases have determined that sand and gravel extraction is not considered a mineral right. Attached as Appendix B is research on the current ownership of mineral rights on the subject property and a legal opinion prepared by Arthur Beach with the Keller law firm that supports the finding that sand and gravel is not a mineral right.

PROJECT LOCATION

The subject site is located east of Interstate 25 and south of Waldo Canyon Road (County Road 57). Figure 1 is a vicinity map which describes the location of this tract of land relative to known physical features.

The subject site is entirely surrounded by land owned by the co-applicant for this project. Adjoiners to the larger Buena Vista 1,358 acre parcel are:

To the East:	Peter Naumburg & Larry Pepler Mesita de Juana de Santa Fe LTD Box 447 Cerrillos, New Mexico 87010
To the South:	Happy Valley LTD P.O. Box 5033 Santa Fe, New Mexico 87502
To the North:	Martha Harris 4932 Arroyo Chamisa Rd. NE Albuquerque, New Mexico 87111
To the West:	Remainder of Buena Vista Properties

OPERATOR OF THE MINERAL EXTRACTION SITE

The operator of the mineral extraction site will be Rockology Limited, LLC and the owner of Rockology Limited, LLC is Steve Hooper who has 30 years' experience in the sand and gravel extraction and construction materials manufacturing business. The address for Rockology Limited, LLC is:

3601 Pan American Freeway
Albuquerque, NM 87107

NEIGHBORING USES

The majority of the land in the area surrounding the subject tract is vacant. The closest physical feature is County Road 57 to the east and I-25 to the north. Waldo Canyon Road (CR57) is located 1300 feet to the east of the northern-most boundary of the site. The closest existing use to this application is a sand and gravel mining operation located to the southeast of this site. This sand and gravel mining operation is owned and operated by Espanola Mercantile, Inc.

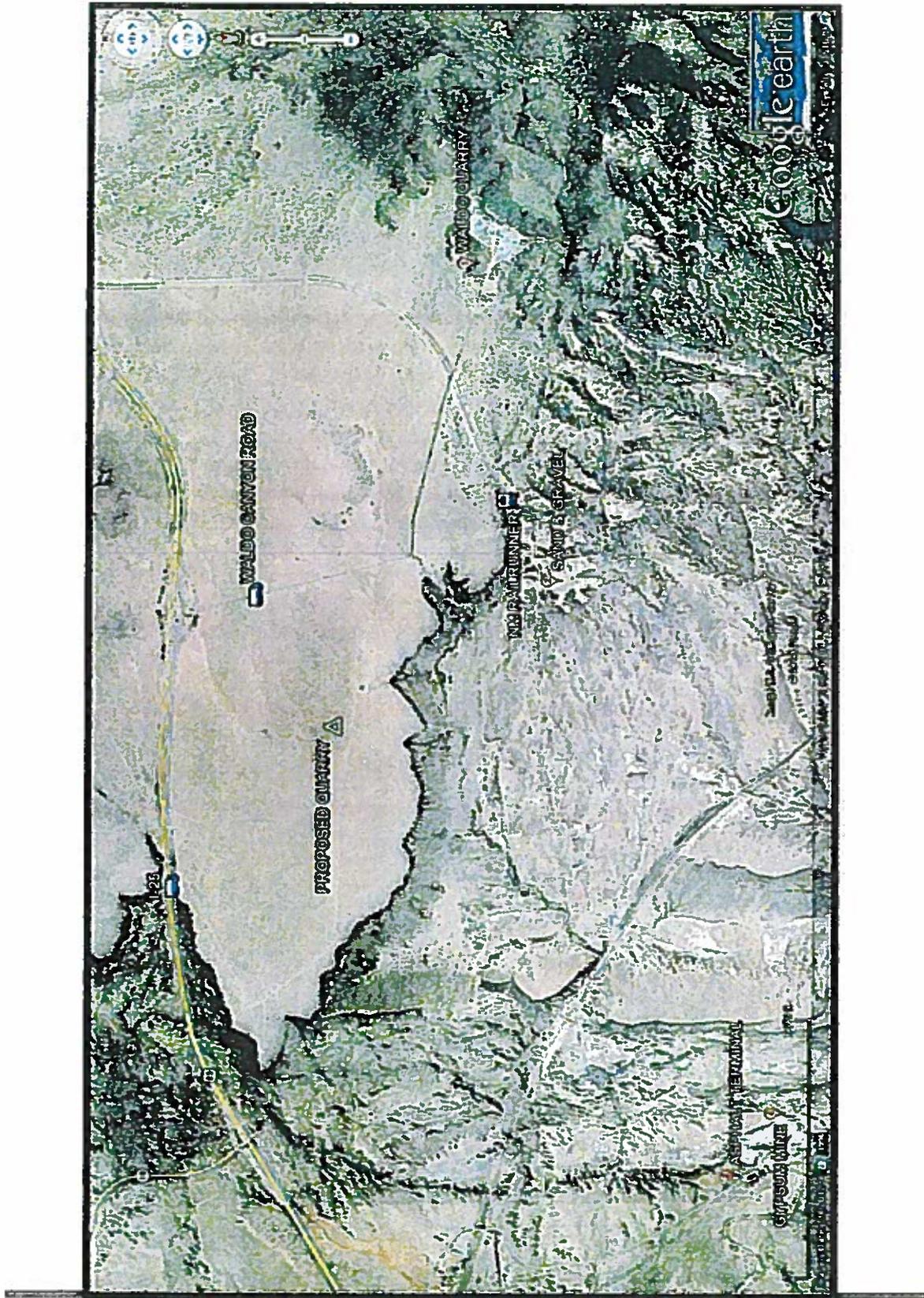
EXISTING STRUCTURES AND IMPROVEMENTS WITH 200 FEET OF THE SITE

The only physical feature located within 200 feet of the perimeter of the extraction site is the underground electric line that provides electric service to the telecommunication towers at the western end of the subject property.

Area of Mineral Extraction Activities

The neighboring activities are all industrial or transportation uses:

- Waldo Quarry, owned and operated by Associated Asphalt & Materials, is 1 ½ miles southeast of the proposed site.
- The New Mexico Rail Runner track traverses below the proposed site, where tons of aggregate were used for ballast material.
- The Rosario Asphalt Terminal operated by NuStar Energy is located approximately three miles southwest of the proposed site.
- In 1978, sand & gravel was mined in the area by Corn Construction for I-25 construction.



HISTORY OF MINING IN THE AREA

There is a long history of mining in the Cerrillos and Waldo area of Santa Fe County. Mining has a tri-cultural history in this part of the County with mining by the Indian tribes lasting approximately 400 years, from 1300 to 1700 (Schroeder). Lead was also mined by the Indians for use in lead-glaze paint on pottery. Turquoise was mined by the Indian tribes at Turquoise Hill and Mount Chalchihuitl. The Castilian Mining Claim of 1879 and the Mount Chalchihuitl Claim were among the first turquoise mining claims in the U.S. (Elston, 1967). Turquoise was mined at the above two sites until 1950.

The Spanish and Mexicans mined this same area for 250 years from 1598 to 1848. The Spanish were looking for copper, silver and gold. A variety of metals have been mined in the Cerrillos area including zinc, lead, copper, silver and gold. Mining continued to occur in the area when United States took over New Mexico as a territory. Metal mining needed to supply the industrial revolution started in 1879 and the 1880's were the peak years for metal production. The metal mining operations were located about one mile north of Cerrillos and in Hungry Gulch, about three miles northwest of Cerrillos. Mining camps began to appear in this period at Carbonateville, south of El Cerro de la Cobena and Bonanza City on what is now the Bonanza Ranch.

Waldo began as a tent city in the 1880's and officially received its name in 1892. Coal became the most extensive mining operation in the late 1880's lasting until 1930's with Madrid being the primary producer of coal. Condie and Snow (2000) report the existence at Waldo of foundations for a zinc and carbonate smelter, which operated in the early 1920's. Condie and Snow also found the remains of 50 beehive coking ovens which operated in the era between 1896 and 1930.

New Mexico recognized the importance of this historical area and in 1973 placed the Cerrillos Mining District on the State Register of Cultural Properties. The boundary of this District is shown on Figure 2.

The more recent mining activity in the area of the requested construction materials extraction site includes active sand and gravel operations and one operation that has been abandoned. Espanola Mercantile, Inc. began its sand and gravel mining operation in the mid 1990's. All of Waldo Canyon Road from the paved section at the I-25 interchange, to the entry to the sand and gravel operation was paved as part of an effort to reduce dust on Waldo Canyon Road created by trucks accessing the mining site. During the construction of I-25, a mining construction site was established immediately east of the subject tract for the purpose of extracting borrow material and for sand and gravel for making base course and asphalt aggregates for the interstate highway construction. This pit was abandoned after completion of the Interstate Highway.

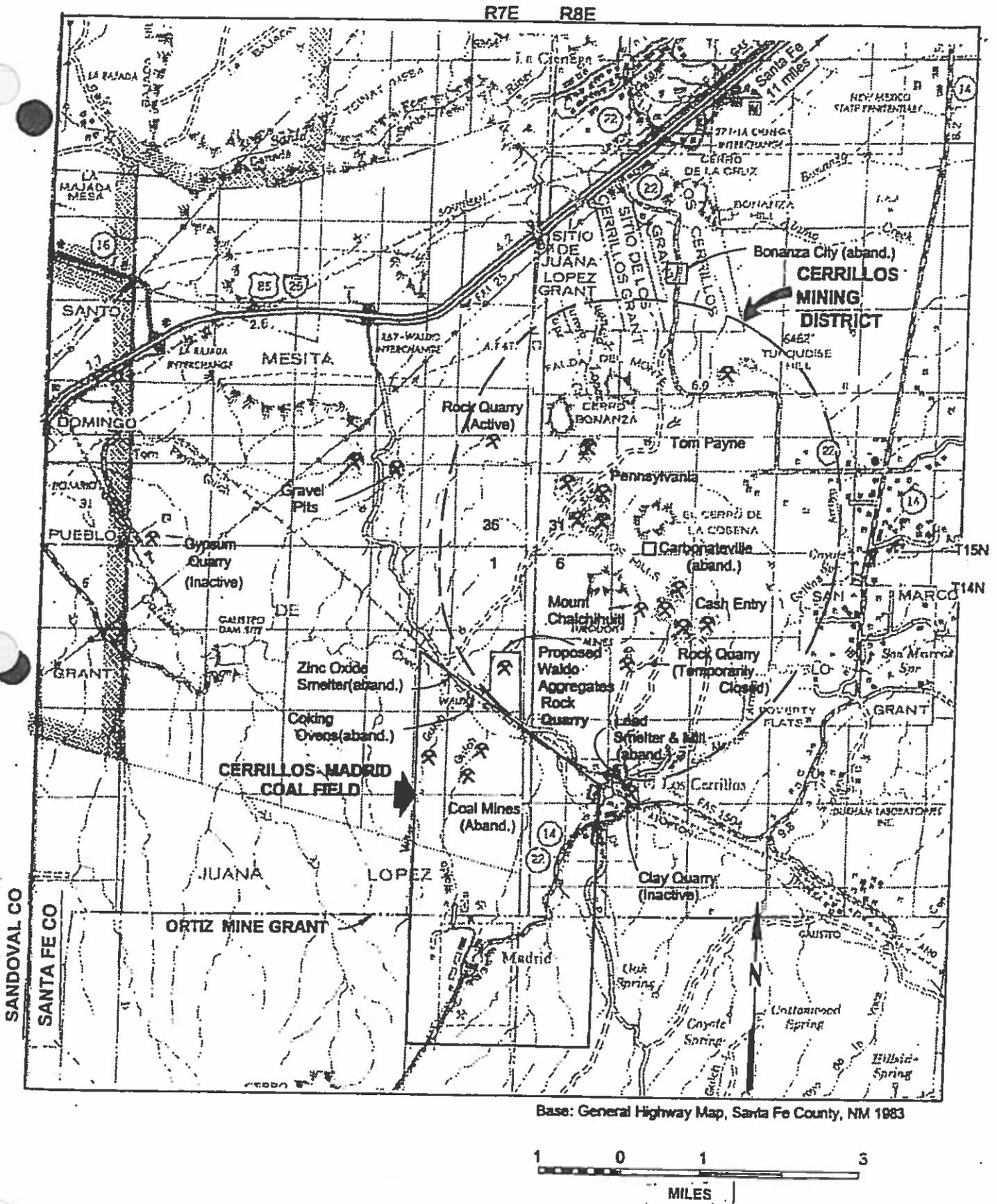


FIGURE 2
MINES AND MINERAL PROCESSING FACILITY LOCATIONS
LOS CERRILLOS AND SURROUNDING AREA
Santa Fe County, New Mexico

NPB-20

FIGURE 2

A gypsum mining and processing plant was located on the Santo Domingo Pueblo to the south and west of this proposed development. A railroad siding was constructed by the Atchison, Topeka and Santa Fe Railroad line for the purpose of loading aggregate ballast material to be used for bedding of the railway. This siding is currently used to off-load petroleum used as the binder in asphalt.

“The New Mexico Geological Society Guidebook, 40th Field Conference, Geology of the Santa Fe Region”, published in 1995 identified the mining sites in Santa Fe County. There is a heavy cluster of sites west of State Road 14 and along the railroad tracks of the Atchison, Topeka and Santa Fe Railroad. The sites identified in the report were divided into sand and gravel, scoria/cinders/pumice, stone and miscellaneous materials, consisting of barite, garnet, gypsum, iron oxide, silica and mica. The mining operations identified in the report that relate to this application are provided below identified by category.

**Table 1
History of Established Locations of Mining**

Sand and Gravel Δ

Deposit Name	Location (Sec, T, R)	Map Number
6618	S ½ 26, 15N, 7E	13
5607	NE ¼ 20, 14N, R8E	20
25-15-5	Sec's 26, 27, 34, 35, 15N,R7E	30
---	NE 1/4 11, 14N, 7E	40
Waldo Pit	S ½ 33, 15N 7E	48
0678	SE ¼ 6, 14N, 7E	50
25-15-2	SE ¼ 6, 14N, 7E	56

Stone ○

Deposit Name	Location (Sec, T, R)	Map Number
Sandstone	NE ¼ 14, 14N, 7E	18
Monzonite-6814	Se ¼ 27	32
Monzonite-25-15-3	SE 1/4 28, 15N 8E	33
Monzonite Devil Throne Quarry	NW ¼ 18, 14N 8E	34
Monzonite Mina de Tiro	NW ¼ 8, 14N, 8E	35
Monzonite 25-15-6	Sec 30, 15N, 8E	36
Monzonite Horn Blende 0681	SW ¼ 5, 14N, 8E	38
Basalt 25-15-7	Sec 21, 15N, 7E	41

Scoria, Cinders, Pumice ■

Type	Deposit Name	Location (Sec, T, R)	Map Number
Scoria	BLM Community Pit	Sec 1, 15N, 8E	1
Scoria	----	SW ¼ 22, 16N, 7E	2
Scoria	Creyo Mine	SW ¼ 18, 16N, 8E	3
Pumice	American Pumice Mill	Sec 2, 16N, 9E	4
Pumice	Copar Cuyamungue	Sec 28, 19N, 9E	5
Pumice	Guaje Canyon Mine	Sec's 31 & 32, 19N, 7E	6
Cinders	La Cienega	Sec 18, 16N, 8E	10

Misc. Material ☆

Type	Deposit Name	Location (Sec, T, R)	Map Number
Gypsum	Rosario	Sec 32, 15N, 7E	4
Gypsum	La Bajada/Rosario	SW ¼ 30, 15N, 7E	5

Source: Industrial Minerals and Rocks in Santa Fe County New Mexico
New Mexico Geological Society Guidebook, 46th Field Conference

An enlargement of the map included in the New Mexico Geologic Society Guidebook report is reproduced as Figure 3.

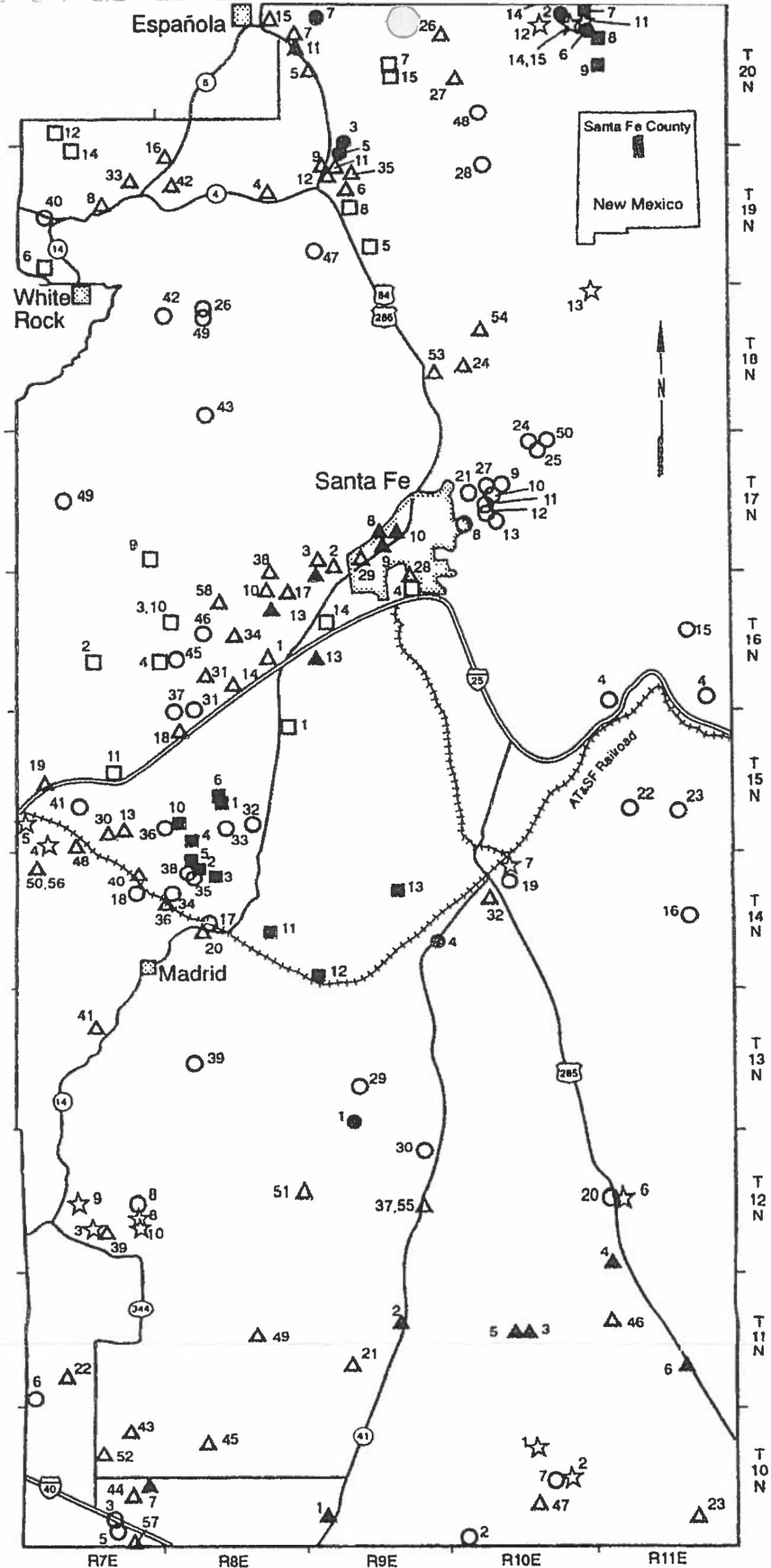
MINERAL RESOURCES

A soils investigation of the site was conducted using an excavator to determine the type and depth of material. A description of the material found at the site prepared by Rockology Limited, LLC. is found in Appendix C to the report. Basaltic material was found to the limits of the depth that can be achieved by the excavator, or approximately 20 feet. Except for 4-6 inches of top soil the basaltic material was relatively constant for the entire depth of 20 feet.

Type of Material

The principal material located within the mineral extraction area is basalt. Physical property testing demonstrates that the material is high quality, meeting soundness and durability specifications. The physical properties as tested are:

Bulk specific gravity:	2.64 %
Absorption:	1.4 %
L.A. abrasion:	20.9%
Magnesium Sulfate Soundness Loss:	7.1%
Sodium Soundness:	1 – 5%



- ▲ Caliche & adobe soil
- ▲ Sand & gravel
- Scoria, cinders, pumice
- Semi precious
- Clay
- Stone
- ☆ Misc. materials: Barite, garnet, gypsum, iron oxide, silica, mica

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FIGURE 3

MINERAL RESOURCES

A soils investigation of the site was conducted using an excavator to determine the type and depth of material. A description of the material found at the site prepared by Rockology Limited, LLC. is found in Appendix C to the report. Basaltic material was found to the limits of the depth that can be achieved by the excavator, or approximately 20 feet. Except for 4-6 inches of top soil the basaltic material was relatively constant for the entire depth of 20 feet.

Type of Material

The principal material located within the mineral extraction area is basalt. Physical property testing demonstrates that the material is high quality, meeting soundness and durability specifications. The physical properties as tested are:

Bulk specific gravity:	2.64 %
Absorption:	1.4 %
L.A. abrasion:	20.9%
Magnesium Sulfate Soundness Loss:	7.1%
Sodium Soundness:	1 – 5%

This information is derived from testing conducted by Steven A. Hooper, P.E., owner of Rockology Limited, LLC.
Figure 3

OPERATIONS PLAN

Time Frame

The mining operation is expected to last 25 years with the operation to be conducted in three phases. A materials stock pile and crusher will be located in each of the three pits to be excavated over a 25 year period. The mining for each cell will occur over an approximate seven to eight year period.

Hours of Operation

During the warmer months (April - September) the hours of operation will be 7:00 AM to 5:00 PM for weekdays and 7:00 to 12:00 on Saturdays. During the colder months (October through March) the hours of operation during the weekday will be 9:00 to 4:00. Work will generally not take place on the weekends and during the colder months of the year.

Materials Processing

The processing and handling of materials will be accomplished in three segments; pit operations, plant processing and product loading and distribution.

Pit Operations

Preparation of each cell begins with the removal of natural soil overburden. A track dozer will be used to remove the overburden to expose the basaltic rock formation. The overburden will be stockpiled outside the excavation cell and will be used as topsoil in the reclamation of the site following completion of mining for each phase.

Three cells are proposed for the site. The location, phasing and acreage for the cells are found in the plan set submitted with this application.

Rock drilling will follow the removal of overburden, drilled in accordance with the written and approved blasting plan. A licensed and insured blaster will perform the blasting operations in compliance with Santa Fe County and federal ATF regulations. Blasting will only take place during daytime hours. Times for blasting will be coordinated to insure that regulatory agencies are properly notified. Blasting materials will not be stored on site.

Blasting will be contracted out to Western Explosive Systems Company (WESCO). A licensed and insured blaster, WESCO will perform the blasting operations in compliance with all regulatory agencies, including Santa Fe County, MSHA, and federal ATF regulations.

WESCO is currently providing drilling and blasting services for numerous contractors, including:

- Delhur Industries (Santa Fe landfill)
- GCC Rio Grande Cement in Tijeras Canyon
- Salls Brothers, rock pit west of Albuquerque
- C&E Concrete, Tinaja pit south of Grants

WESCO's Standard Operating and Blasting Procedures are attached in Appendix D

Santa Fe County has authorized blasting at the Waldo Quarry since its inception. The County has not received any complaints regarding the blasting operations that have taken place at this quarry. The proposed sand and gravel site is further removed from residential uses than the Waldo Quarry.

Plant Processing

A front-end loader will feed the blasted material into a feed hopper, followed by crushing, screening and stockpiling of finished material. The crusher will be located in the excavated cell with limited visibility from public roadways, once the cell is excavated. Conveyors will be used to deliver materials into different size components. Unusable material is returned to the excavation area for use in reclamation.

Product Loading and Distribution

This component of the operation consists of a front-end loader placing the finished aggregate products into the haul trucks. All trucks will be required to be compliant with New Mexico Department of Transportation and New Mexico Public Regulation Commission requirements. All loads will be weighed to ensure that trucks are within the legal weight limits, and properly covered to secure the load.

Haul Road Access

Trucks hauling the aggregate material leaving the site will use County Road 57, entering I-25 at the Waldo interchange and then either proceeding north on I-25 or south on I-25. Haul trucks accessing the site will use I-25, either from the south or the north, exiting at the Waldo interchange and will proceed on County Road 57 to the entrance as discussed in the report.

The trucks loading water at the stand pipe on State Road 14 (secondary source only) will use I-25 exiting at the State Road 14 interchange and will proceed on State Road 14 to the County water stand pipe. Trucks taking water to the aggregate site will use State Road 14 accessing I-25 at the State Road 14 interchange. Water trucks then exit I-25 at the Waldo interchange and will then proceed on County Road 57 to the project entry. Water trucks leaving the site will use County Road 57 entering I-25 at the Waldo interchange.

Both the water delivery trucks and the aggregate trucks will be given direction by the operator that under no circumstances will they access the site through the town of Cerrillos using County Road 57 at its terminus in the town of Cerrillos. There is no reason for any access to the site through the town of Cerrillos since County Road 57 after the turn-off to the Waldo Quarry is a rough and narrow road that due to its current condition carries very little traffic.

City Treated Effluent

Since the CDRC meeting Rockology has secured the right to use treated effluent water at the City of Santa Fe wastewater treatment plant for dust control and revegetation purposes. The haul road access to the City stand pipe where treated effluent is dispersed would be County Road 57 to I-25 and north on I-25 to the NM 599 interchange. From the I-25/NM 599 interchange the trucks would travel on NM599 turning left onto County Road 56 turning into the City standpipe east of the City wastewater plant. The same route would be used from the City standpipe back to the mineral extraction site. None of the roadways serving as the haul route for water serve as direct access to any residential development.

Although the City treated effluent would serve as the main source of water Rockology would retain the right to use County water at those times that the stand pipe may not be functioning.

Hazardous Materials

Standard hazardous materials used in aggregate processing are petroleum-based products such as diesel fuel, lubricants, and oils. These products will be stored in accordance with local, state and federal regulation. A spill prevention plan will be in place and administered by the operations superintendent, who receives annual training on spill prevention. A five thousand gallon diesel fuel storage tank will be used for heavy equipment operating on the site.

The tank will be padlocked and a secondary containment system will consist of a ten mil geosynthetic liner and earthen berm to contain spills equal to 110 percent of the tank's volume.

Other petroleum products will be stored and used according to industry standards and regulations. A service truck will visit the site on a weekly basis to serve the equipment located at the site. Servicing of equipment will be done in conformance with State regulations for disposing of waste materials and equipment oils. All used oils and lubricants will be stored in required containers, removed from the site and taken to Albuquerque for recycling.

Structures

Much of the equipment that will be located on the site will be of a portable nature. With the exception of the water and diesel oil storage tanks the types of equipment operating at the extraction site will consist a tool trailer, administrative trailer, screening and crushing equipment and associated belt conveyor systems, water and fuel storage tanks and a weigh scale.

Fire Protection

A 10,000 gallon tank will be dedicated to fire protection on the site. This tank will have a draft hydrant attached to the fire protection tank with the location of the draft hydrant being accessible to fire trucks. A Knox locks will be installed at the gate located on County Road 57. A description of the tank and draft hydrant is shown on the Site and Operation Plan in the plan set.

20 pound ABC fire extinguishers will be located at the construction trailer, tool shed and at the crusher and screener. 10 pound extinguishers will be available at all movable machinery at the site.

UTILITIES & OUTDOOR LIGHTING

Electric

A portable generator will serve the electric needs for this project. There will be periods of time that the extraction of material will not take place. A consistent source of electricity is not required for this operation.

Water

Bulk water services from Santa Fe County will be used to serve this project. The County has issued a ready, willing letter to provide bulk water services. See letter attached as Appendix E along with the receipt that opened the commercial account with the County.

Lighting

The only lighting on the site will be portable temporary lights discussed below. The job trailers will not have any exterior lighting, nor will any pole-mounted lighting be installed on the site.

Temporary, portable lights will be used in the area of the crusher/screener for exceptional times that operations would occur during peak construction period when materials are needed for large construction projects that have a short time frame.

These portable lights would illuminate in a downward manner on the work area and would face away from County Road 57.

VOLUMETRIC CALCULATIONS

The area to be mined consists of 50 acres with a maximum depth of 60 feet and the deepest part of the pit. Table 2 is a description of the quantities of material to be moved during each phase of the operation. It is estimated that a total of 3.53 million cubic yards of materials will be excavated over a 25 year time frame. Of the 3.53 million cubic yards of material 34,000 cubic yards of overburden/top soils will be stockpiled for reclamation.

Table 2
Volumetric Calculations

Phase	Acres	Square Feet	Depth (Ft)	Cubic Feet	Cubic Yards	Tons
1	34.7	1,511,532	30	43,345,960	1,679,480.00	3,023,064
2	36.8	1,603,008	15	24,045,120	890,560.00	1,603,008
3	37.2	1,620,432	16	25,926,912	960,256.00	1,728,461
				Total	3,530,296.0	6,354,533

This is an average of approximately 250,000 tons of material per year over a 25 year period with some years having more production and some years having less production.

ENVIRONMENTAL REVIEW

Air Quality

The air quality plan will comply with the requirements for the permit issued by the New Mexico Environment Department for the crusher that was previously located at another location. The air quality permit information for this existing permit is:

GCP-2-3164,
IDEA No. 22537-PRN20040001,
AIRS No. 350130065,
Permitted Production Rate is 500 THP.

The process equipment will include the following:

- 2 Primary Jaw Crushers with feeders
- Vertical Shaft Impact Crusher
- 2 Cone Crushers
- Surge Bin
- 2 - 6x20 Screens

- 1 – 8x20 Screen
- 1 – 6x18 Screen
- 1000 KW Generator
- 18 conveyors

In addition the following actions will be implemented at this site:

- The road to the excavation area will be constructed with 4 inches of gravel fines material and dust palliatives will be used on an as needed basis to manage particulates from traffic on the haul road.
- Dust suppression systems will be installed at the processing area and the material transfer sites using atomized sprayers.
- Employees will be trained in record-keeping for daily monitoring of opacity at the site.
- Finished stockpile material will be located in an area that is protected as much as possible from the prevailing winds.
- Rocks will be placed at the exit to County Road 57 to prevent mud being carried onto the road during rain storms.

Storm Water/Drainage Management

Jorge Gonzalez, PE, has prepared a grading and drainage plan for the site. This plan is included in the plan set submitted with this application. Ponding locations are described for each phase of the project. Each cell will be graded to direct storm water to these ponds. The site does not disturb any significant natural drainages and any runoff from the cells will be contained entirely within the cell.

The detention pond has been designed to accommodate the difference in the pre and post condition for all phases of the project. The pond is designed to discharge within a 24 hour period.

A Storm Water Pollution Prevention Plan (SWPPP), as required by the NMED, will be prepared prior to the issuance of a development permit for the mining application. The plan will include the location of silt fences and measures to be taken to ensure the storm water from the site does not cause erosion problems either as part of the mining process or from access roads to the site.

Archaeological Review

This request is not located within an area of "Historic or Cultural Sites" as designated in the County Land Development Code. It is located within an area designated on Map 8, "Santa Fe County - Archaeological Districts", as having moderate potential for archaeological sites. An archaeological survey and report was prepared for the mineral extractions site. The report prepared by Townsend Archaeological Consultants did not find any sites within the perimeter of the subject site. Two copies of the report are submitted under a separate cover.

Soils

Based on findings from the Natural Resources Conservation Service Soils, NRCS, there is only three type of soils profile associated with the mineral excavation site. This soils type is described below.

110:	Cuerbio Loam	1 -3 Percent Slopes
	<i>Setting</i>	
	Landform:	Mesas and erosional fan remnants
	Position on landform:	Summits
	Subsurface Geology:	Silty alluvium of the Ancha Formation and basalt bedrock of the Cerros del Rio volcanic field
	Shape of areas:	Irregular
	Size of areas:	10 to 300 acres
	Elevation:	5,800 to 6,700 feet
135:	Tsinat Gravelly Loam	1 - 6 Percent Slopes
	<i>Setting</i>	
	Landform:	Mesas
	Position on landform:	Summits
	Subsurface Geology:	Basalt bedrock of the Cerros del Rio Volcanic field
	Shape of Area:	Irregular
	Size of Areas:	100to 300 acres
	Elevation:	6,000 to 6,500 feet
136:	Churipa Very Cobbly Sandy Loam	5 - 15 Percent Slopes
	<i>Setting</i>	
	Landform:	Mesas
	Position on landform:	Beveled summits and shoulders
	Subsurface Geology:	Basalt bedrock of the Cerros del Rio Volcanic field
	Shape of Area:	Irregular
	Size of Areas:	50 to 200 acres
	Elevation:	6,000 to 6,500 feet

WATER, LIQUID AND SOLID WASTE

Water Budget

Water for dust control purposes will be brought to the site from the City of Santa Fe effluent stand pipe at the City waste water treatment plant on County Road 56. The water will be in the 10,000 gallon tank as shown on the site plan. Trucks will shuttle the water in off peak hour periods for use during periods that dust control is needed. For potable water ten to twenty gallons will be used on a daily basis for drinking purposes. This water will be purchased off-site and brought to the operation on an as-needed basis. A commercial account has also been opened with the Santa Fe County Utilities Division and will be used as a back-up source of water when the City stand pipe is not functioning.

Non Potable Water

There has been criticism of the project for using potable water for dust control and re-vegetation purposes when non-potable water would be a preferred solution. Subsequent to the CDRC hearing a water agreement was acquired from the City of Santa Fe for the use of treated effluent at the City wastewater treatment plant on County Road 56. The agreement from the City for use of treated effluent water is included in the report as Appendix F. This water will be used for dust control purposes and for establishment of grasses during the three time periods between phases that re-vegetation takes place.

Rockology will also retain the right to use the County standpipe for those periods of time that treated effluent water might not be available. The City non-potable water will always serve as the primary water source with potable County water used only in those instances where the City stand pipe is not functioning.

Phase II

168,768 sq.ft. = 5.9 acres x .83 ac.ft. = 3.22 ac.ft. water/reclamation

Phase III

257,768 sq.ft. = 5.9 acres x .83 ac.ft. + 4.9 ac.ft. water/reclamation

Example Number of Truck Loads with 5,000 Gallon Tanker Truck

For largest water use in Phase III per water time:

$257,768 \text{ sq.ft.} \times .0416 \text{ ft. (1/2")} = 10,723 \text{ cubic ft.} \times 7.48 = 80,208 \text{ gal/water time}$
 $80,208 \div 5,000 \text{ gals} = 16 \text{ truck trips.}$

Liquid Waste

Portable toilets will be brought to the site for sanitary purposes for the workers. The operator will enter into a contract to supply and maintain the portable toilets. A specified maintenance period will be included in the contract for service of the portable toilets.

Solid Waste

The only solid waste produced on the site will be associated with the trash generated by the workers associated with eating lunch at the plant. This trash, to be placed in bags, will be returned to the Rockology offices in Albuquerque for disposal in Albuquerque.

ACCESS AND TRAFFIC IMPACTS

Trucks will access the site from I-25 and Waldo Canyon Road, County Road 57. Waldo Canyon Road is currently paved up to the access to the property. The distance from I-25, measured along Waldo Road, to the access point is approximately .6 miles. An access road will be constructed to the site. Top soil from the access road to the site will be stockpiled along with the top soil from the excavation for the cell. A borrow ditch will be cut on each side of the road to manage storm water. The access road to the site will be approximately one quarter mile in length. This road will serve as the access road for all three phases and as a maintenance road for the underground electric line. The access road will not be reclaimed since it will continue to be used as the maintenance road for the underground electric line.

During maximum operation it is estimated that twelve trucks will haul materials from the site on a daily basis. It is also assumed that at peak capacity, ten persons will be working at the site. Table 4 is an estimate of traffic generation at the site.

**Table 4
Traffic Generation**

	AM Peak Enter	Peak Exit	PM Peak Enter	Peak Exit
Trucks	6	6	8	6
Work Vehicles	<u>10</u>	<u>10</u>	<u>12</u>	<u>8</u>
Total	16	16	20	14

Traffic movement estimates are based on traffic from other Rockology work sites. A Traffic report has been prepared by Jorge Gonzalez, PE. Five copies of this report are submitted with this application under a separate cover.

RECLAMATION

Procedure

Reclamation will take place upon completion of each phase of the operation. The sides of the excavation area will be shaped at cut slopes not to exceed a ratio of one vertical to three horizontal. The side slopes of the excavation area will conform to the requirements of the Mining Safety and Health Administration. The stock-piled overburden will be returned to the site and use as a base for the reseeding operations. Where the terrain contours are susceptible to erosion, furrows will be created at appropriate intervals to prevent soil erosion. Since the excavation area does not disturb any significant drainage channels there will be no need to restore the preexisting drainage patterns.

Re-vegetation

After replacing the top soil reseeding of the area will occur within six months of terminating the extraction process. A qualified contractor will be responsible for performing the reseeding operation. Seed will be spread on the site according to the following specifications.

**Table 5
Seed Mix**

Botanical Name	Common Name	PLS/ac
Boutelova Gracitus	Blue Grama	2.0 lbs.
Boutelova Cestipendula	Side Oats Grama	4.0 lbs.
Sporobulus Airoides	Alkali Scaton	0.5 lbs.
Andropogen Scoporium	Little Bluestem	1.0 lbs.
Atriplex Canescens	Fourwing Saltbush	1.0 lbs.
Fallugia Paradoxa	Apache Plume	1.0 lbs.

Fertilizer (23-13-0) shall be applied at a rate of 75 lbs per acre and prairie hay shall be applied at a rate of 1,000 lbs/acre. Hydro seeding will be used where steep slopes prevent the use of a range drill. Hydro seeding will include a binder agent for securing seed, mulch and fertilizer.

Reseeding will occur only during the months of June, July and August for warm season species and October, November and December for the cool season species. Seeded areas will be protected from livestock grazing until a vegetative cover is established. The reseeded area will be watered on a regular basis to assist in the germination of the seed.

PERMITS REQUIRED FOR THE EXTRACTION OPERATION

Table 6 describes the permits that are required to initiate and operate a sand and gravel operation.

**Table 6
Permitting Requirements
Mineral Extraction, Construction Materials**

Permits	County	State	Federal	Comments
Development Permit	X			Hearing before CDRC & BCC
Air Quality Permit		X		Universal application (UA1, UA2, & UA30 must be completed for aggregate mining operations
Public Notice Guidance		X		Required under 20.272.203B NMAC) for permits using Universal Application.
Mine Registration, Reporting, and Safeguarding Program Services		X		Required under 19.7.21 NMCA Registration and Reporting 19.7.2-Safeguarding
Petroleum Storage Tank Bureau-Petroleum Storage Tank Requirements		X		Title 20, Chapter 5, Part 2 NMAC
Occupational Health and Safety Bureau-Occupational Health and Safety Regulations		X		
Mine Safety, Health Administration (MSHA)		X		Registration with MSHA required
Blasting (MSHA), (ATF), (DOT)	X	X		

Blasting of material will occur on the site. The "Standard Operating Procedures and Blasting Guidelines".

APPENDICES

APPENDIX A

District Court Judgment & Deed

STATE OF NEW MEXICO

COUNTY OF SANTA FE

IN THE DISTRICT COURT

STATE OF NEW MEXICO, ex rel.,
TONEY ANAYA, Attorney General
and A. M. SWARTHOUT, Chief of
Securities Bureau; BOARD OF
COUNTY COMMISSIONERS OF SANTA
FE COUNTY,

Plaintiffs,

vs.

ERNEST CUMMINS, et al.,

Defendants.

NO. SF 78-2566

May 26, 1980

ORDER

The above matter came for hearing on Defendant Ernest Cummins' "Petition to Amend Order Establishing Escrow Fund and Procedures for Payment of Restitution under Partial Decree." The Court having heard the matter on May 23, 1980, with Defendant Ernest Cummins being represented by Campbell and Black, Attorneys at Law, and the firm of Modrall, Sperling, Roehl, Harris and Sisk having withdrawn as attorneys for Defendant Ernest Cummins; and all other parties being represented by their attorneys of record, and the Court having heard evidence, finds:

1. On October 3, 1979, this Court entered an Order Establishing Escrow Fund setting forth a procedure for collection and payment of funds needed to make restitution, pursuant to the Partial Decree entered herein on December 20, 1978, to among others, electing limited partners who purchased interests on or after August 9, 1976, in the Simms Ranch area, (as that area is more fully described in Exhibit B to the Complaint filed herein.)

2. Under the terms of the Order Establishing Escrow Fund, Defendant Ernest Cummins deeded to First National Bank of Albuquerque, as Escrow Agent, 1,357.99 acres of land more fully

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described in a Deed of Trust attached as Exhibit B to that Order, and Defendants Cummins and Waldo Industries Joint Venture pledged and assigned to the Escrow Agent the contracts and proceeds therefrom owned or held by them arising out of the sale of land in the Simms Ranch area.

3. The order Establishing Escrow Fund entered herein has not provided a satisfactory vehicle for payment of restitution to eligible investors in the Simms Ranch area, in that the only amount which has been accumulated in the escrow fund is the sum of \$60,000.

4. Certain real estate contract holders have failed to make payments due under their contracts.

5. The land in the Simms Ranch area is subject to the following deeds of trust and mortgages of record: 1) Albuquerque National Bank as Trustee to John F. Simms, Jr., and Ruth Reynolds Simms, in the remaining principal amount of \$756,000, payable in \$100,000 annual installments; 2) First National Bank of Santa Fe, in the amount of \$240,000, payable in annual installments of \$100,000; and 3) Rio Grande Valley Bank in the amount of \$150,000, payable in annual installments of \$75,000. A payment to the Albuquerque National Bank as Trustee for Simms in the amount of \$100,000 plus interest became due on April 1, 1980. Neither Defendant Cummins nor the escrow fund had sufficient cash to make that payment, and it is delinquent. Albuquerque National Bank, as trustee, has granted Defendant Cummins until July 15, 1980, to cure any default, in return for a payment by him of \$18,000. On March 15, 1980, a payment in the amount of \$75,000 became due to the Rio Grande Valley Bank, which payment is also delinquent. On May 1, 1980, a payment in the amount of \$100,000 plus interest became due to the First National Bank of Santa Fe, and neither Defendant Cummins nor the escrow fund have had sufficient cash to make that payment and it is delinquent.

6. The prior Order Establishing Escrow Fund did not make adequate provision for payment of the underlying mortgages and unless said underlying mortgages are paid, the lands are subject to foreclosure, with possible loss by contract purchasers of their interest in the subject lands.

7. An offer has been made to Ernest Cummins to purchase the 1,357.99 acres of land more fully described in Deed of Trust attached as Exhibit B to Order Establishing Escrow Fund by Buena Vista Estates, Inc., a newly formed New Mexico corporation, for the price of \$1,700 per acre subject to existing mortgages. Buena Vista Estates, Inc., intends to develop said 1,357.99 acres and any other lands in the Simms Ranch area that it acquires.

8. The shareholders of Buena Vista Estates, Inc., are George T. Harris, Leland S. Sedberry, Jack Graham, ~~and Ernest Cummins.~~ In addition, Jerry Geist is a potential investor who may acquire stock in the future. Messrs. Harris, Sedberry, and Graham are directors, and Mr. Harris is President.

9. Defendant Cummins has stipulated and agreed that the offer and plan of Buena Vista Estates, Inc., constitutes fair market value for the 1357.99 acres of land owned by him and to be sold to Buena Vista under the plan.

10. The provisions in the Order Establishing Escrow Fund for payment of restitution to eligible investors who purchased limited partnership interests in the Madrid Heights area as more fully described in Exhibit C to the Complaint on or after August 9, 1976, through a letter of credit provided by Defendant Lauren H. Pepler are adequate and are not affected by this Order.

11. The provisions in Paragraphs 5B and 5E of the Partial Decree for contingent payment of pro rata restitution to persons purchasing interests on or before August 9, 1976, out of

funds remaining have proved impracticable to implement and unnecessary to accomplish restitution to substantially all affected investors.

WHEREFORE IT IS ORDERED, ADJUDGED AND DECREED as follows:

~~Valle Vista Estates, Inc.~~ will attempt to acquire a letter of credit from a recognized banking institution in the amount of \$475,000 for the benefit of Ernest Cummins payable to the State of New Mexico. The form of the letter of credit shall be subject to approval by the Attorney General of the State of New Mexico, and shall be used solely for the purpose of paying the restitution offer described in Paragraph 2 hereof.

2. The letter of credit for \$475,000 shall be for the sole purpose of guaranteeing Defendant Ernest Cummins' obligation to make full restitution, plus 5% interest pursuant to the Partial Decree and the Order Establishing Escrow Fund, to persons who purchased their limited partnership interests on or after August 9, 1976, in the following limited partnerships:

Happy Valley Two Limited Partnership
Valle Contento Three and Four Limited Partnership
Valle Contento Six Limited Partnership
Happy Valley Eight Limited Partnership
Happy Valley Nine Limited Partnership
Valle Contento Eleven Limited Partnership
Valle Contento Twelve and Twenty-Seven Limited Partnership
Valle Contento Thirteen Limited Partnership
Valle Contento Fifteen Limited Partnership
Valle Contento Sixteen Limited Partnership
Valle Contento Twenty-One and Twenty-Two Limited Partnership
Valle Contento Twenty-Three Limited Partnership
Valle Contento Twenty-Five and Twenty-Six Limited Partnership
Mancos Two Limited Partnership
Mancos Four Limited Partnership
Mancos Seven Limited Partnership
Mancos Eight Limited Partnership
Mancos Nine Limited Partnership
Mancos Eleven Limited Partnership
Mancos Fourteen Limited Partnership
Mesita Three Joint Venture and Mary Reed, individually,

It is the understanding of the parties signing this Order that the limited partnerships listed in this paragraph include all

-include investors eligible for restitution under the Partial Decree as modified by this Order based upon information currently available to such parties.

3. The letter of credit for \$45,000 furnished by Defendant Lauren H. Pepler pursuant to Paragraph 3A of the Order Establishing Escrow Fund shall be for the purpose of making full restitution plus 5% interest pursuant to the Partial Decree and the Order Establishing Escrow Fund to persons who purchased their limited partnership interests on or after August 9, 1976, in the following partnerships:

PINON RIDGE FIVE AND SIX LIMITED PARTNERSHIP
JUNIPER HILLS SIX LIMITED PARTNERSHIP

It is the understanding of the parties signing this Order that the limited partnerships listed in this paragraph include all investors eligible for restitution under the Partial Decree as modified by this Order based upon information currently available to such parties.

4. When the letter of credit is issued,

a) the Escrow Agent, First National Bank of Albuquerque, will release the 1,357.99 acres owned by Ernest Cummins to Buena Vista Estates, Inc., and Ernest Cummins will deed said property to Buena Vista Estates, Inc. Buena Vista Estates, Inc., may pledge the 1,357.99 acres as security for issuance of the letter of credit; and

b) Cummins will assign to Buena Vista Estates, Inc., all real estate contracts and proceeds now pledged and assigned to First National Bank of Albuquerque as escrow agent and Buena Vista Estates, Inc., may pledge them to the financial institution issuing the letter of credit as collateral security for the contingent liability on the letters of credit.

5. All of the proceeds from the real estate contracts now pledged and assigned to First National Bank of Albuquerque as escrow agent shall be assigned to Buena Vista Estates, Inc., and shall be escrowed with First National Bank of Albuquerque for Buena Vista Estates, Inc., to be used for the following purposes:

(a) Payment of installments due under existing mortgages and property taxes or tax liens on the land;

(b) Restitution pursuant to the Offer of Restitution, which shall proceed in accordance with the general procedures governing notice of restitution outlined in Paragraph 5 of the Order Establishing Escrow Fund. No notice or offer of restitution shall be made to persons purchasing limited partnership interests or non-managing joint venture interests before August 9, 1976, and Paragraphs 5B and 5E of the Partial Decree are hereby vacated and the restitution obligations thereunder are terminated. Payment shall be made to accepting limited partners in the limited partnerships listed in Paragraph 2 hereof, provided that if the amount remaining in the fund after payment of the underlying mortgages, taxes and liens is insufficient to make payment in full to all accepting limited partners ~~when Buena Vista Estates, Inc., and Defendant Ernest Cummins shall have 15 days from the final date upon which acceptance of the restitution offer may be made in which to deposit such additional sums to the escrow fund as are necessary to pay all accepting limited partners in full.~~

Thereafter, in the event Buena Vista Estates does not provide funds necessary to complete restitution as required by the Order or Ernest Cummins does not make restitution, as required by the Order, then the State of New Mexico, through the Attorney General, shall notify the First National Bank of Albuquerque, as Escrow Agent, to draw on the letters of credit for the purposes of making restitution. Provided, however, that if after the letter of credit is fully drawn upon and the restitution fund is insufficient at that time to pay out in one lump sum payment the full amount of the restitution obligation determined based upon the investors electing to rescind their participation interests,

pursuant to the restitution order, but at least 75% of the restitution obligation is funded, the State may distribute the accumulated funds pro rata, but the electing investors shall remain entitled to the full amount of restitution as additional funds become available.

(c) After the restitution obligation has been satisfied with respect to the Simms Ranch area then the escrow agent's obligation shall be ended, and the amounts remaining in the escrow fund, and all contracts shall be released to Buena Vista Estates, Inc. However, Buena Vista Estates and Ernest Cummins agree that the funds received from the contracts will be used to make the payments due on all mortgages on all the land.

(d) In the event that the letter of credit provided by Buena Vista Estates, Inc., is withdrawn, then Buena Vista Estates, Inc., shall ^Sredeem the 1377.99 acres of land and shall repledge and reassign the contracts and any remaining proceeds therefrom to First National Bank of Albuquerque as escrow agent on behalf of the State of New Mexico for satisfaction of the restitution obligations as set forth in the Order Establishing Escrow Fund.

6. Within thirty days from the date of this Order, each general partner and managing joint venturer shall render an accounting to the Court of all sums received by him from limited partners and joint venturers, in the Simms Ranch area and in the Madrid Heights area (which area is more fully described in Exhibit C to the Complaint herein) all funds disbursed by him in payment of any real estate contracts affecting the land owned by the limited partnership or joint venture, and all funds held by him for the limited partnership or joint venture. Each general partner and managing joint venturer shall render a supplemental

accounting to the Court on the last date upon which acceptance of the offer of restitution shall be made. Any funds now held or collected in the future by any general partner or joint venturer shall immediately be paid ^{by} ~~to~~ him to the escrow agent.

7. The offer of restitution shall proceed in accordance with the general procedures governing notice of restitution outlined in Paragraph 5 of the Order Establishing Escrow Fund. Upon receipt of authorization from the Securities and Exchange Commission that the Defendants qualify for an exemption under Regulation 252 of the Securities Act of 1933, a notice of offer of restitution required to be sent to all persons entitled to restitution under the partial Consent Decree as modified by this Order shall be prepared and such notice shall be submitted for review and clearance by the Denver office of the Securities and Exchange Commission. Upon review and clearance by the Denver office of the Securities and Exchange Commission and the Chief of Securities Bureau of the State of New Mexico, Defendants, Cummins and Pepler, shall effect and complete said restitution offer.

.B. In the event that the sum necessary to accomplish restitution exceeds the \$475,000 letter of credit, Buena Vista Estates, Inc., will use its best efforts to provide additional letters of credit or otherwise to secure full payment of restitution.

9. Buena Vista Estates, Inc., may declare defaults and pursue any remedies available to it under the terms of any real estate contracts associated with Simms Ranch land involved in this proceeding except those contracts affecting lands held by those limited partnerships listed in Paragraph 2 hereof.

10. After 15 days from the final date upon which acceptance of the offer of restitution may be made, Buena Vista Estates, Inc., may, with leave of court, declare defaults and pursue any remedies available to it under the terms of any real estate contract associated with lands in the Simms Ranch area

against the limited partnerships listed in Paragraph 2 hereof to the extent of amounts owed by limited partners who have refused restitution and elected to remain in the limited partnership but who have not by that date paid their pro rata portions of any amounts due under their limited partnership agreements or under any real estate contract affecting the lands held by any limited partnership in which they have an interest.

11. Any acceptance by a limited partner in a limited partnership listed in Paragraphs 2 and 3 hereof of the offer of restitution required by the Partial Decree shall be conditioned upon and subject to the execution, by the accepting limited partner, of an assignment and quitclaim deed to Buena Vista Estates, Inc., with respect to limited partnerships listed in Paragraph 2 and to Lauren H. Peppler with respect to limited partnerships listed in Paragraph 3, or offering party, relinquishing all of his interest in the limited partnership; and such limited partner shall execute a full and general release, absolving and exonerating Defendants Cummins, Peppler, and Waldo Industries Joint Venture and all Defendants, including the general partner of the limited partnership, from any and all liability of whatsoever kind arising out of the offer, sale of interests in, formation of, or participation in, such limited partnership. The releases, assignments, and quitclaim deeds shall be held in escrow by the Attorney General's office and released to Buena Vista Estates Inc., upon full payment of restitution to the individual receiving restitution.

12. Following the final date upon which limited partners may elect to rescind their participation interests in "Simms Ranch" limited partnerships pursuant to the restitution offering, Buena Vista, Defendants, and the State shall propose a plan of

~~reorganization of limited partnerships pursuant to Paragraph 11~~
~~of the Order Establishing Secret Fund, the final form of which~~
~~shall be approved by the Board.~~ The Court shall retain jurisdic-
tion to modify or supplement the reorganization plan approved by
the Court. Any reorganization plan proposed by such Defendants,
Buena Vista Estates, Inc., and the State shall provide that:

A. Limited partners who have not elected to res-
cind shall not be required (1) to increase their
participation interests in any limited partner-
ship, or (ii) to increase their monetary obliga-
tion respecting their participation interests in
any limited partnership; and

B. Nonelecting limited partners may be required
to make any and all arrearage payments on their
participation interests.

The reorganization plan may provided for the consolidation or
transfer of nonelecting limited partners into one or more limited
partnerships or from one limited partnership to another, provided
that the same shall be undertaken and accomplished in an equit-
able manner so that no limited partner's interest is adversely
affected in terms of value. As a consequence of reorganization,
limited partners may be participating in limited partnerships
purchasing parcels of Simms Ranch land other than the parcels
contracted for purchase by their original limited partnership.

13. Buena Vista Estates intends to develop the 1,357.99
acres and any other lands acquired by it but Buena Vista Estates,
Inc., and Defendant Ernest Cummins will comply with the New
Mexico Subdivision Act, Section 70-5-1, et seq, N.M.S.A. and the
Santa Fe County Subdivision Regulations prior to subdivision or
sale of said land, as well as with the provisions of the New

Mexico Securities Act.

14. Upon completion of restitution to those accepting limited partners with interest in the limited partnerships listed in Paragraphs 2 and 3 hereof, a satisfaction of restitution will be filed as to Defendants Ernest Cummins, Lauren H. Pepler, and Waldo Industries Joint Venture as to those limited partners offered restitution. The Defendants who have signed the Partial Decree herein, shall no longer be subject to further enforcement proceedings by the State of New Mexico for civil or criminal penalties arising out of past violations of the New Mexico Securities Act and the New Mexico Subdivision Act as alleged in the Complaint. The State will not interfere in any future transactions with respect to the land or the limited partnership or joint ventures so long as such transactions are in compliance with the Securities Act of New Mexico, the New Mexico Subdivision Act, and the Partial Decree.

15. Subject to the next succeeding sentences of this paragraph, the Defendants may transfer or sell the land owned by them to each other or to third party purchasers including Buena Vista Estates, Inc., so long as the parcels of land are not further divided by the Defendants, their successors or assigns without a plat map being filed and approved by the Santa Fe County Commission under the New Mexico Subdivision Act and the Santa Fe County Subdivision Regulations. Such transfers or sale of land owned by limited partnerships as listed in Paragraphs 2 and 3 hereof shall be permitted from the date of entry of this Order until a date that is fifteen (15) days after notice is received from the Securities and Exchange Commission that Defendants Cummins and Pepler have obtained an exemption pursuant to Rule 252 of the Securities Act of 1933, and any such transfers or sale of land by Defendants shall be required to be

negotiated at a purchase price that will result in limited partners receiving sums at least equal to the amounts they would receive under the restitution offer required by the Court herein. In the event the restitution offer is delayed so that it is not approved by the Securities and Exchange Commission within sixty (60) days from the date sales are required to terminate as herein provided, the Defendants shall be entitled to resume sales and to continue with such sales indefinitely unless otherwise ordered by the Court. The Court retains jurisdiction with respect to the foregoing matter.

16. Whenever, in this Order, the Court has used the phrase "limited partner," the concept of "non-managing joint venture" is intended to be included. Similarly, the concept of "joint venture" is included in the term "limited partnership," and "managing joint venturer" within the concept of "general

partner."

17. This Order shall not affect the liability of any Defendant in this case except as to those partners who have been offered or who have received full restitution and the State.

Thomas A. Danville
District Judge

APPROVED:

ATTORNEY GENERAL FOR THE
STATE OF NEW MEXICO

RODEY DICKASON SLOAN AKIN &
ROBB, P.A.

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SECURITIES BUREAU OF THE
STATE OF NEW MEXICO

CAMBELL AND BLACK, P.A.

A. M. Swarthout
A. M. Swarthout, Chief
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Santa Fe, NM 87501

Bruce Black by William L. Cummins
Bruce Black, Attorney for
Defendant Ernest Cummins
Post Office Box 2208
Santa Fe, NM 87501

MODRALL SPERLING ROEHL HARRIS &
SISK

FELKER & McFEELEY, PA

George T. Harris, Jr.
George T. Harris, Jr., for
Buena Vista Estates
Post Office Box 2168
Albuquerque, NM

Randolph Felker
Randolph Felker, Attorney for
Lewis Geer and Mary Reed
with certain objections

DESCRIPTION OF A 1,358 ACRE TRACT OF LAND

A tract of land situate in the Mesita de Juana Lopez Grant, within Sections 20, 21, 22, 23, 26, 27, and 28, T15N, R7E, N.M.P.M., Santa Fe County, New Mexico and being more particularly described from County Road No. 61 easement as recorded in the office of the County Clerk of Santa Fe County, New Mexico, in Book 227, Page 93, on July 20, 1965, township plats, New Mexico State Highway Commission right-of-way maps of Interstate Highway 25 for Project 1-025-5(23)260, and a survey by Samuel P. Davalos, as follows:

BEGINNING at a point on the southerly right-of-way of said Interstate 25, whence the section corner common to Sections 22, 23, 26, and 27, T15N, R7E, N.M.P.M., a USGLOS brass cap, bears S60°32'13"E, 8970.89 feet, and from said beginning point running thence along said southerly right-of-way of Interstate 25 N85°34'00"E, 1836.06 feet to a point; thence, N04°26'00"W, 51.02 feet to a point; thence, 786.24 feet along the arc of a curve to the right having a radius of 5654.58 feet and a chord bearing S89°33'00"E, 785.61 feet to a point of tangency; thence, S86°28'00"E, 3127.05 feet to a point of curvature; thence, 456.92 feet along the arc of a curve to the right having a radius of 688.94 feet and a chord bearing S67°28'00"E, 448.59 feet to a point of tangency; thence, S48°28'00"E, 193.45 feet to a point of curvature; thence, 556.41 feet along the arc of a curve to the left having a radius of 838.94 feet and a chord bearing S67°28'00"E, 546.26 feet to a point of tangency; thence, S86°28'00"E, 165.00 feet to a point; thence, S03°32'00"W, 48.77 feet to a point of curvature; thence, 277.73 feet along the arc of a curve to the left having a radius of 813.94 feet and a chord bearing S06°14'30"E, 276.38 feet to a point of tangency; thence, S16°01'00"E, 150.00 feet to a point on the westerly right-of-way of said County Road No. 61; thence along said westerly right-of-way of County Road No. 61, S16°01'00"E, 1369.44 feet to a point; thence, S14°44'28"E, 693.04 feet to a point; thence, S14°40'45"E, 3122.90 feet to a point; thence, S16°44'20"E, 1038.83 feet to a point; thence, S15°29'23"E, 781.98 feet to a point; thence, S16°44'16"E, 356.56 feet to a point of curvature; thence, 61.60 feet along the arc of a curve to the right having a radius of 75.00 feet and a chord bearing S06°47'35"W, 59.89 feet to a point of tangency; thence, S30°19'25"W, 116.90 feet to a point; thence, leaving the westerly right-of-way of said County Road No. 61 N63°49'48"W, 1236.36 feet to a point; thence, N44°24'48"W, 3198.19 feet to a point; thence, S67°40'44"W, 1608.23 feet to a point; thence, N83°09'26"W, 3601.29 feet to a point; thence, N54°52'32"W, 6146.00 feet to a point; thence, N65°32'41"E, 4962.94 feet to the point and place of beginning.

Tract contains 1,357.999 acres.

A. Dwain Weaver

A. Dwain Weaver
N.M.P.L.S. No. 6544

Bohannon-Huston, Inc.
4125 Carlisle Blvd., N.E.
Albuquerque, NM 87107

Job No. 74-048/79
September 25, 1979



NBB-53

APPENDIX B

Legal Interpretation of Mineral Rights

KELEHER & McLEOD, P.A.
ATTORNEYS AND COUNSELORS AT LAW

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GARY J. VAN LUCHENE
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Running Horses © Gray Mercer 1989

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Of Counsel:
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RICHARD K. BARLOW
PHIL KREHBIEL
MICHELLE LALLEY BLAKE
BRIAN J. O'ROURKE

W.A. KELEHER (1886-1972)
A.H. McLEOD (1902-1976)
JOHN B. TITTMANN (1907-1996)
RUSSELL MOORE (1931-2003)
MARGARET E. DAVIDSON (1950-2001)

November 7, 2013

Mr. James W. Siebert
915 Mercer St.
Santa Fe, NM 87505

Re: *Buena Vista Lands*

Dear Mr. Siebert:

With regard to the lands owned by various Buena Vista entities in Santa Fe County, you have asked me to answer two questions. First, who owns the mineral rights on the Buena Vista lands, and second, are sand and gravel considered to be minerals. In answer to your first question, based solely on my review of available documents, it is my opinion that the various Buena Vista entities have a 12.5% undivided interest in all oil, gas and minerals on the lands they own. The successors of The Mesita Company have a 25% undivided interest, the successors of Cooper and Mayer have a 37.5% interest and the successors of Noelke and Poage have a 25% undivided interest.

It appears that the first conveyance or reservation of mineral rights occurred in the warranty deed from The Mesita Company to Hugh P. Cooper and Walter Mayer on April 29, 1948. That warranty deed reserved "unto seller a one-fourth interest in all oil, gases, minerals and mineral substances in, under or upon said properties." Book 34 Misc., page 530 of the records of Santa Fe County. Subsequently, Cooper and Mayer conveyed the land to H.M. Noelke and Doug Poage on February 8, 1950. Book 45 Deeds, page 463. That warranty deed states:

Provided that there will be transferred to Buyer only a one-half interest in all oil, gas, mineral and mineral substances in and under said property, and excepting the balance of said interest to grantor.

Thus, at this time, The Mesita Company had a 25% interest in the oil, gas and minerals, Cooper and Mayer had a 37 1/2% interest and Noelke and Poage had a 37 1/2% interest. Finally,

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Mr. James W. Siebert
November 7, 2013
Page 2

Noelke and Poage conveyed the land to Sam E. Brown and Billy N. Brown by warranty deed in 1959. With regard to the oil, gas and mineral rights, that deed provides:

Subject further to outstanding oil, gas and other mineral interests to the extent of 87 1/2 percent thereof heretofore retained, conveyed or herein retained by the Grantors, it being the intent and intention of the parties hereto that one-eighth of eight-eighths (12 1/2 percent) only of all such mineral interests are being conveyed hereby unto Grantees....

On December 28, 1967, Sam E. Brown and Billy N. Brown, and their respective wives, conveyed the property by warranty deed to John F. Simms, Jr. With regard to the oil, gas and minerals, that warranty deed provides:

Subject to all previously-conveyed and previously-reserved oil, gas, and other minerals and mineral rights in, to, and under the foregoing-described real estate but including any and all oil, gas, and other minerals and mineral rights in, to, and under the foregoing-described real estate presently owned by Grantors, Grantors intending hereby to convey without warranty covenants any and all rights, titles and interest Grantors may presently have in and to all oil, gas, and other minerals and mineral rights in, to and under the foregoing-described real estate.

On March 23, 1973, Simms deeded the property to Ernest and Barbara Cummins. That warranty deed contains the same language relative to oil, gas and mineral interests as the Brown to Simms warranty deed. The Buena Vista entities acquired the property from Ernest and Barbara Cummins.

In answer to your second question, again based solely on my review of available documents, it is my opinion that "sand and gravel" are not considered to be "minerals", "mineral substances", or "mineral rights" and are thus not reserved, belonging entirely to the Buena Vista entities. In New Mexico, sand and gravel are not included within the scope of a general mineral reservation contained in a contract of sale or patent unless there is evidence that the parties so intended. Title to sand and gravel passes with the surface estate if not specifically reserved by the sale contract or the government patent. *Roe v. State of New Mexico, ex rel., State Highway Department*, 103 NM 517, 520, 710P.2d, 84, 87 (1985). In a case dealing solely with the conveyance of state trust lands to private parties, the New Mexico Supreme Court held that "the question of whether sand and gravel are "minerals" as that term is used in general mineral reservations is to be answered on a case-by-case basis by examining the intent of the parties." *Bogle Farms, Inc. v. Baca*, 122 NM 422, 432, 925P.2d, 1184, 1194 (1996). A concurring opinion in the Bogle case noted that "for a private grantor to reserve sand and gravel, a provision so specifying must continue to be included in the purchase contract." *Id* at 433, 925P.2d at 1195. In the Buena Vista case, the State of New Mexico was never involved in the chain of title of the Buena Vista lands. Title originated in 1782 when the Mesita de Juana Lopez Grant was made by the governor of the Territory of New Mexico-Kingdom of Spain to three individuals. There is no

NBIB-56

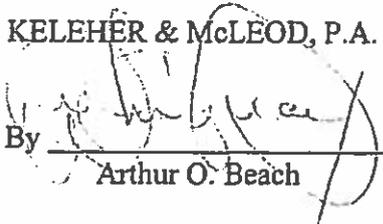
Mr. James W. Siebert
November 7, 2013
Page 3

indication sand and gravel were reserved in that conveyance and, as noted above, the first conveyance reserving any mineral rights occurred in 1948 in the warranty deed from The Mesita Company to Hugh P. Cooper and Walter Mayer, all private individuals.

Hopefully this answers your inquiry. If you have any questions or desire any further information, please advise.

Very Truly Yours,

KELEHER & McLEOD, P.A.

By 

Arthur O. Beach

AOB/vmw

202736.DOC

cc: Mr. Jerry D. Geist
931 San Pedro Drive, SE
Albuquerque, New Mexico 87108-4815

NBB-57

APPENDIX C

Materials Found on Site



Client: Rockology, LLC
 3601 Pan American Fwy NE
 ABQ, NM 87107-

Report Date: October 04, 2007

Project #: 7-519-004677

Work Order #: 1

Lab #: 7-1463

Attn: Steve Hooper

Sampled By: Client

Project Name: Rail Runner Phase 2

Date Sampled:

ABQ, NM

Visual Description of Basecourse Material:

Sample Source: Buena Vista Pit

Project Manager: Herman Garcia

AGGREGATES SUMMARY REPORT

Type of Specification: NMDOT Section 303 Base Course		Supplier:		Product Code:		Moisture Density Relationship Specifications	
Sieve Analysis		Specifications		Specifications		Min Max	
Sieve Size	Passing	Min	Max	Unit Weight(pcf):	Voids:	Max. Density(pcf):	Opt. Moisture(%):
1in.	100%	100		Method:			
3/4in.	99%	80	100	Coarse S.G. AASHTO T85-91			
1/2in.	91%			Bulk S. G. (dry): 2.694			
3/8in.	73%			Bulk S. G. (SSD): 2.755			
#4	63%	30	60 *	Apparent S. G.: 2.868			
#8	42%			Absorption (%): 2.2			
#10	27%	20	44	Fine S.G. AASHTO T85-00			
#16	25%			Bulk S. G. (dry):			
#30	18%			Bulk S. G. (SSD):			
#40	13%			Apparent S. G.:			
#50	10%			Absorption (%):			
#100	8%			Soundness ASTM C88-05			
#200	6.5%	2	10	Coarse Loss(%): 2.6			
				Magnesium # of Cycles: 5			
				Fine Loss (%):			
				Magnesium # of Cycles:			
				LA Abrasion AASHTO T96-02			
				Small Size Loss: 16			
				Grading / Revs.: B / 500			
				Large Size Loss:			
				Grading / Revs.:			
				AASHTO T21-05			
				Organic Impurities:			
				R-Value			
Soil Classification							
(AASHTO M145-91)		A-1-a					
AASHTO T265-93							
Moisture Content (%):							
Ring Density (pcf):							

* Material did not fall within specified tolerances.

Reviewed By: [Signature]
 av

Distribution: Client File: Supplier: Other: Addressee (2)
 Email:



Client: Rockology, LLC
3501 Pan American Fwy NE
ABQ, NM 87107-

Report Date: October 04, 2007

Attn: Steve Hooper
Project Name: Rail Runner Phase 2
ABQ, NM

Project #: 7-519-004577
Work Order #: 1
Lab #: 7-1463
Sampled By: Client
Date Sampled:
Visual Description of Basecourse Material:
Sample Source: Buena Vista Pit

Project Manager: Herman Garcia

AGGREGATES INDEX REPORT

Type of Specification: NMDOT Section 303 Base Course
Supplier: _____ Product Code: _____

	Specifications	
	Min	Max
Coarse S.G. ASTM C127-04		
Bulk S. G. (dry):	2.694	
Bulk S. G. (SSD):	2.755	
Apparent S. G.:	2.858	
Absorption (%):	2.25	

	Specifications	
	Min	Max
Soundness #3 ASTM C88-05		
Coarse Loss(%):	3.08	
Magnesium # of Cycles:	5	

LA Abrasion AASHTO T95-02
Small Size Loss: 15.64
Grading / Revs.: B / 500

Soundness #4 ASTM C88-05
Coarse Loss(%): 2.37
Magnesium # of Cycles: 5

Soundness #1 ASTM C88-05
Coarse Loss(%): 2.64
Magnesium # of Cycles: 5

Soundness #5 ASTM C88-05
Coarse Loss(%): 2.57
Magnesium # of Cycles: 5

Soundness #2 ASTM C88-05
Coarse Loss(%): 2.24
Magnesium # of Cycles: 5

Soundness Avg ASTM C88-05
Coarse Loss(%): 2.58
Magnesium # of Cycles: 5

Aggregate Index N AASHTO Section 910
Agg. Index: 7.20 35

Reviewed By: [Signature]
av

Distribution: Client File: Supplier: Other: Addressee (2)
Email:



Western Technologies Inc.
The Quality People
Since 1925

8305 Washington Place N.E.
Albuquerque, New Mexico 87113-1670
(505) 823-4488 • fax 821-2963

PHYSICAL PROPERTIES OF AGGREGATES

Client **BUILDOLGY**
3601 PAN AMERICAN FREEWAY NE
ALBUQUERQUE, NM 87107

Project **NM RAILRUNNER - PHASE II**
Contractor **BUILDOLGY**
Type / Use of Aggregate **BASALT**
Sample Source / Location **BUENA VISTA PIT**
Special Instructions: **ABSORPTION ONLY**

Date of Report **10-04-07**
Job No. **1247JO234**

Event / Invoice No. **71945**
Authorized By **STEVEN HOOPER**
Sampled By **CLIENT**
Submitted By **CLIENT**

Lab No. **71945**
Date **09-21-07**
Date **09-21-07**
Date **09-21-07**

Location **BUENA VISTA PIT**
Arch. / Engr. **N/A**
Supplier / Source **BUILDOLGY**
Source / Location Desig. By **CLIENT**

TEST RESULTS

SIEVE ANALYSIS <input type="checkbox"/> ASTM C136 <input type="checkbox"/> AASHTO T27			PHYSICAL PROPERTIES				TEST RESULTS	SPECIFICATION
SIEVE SIZE U.S. - MM	ACCUMULATIVE % PASSING	SPECIFICATION	UNIT WEIGHT & VOIDS		FINE AGGREGATE	UNIT WEIGHT, PCF →		
4 IN. - 100.0			<input type="checkbox"/> ASTM C29 <input type="checkbox"/> AASHTO T19			VOIDS, % →		
3 - 75.0			<input type="checkbox"/> RODDING <input type="checkbox"/> JIGGING <input type="checkbox"/> LOOSE		COARSE AGGREGATE	UNIT WEIGHT, PCF →		
2 - 50.0						VOIDS, % →		
1 1/2 - 37.5			SPECIFIC GRAVITY & ABSORPTION		FINE AGGREGATE	BULK SPECIFIC GRAVITY →		
1 1/4 - 31.5					<input type="checkbox"/> ASTM C128 <input type="checkbox"/> AASHTO T84	BULK SPECIFIC GRAVITY (SSD) →		
1 - 25.0					AGGREGATE DRIED	APPARENT SPECIFIC GRAVITY →		
3/4 - 19.0					<input type="checkbox"/> YES <input type="checkbox"/> NO	ABSORPTION, % →		
1/2 - 12.5					COARSE AGGREGATE	BULK SPECIFIC GRAVITY →		
3/8 - 9.5					<input type="checkbox"/> ASTM C127 <input type="checkbox"/> AASHTO T85	BULK SPECIFIC GRAVITY (SSD) →		
1/4 - 6.3					AGGREGATE DRIED	APPARENT SPECIFIC GRAVITY →		
NO. 4 - 4.75					<input type="checkbox"/> YES <input type="checkbox"/> NO	ABSORPTION, % →	1.4	
B - 2.36			BAND EQUIVALENT VALUE <input type="checkbox"/> ASTM D2419 <input type="checkbox"/> AASHTO T176			% →		
10 - 2.00			RESISTANCE TO DEGRADATION		SMALL COARSE AGGREGATE	100 REV., % LOSS →		
15 - 1.18					<input type="checkbox"/> ASTM C131 <input type="checkbox"/> AASHTO T86	GRADING	500 REV., % LOSS →	
30 - .800					LARGE COARSE AGGREGATE	200 REV., % LOSS →		
40 - .425					<input type="checkbox"/> ASTM C835	GRADING	500 REV., % LOSS →	
50 - .300			LIQUID & PLASTIC PROPERTIES		LIGHTWEIGHT PIECES	FINE AGGREGATE, % →		
100 - .150			<input type="checkbox"/> ASTM D4318 <input type="checkbox"/> AASHTO T89 & T90		<input type="checkbox"/> ASTM C123 <input type="checkbox"/> AASHTO T113	COARSE AGGREGATE, % →		
FINER THAN NO. 200			METHOD <input type="checkbox"/> A <input type="checkbox"/> B RESULT SPECIFICATION		CLAY LUMPS & FRIBLE PARTICLES		FINE AGGREGATE, % →	
<input type="checkbox"/> ASTM C117					<input type="checkbox"/> ASTM C142 <input type="checkbox"/> AASHTO T112		COARSE AGGREGATE, % →	
<input type="checkbox"/> AASHTO T11					FRACTURED FACES COARSE AGGREGATE BY WEIGHT		ONE OR MORE FACES, % →	
FINENESS MODULUS, ASTM C125 →					<input type="checkbox"/> AZ 212 <input type="checkbox"/> FLH T807 <input type="checkbox"/> FAA		TWO OR MORE FACES, % →	
LIQUID LIMIT			DURABILITY INDEX <input type="checkbox"/> ASTM D3744 <input type="checkbox"/> AASHTO T210		PROCEDURE: A <input type="checkbox"/> COARSE B <input type="checkbox"/> FINE C <input type="checkbox"/> COARSE & FINE		D _c →	
PLASTIC LIMIT			UNCOMPACTED VOID CONTENT <input type="checkbox"/> AZ 247 <input type="checkbox"/> ASTM C1252 ME 7-00				D _f →	
PLASTICITY INDEX								
SAMPLE AIR DRIED <input type="checkbox"/> YES <input type="checkbox"/> NO								
CLEARNESS VALUE CA227 →								
ORGANIC IMPURITIES <input type="checkbox"/> ASTM C40 <input type="checkbox"/> AASHTO T21								
ORGANIC PLATE NO. →								
FLAT & ELONGATED PARTICLES <input type="checkbox"/> ASTM D4791							BY WEIGHT, % →	
DIMENSIONAL RATIO USED <input type="checkbox"/> 1:2 <input type="checkbox"/> 1:3 <input type="checkbox"/> 1:5							BY NUMBER, % →	

Comments:

Copies To: (3) CLIENT

THE SERVICES REFERRED TO HEREIN WERE PERFORMED IN ACCORDANCE WITH THE STANDARD OF CARE PRACTICES LOCALLY FOR THE REFERENCED METHODS AND RELATE ONLY TO THE CONDITIONS OR SAMPLES TESTED AS STATED HEREIN. WESTERN TECHNOLOGIES, INC. MAKES NO OTHER WARRANTY OR REPRESENTATION, EXPRESSED OR IMPLIED, AND MAKES NO CONFIRMED INFORMATION INCLUDING SOURCE OF MATERIALS SUBMITTED BY OTHERS.

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APPENDIX D

Wesco's Operation Procedures & Blasting Guidelines

WESCO Inc.
Standard Operating Procedures
Blasting Guidelines

I. Basic Principles

- 1.1 Safety and regulatory compliance shall be the highest priorities of every work activity.
- 1.2 WESCO Inc. maintains a "zero tolerance" for any type of blasting accident including flyrock incidents and misfires. Every blast shall be planned so as to prevent any type of blasting incident or accident.
- 1.3 Control of blasting vibration and noise is essential to promote long term relations with the customer and their neighbors.
- 1.4 Compliance with all regulatory agencies rules and regulations is mandatory.
- 1.5 If it is apparent that a blasting operation at a specific site cannot be conducted in accordance with these Standard Operating Procedures, a site specific Standard Operating Procedure shall be developed between Wesco management and the customer that will allow blasting operations to be conducted safely and in accordance with all applicable regulations.

II. Terminology

Blast - The firing of explosive materials for the such purposes as breaking rock, or other material, or moving material.

Blast area - The area of a blast within the influence of flying debris, gases and concussion from an explosion that may cause injury to property or persons.

Blast site - The area where explosive material is handled during loading; including the perimeter formed by the loaded blastholes and 50 feet in all directions from loaded holes.

Blaster - The qualified person in charge of and responsible for the loading and firing of the blast.

Borehole - A hole drilled in the material to be blasted, for the purpose of containing an explosive charge.

Burden - Distance in feet from the front row borehole to the nearest free face or the distance between adjacent rows. It is a function of rock type, borehole diameter, and explosive type. It is measured perpendicular to the free face.

Collar - The opening of a borehole.

Concussion Zone - This is the close-in area that is directly affected by flyrock and shock waves. The probability of a very serious or fatal injury to an unprotected person in this area is extremely high.

Crest - The point at which the face and the top of the bench meet.

Excessive Flyrock Zone - This is the zone where flyrock projects beyond the anticipated blast area. Flyrock does not reach this area in a normal blast but is created by improper drilling and/or blasting techniques and/or unforeseen geological faults.

Misfire - The complete or partial failure of a blast to detonate after an attempt at initiation.

Muck Pile - The pile of broken material resulting from a blast.

Normal Flyrock Zone - This is the area where flyrock is expected. It is the protected blast area, which includes the Concussion, Muck Pile, Scatter Zones, as well as in front of behind and to either side of the blast site. Any personnel remaining in this zone should be provided adequate shelter.

Powder Factor - The amount of explosives applied to a given volume of rock, or the quantity of rock blasted by a quantity of explosives. Normally expressed in tons per pound or pounds per cubic yard.

Safety Zone - The area determined by the blaster in charge and the quarry or construction site management where minimum threat of injury or damage is present if excessive flyrock occurs.

Scatter Zone - The area where flyrock is expected to scatter. This zone is inside the normal flyrock zone, however beyond the Concussion Zone, and the Muck Pile,

Secondary Blasting - Secondary blasting operations includes but are not limited to shooting boulders, toe holes, high bottom and in place detonation of misfired charges.

Spacing - Distance in feet between adjacent boreholes in a row. Design spacing is usually a function of rock type, borehole diameter, explosive type, and burden. It is measured parallel to the free face.

Staggered Pattern - A blast design in which boreholes in a row are offset from holes in the row immediately in front of and behind the row.

Stemming - Cuttings or crushed stone, preferably 3/8" to 1/2" in size, loaded on top of an explosive column in a borehole. This material provides confinement of the explosive energy, thus preventing energy from escaping through the collar of the borehole, or between decks within the borehole. The amount and type of stemming used in each hole is usually dependent upon rock type, borehole diameter, and explosive type.

Subdrilling - Extra drilling below grade to insure adequate breakage at grade. Typically is a function of burden, pattern size and geology. The length of the borehole below the established grade generally used to ensure proper grade control. Design subdrilling is usually a function of pattern, rock @, explosive type, and geology.

III. Blast Design and Shot Layout

- 3.1 Blast design should incorporate simplicity rather than complexity. The more complex a blast design, the more likely it is that mistakes will happen. With each added level of difficulty to any given design, one should consider the incremental potential for a mistake.
- 3.2 A thorough understanding of the specific blast design and procedure is essential for a safe and successful blast. If at any time, a blaster is unsure, inexperienced, or unfamiliar with a given blast design, procedure, or task, the blaster shall stop immediately and contact his/her supervisor to make arrangements for technical assistance. If at any time any employee is asked to do a task with which he/she is not familiar or is unsure regarding the safety of the task, that individual shall stop and contact his/her immediate supervisor to arrange for assistance that will either relieve the uncertainty or end the task.
- 3.3 Rock displacement is directly related to, among other things, powder factors and powder factors are not necessarily the same from job to job. If changes are to be made to a given blast design, one shall compare the starting powder factor to the proposed change. Defining powder factor as tons of rock per pound of explosives, (or cubic yards per pound), designs with a higher powder factor tend to yield greater displacement of rock, increased amount of energy and improved fragmentation. However, this may also directly increase the likelihood of excess flyrock. Always

approach change keeping powder factors relatively close to the known safe starting point.

- 3.4 It is imperative that the blaster develop a line of communication with the drill operator regarding the blast design. Such communication shall include but is not limited to; borehole diameter, burden, spacing, depth of borehole, amount of subdrilling, number of boreholes in shot, angle (if any) of borehole(s) and the depth of these angled boreholes. Boreholes shall be clearly marked using a rock, stake or other item to delineate each intended borehole.
- 3.5 The drill operator shall be required to prepare a drill log for every borehole drilled. The drill log should include the following information for each borehole drilled: depth, amount of angle, subdrilling, location of seams / voids, size of seams / voids, amount of overburden if any, and depth of broken material at the top of the hole, if any.
- 3.6 The front row of any given shot shall not be marked or drilled until the free face of that shot has been completely cleared of rock from the previous shot. It is impossible to determine accurate burden along the entire length and / or depth of the front row while it is obstructed by the prior shot's muck pile. Also, excavation of the shot rock in front of the free face may reduce the stability of the crest area, or any part of the remaining face which may affect required blast design in that area. The stability and condition of the face must be known prior to moving a drill to work along this crest. If extenuating circumstances dictate, the front row boreholes may be marked and drilled but only if they can be positioned from a known reference point such as set back markers. These boreholes shall not be loaded until the face is clear and actual burdens can be determined.
- 3.7 The drill operator shall communicate the following to the blaster if any of the following observations are discovered:
 - 3.7.1 Changes in penetration rate while drilling a borehole. Changes in the penetration rate may indicate changes in the rock such as muddy or weak seams, or voids. The depth at which these observations are made shall be noted on the drill log.
 - 3.7.2 Changes observed in the coloration of the drill cuttings. Again this may indicate changes in different seams of rock. The depth at which these observations are made shall be noted on the drill log.

- 3.7.3 Changes in the amount of drill cuttings blown from the borehole. When a competent rock is drilled, piles of drill cuttings will remain fairly consistent from hole to hole. When unconsolidated, broken or incompetent material is drilled, the drill cuttings will often sift into the internal seams, or voids in the rock. Knowledge and communication of this occurrence can prevent overloading and potentially prevent dangerous flyrock.
- 3.7.4 Dust from adjacent holes. Observing dust blowing from an adjacent hole while drilling a given hole is generally an indication that the holes are connected by a seam, void or joint. It is critical to observe at what depth this phenomena occurred so this area will be loaded accordingly.
- 3.7.5 Water - If water is found after drilling and there is not indication of surface sources, it can be assumed that the borehole has penetrated an aquifer. Communication is required so that product and / or pattern changes can be made to ensure good blasting results.
- 3.8 Blasters shall read these drill logs and use them while loading the blast. These logs shall be submitted with the blast report and all other required paperwork after each blast.
- 3.9 Shot Layout
The following tools and the knowledge to properly use them are required for proper shot lay out:
- tape measure
 - calculator
 - marking paint
 - pad of paper
 - pencil or pen
 - chart to be sure of accuracy from hole to hole
- 3.10 Set back markers should be used. These markers, placed a known distance behind the last row of the blast, provide a reference point for determining row and hole locations for the next blast.

IV. Loading Preparation

- 4.1 General Safety Notes:
- 4.1.1 There shall be no smoking on the blast site or within 50 feet of the explosives delivery vehicle.

4.1.2 If an electrical storm approaches, the doors should be closed to the explosive delivery vehicle, the detonators and boosters locked in day boxes and the blast area must immediately be evacuated.

4.2 Required equipment:

- All personal protective equipment
- hard hat
- hard toe boots
- gloves
- ear protection (if necessary)
- eye protection
- respiratory protection (if necessary)
- nonsparking powder punch (if necessary)
- nonsparking powder knife
- weighted tape
- density scale , density cups
- shovel, buckets
- mirror
- flags / cones / signs / barricades (to mark off area where loading is taking place)
- drinking water and cups
- two-way radio

4.3 Blaster In Charge

There is only one designated Blaster In Charge for a blast. Though there may be more crewmembers qualified to be the blaster, the one that is designated will be the Blaster In Charge for this shot. This individual is responsible for all aspects associated with putting the shot on the ground safely. Safety will be the highest concern of every work activity.

4.4 The Blaster in Charge shall check in with designated customer contact to verify that the customer does in fact want the blast performed that day, and to determine if there are any specific time requirements for blasting.

4.5 The Blaster In Charge will verify that all necessary and proper warning signs are posted.

4.6 Organize the Crew

The blaster in charge shall have a short "tailgate" meeting with the loading crew before loading begins to discuss the blast design, and to assign duties to each crew

member working on the blast site. The specific blasting procedure established for that customer shall be reviewed, including site emergency procedures. Duty assignment will be detailed, particularly with regard to the type of products and the amount of each to be loaded into each borehole. No unnecessary people, equipment or vehicles are allowed on the blast site.

4.7 The shot is dewatered if necessary.

4.8 Checking the blast design

The blaster and all hole loaders should check the blast site for the following:

- 4.8.1 Check the face condition and full column burdens for each borehole. Notations shall be made of desired stemming heights of each hole.
- 4.8.2 Check face height measurement at various points along the face.
- 4.8.3 Check each borehole with a weighted tape to verify each borehole is free of obstruction and is the proper depth. If the hole is too deep, stemming material shall be used to bring the borehole to the proper depth. Loading an excessively deep blasthole is a waste of explosives, and usually increases ground vibrations. If the hole is too shallow, try to free the obstruction using loading poles. If necessary, bring the drill back on the pattern to relieve this obstruction, or drill a new hole before loading starts.
- 4.8.4 Verify the actual design against the planned design. Do this by measuring the burdens and spacings at various points throughout the pattern.
- 4.8.5 Check the borehole diameter. If the borehole is smaller than planned, the diameter of packaged product to be loaded may have to be changed or the amount of bulk product may have to be recalculated. If the diameter is larger than expected, then the entire blast will have to be evaluated, and changes shall be made.
- 4.8.6 Check for the presence of overburden, loose dirt or fill. This observation will directly affect the height of the explosive column and the amount of stemming.
- 4.8.7 If the stemming material is used other than cuttings and is not present on the blast site, it should be delivered and placed before loading starts. This prevents loaders or other vehicles from trying to access different areas of the blast site around loaded holes.

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- 4.8.8 If it is determined that a borehole shall not be loaded for whatever reason, then stemming material shall be used to fill the borehole to prevent explosive gas from venting out of this hole.
 - 4.8.9 Loading of the blast will begin only after the blaster has affirmed that the boreholes appear to be clear, and it is verified that sufficient quantities of the appropriate products are present. If the blaster believes the blast cannot be loaded and fired safely given the resources, people and/or time available, the blast will not be performed.
- 4.9 Movement of the Explosives Delivery Vehicle
- 4.9.1 All explosive delivery vehicles shall have automatic back up alarms.
 - 4.9.2 Whenever the explosive delivery vehicle is to be moved, all crewmembers shall be signaled.
 - 4.9.3 The driver of the explosive delivery vehicle is responsible for the safe operation of that vehicle.
 - 4.9.4 Vehicles are never allowed to drive over a loaded borehole.
 - 4.9.5 When bulk equipment is to be used, systematic loading should be planned (i.e. from one end to the other end) to avoid the possibility this equipment driving over a loaded borehole.
 - 4.9.6 Always proceed slowly and cautiously driving near a blast site. No vehicle shall be driven near or over loaded blast holes. If the terrain is rocky or difficult to maneuver, then the driver should use a guide to watch for rocks and bumps to prevent damage to tires or the undercarriage of the vehicle.
 - 4.9.7 A guide must be used if the explosive vehicle is to back up. If the explosives delivery vehicle has to back up, then the driver shall roll down the window and listen to instructions given by the guide.

V. Loading the Shot

- 5.1 Shots shall be loaded in an organized fashion. Shots can be loaded either in steps or loaded in a complete sequence. Loading in steps may mean that one crew member loads the primer and bottom load, another top loads and another tests and stems the hole. Shots loaded in a complete sequence may mean that one crew member will load, test, and stem the hole, then move to the next hole. Either

organizational approach can be used. However given the experience of the crew members present, or the accessibility of each borehole, one method may be preferable over another. Using either organizational approach, it is extremely important that once a crew member begins work on a borehole, that person stays with the hole either until the step is complete, or the hole is complete. If, for any reason, the crewmember must leave the borehole, then that hole shall be marked.

5.2 Loading the holes

The explosive column must be monitored continuously with a tape or loading pole to ensure proper buildup and the correct amount of explosives are used. If buildup is suddenly too slow, then a void may have been encountered. Voids shall never be loaded with explosives. Backfill the void, and re-prime the borehole above the void.

5.2.1 If at any time during loading a borehole becomes blocked, significant care must be taken to prevent damaging the primer, detonating cord, or detonator leads. Always re-prime an explosive column if there is potential for column shift or separation, Or where there is suspected damage to the detonator wires or tubing. **Never Tamp a primer cartridge.**

5.3 The bottom load and the primer unit

The blaster will decide where the initiating primer shall be placed in the borehole. This primer unit may be placed at the very bottom of the borehole, slightly above the bottom of the borehole, or at floor grade. It may be advisable to place the primer slightly above the bottom of the hole to keep from losing the efficiency of the primer unit in the mud and sledge.

5.3.1 Never drop a cartridge product directly on a primer in a dry blasthole that is greater than 4 inches in diameter. The first cartridge on top of the primer shall be lowered to the bottom of the borehole.

5.4 Bulk Loading

If bulk equipment is to be used to load a shot, then those performing the loading shall be thoroughly familiar with the loading of bulk emulsion products.

5.5 Stemming

The borehole will be stemmed with cuttings, crushed stone or other suitable material. When a borehole is ready to be stemmed, the crew member shall take the detonator cord, Nonel tube or electric leads and pull them straight, and hold them, (either with the hand or by placing them under the foot unless the downline is tied onto a stake) The stemming can then be poured into the borehole.

- 5.9 During the course of the loading of the blast site, the Blaster will do the following:
 - 5.9.1 Continuously monitor the actions of the blasting crew with respect to following proper procedure, and take corrective action if necessary.
 - 5.9.2 Field inspect all equipment on the blast site.
 - 5.9.3 Continuously monitor the environment for anything that may effect the safety of the blast site and/or the crewmembers.

VI. Hook up of the Initiation System

- 6.1 The blasting machine or non-electric firing device shall be stored in a secure area and not removed until immediately prior to the time of use.
- 6.2 Never begin hook up of the initiation system until all boreholes are loaded and stemmed. If it is necessary to give an approximate shot time, now is the best time to establish this communication. If there is a neighborhood call list, the person who makes those calls should be contacted.
- 6.3 All explosive materials, (except products necessary for the hook up), shall be returned to the explosives delivery vehicle. The blast site shall be clear of all empty containers, and accessories used to load the shot. All persons not directly involved in the hook up of the initiation system shall remain off the blast site.
- 6.4 The blaster and at most one other crewmember designated by the blaster shall perform the hook up of the initiation system.
- 6.5 Legwires or non-electric tubing shall be of sufficient length to reach between boreholes to provide efficient and safe hook ups.
- 6.6 When electric blasting, never exceed the rated capacity of the blasting machine.
- 6.7 After the initiation system hook up is completed, the blaster shall "walk the shot". It is recommended that the blaster walk the shot at least twice. The first trip shall verify the delay pattern desired from hole to hole. The second trip shall inspect that each hole is in fact hooked into the initiation system securely and properly.
- 6.8 All electrical connections must be insulated from wet ground or water by elevating.

- 6.9 When electric blasting, all circuits shall be tested coming back to the sequential timer board using a blaster's multimeter or blaster's ohmmeter. After the cable is extended from the board to the firing location, the cable shall be tested using a blaster's circuit tester or a blaster's ohmmeter. Double-check the sequential timer setting to ensure that the selection is correct. Final electrical circuits shall be checked again within a few minutes of detonation.

VII. Blast Area Security

- 7.1 The blaster shall assemble the blast crew and any other personnel from the quarry or site to conduct a brief review of the blast area security plan.
- 7.2 The blaster shall review the following with all personnel involved in securing the blast area. Following are a list of items to go over and review:

The blaster shall:

- 7.2.1 Acknowledge that the shot is loaded, hooked up and ready to detonate.
- 7.2.2 Identify the shot firer who will detonate the blast.
- 7.2.3 Identify the intended direction of rock movement.
- 7.2.4 Specify the shot firer's location and the distance and direction from the blast.

Clearing the Area:

- 7.2.5 Specify the limits of blast area to be cleared.
- 7.2.6 Qualified personnel shall be assigned the duty of clearing specific areas.
- 7.2.7 Specify what type of communication will be used to clear the area, and who will make the visual check.

Guarding the Blast Area:

- 7.2.8 Designate the guards and their positions.
- 7.2.9 Specify area and location for the guards. (Out of the blast/flyrock area).
- 7.2.10 Assure all guards have proper personal protective equipment. Assure all guards have a method of communicating with the shot firer. This method of communication should be a two-way radio.

- 7.2.11 Outline the authority of the guards to:
1) STOP anyone regardless of whom they are or their intentions.
2) Terminate the blast if there is a breach in the blast area security.

Sounding the Blast Warnings

- 7.2.12 Specify who will sound the warning horns.
- 7.2.13 Specify the equipment used to sound such warnings.
- 7.2.14 Specify who will tell the signal person to give the signals and how, (via two-way radio).
- 7.2.15 Review the warning sequence - (Depending on site and posted instructions)
- 7.2.16 Designate who is allowed back into the blast area after the blast to check the site.

- 7.3 The blaster will list appropriate procedures in case of a misfire.

VIII. Detonation of the Blast

- 8.1 The shot firer should be located in the least likely place where flyrock could land. The shot firer is the only person ever permitted within the blast area. The shot firer shall never be located in front of the blast, and preferably not to the side. The best location may be behind the blast. The shot firer shall never be in view of the free face or in a direction where rocks propelled from the free face could travel. The shot firer shall never be near the crest of the shot, nor at the toe of a highwall or bench. The shot firer should be located as far as possible from the blast.
- 8.2 The shot firer must have adequate blasting shelter. Adequate blasting shelter should be made of substantial material that can withstand an impact of a heavy rock if propelled from the blast site.
- 8.3 The blaster or shot firer should communicate via two way radio with person(s) designated to clear the blast area, the mine/quarry representative, and guards to assess the status of the securement of the blast area. The shot firer should observe the blast area for as long as possible to visually be sure the area has been cleared and is being guarded before retreating to the shot firing location.

- 8.4 The shot firer will run out the firing/lead in lines from the initiating position back to the safe firing station.
- 8.5 The blaster shall affirm with the mine/quarry representative and all guards that the area is clear and secure. The blaster will dictate the appropriate signals to be sounded at the appropriate times. After the warning has been given, the blaster shall then notify the shot firer to proceed with the detonation of the blast. The shot firer shall answer that this message was received and the blast is about to take place.
- 8.6 The shot firer will connect the firing device to the line and then fire the blast.
- 8.7 After the blast and after the smoke and dust has dissipated the shot firer and the blaster will then approach the blast area to visually check that all explosive charges detonated as planned.
- 8.8 The blaster shall notify the signal person to sound the "all clear" signal if it is safe to return to the blast area.
- 8.9 If a misfire is detected then Misfire Procedures shall be followed.

IX. Paperwork

- 9.1 A Blast Report shall be completed promptly along with all other required paperwork. Any problems encountered or unsatisfactory results shall be reported to Wesco management by the end of the day.
- 9.2 The driver of the explosives delivery vehicle is responsible to ensure the exact count on the product going back to magazine storage facility.

X. Misfire Procedures

- 10.1 If a misfire is suspected everyone shall wait a minimum of thirty (30) minutes before returning to the blast site. During this time the blast area shall remain secure.
- 10.2 After the waiting period, the blaster shall assess the nature and extent of the misfire.
- 10.3 The blaster shall determine appropriate action to take to correct the misfire. Possible action plans are as follows:

- 10.3.1 Remove any explosive materials that may be accessible by means of blowing out with air. Determine if there is sufficient burden to re-fire the shot safely, if so then re-fire the remaining holes.
- 10.3.2 If sufficient burden does not exist, then continue to remove any and all explosive products possible. Neutralize or desensitize product if possible. Displace the misfired material by firing holes behind the misfire. If this route is taken, a qualified individual shall stay on the site working with the loader until all materials are retrieved from the muck pile.
- 10.4 Misfires shall be reported:
- to Wesco verbally
 - to mine or quarry management
 - to regulatory authorities (if necessary)

XI. First Aid

- 11.1 It is recommended that at least one member of each crew be trained in First Aid procedures.
- 11.2 Every WESCO company vehicle shall have a first aid kit, fire extinguisher(s) and backup alarm.
- 11.3 If at any time there is a **FIRE**, take appropriate precaution to prevent the fire from involving the explosive materials. If the **FIRE** does involve the explosive materials, **DO NOT FIGHT THE FIRE**. Evacuate the area immediately.
- 11.4 As a minimum the following information shall be posted or readily available to the blasting crew.

Local Emergency Phone Numbers (police, fire, ambulance) 911
Mine/Quarry Office & Safety Department Numbers _____
Local WESCO Office Phone Number _____
WESCO - Main Office Phone Number 801-484-6557
WESCO - HSE Department 520-404-4442

REFERENCE MATERIALS

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"Shotrock - Proper Drilling Is Essential to Eliminating Borehole Deviation", Mike Koehler, *Pit & Quarry*, September 1993, page 52.

Programs and Presentations

- "Blasting Safety - Simple Ideas for Success", David Richards, ICI Explosives USA, Inc. and Mitchell Green, Green Mountain Explosives, New England Chapter, Society of Explosives Engineers, April 1993
"Drill Patterns and B@ Design", Rufus Fliuchum, Dyno Nobel Inc., April 1995.
"Flyrock - Causes and Reduction of Flyrock", Blast Dynamics, Inc. Blasting Techniques Program, 1990
"Five Keys to Every Blaster's Success - Drilling Face Holes", Todd Harrington, IRECO, New England Chapter, Society of Explosives Engineers, April 1993
"Five Keys to Every Blaster's Success - Communication Between the Blaster and the Drill Operator", Vincent Thome, ICI Explosives USA, Inc., New England Chapter, Society of Explosives Engineers April 1993
"Flyrock Prediction and Control in Surface Mine Blasting", J. Lydall Workman and Peter N. Calder
"This is Your Livelihood - Subject D - Loading Procedures", Todd Harrington, IRECO, New England Chapter, Society of Explosives Engineers, April 1992

NBB-77

APPENDIX E

Santa Fe County Utilities Ready, Willing &
Able Letter

NBB-79

Daniel "Denny" Mayfield
Commissioner, District 1

Miguel Chavez
Commissioner, District 2

Robert A. Araya
Commissioner, District 3



Kathy Helton
Commissioner, District 4

Liz Stefania
Commissioner, District 5

Katherine Miller
County Manager

PUBLIC WORKS DEPARTMENT
WATER UTILITIES

May 20, 2013

Case Manager
Santa Fe County Land Use Department
102 Grant Avenue
Santa Fe, New Mexico 87508

This letter is to confirm that Santa Fe County Water Utilities (SFCU) is willing and able to provide bulk water services for the project in Waldo Canyon (Buena Vista, LLC), contingent upon the applicant establishing an account with the County Water Utilities that would allow them to pick up the water at their discretion, from the SFCU dispensing facility on Camino de Justicia, off NM Highway 14. If you have questions, you may contact me at 505-992-9874.

Sincerely,

Millie Valdivia
Accountant Senior

ACCESS # _____ PIN _____

RECEIPT		DATE <u>11/6/13</u>	NO. <u>648944</u>
RECEIVED FROM <u>James Siebert & Assoc.</u>		\$ <u>200.00</u>	
<u>Buena Vista</u>		DOLLARS	
FOR RENT	<u>Bulk Water</u>	<u>10K gal.</u>	
FOR			
ACCOUNT		CASH	
PAYMENT	<u>200.00</u>	<input checked="" type="checkbox"/> CHECK	<u>#13257</u>
BAL DUE		MONEY ORDER	
		CREDIT CARD	
		BY	<u>Millie Valdivia</u>

TO _____

NBB-80

APPENDIX F

City of Santa Fe Reclaimed Water Use
Agreement & Permit

**WASTEWATER DIVISION
RECLAIMED WATER USE AGREEMENT & PERMIT**

THIS AGREEMENT made this 2 day of May 2014 by and between Wastewater Division, municipal water utility owned by the City of Santa Fe New Mexico, hereinafter called Wastewater Division and RECKOLOGY LLC hereinafter called "Customer".

WITNESSETH:

1. Wastewater Division agrees to furnish reclaimed water from the effluent fill station located on Paseo Real.
2. The customer will receive and pay for the service described above in accordance with the Reclaimed Water Rate Schedule
Current Rate at \$3.03 per 1000 gallons plus \$.18 administration fees, and 5% sales tax is effective as of January 1, 2013 through December 31, 2013.
Attached herein and made a part hereof, and in accordance with the Wastewater Division rules and Regulations on file with the City Clerk of the City of Santa Fe.
3. Reclaimed water use will be billed monthly, by calendar month.
4. Customer shall deposit with Wastewater Division an amount equal to the estimated monthly cost of the water to be used, but in any event not less than one hundred dollars (\$100.00). Customer shall Make Company Check out to City of Santa Fe. Customer shall provide a copy of Business and or Contractors License.
5. Customer agrees to comply with Wastewater Division Reclaimed Water Use Requirements and acknowledges receipt of the Wastewater Division Reclaimed Water Use Requirements. Failure to comply with the Wastewater Division Reclaimed Water User Requirements may Result in revocation of this agreement.

Customer:

By (sign): Steven A. Hooper

Name (Print): STEVEN A. HOOPER

Address: 931 SAN PEDRO SE, ALBUQ, NM 87108

Phone: 505-344-6626

Cell: 505-321-2071

Fax: 505-341-0191

This page to be completed by City of Santa Fe Staff:

Customer Haul Equipment Listing (Give description and vehicle or trailer license plate information for piece of haul equipment to be used and no less than 55 gallon tank/container).

Vehicle/Equip. Description: _____ License Plate _____

Vehicle/Equip. Description: _____ License Plate _____

Vehicle/Equip. Description: _____ License Plate _____

Give Wastewater Division written notification of additions or deletion to haul equipment List prior to use.

This agreement shall at all times be subject to change or modifications by the City.

Wastewater Division Reclaimed Water User Permit No. _____

Wastewater Division:

By (sign): WWWD

Name (print): M. Shany

Title: Admin Sec.

NBB-83

Use of Water for Construction Projects Survey

Company: ROCKOLOGY LIMITED LLC

Current Uses of Water for Construction Projects (check all that apply):

compaction dust control other: _____

(concrete, footings etc.)

Days of Operation: M-F Hours of Operation 7AM-5PM

Number and Size (in gallons) of Water Haul Trucks you use: 2,500

5,000 GAL

How many haul vehicle trips per day to the fill station do you estimate? 3

Comments/Questions: _____

*City of Santa Fe
Wastewater Management
Reclaimed Water Use Fact Sheet*

On September 13, 2000, the Santa Fe City Council amended the Stage 3 Emergency Water Shortage requirements to prohibit the use of potable water (from fire hydrants) for construction purposes. Construction projects are directed to use reclaimed water at the City's fill station.

Fill Station Location: The Station is located at 73 Paseo Real, off of Airport Rd.(west of SR 599, adjacent to the Wastewater treatment plant).

Hours of Operation: Monday – Friday 7 a.m. to 5 p.m. Saturday 7 a.m. to 3 p.m.

Reclaimed Water Use Rate: \$3.03 /1000 gallons (plus \$.18 administrative fee and 5% sales tax.)

Uses Permitted by the NM Environment Department/Ground Water Quality bureau:

The City of Santa Fe's treated effluent is class 1-B effluent by the New Mexico Environment Department (NMED) Guidelines for the Above Ground Use of Reclaimed Domestic Wastewater. The Class 1-B effluent provides uses for:

- 1) Construction dust control,
- 2) Ground compaction, and
- 3) Water used in "process" (e.g. cement, adobe-yard walls not home walls etc.)
- 4) Irrigation in residential and commercial settings, including City parks, school grounds, etc.
- 5) Dust control on unpaved residential streets, plastering and stucco.
- 6) Fire suppression.
- 7) Freeway landscapes and other landscapes where the public has limited access and exposure.
- 8) Backfill around Non-potable piping like sewer lines.
- 9) Wildlife watering, except for milk producing animals where milk is consumed by humans.
- 10) Irrigation of non-food crops by flooded application only (spray irrigation is prohibited). Added

- The Class 1-B effluent can also be used for any purpose except direct consumption, food handling and processing, spray or flood irrigation of food crops and Backfill around Potable Pipes. Under this class setback limits of a minimum 100-foot to dwelling units or occupied establishments. All water supply wells within 200 feet of a wetted irrigation area shall have adequate well head construction
- **IN ALL CASES THE TREATED EFFLUENT (Class 1-B) CANNOT BE USED FOR SPRAY OR FLOOD IRRIGATION OF FOOD CROPS.**
- **Above ground use of reclaimed wastewater shall not result in excessive standing or pooling of wastewater, and shall be applied at the appropriate consumptive water use rate. Irrigation shall not be conducted at times when the receiving area is saturated or frozen.**
- **AT TIMES, TREATED EFFLUENT CANNOT BE DISPENSED DUE TO OPERATIONAL ISSUES AT THE FACILITY. WHEN THIS OCCURS THE FILL STATION WILL BE**

NB13-85

CLOSED AND A SIGN PLACED ON GATE WITH A PHONE NUMBER (955-4650) YOU CAN CALL TO FIND OUT WHEN THE FILL STATION WILL REOPEN.

Other Provisions

- 1.) **Signage :** The equipment shall be clearly marked, with the following signs visible on at least 3 sides, "Caution: Non-potable Water, Do Not Drink" & "Peligro: Agua Inbebestible, No Es Para Beber" Also, you are required to use Chlorine Bleach and add the bleach at the Fill Station in your non potable water tanks 1 1/2 cups Per every 1000 gallons per New Mexico Environment Department. Plus have a lid.
- 2.) Treated effluent (reclaimed water) must be discharged via gravity flow or under low pressure in a manner which minimizes misting, and at times when public contact is not likely to occur.
- 3.) If the discharge method results in misting, the areas (s) receiving reclaimed water mist must be 100 feet from areas accessible to the public.
- 4.) The areas(s) receiving the discharge must be 200 feet from potable water supply wells.
- 5.) All tanks and equipment used to dispense the reclaimed water from tanks must not be leaking. Any leaks must be fixed prior to filling tank at the Fill Station.

Permitting

All reclaimed water users must obtain a "Reclaimed Water Use Agreement and Permit" from Wastewater Division, City of Santa Fe. Contractors continuing to use potable water for "process" Purposes must sign an addendum to their fire hydrant use agreement stipulating that the water will Only be used for the process involved. Compliance with the terms and conditions of reclaimed water Use shall be the sole responsibility of the reclaimed water user. Question should be directed to NMED/Ground Water Quality Bureau, 827-2900 or Wastewater Division 955-4650.

*City of Santa Fe
Wastewater Division
Reclaimed Water Use Requirements.*

The following requirements for reclaimed water use are to be strictly observed as a Condition of receiving treated effluent from the City of Santa Fe's Reclaimed Water Fill Station. The dispensing of reclaimed water from the fill station is limited to permitted uses by the New Mexico Environment Department (NMED) Ground Water Quality Bureau. These uses are limited to temporary or intermittent uses, including construction dust control, construction compaction and irrigation of landscaping under restricted access conditions. Unacceptable uses of Treated effluent direct consumption (drinking), Bathing, Swimming, and Irrigation food crops.

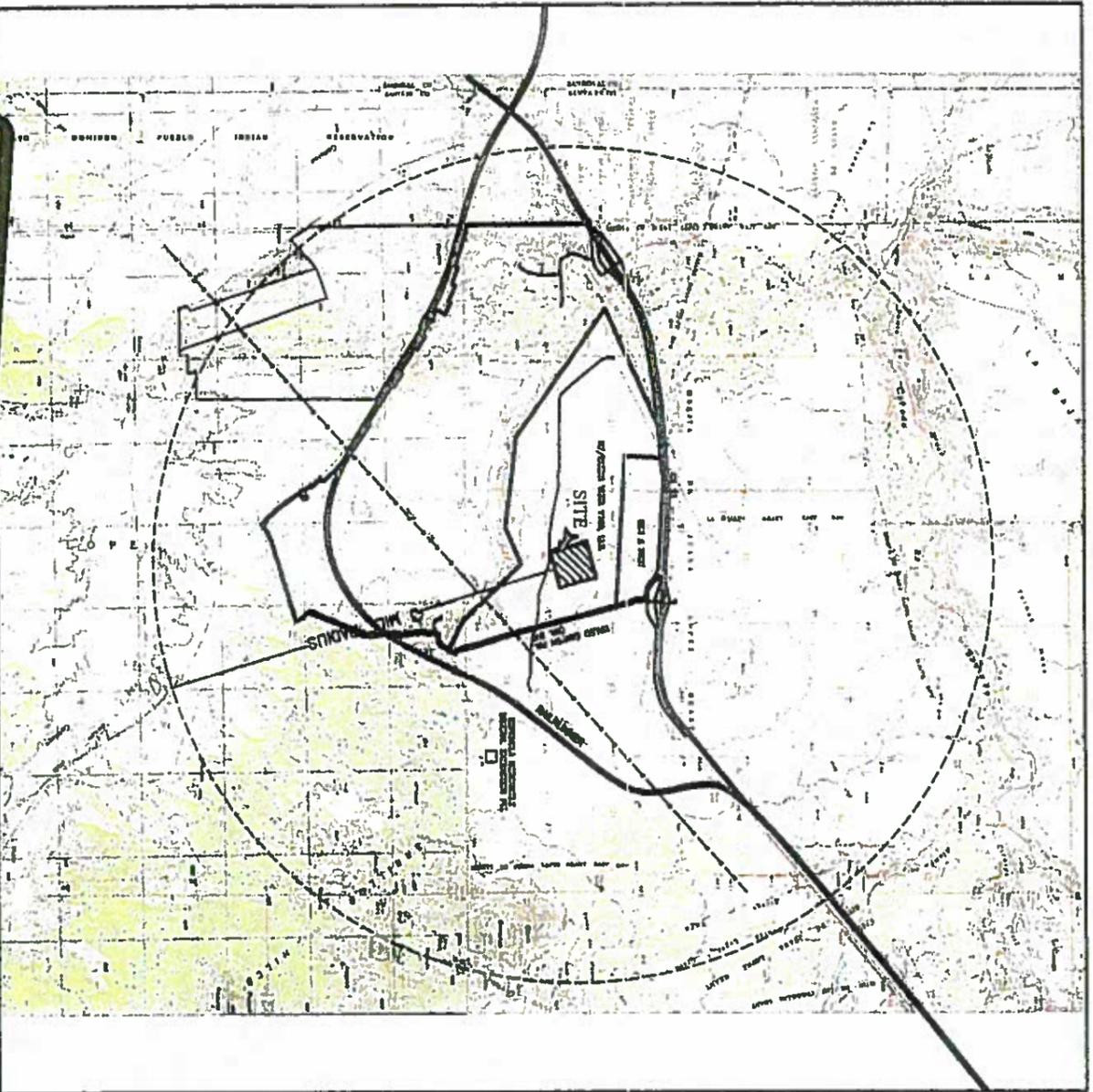
Dispensing of reclaimed water for application to any Area on an ongoing basis, rather than temporary or intermittent, shall require a ground water dis-charge permit, pursuant to the New Mexico Water Quality Control Commission Regulation 3104.

Permits can be obtained by contacting the NMED Ground Water Quality Bureau at 827-2900.

1. Reclaimed water shall only be provided for public use from the City of Santa Fe's reclaimed Water fill station on Paseo Real, west of St Rd 599, adjacent to the Wastewater Treatment Plant. Use shall be restricted to the permitted uses under the amended DP-289 as required by NMED. The dispensing of the reclaimed water, including the monitoring of reclaimed water Quality and the log/tracking of intended uses, shall be the responsibility of the City of Santa Fe. The dispensing of reclaimed water will be suspended if the effluent fails to meet NMED Guidelines for Effluent Quality for class 1-B. Compliance with the terms and conditions of Reclaimed water use and the application requirements and restrictions, shall be the sole responsibility of the treated effluent water user requirements or the terms and conditions of service shall be cause to discontinue service or sale of reclaimed water. NMED Guidelines for Temporary use of treated and disinfected WWTP Effluent, dated January 24, 2007 may be viewed and downloaded from NMED's Web Site at www.nmenv.state.nm.us/gwb/NMED-GWQB-Regulations-NMED_REUSE_1-24-07. [PDF] above ground use of domestic reclaimed wastewater.
2. Each user shall be required to sign an agreement with the City of Santa Fe, Wastewater Division for the terms and conditions of use and the user's truck/hauling equipment must be inspected and certified by Wastewater Division prior to receiving reclaimed water at the fill station. Any truck or tanker equipment used to haul, transfer, distribute, discharge or apply reclaimed water must have signs indicating that the water is not potable.

NBB-87

BUENA VISTA LLC & ROCKOLOGY LIMITED LLC. MINERAL EXTRACTION OF CONSTRUCTION MATERIALS



TOWNSHIP 15N, RANGE 7E,
SECTION 22

OWNER:
BUENA VISTA, LLC
831 SW PEDRO ST
ALBUQUERQUE, NM 87108
(505) 301-0444

OPERATOR:
ROCKOLOGY, LLC
3801 PAN AMERSON FRT, N.E.
ALBUQUERQUE, NM 87107
(505) 344-6878

CONSULTANTS: JAMES W. SIEBERT AND ASSOCIATES
PLANNING CONSULTANTS
913 JERBERT STREET
SANTA FE, NM 87501
(505) 833-5555

JORGE GONZALEZ, P.E.
ENGINEER
SANTA FE COUNTY WATER LAKE
DIVISION, NM 87501
(505) 577-0033

PRELIMINARY SURVEY
SANTA FE COUNTY
913 JERBERT STREET, NE
SANTA FE, NM 87501
(505) 833-5700

CONSENT OF OWNERS

DWAINSG WILBERT, BUENA VISTA, LLC. _____ DATE _____

INDEX TO SHEETS	
LIST OF SHEETS	SHEET NUMBER
COVER SHEET	1
AERIAL PHOTO	2
EXISTING CONDITIONS	3
TOPOGRAPHY, NATURAL DRAINAGE & SOILS PLAN	3
USGS MAP & DRAINAGE BASIN	4
SURVEY PLAN OF BOUNDARY	5
SITE PLAN	6
OPERATIONS SITE PLAN	7
GRADING PLAN, PHASE I	8
RECLAMATION PLAN, PHASE I	9
SWPPP PLAN, PHASE I	10
GRADING PLAN, PHASE II	11
RECLAMATION PLAN, PHASE II	12
SWPPP PLAN, PHASE II	13
GRADING PLAN, PHASE III	14
RECLAMATION PLAN, PHASE III	15
SWPPP PLAN, PHASE III	16
SWPPP NOTES	17
	18

COUNTY

APPROVED BY THE COUNTY DEVELOPMENT REVIEW COMMITTEE
AT THEIR MEETING OF _____ 2014.

DATE _____

APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY AT THEIR MEETING OF _____ 2014.

DATE _____

ATTESTED BY COUNTY CLERK _____ DATE _____

COUNTY REVIEW _____ DATE _____

COUNTY FIRE INSURAL _____ DATE _____

PUBLIC WORKS _____ DATE _____

LAND USEZ ADMINISTRATION _____ DATE _____

RURAL ADDRESSING _____ DATE _____

JAMES W. SIEBERT AND ASSOCIATES, INC. 913 JERBERT STREET • SANTA FE, NM 87501-5500 (505) 833-5555 Fax (505) 833-5710		MATERIAL EXTRACTION PLAN	1" = 3000' DATE: 02/05/20 DRAWN BY: JWS CHECKED BY: JWS	NOVEMBER 2013 SHEET NO. 111-18-000-001	1
COVER SHEET		COVER SHEET	DATE: 02/05/20 DRAWN BY: JWS CHECKED BY: JWS	NOVEMBER 2013 SHEET NO. 111-18-000-001	1

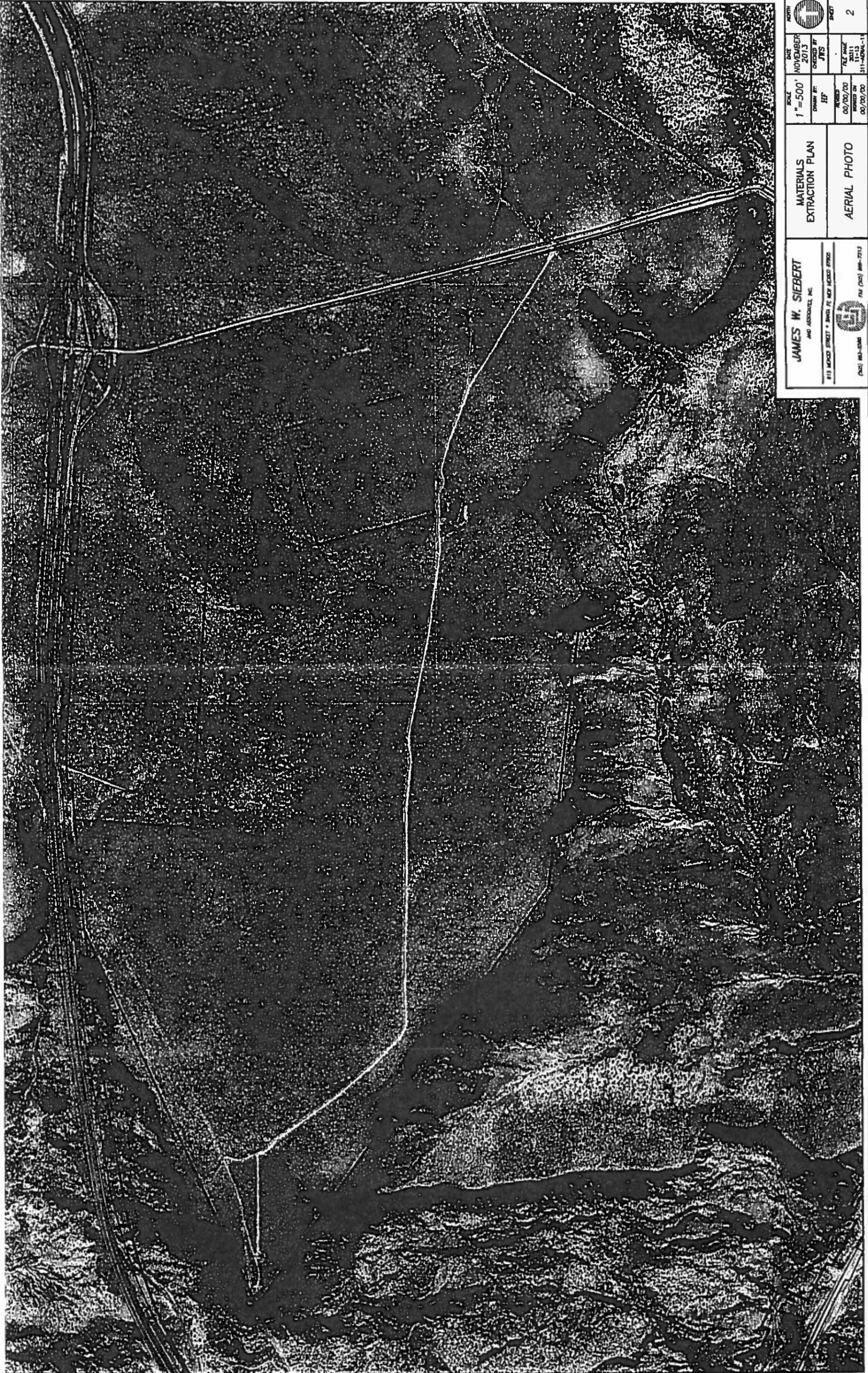
EXHIBIT 2

VICINITY MAP
1" = 3,000'

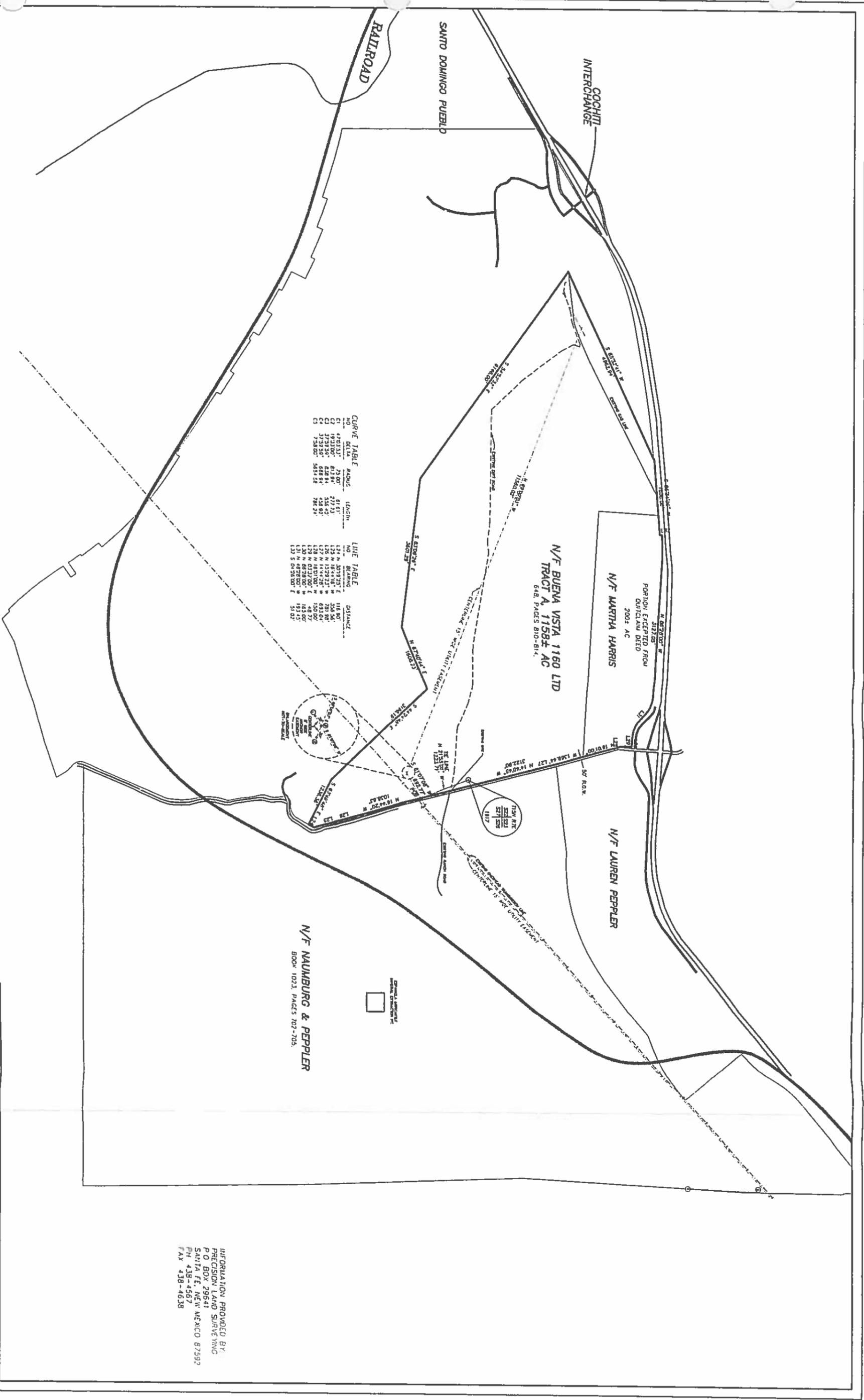


NBB

NBE



		SHEET 2
SCALE 1" = 500'	DATE NOVEMBER 2013	PROJECT 311-ADVA-1
DRAWN BY JTS	CHECKED BY JTS	FILE NAME 311-ADVA-1
REVISION 00/00/00	REVISION 00/00/00	REVISION 00/00/00
MATERIALS EXTRACTION PLAN		AERIAL PHOTO
JAMES W. SIEBERT AND ASSOCIATES, INC. 815 MARKET STREET • SUITE 200 • NEW BRUNSWICK, NJ 08901 (908) 841-0300 FAX (908) 841-7713		



CURVE TABLE

NO.	DATA	POINTS	LENGTH
C1	47°01'31"	73.00'	61.67'
C2	47°01'31"	81.38'	217.73'
C3	37°33'50"	688.94'	438.89'
C4	37°33'50"	688.94'	438.89'
C5	72°38'00"	5651.28'	786.24'

LINE TABLE

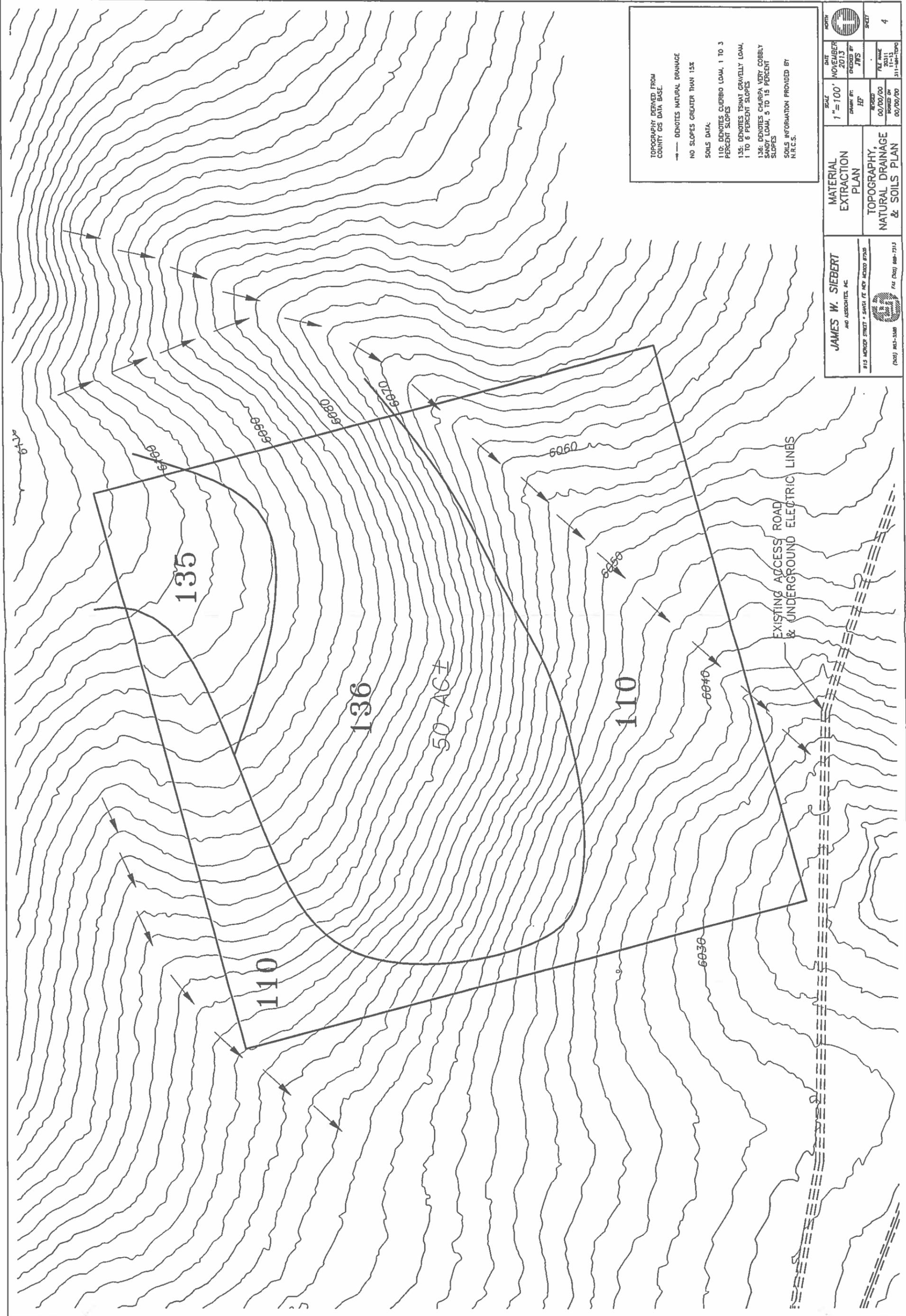
NO.	BEARING	DISTANCE
L1	S 82°02'14" E	116.80'
L2	S 82°02'14" E	328.56'
L3	S 82°02'14" E	232.56'
L4	S 82°02'14" E	693.00'
L5	S 82°02'14" E	150.00'
L6	S 82°02'14" E	183.15'
L7	S 04°28'00" E	31.02'

N/F NAUMBURG & PEPLER
 BOOK 1021, PAGES 702-705.

INFORMATION PROVIDED BY:
 PRECISION LAND SURVEYING
 P.O. BOX 29841
 SANTA FE, NEW MEXICO 87592
 PH 438-4567
 FAX 438-4638

JAMES W. SIEBERT AND ASSOCIATES, INC. 818 LINDEN STREET • SANTA FE, NEW MEXICO 87505 (505) 833-4388		MATERIALS EXTRACTION PLAN EXISTING CONDITIONS MAP	
SCALE	DATE	NO.	SHEET
1" = 1000'	NOVEMBER 2013	00/00/00	3
DRAWN BY: HP	CHECKED BY: JMS	DATE MADE: 11-13	

N.B.B.



TOPOGRAPHY DERIVED FROM COUNTY GIS DATA BASE.

→ DENOTES NATURAL DRAINAGE

NO SLOPES GREATER THAN 15%

SOILS DATA:

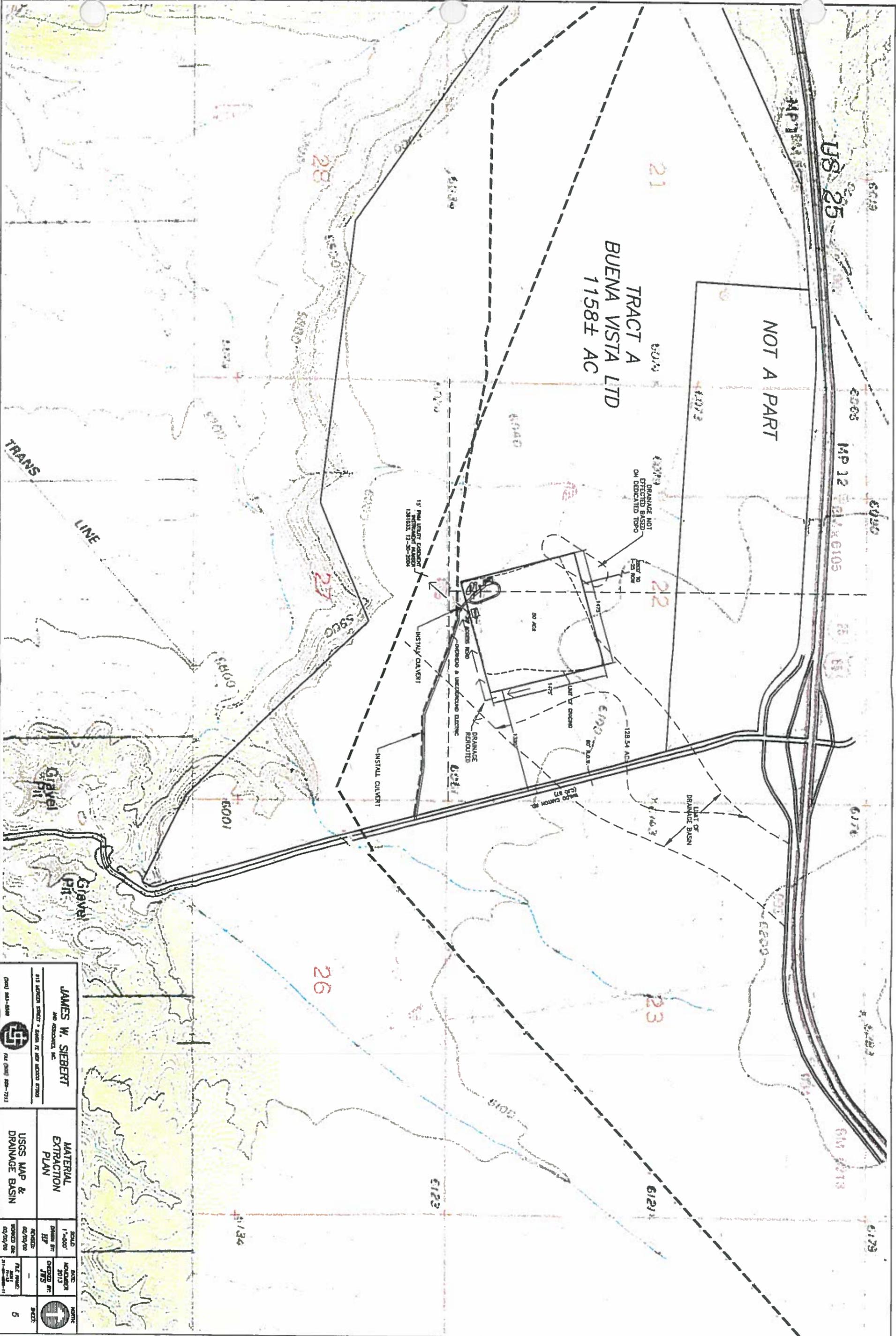
110: DENOTES CUERBIO LOAM, 1 TO 3 PERCENT SLOPES

135: DENOTES TSHAT GRAVELLY LOAM, 1 TO 6 PERCENT SLOPES

136: DENOTES CHURPA VERY COBBLY SANDY LOAM, 5 TO 15 PERCENT SLOPES

SOILS INFORMATION PROVIDED BY N.R.C.S.

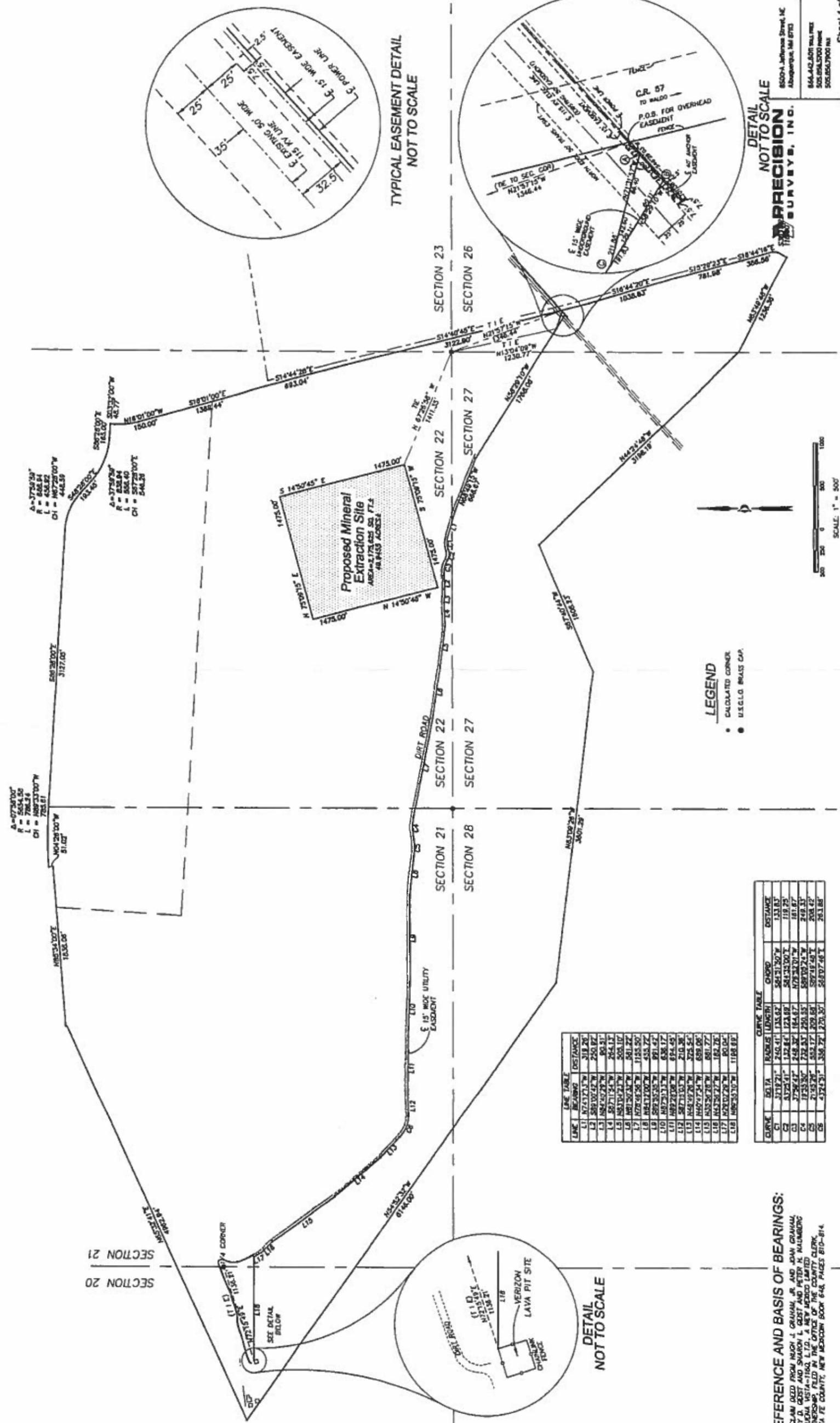
JAMES W. SIEBERT AND ASSOCIATES, INC. <small>813 MONROE STREET • SAVANNAH, GEORGIA 31402-8708</small> <small>(903) 861-5588 FAX (903) 868-7213</small>		MATERIAL EXTRACTION PLAN TOPOGRAPHY, NATURAL DRAINAGE & SOILS PLAN		SCALE 1" = 100'	DATE NOVEMBER 2013	SHEET 4
DRAWN BY JFS		CHECKED BY JFS		DATE 06/00/00	DATE 11-11-13	DATE 11-11-13
PROJECT NO. 131-100-100		PROJECT NAME 131-100-100		PROJECT NO. 00/00/00	PROJECT NAME 00/00/00	PROJECT NO. 00/00/00



JAMES W. SIEBERT AND ASSOCIATES, INC. 313 LONDON STREET • SUITE 1100 • NEW JERSEY 07030 (908) 961-6688		MATERIAL EXTRACTION PLAN USGS MAP & DRAINAGE BASIN	
SCALE 1"=500' DRAWN BY JSP	DATE 02/07/00 CHECKED BY JWS	SHEET 5	NORTH ARROW

NRA

Exhibit Showing
Proposed Mineral Extraction Site
Lands of Buena Vista-1160 Ltd.
 Section 22, Township 15 North, Range 7 East, N.M.P.M.
 Santa Fe County, New Mexico
 January 2008



A=0730'00"
 R=5654.56
 L=7863.6
 CH=189233'00"W

LINE	BEARING	DISTANCE
L1	N73°17'17"W	311.78
L2	S89°03'47"W	250.87
L3	S82°45'29"W	80.51
L4	S67°11'54"W	254.13
L5	S83°04'24"W	255.10
L6	N60°26'34"W	361.42
L7	N78°48'36"W	1153.50
L8	N64°11'00"W	453.72
L9	S89°35'35"W	891.42
L10	N07°21'17"W	638.17
L11	N69°28'06"W	614.65
L12	S87°11'03"W	210.38
L13	N45°09'26"W	274.54
L14	N49°17'54"W	699.06
L15	N33°26'26"W	861.77
L16	N43°26'27"W	164.76
L17	N78°07'26"W	80.04
L18	N62°31'07"W	1164.88

CURVE	DATA	RADIUS (LENGTH)	CHORD	DISTANCE
C1	37°29'51"	249.21	133.62	133.63
C2	37°29'51"	124.82	124.69	118.75
C3	37°29'51"	249.21	124.67	181.67
C4	17°33'30"	274.54	250.35	248.37
C5	7°52'29"	861.77	809.68	204.42
C6	47°47'31"	358.78	170.37	261.88

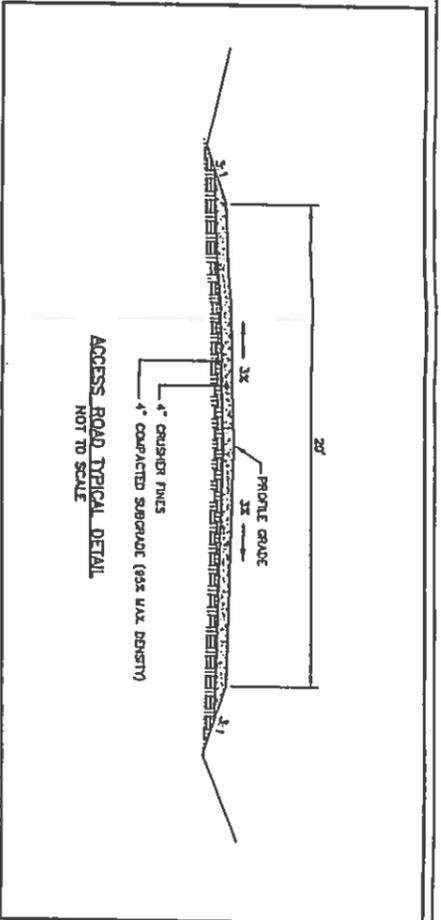
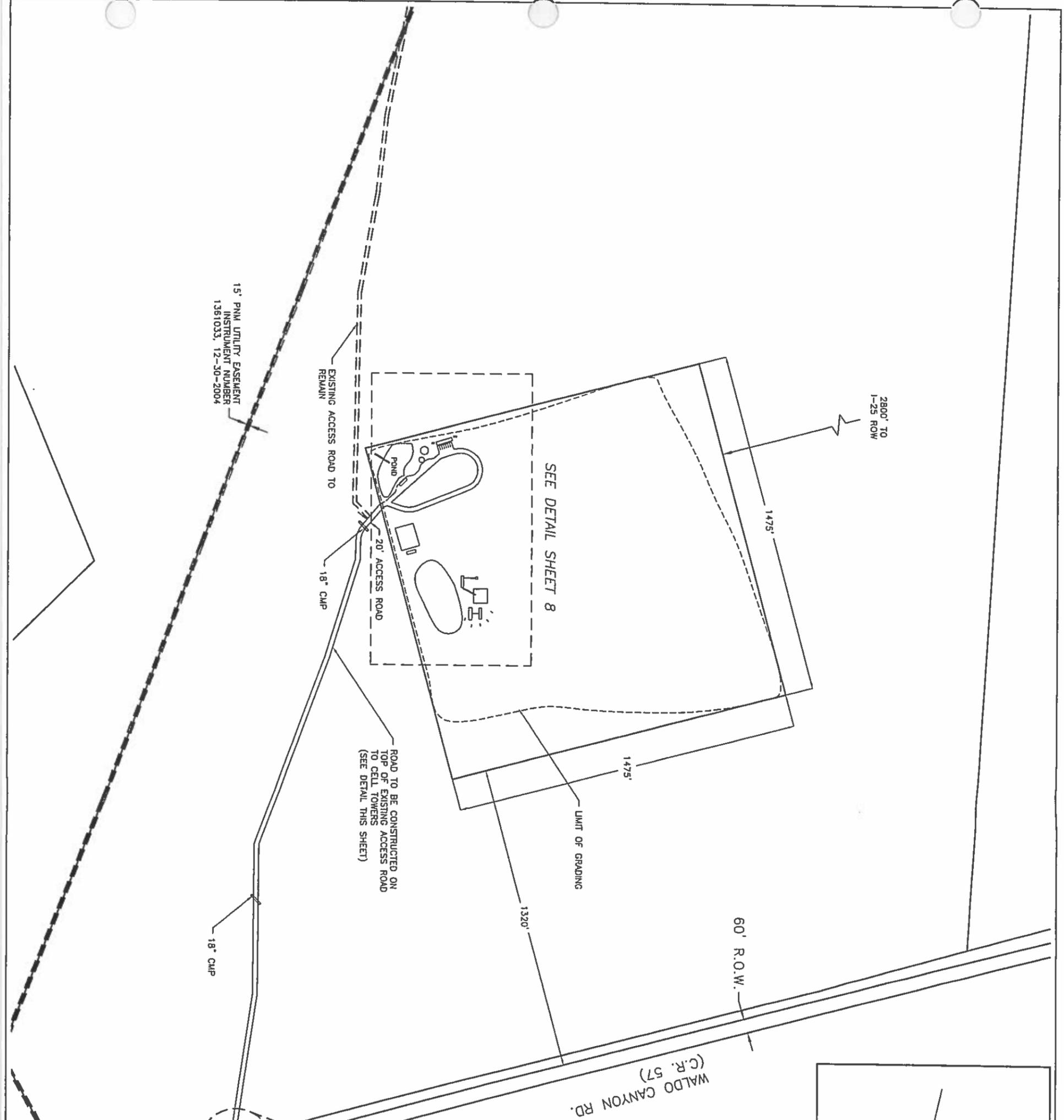
LEGEND
 • CALCULATED CORNER
 ● U.S.G.O. BRASS CAP.



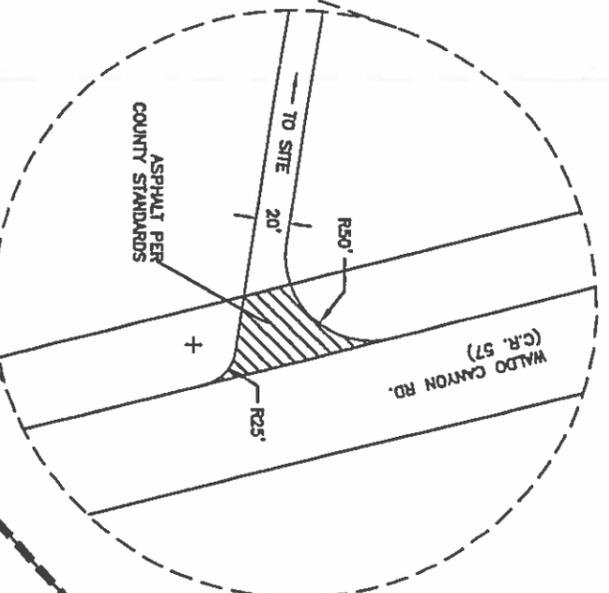
REFERENCE AND BASIS OF BEARINGS:
 QUETZALM OZZO FROM NICHOLSON, JR. AND JOAN GRAHAM
 ARRY D. GERT AND SHARON L. GERT AND PETER A. HANBORG
 TO BUENA VISTA-1160, L.P., A NEW MEXICO LIMITED
 PARTNERSHIP, FILED IN THE OFFICE OF THE COUNTY CLERK,
 SANTA FE COUNTY, NEW MEXICO BOOK 648, PAGES 810-814.

PRECISION SURVEYS, INC.
 8500-A Ardmore Street, N.E.
 Albuquerque, NM 87112
 505.425.8000 FAX
 505.425.8000 PHONE

Sheet 1 of 1
 NBB-94



SITE DATA:
 SIZE OF PARCEL: 50 ACF
 DISTURBED AREA: 43 ACF



JAMES W. SIEBERT AND ASSOCIATES, P.C. 815 KITCHEN STREET • SUITE 101 NEW HAVEN, CT 06510 (203) 544-5100 FAX (203) 544-7213		MATERIAL EXTRACTION PLAN		SCALE: 1"=200' DRAWN BY: HP REVISIONS: 02/02/09 APPROVED BY: JWS	DATE: NOVEMBER 2013 DESIGNED BY: JWS	NORTH ARROW SHEET: 7
SITE PLAN		SITE DATA: SIZE OF PARCEL: 50 ACF DISTURBED AREA: 43 ACF		REVISIONS: 02/02/09 APPROVED BY: JWS		DATE: NOVEMBER 2013 DESIGNED BY: JWS

N02

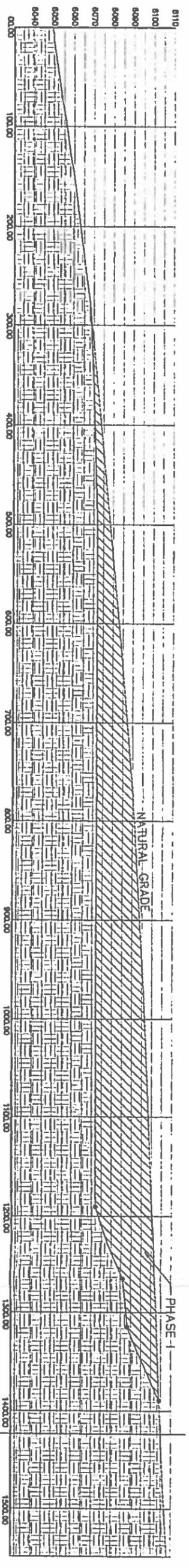
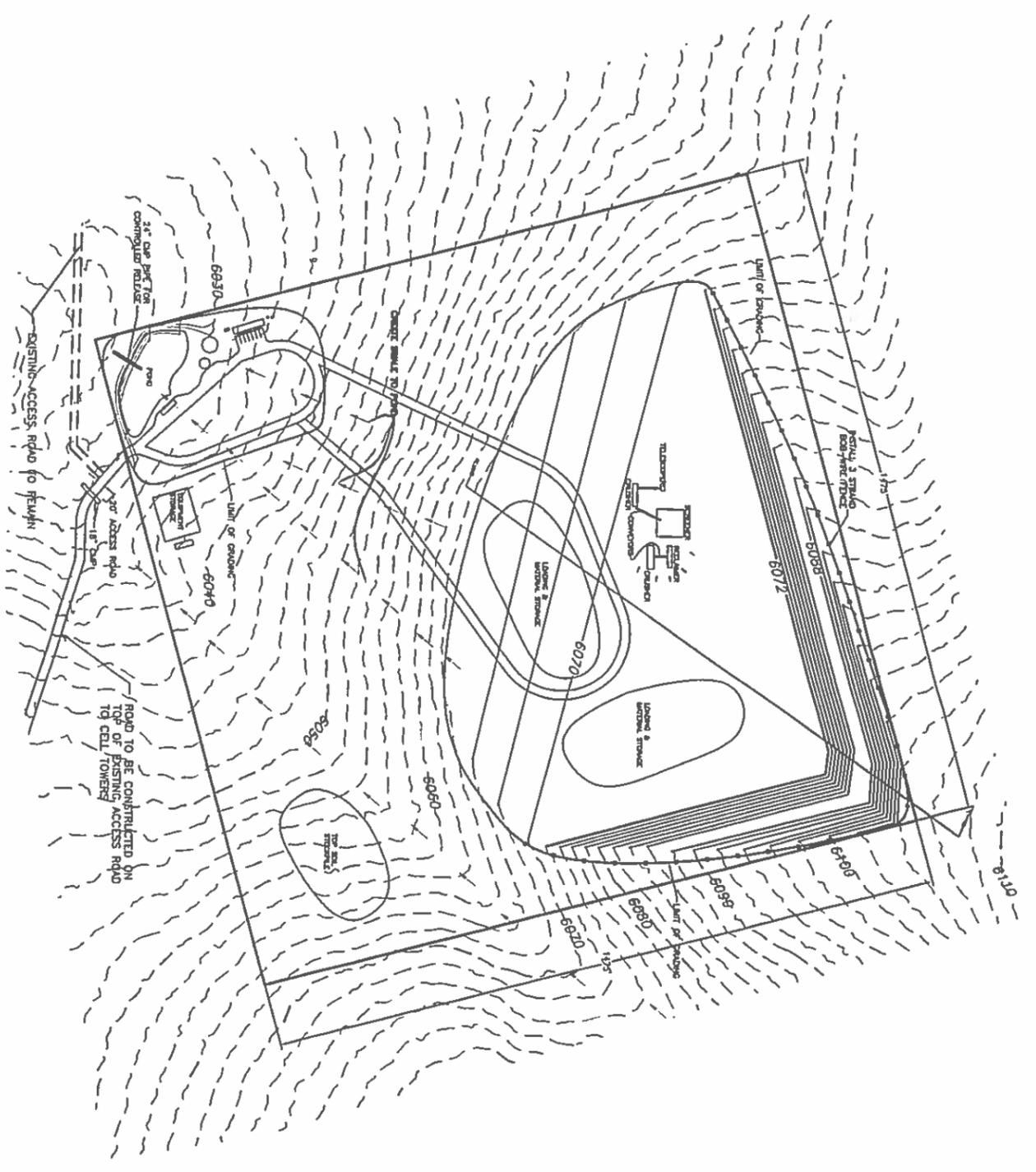
SITE DATA:
 PHASE 1 2014-2020
 ESTIMATE OF MATERIAL REMOVAL: 326,000 CUBIC YARDS
 TOP SOIL STOCKPILED: 17,000 CUBIC YARDS
 AREA OF DISTURBANCE: 24.38 AC

LEGEND:
 --- DENOTES DRAINAGE
 --- EXISTING CONTOUR
 --- NEW CONTOUR

STORM DRAINAGE CALCULATION
 FOR ALL THREE (3) PHASES
 FOR DISTURBED GRADED AREA OF 1,562,390 S.F.
 AND STORAGE AREA AND EQUIPMENT OF 23,000 S.F.

SITE: 2175623 S.F. (50.00 AC)
 TIME OF CONCENTRATION: - 30.0 MIN.
 TIME OF DISCHARGE: 1.8 HRS
 100-YR RAINFALL: 3.8 IN

	BEFORE DEVELOPMENT	AFTER DEVELOPMENT
UNDISTURBED:	62 SF	2175623.00 SF
DISTURBED:	0.00 SF	1562390.00 SF
WEIGHTED CI:	82.00	83.57
RUNOFF:	1.87 IN	1.99 IN
PEAK:	187211 CFS	178751 CFS
VOLUME:	71744 AC-FT	82755 AC-FT
RETAINAGE NEEDED TOTAL:	22,264 CF	20,830 SF X 1.5 FT DEEP = 31,245 CF
TIME TO DISCHARGE POND AT 16 CFS (24 CUP) EQUALS TO 360482 CF TOTAL/16 CFS = 22530 SEC = 375 MIN = 6.25 HRS < 24 HRS OK		



SECTION A-A
 SCALE: 1:50 VERTICAL, 1:100 HORIZONTAL

ENGINEER'S SEAL
JORGE GONZALES, PE
 38 HIGHLAND VIEW RD • DUNDON, MA 01915
 (508) 577-0433

MATERIAL EXTRACTION PLAN
GRADING PLAN, PHASE 1

SCALE: 1" = 150'
 DATE: NOVEMBER 2013
 DRAWN BY: JEP
 CHECKED BY: JMS

DATE: 01/22/2014
 REVISION: 2011
 111-111-111

9

NBS-1

SITE DATA:
 PHASE I: 2014-2021
 ESTIMATE OF MATERIAL REMOVAL: 326,000 CUBIC YARDS
 TOP SOIL STOCKPILED: 17,000 CUBIC YARDS

RECLAMATION PROCESS:

PLACE STOCKPILED TOPSOIL ON GRADED AREAS & RESEED AS FOLLOWS:

RESEEDING TO OCCUR UPON COMPLETION OF EXCAVATION DEPTH FOR PHASE I.

ALL DISTURBED AREAS EXCEPT BUILDING AREAS AND LANDSCAPE PLANTING BEDS (SEE NOTE 1 BELOW) SHALL BE TREATED WITH CLASS "D" SEEDING AND SHALL INCLUDE HAND RAKING OR CHAIN HARROWING TO COVER SEED TO A DEPTH OF 1/4" TO 1/2". BLANKETS SHALL BE APPLIED AS SOON AS POSSIBLE AFTER THE SEED AND FERTILIZER ARE APPLIED. ALL REVEGETATED AREAS SHALL BE BLANKETED THE SAME DAY THEY ARE SEED.

SOIL RETENTION BLANKET USED FOR CLASS "D" SEEDING SHALL BE PRE SUPER DUTY, AMERICAN EXCELOR HIGH VELOCITY, NORTH AMERICAN GREEN S-150 OR APPROVED EQUAL. ANCHORING SHALL BE BY THE USE OF 8"x12"x3" SHAPED STEEL STAPLES OF 991 MINIMUM DIAMETER AND SPACED AS RECOMMENDED BY THE MANUFACTURER. BLANKETS SHALL BE LAID FROM TOP TO BOTTOM ON THE SLOPE WITH SEAMS RUNNING VERTICALLY AND LAPPED AS PER MANUFACTURER'S RECOMMENDATION. BLANKETS SHALL BE INSTALLED ON ALL CUT SLOPES.

PRIOR TO PERFORMING SEEDING OPERATIONS ALL WEED SPECIES WHICH MAY HAVE GROWN IN AREAS TO BE SEEDING AND WILL INTERFERE WITH THE SEED MULCH MAKING CONTACT WITH THE SOIL SHALL BE REMOVED.

SEED MIX (CERTIFIED SEED OF NAMED VARIETIES ARE REQUIRED IF AVAILABLE)

SPECIES	ORIGIN	SEED PLS. PER ACRE	SEED DEEP. INCHES
BOUTELOUA GRACILIS (BLUE GRAMA)	HACHITA OR LOVINGTON	20	
BOUTELOUA CURTIPENDULA	VAUGHN OR RIVER	40	
ANDROPOGON SCABRIGRUM (LITTLE BLUESTEM)	PASTURA	10	
HILARIA JAMESII(CALLETA)	WVA	40	
SPOROBOLUS AIROIDES (ALKALI SACATON)	NEW MEXICO REGION	05	
TRIPLEX CANESCENS (FOURRING SALTBUSH)	NEW MEXICO REGION	10	
TRIPLEX CANESCENS (FOURRING SALTBUSH)	NEW MEXICO REGION	10	

FERTILIZER REQUIREMENTS

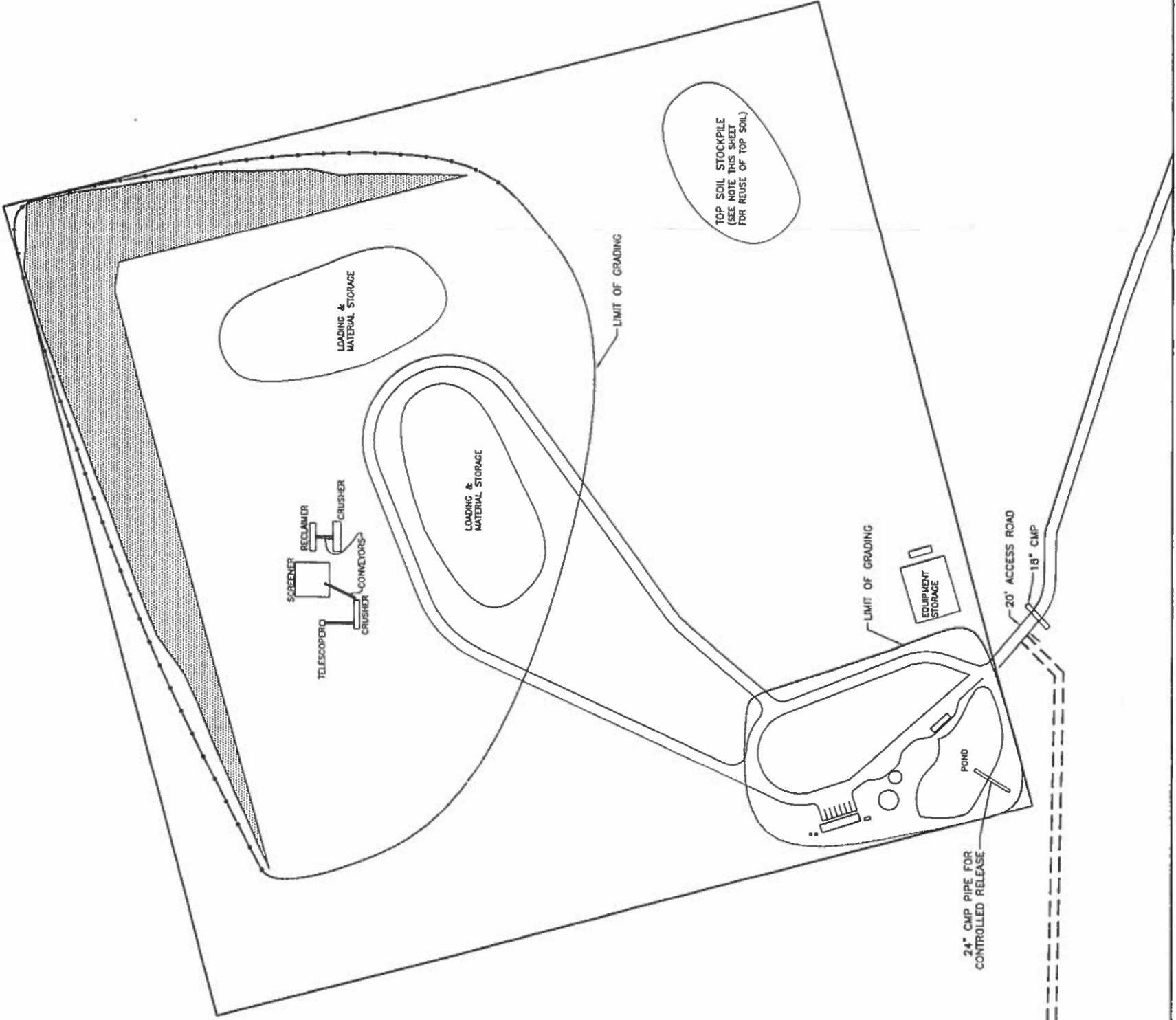
CHEMICAL	ACTUAL MIN. POUNDS/ACRE
23-13-0	75
PRAIRIE MAY	1000

SEEDING DATES:

RESEEDING WILL OCCUR ONLY DURING THE MONTHS OF JUNE, JULY & AUGUST FOR WARM SEASON SPECIES AND OCTOBER, NOVEMBER & DECEMBER FOR THE COOL SEASON SPECIES. SEEDING AREAS WILL BE PROTECTED FROM LIVESTOCK GRAZING UNTIL A VEGETATIVE COVER IS ESTABLISHED.

WATERING:

AFTER INSTALLATION OF SEED, THE REVEGETATING AREAS WILL BE WATERED FROM A TANKER TRUCK OR OTHER WATER SOURCE FOR A MINIMUM OF ONE TIME PER WEEK FOR TWO MONTHS. ANY PROPOSED CHANGES OR MODIFICATIONS TO THIS PLAN SHALL BE DISCUSSED WITH THE ENGINEER PRIOR TO MAKING SUCH CHANGES OR MODIFICATIONS.



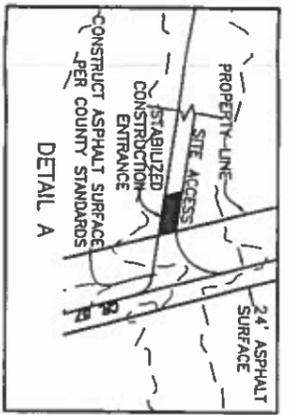
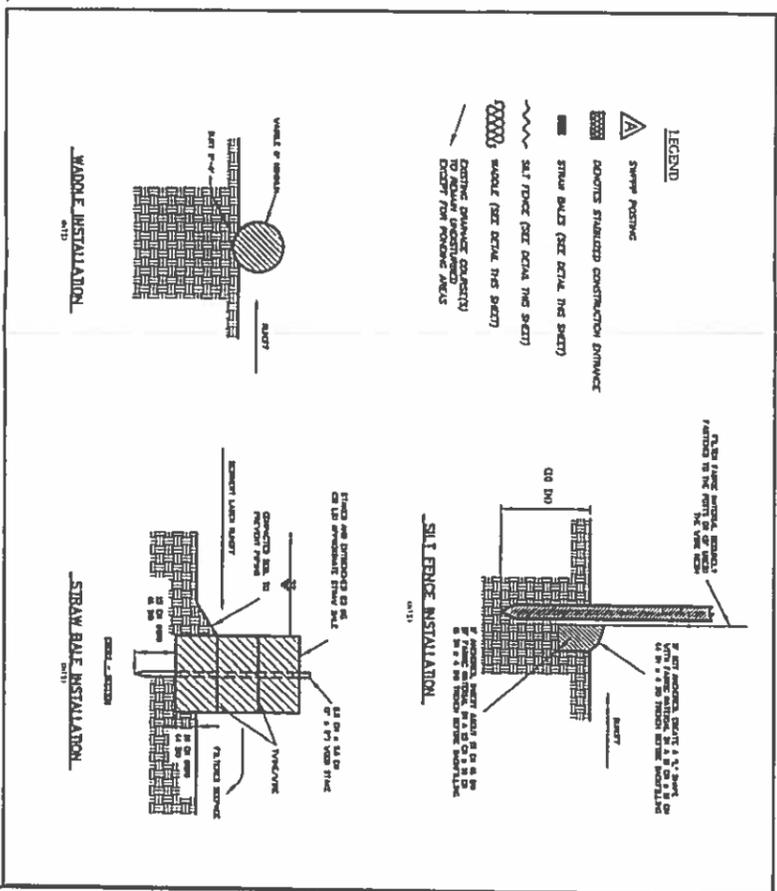
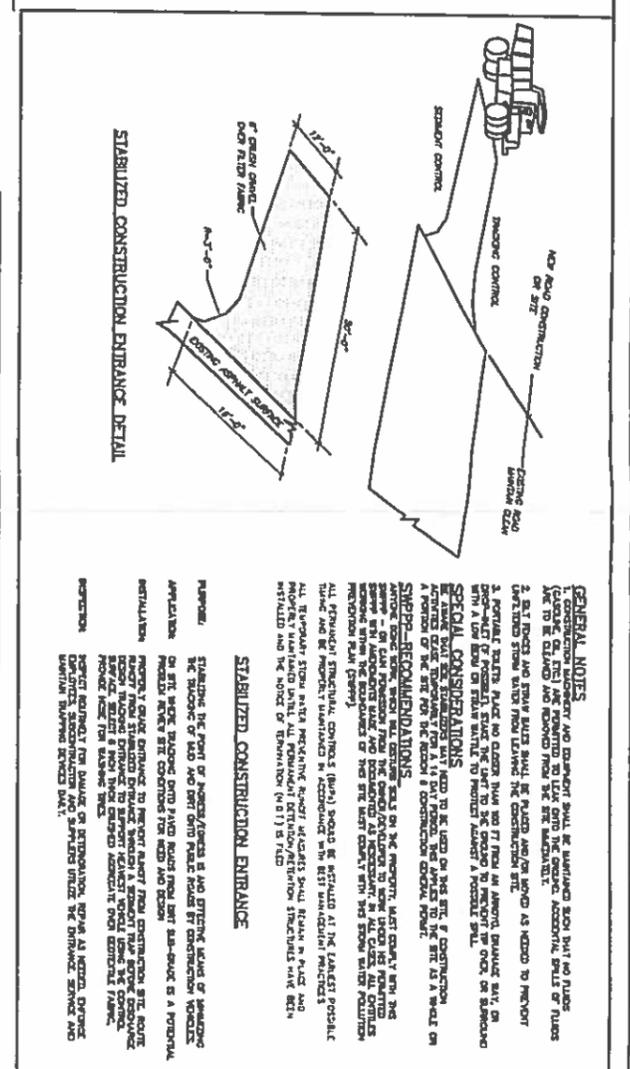
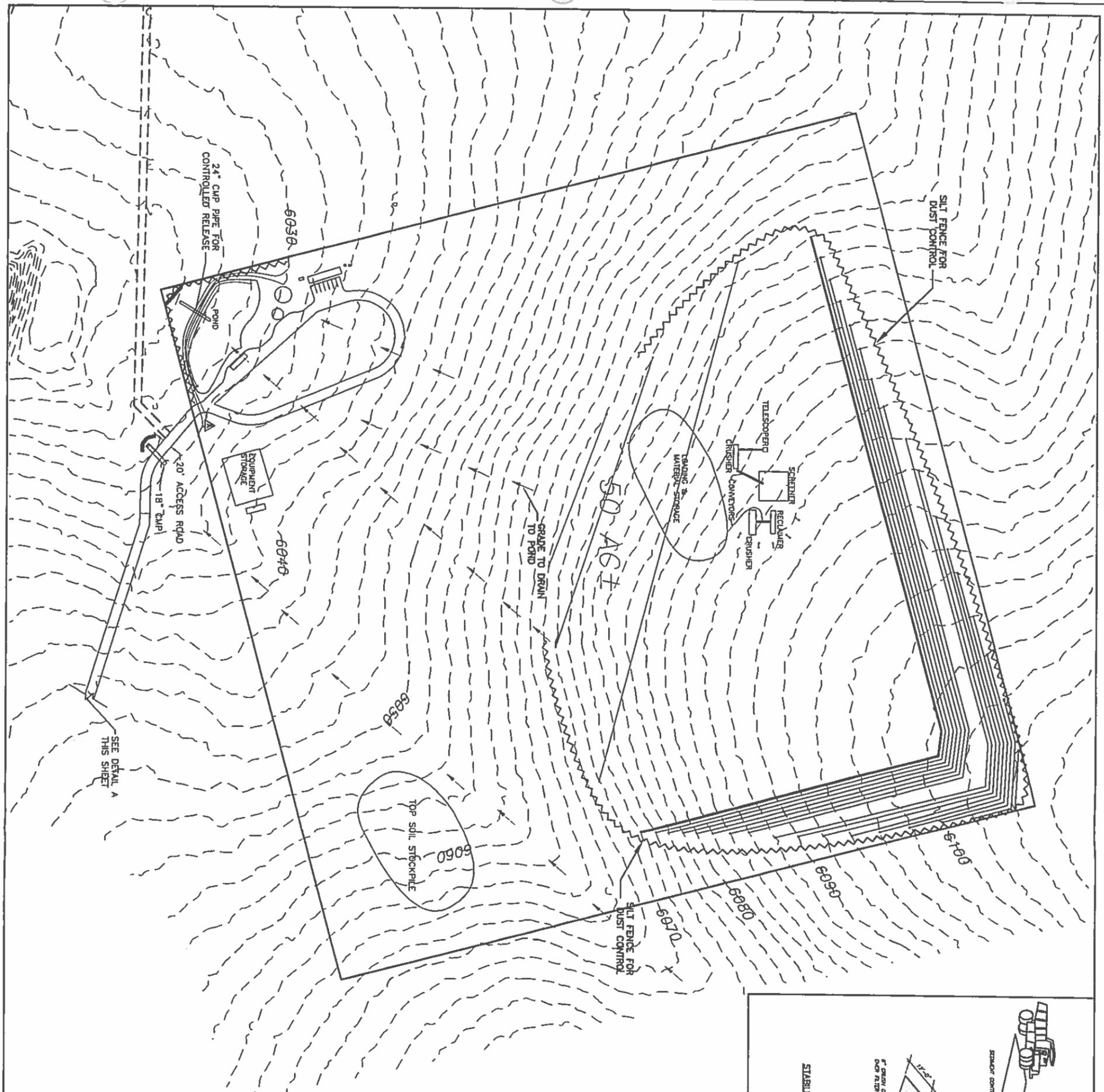
JAMES W. SIEBERT
 AND ASSOCIATES, INC.

115 MONROE STREET • SANTA FE, NEW MEXICO 87505
 (505) 461-5000 FAX (505) 468-7313

MATERIAL EXTRACTION PLAN

RECLAMATION PLAN, PHASE I

SCALE	DATE	NO.
1" = 100'	NOVEMBER 2013	10

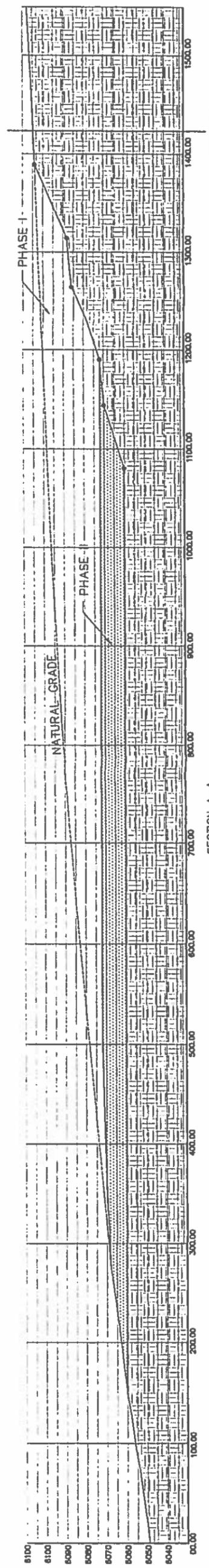
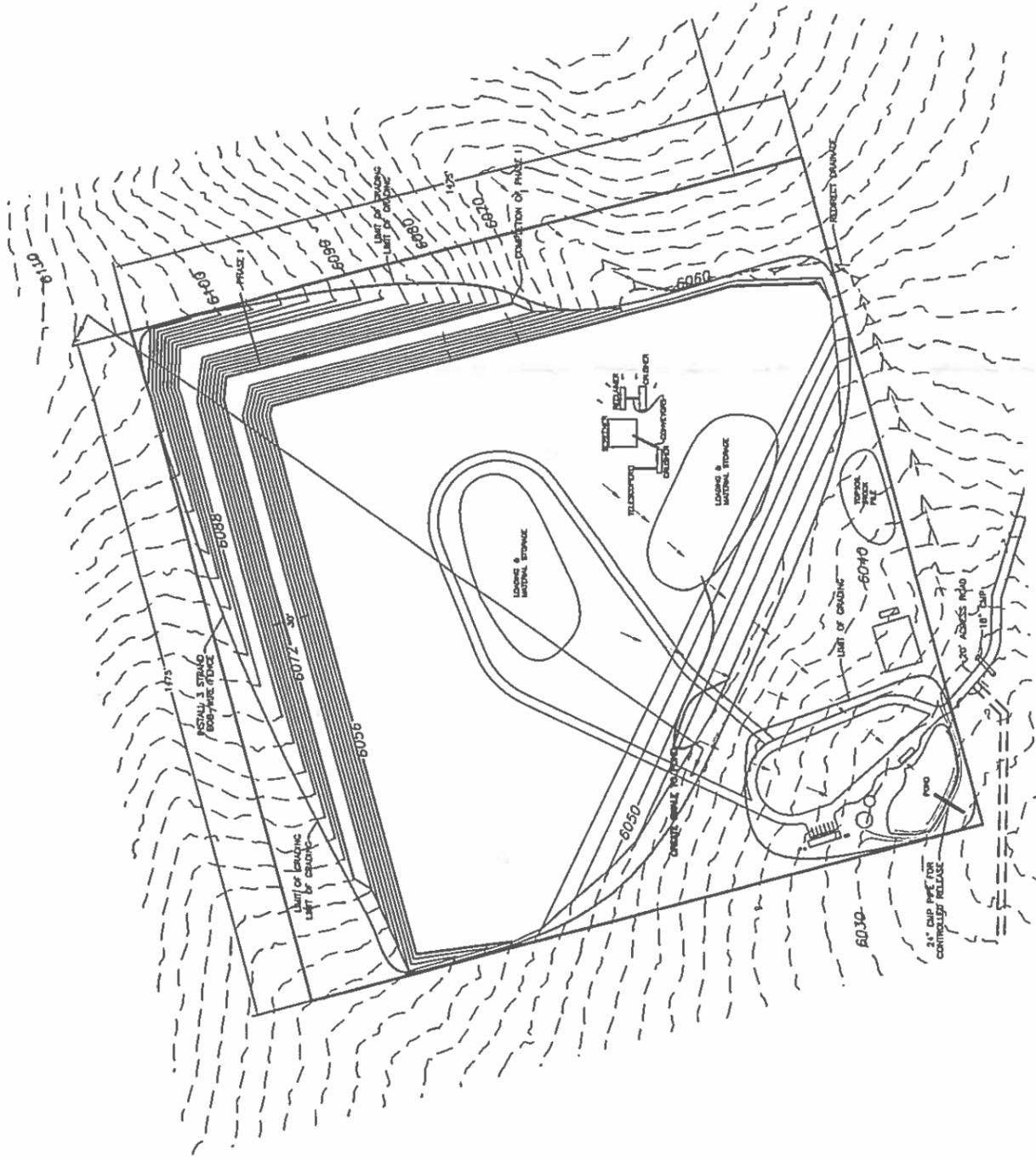


JAMES W. SIEBERT AND ASSOCIATES, INC. 818 KENNEDY STREET • SUITE 700 NEW BRUNSWICK, NJ 08901 (908) 834-3400 FAX (908) 889-2112		MATERIAL EXTRACTION PLAN SWPPP PLAN, PHASE 1	
SCALE	DATE	SCALE	DATE
1" = 100'	NOVEMBER 2013	1" = 100'	NOVEMBER 2013
DRAWN BY: HJP	CHECKED BY: JMS	DRAWN BY: HJP	CHECKED BY: JMS
DESIGNED BY: HJP	DATE: 01/22/2014	DATE: 01/22/2014	DATE: 01/22/2014
SHEET NO. 11		SHEET NO. 11	

N.B.

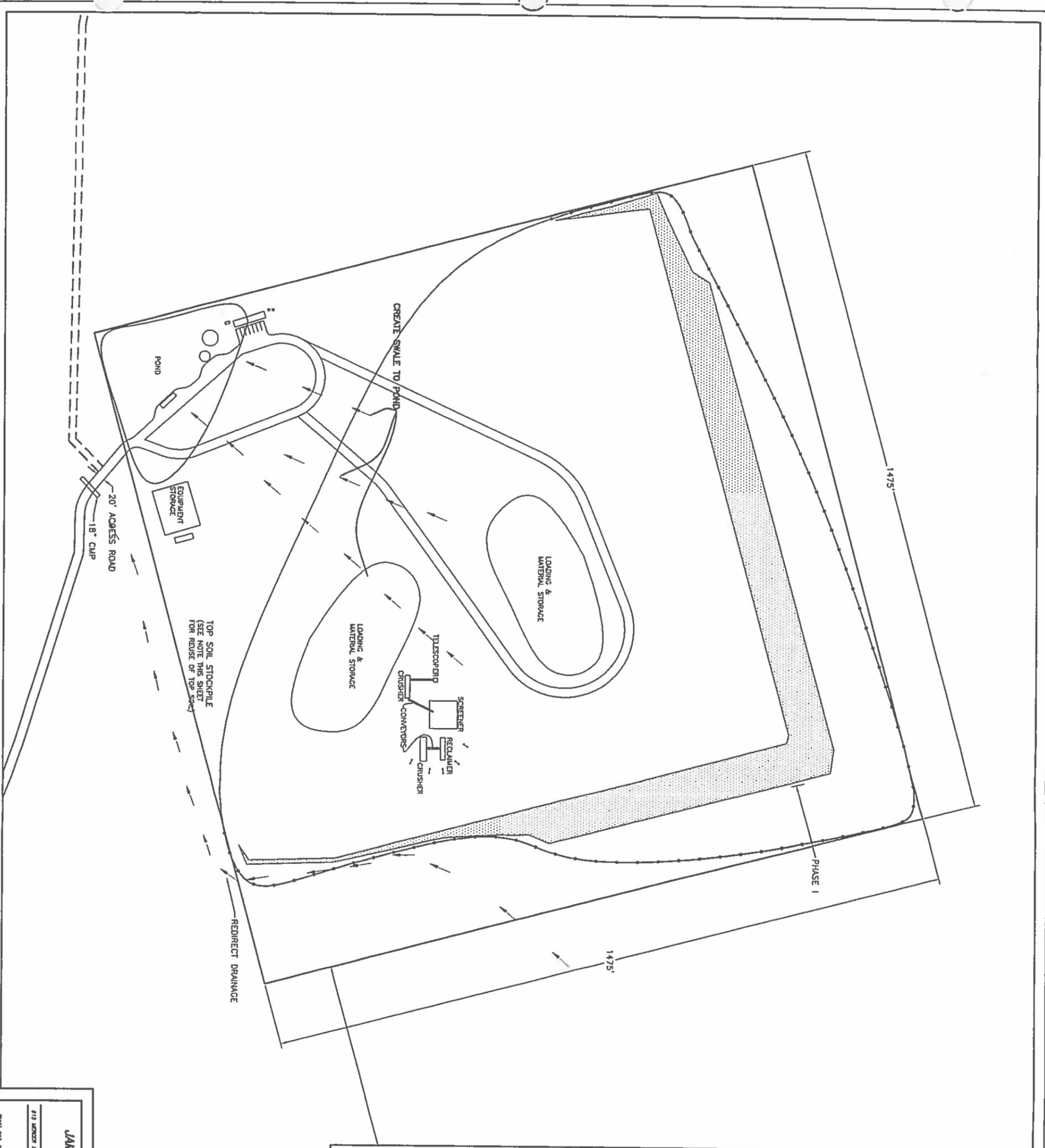
SITE DATA:
 PHASE II: 2021-2025
 ESTIMATE OF MATERIAL REMOVAL: 397,000 CUBIC YARDS
 TOP SOIL STOCK PILE: 11,000 CUBIC YARDS
 AREA OF DISTURBANCE: 38.76 AC±

LEGEND:
 --- DENOTES DRAINAGE
 --- EXISTING CONTOUR
 --- NEW CONTOUR



SECTION A-A
 SCALE: 1:50 VERTICAL, 1:100 HORIZONTAL

JAMES W. SIEBERT AND ASSOCIATES, INC. <small>815 MERCER STREET • SUITE 100 NEW BRUNSWICK, NJ 08901 (908) 844-3300 FAX (908) 844-3303</small>	MATERIAL EXTRACTION PLAN	SCALE: 1" = 150' DRAWN BY: JFS CHECKED BY: JFS	DATE: NOVEMBER 2013 NORTH
	GRADING PLAN, PHASE II	SHEET NO. 12	PROJECT NO. 12-19-2013-31-UN-PROJ-1



SITE DATA:

PHASE II: 2021-2028
 ESTIMATE OF MATERIAL REMOVAL: 327,000 CUBIC YARDS
 TOP SOIL STOCK PILE: 11,000 CUBIC YARDS

LEGEND:

--- DENOTES DRAINAGE

RECLAMATION PROCESS:

PLACE STOCKPILED TOPSOIL ON GRADED AREAS & RESEED AS FOLLOWS:

--- DENOTES AREA TO BE RESEED PER FOLLOWING SEEDING SPECIFICATIONS.

NOTE: RESEEDING TO OCCUR UPON COMPLETION OF EXCAVATION DEPTH FOR PHASE I.

ALL DISTURBED AREAS EXCEPT BUILDING AREAS AND LANDSCAPE PLANTING BEDS (SEE NOTE 1 BELOW) SHALL BE TREATED WITH CLASS "D" SEEDING AND SHALL INCLUDE MOUND RAKING OR CHAIN HARBORING TO COVER SEED TO A MINIMUM OF 1" DEPTH. TOPSOIL SHALL BE APPLIED AS SOON AS POSSIBLE AFTER THE SEED AND FERTILIZER ARE APPLIED. ALL RESTORATION AREAS SHALL BE BARRICDED THE SAME DAY THEY ARE SEED.

SOIL RETENTION BLANKET USED FOR CLASS "D" SEEDING SHALL BE PPS SUPER DUTY, AMERICAN EXCELSION HIGH VELOCITY, NORTH AMERICAN GREEN S-150 OR PPS SUPER SEALS. AMERICAN SHALL BE THE USE OF 8"X12"X"U" RECOMMENDED BY THE MANUFACTURER. BLANKETS SHALL BE LAYED FROM TOP TO BOTTOM ON THE SLOPE WITH SEAMS RUNNING VERTICALLY AND LAPPED AS PER MANUFACTURER'S RECOMMENDATION. BLANKETS SHALL BE INSTALLED ON ALL CUT SLOPES.

PRIOR TO PREPARING SEEDING OPERATIONS ALL WEED SPECIES WHICH MAY HAVE GROWN IN AREAS TO BE SEEDING AND NOT INTERFERE WITH THE SEED WHICH MAKING CONTACT WITH THE SOIL SHALL BE REMOVED.

SEED MIX (CERTIFIED SEED OF NAMED VARIETIES ARE REQUIRED IF AVAILABLE)

SPECIES	DENSITY	LBS. PURE LIVE SEED PER ACRE
BOULIFLOIA GRACILIS (BLUE GRAMA)	HACHITA OR LOWMOTION	2.0
BOULIFLOIA CURTIPENDULA (SIDE OATS GRAMA)	VAUGHN OR WINTER	4.0
ANDROPOGON SCYRAPHIOLUS (LITTLE BLUESTEM)	PASTURA	1.0
HILARIA JAUSSIGALLETIA (HILARIA)	NEW MEXICO REGION	4.0
ANDROPOGON SPERMATOCYDUS (TOWHEE)	NEW MEXICO REGION	0.5
ATROPLEX CANESCENS (TOWHEE)	NEW MEXICO REGION	1.0
FALLUGA PARADOXA (APACHE PLUME)	NEW MEXICO REGION	1.0

FERTILIZER REQUIREMENTS

CULTURAL	ACTUAL MIN POUNDS/ACRE
21-13-0	75
PROANE HAY	1000

SEEDING DATES

RESEEDING WILL OCCUR ONLY DURING THE MONTHS OF JUNE, JULY & AUGUST FOR WARM SEASON SPECIES AND OCTOBER, NOVEMBER & DECEMBER FOR THE COOL SEASON SPECIES. SEEDING SHALL BE PROTECTED FROM LIVESTOCK GRADING UNTIL A VEGETATIVE COVER IS ESTABLISHED.

AFTER INSTALLATION OF SEED, THE RESEEDING AREAS WILL BE WATERED FROM A TANKER TRUCK OR OTHER WATER SOURCE FOR A MINIMUM OF ONE TIME PER WEEK FOR TWO MONTHS. ANY PROPOSED CHANGES OR MODIFICATIONS TO THIS PLAN SHALL BE DISCUSSED WITH THE ENGINEER PRIOR TO MAKING SUCH CHANGES OR MODIFICATIONS.

JAMES W. SIEBERT AND ASSOCIATES, INC.
 815 WILSON STREET • SUITE 101 • NEW JERSEY 07102
 (908) 484-5448 FAX (908) 988-2115

MATERIAL EXTRACTION PLAN

RECLAMATION PLAN, PHASE II

SCALE: 1" = 100'
 DRAWN BY: HJS
 CHECKED BY: JWS
 DATE: NOVEMBER 2013
 REVISION: 00/00/00
 REVISION BY: HJS
 DATE: 01/22/2014

13

NBB

GENERAL NOTES

1. ALL EROSION CONTROL MEASURES SHALL BE MAINTAINED SUCH THAT NO SILT OR SEDIMENT IS PERMITTED TO LEAK INTO THE CREEK. ACCIDENTAL SPILLS OF FLUIDS ARE TO BE CLEANED AND REMOVED FROM THE SITE IMMEDIATELY.
2. SILT FENCES AND STRAW BALES SHALL BE PLACED AND/OR MONITORED AS NEEDED TO PREVENT UNDESIRABLE STORM WATER FROM LEAVING THE CONSTRUCTION SITE.
3. PORTABLE TOILETS SHALL BE PLACED AT LEAST 100 FT FROM AN OPEN DRAINAGE WAY, OR OTHER WATER BODY, AND SHALL BE PROTECTED FROM FLOOD OR SURROUNDING WATER BY A LEAK-PROOF BARRIER TO PREVENT SPILLS OF FUEL OR LUBRICANTS FROM THE TOILETS.
4. SPECIAL CONSIDERATIONS:
 - a. ALL EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 - b. ALL EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 - c. ALL EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
5. SPECIAL CONSIDERATIONS:
 - a. ALL EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 - b. ALL EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 - c. ALL EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.

STABILIZED CONSTRUCTION ENTRANCE

PURPOSE: STABILIZING THE POINT OF ACCESS TO THE CONSTRUCTION SITE AND PREVENTING THE TRACKING OF MUD AND DIRT ONTO PUBLIC ROADS BY CONSTRUCTION VEHICLES.

APPLICATION: ON SITE WHERE TRACKING ONTO PAVED ROADS FROM DIRT SUB-GRADE IS A POTENTIAL PROBLEM. REVIEW SITE CONDITIONS FOR NEED AND DESIGN.

INSTALLATION: PROTECT GRADE ENTRANCE TO PREVENT MUD FROM CONSTRUCTION SITE. ROUTE MUD FROM STABILIZED ENTRANCE THROUGH A STRAW BALE ENTRANCE TO A STRAW BALE ENTRANCE. STRAW BALES SHALL BE PLACED AND/OR MONITORED AS NEEDED TO PREVENT UNDESIRABLE STORM WATER FROM LEAVING THE CONSTRUCTION SITE.

INSPECTION: INSPECT REGULARLY FOR DAMAGE OR INTERFERENCES. REPAIR AS NEEDED. DRAINAGE ENTRANCE SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD. MAINTAIN TRACKING RANGES MAINT.

STABILIZED CONSTRUCTION ENTRANCE DETAIL

STRAW BALE INSTALLATION

SILT FENCE INSTALLATION

WADDE INSTALLATION

STRAW BALE INSTALLATION - CROSS SECTION

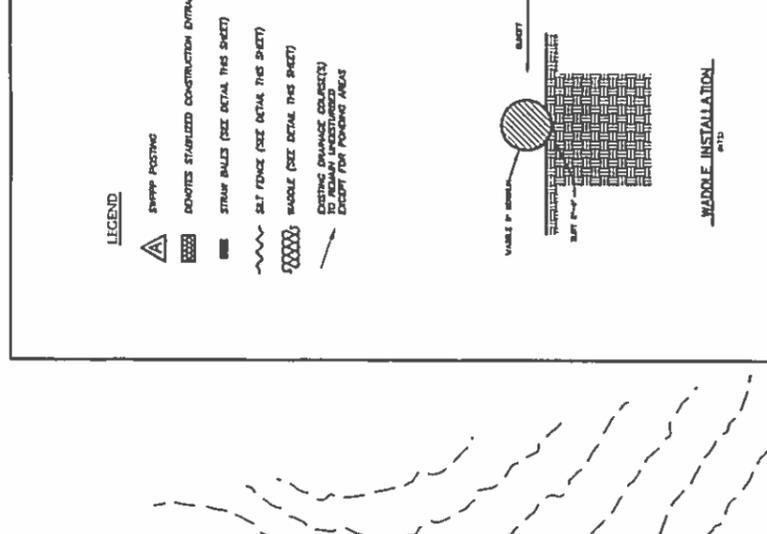
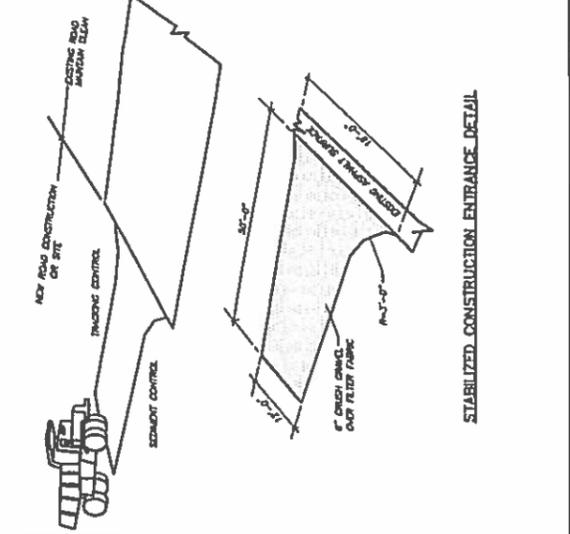
PROPERTY-LINE

24" ASPHALT SURFACE

STABILIZED CONSTRUCTION ENTRANCE

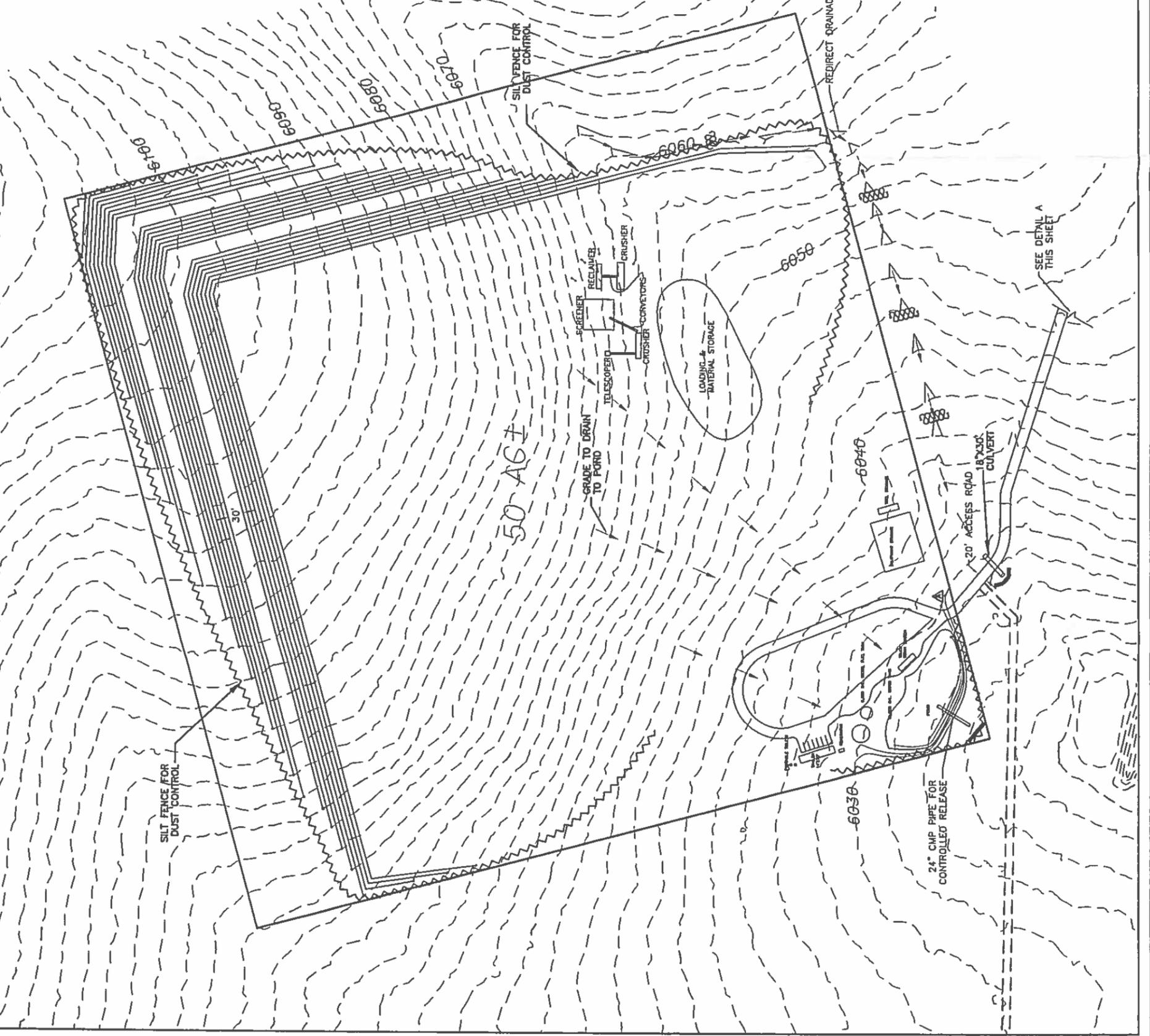
STRUCT ASPHALT SURFACE - PER COUNTY STANDARDS

DETAIL A



LEGEND

- SWPPP POSTING
- QUOTES STABILIZED CONSTRUCTION ENTRANCE
- STRAW BALES (SEE DETAIL THIS SHEET)
- SILT FENCE (SEE DETAIL THIS SHEET)
- WADDE (SEE DETAIL THIS SHEET)
- EXISTING DRAINAGE CONDUIT EXCEPT FOR PONDING AREAS
- VALUES IN PARENTHESES ARE TO BE USED UNLESS OTHERWISE NOTED



SITE DATA:
 PHASE II:
 ESTIMATE OF MATERIAL REMOVAL: 543,000 CUBIC YARDS

LEGEND:
 - - - - - DENOTES DRAINAGE

RECLAMATION PROCESS:
 PLACE STOCKPILED TOPSOIL ON GRADED AREAS & RESEED AS FOLLOWS:

□ DENOTES AREA TO BE RESEED PER FOLLOWING SEEDING SPECIFICATIONS.

ALL DISTURBED AREAS EXCEPT BUILDING AREAS AND LANDSCAPE PLANTING AREAS SHALL BE RESEED WITH CLASS 70 SEEDING AND SHALL INCLUDE HAND RAKING OR CHAIN HARROWING TO COVER SEED TO A DEPTH OF 1/4" TO 1/2". BLANKETS SHALL BE APPLIED AS SOON AS POSSIBLE AFTER THE SEED AND FERTILIZER ARE APPLIED. ALL REVEGETATED AREAS SHALL BE BLANKETED THE SAME DAY THEY ARE SEED.

SOL RETENTION BLANKET USED FOR CLASS 70 SEEDING SHALL BE PPS SUPER DUTY AMERICAN EXCELSEOR HIGH VELOCITY, NORTH AMERICAN GREEN S-150 OR APPROVED EQUAL. ANCHORING SHALL BE BY THE USE OF 8"x1" 70# 3/4" SHAPED STEEL STAPLES OF 0.91 MINIMUM DIAMETER AND SPACED AS RECOMMENDED BY THE MANUFACTURER. BLANKETS SHALL BE LAID FROM TOP TO BOTTOM ON THE SLOPE WITH SEAMS RUNNING VERTICALLY AND LAPPED AS PER MANUFACTURER'S RECOMMENDATION. BLANKETS SHALL BE INSTALLED ON ALL SLOPES.

PRIOR TO PERFORMING SEEDING OPERATIONS ALL WEED SPECIES WHICH MAY HAVE GROWN IN AREAS TO BE SEEDING AND WILL INTERFERE WITH THE SEED MULCH MAKING CONTACT WITH THE SOIL SHALL BE REMOVED.

SEED MIX (CERTIFIED SEED OF NAMED VARIETIES ARE REQUIRED IF AVAILABLE)

SEEDS	GENUS	LBLS PURE LIVE SEED PER AC±
BOUTELOUA GRACILIS (BLUE GRAMA)	HACHITA OR LOMAXTON	2.0
BOUTELOUA CURTIPENDULA (SIDE GATS GRAMA)	VALUGHN OR WYLER	4.0
SPOROBOLUS AIROIDES (LITTLE BLUESTEM)	PASTURA	1.0
HECTEGRA JAMESII (GALLETIA)	YUMA	4.0
SPOROBOLUS AIROIDES (ALMAU SACATON)	NEW MEXICO REGION	0.5
ATRIPLAX CANESCENS (FOUNTAIN BUSH)	NEW MEXICO REGION	1.0
FALLOPICA PARADOXA (PAPAPE PEUQUE)	NEW MEXICO REGION	1.0

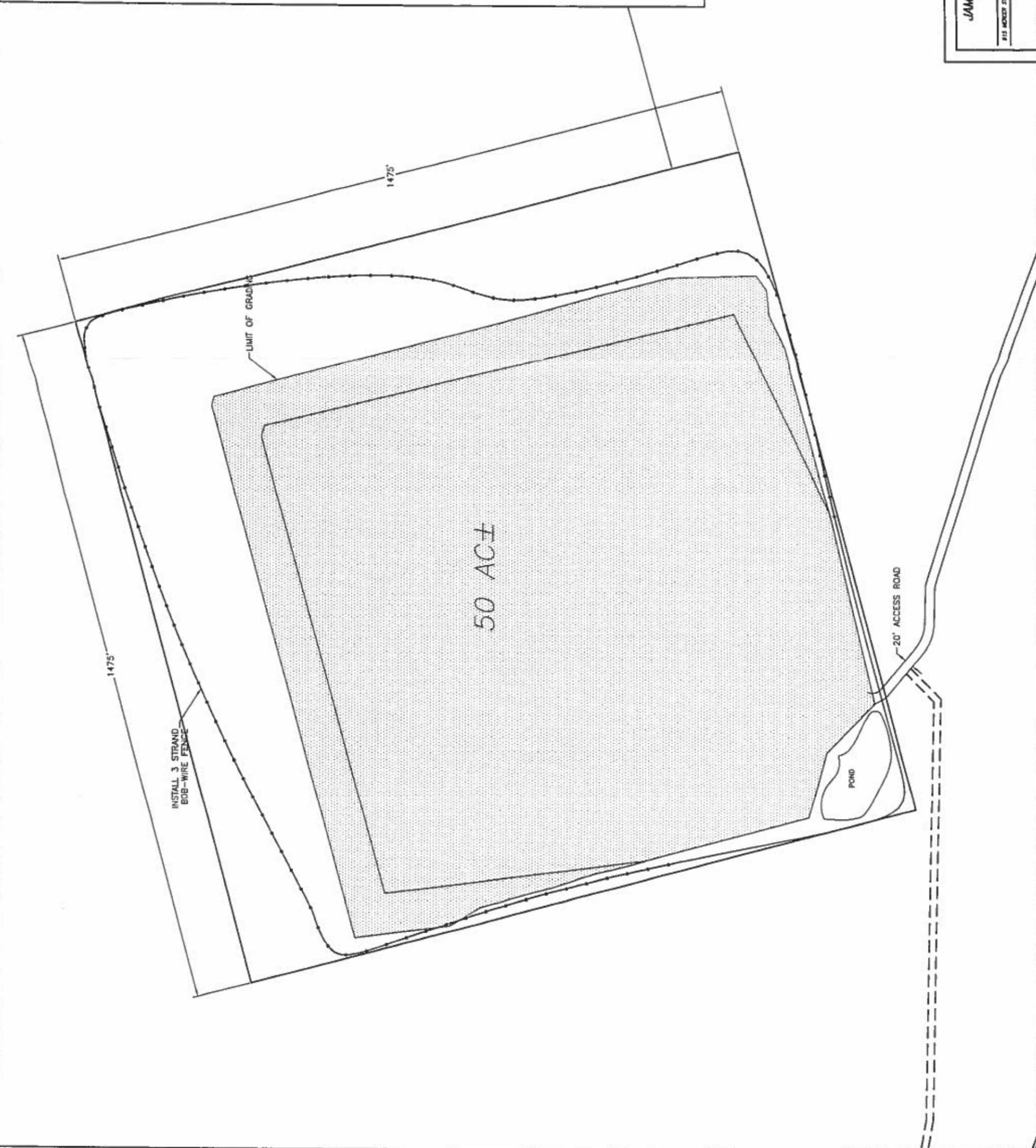
FERTILIZER REQUIREMENTS

CHEMICAL	ACTUAL MIX DOUNDS/AC±
21-11-0	75
PRAGRE HAY	1000

SEEDING DATES:
 RESEEDING WILL OCCUR ONLY DURING THE MONTHS OF JUNE, JULY & AUGUST FOR WARM SEASON SPECIES AND OCTOBER, NOVEMBER & DECEMBER FOR THE COOL SEASON SPECIES. SEEDING AREAS WILL BE PROTECTED FROM LIVESTOCK GRAZING UNTIL A VEGETATIVE COVER IS ESTABLISHED.

WATERING:
 AFTER INSTALLATION OF SEED, THE REVEGETATING AREAS WILL BE WATERED FROM A TANKER TRUCK OR OTHER WATER SOURCE FOR A MINIMUM OF ONE TIME PER WEEK FOR TWO MONTHS.

ANY PROPOSED CHANGES OR MODIFICATIONS TO THIS PLAN SHALL BE DISCUSSED WITH THE ENGINEER PRIOR TO MAKING SUCH CHANGES OR MODIFICATIONS.



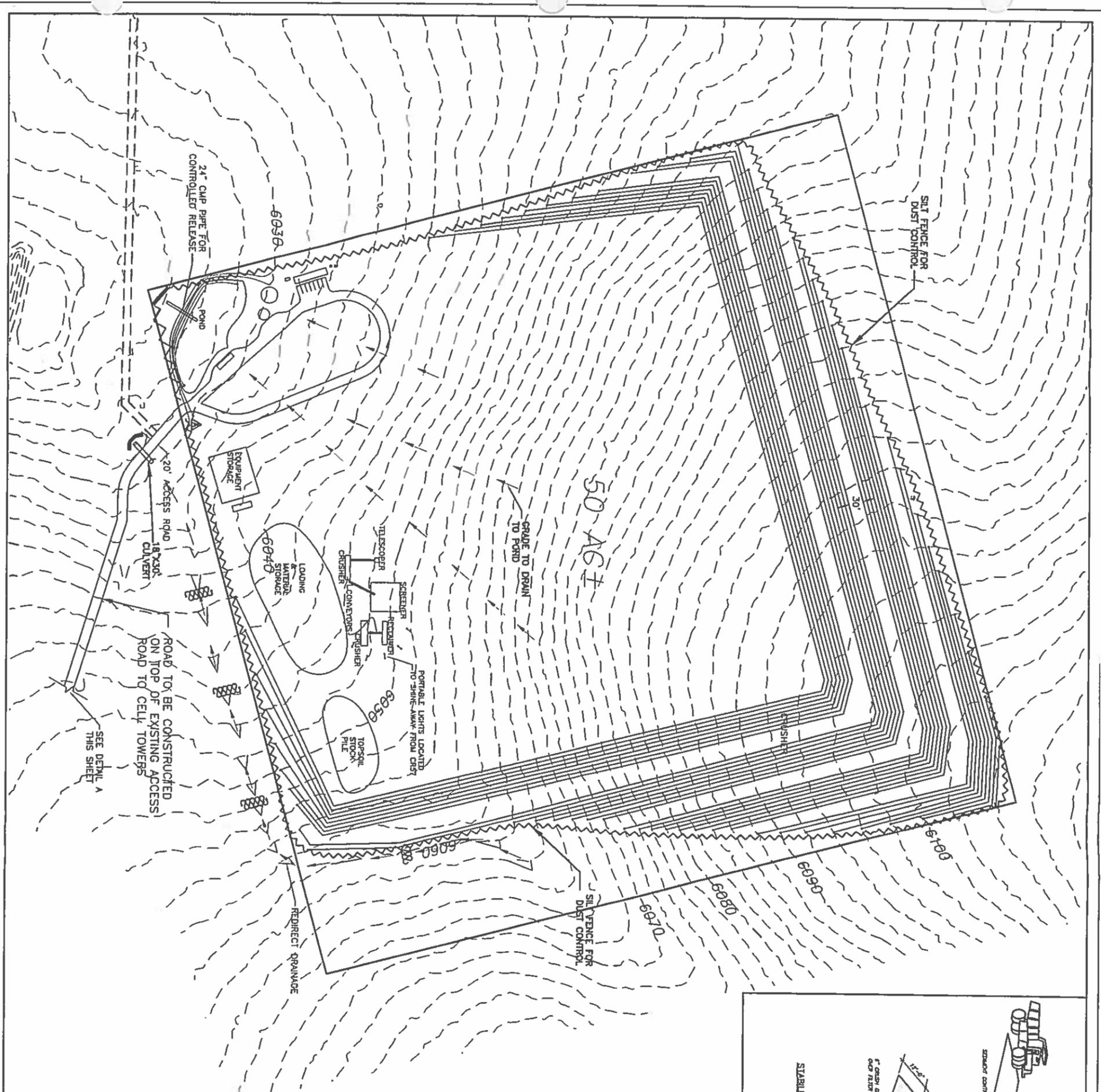
JAMES W. SIEBERT AND ASSOCIATES, INC.
 813 WOODRIDGE STREET • SUITE 100 • NEW ALBANY, IN 46150
 (317) 941-3888 FAX (317) 948-7312

MINERAL EXTRACTION PLAN

RECLAMATION PLAN, PHASE III

DATE: NOVEMBER 2013
 CHECKED BY: JWS
 SCALE: 1" = 100'
 DRAWN BY: JWP
 REVISION: 00/00/00
 APPROVED BY: [Signature]
 DATE: 01/22/2014

NO. 16



GENERAL NOTES

1. ALL CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
2. ALL FENCES AND STRAW BALE WALLS SHALL BE PLACED AND/OR LAYED AS SHOWN TO PREVENT DUST FROM LEAVING THE CONSTRUCTION SITE.
3. PORTABLE TOILETS SHALL NOT BE PLACED WITHIN 100 FEET OF ANY WATER BODY, OR OTHER SENSITIVE AREA, OR IN ANY OTHER AREA AS DETERMINED BY THE LOCAL HEALTH DEPARTMENT.
4. ALL MATERIALS TO BE STORED ON THE SITE SHALL BE COVERED TO PREVENT DUST FROM LEAVING THE CONSTRUCTION SITE.
5. ALL MATERIALS TO BE STORED ON THE SITE SHALL BE STORED IN A MANNER THAT PREVENTS DUST FROM LEAVING THE CONSTRUCTION SITE.
6. ALL MATERIALS TO BE STORED ON THE SITE SHALL BE STORED IN A MANNER THAT PREVENTS DUST FROM LEAVING THE CONSTRUCTION SITE.
7. ALL MATERIALS TO BE STORED ON THE SITE SHALL BE STORED IN A MANNER THAT PREVENTS DUST FROM LEAVING THE CONSTRUCTION SITE.
8. ALL MATERIALS TO BE STORED ON THE SITE SHALL BE STORED IN A MANNER THAT PREVENTS DUST FROM LEAVING THE CONSTRUCTION SITE.
9. ALL MATERIALS TO BE STORED ON THE SITE SHALL BE STORED IN A MANNER THAT PREVENTS DUST FROM LEAVING THE CONSTRUCTION SITE.
10. ALL MATERIALS TO BE STORED ON THE SITE SHALL BE STORED IN A MANNER THAT PREVENTS DUST FROM LEAVING THE CONSTRUCTION SITE.

STABILIZED CONSTRUCTION ENTRANCE

STABILIZED CONSTRUCTION ENTRANCE DETAIL

LEGEND

- ▲ STUMP POSITIVE
- ▨ STABILIZED CONSTRUCTION ENTRANCE
- ▨ STRAW BALE WALL (SEE DETAIL THIS SHEET)
- ▨ SILT FENCE (SEE DETAIL THIS SHEET)
- ▨ ROAD (SEE DETAIL THIS SHEET)
- ▨ EXISTING DRAINAGE (CONCRETE) (SEE DETAIL THIS SHEET)
- ▨ EXISTING DRAINAGE (GRAVEL) (SEE DETAIL THIS SHEET)

WOODPILE INSTALLATION

STRAW BALE INSTALLATION

SILT FENCE INSTALLATION

PROPERTY-LINE

24\"/>

JAMES W. SIEBERT AND ASSOCIATES, INC.		MATERIAL EXTRACTION PLAN	
6115 LINDEN STREET • SUITE 107 NEW HAVEN, CT 06511 (203) 841-5338 FAX (203) 848-2113		NOVEMBER 2013	
DRAWN BY: JWS		CHECKED BY: JWS	
DATE: 02/20/00		DATE: 01/22/2014	
PROJECT: STORM WATER POLLUTION PREVENTION PLAN, PHASE III		SHEET: 17	

NBB

CONSTRUCTION ACTIVITIES

STORM WATER FROM CONSTRUCTION SITES CAN BE MAJOR CAUSE OF WATER POLLUTION. STORM WATER INCLUDES RAINFALL, MELTING SNOW, SURFACE RUNOFF AND DRAINAGE, AND RAINFALL OR SNOWMELT FROM AN ADJACENT SITE RUNNING ONTO OR THROUGH A CONSTRUCTION SITE. POLLUTION IN STORM WATER CAN INCLUDE SOIL, SAND, NATURAL DEBRIS (LEAVE, GRASS, ETC.), CONSTRUCTION DEBRIS (WOODCHIPS, INSULATION SCRAPS, CEMENT), AND CHEMICALS (FUEL, OIL, LUBRICANTS, PAINT, TAR, ETC.).

WHEN SOIL, VEGETATIVE COVER, TREE CANOPIES, ETC. ARE DISTURBED ON A CONSTRUCTION SITE, SOIL IS LOOSENEED, MAKING IT EASIER FOR STORM WATER TO CARRY THE SOIL OFF THE SITE, ALONG WITH ANY DEBRIS OR CHEMICALS ON THE SOIL. ADDITIONALLY, ANY NEW OR EXISTING PAVED SURFACES ON WHICH DIRT AND DEBRIS ARE TRACKED, OR ON WHICH CONSTRUCTION DEBRIS OR CHEMICALS ARE STORED OR SPILLED, MAKE IT EASIER FOR STORM WATER TO COLLECT AND CARRY THOSE MATERIALS OFF THE SITE.

ONCE STORM WATER LEAVES A SITE, IT CAN RUN DIRECTLY INTO A RIVER OR LAKE, OR CAN BE CARRIED TO A RIVER OR LAKE THROUGH AN ARROYO, DITCH, STORM SEWER, OR OTHER CONVEYANCE. IF THE STORM WATER IS POLLUTED, IT WILL CARRY THOSE POLLUTANTS INTO THE RECEIVING WATERS AND DEGRADE THE QUALITY OF THAT WATER.

THE THREE MAIN GOALS OF THE NPDES PERMITTING PROGRAM FOR STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITIES ARE TO REDUCE EROSION, MINIMIZE SEDIMENTATION, AND CONTROL THE DISCHARGE OF NON-STORM WATER POLLUTANTS.

SWPPP

DESCRIPTION

THE SWPPP IS A DOCUMENT THAT DEFINES THE CONSTRUCTION ACTIVITIES AND BMPs/CONTROLS TO BE EMPLOYED TO CONTROL THE RELEASE OF POLLUTION FROM THE CONSTRUCTION SITE. THE SWPPP CONSISTS OF TWO COMPONENTS: A NARRATIVE DESCRIPTION OF THE PROJECT AND A DRAWING OF THE SITE SHOWING THE LIMITS OF SOIL DISTURBANCE, STORM WATER DRAINAGES, AND LOCATIONS AND TYPES OF BMPs/CONTROLS.

THE SWPPP IDENTIFIES THE TECHNIQUES THAT THE OPERATOR WILL USE TO REDUCE SITE EROSION AND SEDIMENT LOSS, AND MANAGE CONSTRUCTION-RELATED WASTES. IT IDENTIFIES THE MAINTENANCE PROCEDURES THAT THE OPERATOR WILL PERFORM TO PRESERVE THE EFFICIENCY OF THE TECHNIQUE USED. THE SWPPP MUST CLEARLY DESCRIBE THE CONTROL MEASURES, THE TIMING AND SEQUENCE OF IMPLEMENTATION AND WHICH PERMITTEE (CONTRACTOR) IS RESPONSIBLE FOR IMPLEMENTATION AND MAINTENANCE OF THE CONTROL MEASURES.

THE SWPPP IS VERY LIKELY TO CHANGE DURING THE COURSE OF CONSTRUCTION DUE TO VARIATIONS IN CONSTRUCTION TECHNIQUES AND/OR SITE CONDITIONS. IN ORDER TO MAINTAIN THE EFFECTIVENESS OF THE ORIGINAL SWPPP DESIGN, THESE MODIFICATIONS SHOULD BE MADE BY PERSONNEL EXPERIENCED IN THE DESIGN OF EROSION AND SEDIMENT CONTROL SYSTEMS. THE EPA REQUIRES THAT THE SWPPP DOCUMENTS BE UPDATED WITHIN SEVEN DAYS OF ANY CHANGE IN THE POLLUTION PREVENTION SYSTEMS EMPLOYED ON THE SITE.

RETENTION OF RECORDS

AS PART OF THE GENERAL PERMIT, THE SWPPP AND SUPPORTING DOCUMENTATION MUST BE RETAINED FOR A PERIOD OF THREE YEARS AFTER THE COMPLETION OF THE PROJECT. THIS IS TO PROTECT THE OWNER/OPERATOR OF THE SITE FROM FUTURE CLAIMS CONCERNING WATER QUALITY AND MEASURES IMPLEMENTED AT THE SITE. IT IS RECOMMENDED THAT EACH OF THE OWNER/OPERATORS MAINTAINS COPY OF THE SWPPP FOR THE THREE-YEAR PERIOD TO PROTECT AGAINST POTENTIAL LAWSUITS.

THE PERMITTEE MUST ADHERE TO GENERAL COMPLIANCE REQUIREMENTS ESTABLISHED IN THE NPDES GENERAL PERMIT. THE PROGRAM IS INTENDED TO BE SELF-REGULATING AND REQUIRES THE PERMITTEE TO PREPARE AND IMPLEMENT THE PROJECT SWPPP. DURING THE CONSTRUCTION PHASE, THE PERMITTEE IS RESPONSIBLE FOR:

- MAINTAINING A COPY OF THE SWPPP ONSITE
- INSPECTING THE SITE TO ENSURE THAT SWPPP IMPROVEMENTS ARE IN PLACE AND FUNCTIONAL
- REVISING THE SWPPP AS SITE CONDITIONS AND CONSTRUCTION ACTIVITIES CHANGE
- MAINTAINING TEMPORARY EROSION AND SEDIMENT CONTROLS AND HOUSEKEEPING MEASURES
- KEEPING RECORDS

EACH CONSTRUCTION PROJECT WILL VARY IN SCOPE AND RESPONSIBLE PARTIES. FOR THE PURPOSE OF POLLUTION CONTROLS FOR STORM WATER DISCHARGES, THE CONSTRUCTION PROJECT SITE AND CONSTRUCTION ACTIVITIES TO BE COVERED BY THE SWPPP INCLUDE:

- AREAS CLEARED OR DISTURBED FOR INSTALLATION OF IMPROVEMENTS
- AREAS CLEARED FOR CONSTRUCTION ACTIVITIES, SUCH AS TEMPORARY CONSTRUCTION YARDS, MATERIAL STORAGE, AND PREPARATION AREAS
- ONSITE AND OFFSITE AREAS EXCAVATED FOR FILL OR BORROW MATERIAL
- DISPOSAL AREAS, WHEN NOT WITHIN A CONTROLLED LANDFILL
- TRANSPORTATION OF LOOSE FILL, MATERIALS, OR DEBRIS TO AND FROM THE SITE

(A) CERTIFY THE SWPPP

CONSTRUCTION ACTIVITIES OFTEN HAVE A NUMBER OF DIFFERENT SHORT-TERM CONTRACTORS AND SUBCONTRACTORS COMING ONSITE DURING EACH TERM OF THE PROJECT DEVELOPMENT. THE EPA GENERAL PERMIT REQUIRES THAT THE CONTRACTORS AND SUBCONTRACTORS BE RESPONSIBLE FOR IMPLEMENTING MEASURES IN THE SWPPP BE LISTED IN THE PLAN, AND THAT THEY SIGN A CERTIFICATION STATEMENT THAT THEY UNDERSTAND THE PERMITS REQUIREMENTS. THIS REQUIREMENT HOLDS EACH CONTRACTOR/SUBCONTRACTOR RESPONSIBLE FOR CERTAIN PERMIT CONDITIONS.

THE SWPPP SHOULD IDENTIFY THE AUTHORIZED REPRESENTATIVE. THE AUTHORIZED REPRESENTATIVE SHOULD BE SOMEONE AT OR NEAR THE TOP OF THE MANAGEMENT CHAIN, SUCH AS THE PRESIDENT, VICE PRESIDENT, OR A GENERAL PARTNER, WHO HAS BEEN DELEGATED THAT AUTHORITY TO SIGN AND CERTIFY THIS TYPE OF DOCUMENT. IN SIGNING THE PLAN, THE AUTHORIZED REPRESENTATIVE CERTIFIES THAT THE INFORMATION IS TRUE, AND ASSUMES LIABILITY FOR THE PLAN. PLEASE NOTE THAT SECTION 309 OF THE CWA PROVIDES FOR SIGNIFICANT PENALTIES (SEE APPENDIX C4) WHERE INFORMATION IS FALSE OR WHERE THE PERMITTEE VIOLATES, EITHER KNOWINGLY OR NEGLIGENTLY, PERMIT REQUIREMENTS.

(B) SUBMIT THE NOI

THE GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITIES REQUIRES THAT AN NOI BE SUBMITTED AT LEAST 48 HOURS BEFORE CONSTRUCTION ACTIVITIES BEGIN. THE NOI IS ESSENTIALLY AN APPLICATION AND CONTAINS IMPORTANT INFORMATION ABOUT THE SITE, INCLUDING SITE LOCATION, OWNER INFORMATION, OPERATOR (GENERAL CONTRACTOR) INFORMATION, RECEIVING WATER(S), EXISTING NPDES PERMIT NUMBER (IF ANY), EXISTING QUANTITATIVE DATA, AND A BRIEF DESCRIPTION OF THE PROJECT.

EPA HAS DEVELOPED A ONE-PAGE NOI FORM TO BE USED FOR CONSTRUCTION ACTIVITIES. (SEE FIGURE 1-2 AND APPENDIX B1.) THIS FORM INDICATES ALL THE INFORMATION REQUIRED TO BE PROVIDED AND MUST BE USED IN ORDER FOR THE NOI TO BE PROCESSED CORRECTLY. NOIs FOR THE EPA GENERAL PERMIT WILL BE SUBMITTED DIRECTLY TO EPA'S CENTRAL PROCESSING CENTER AT THE FOLLOWING ADDRESS:

STORM WATER NOTICE OF INTENT (4203)
U.S. ENVIRONMENTAL PROTECTION AGENCY
401 M. STREET, SW
WASHINGTON, D.C. 20460

THE PARTY OR PARTIES WHO HAVE DAY-TO-DAY RESPONSIBILITIES FOR SITE OPERATIONS, AND THE PARTY OR PARTIES WHO HAVE CONTROL OVER THE DESIGN AND SPECIFICATIONS NECESSARY TO ENSURE COMPLIANCE WITH SWPPP REQUIREMENTS AND PERMIT CONDITIONS, MUST SUBMIT AN NOI. IT IS ANTICIPATED THAT THERE WILL BE PROJECTS WHERE MORE THAN ONE ENTITY (E.G., THE OWNER OR GENERAL CONTRACTOR) WILL EACH NEED TO SUBMIT AN NOI.

I.D.2.G CONSTRUCTION/IMPLEMENTATION

ONCE AN SWPPP HAS BEEN PREPARED AND AN NOI HAS BEEN FILED, PROJECT CONSTRUCTION MAY BEGIN. HOWEVER, NOT ALL REQUIREMENTS OF THE PERMIT HAVE BEEN MET. THE CONSTRUCTION/IMPLEMENTATION PHASE INCLUDES THE FOLLOWING:

(A) IMPLEMENT CONTROLS

THE FIRST ACTION THAT SHOULD BE TAKEN IS TO CONSTRUCT OR PERFORM THE CONTROLS THAT WERE SELECTED FOR THE SWPPP. THE CONTROLS SHOULD BE CONSTRUCTED OR APPLIED IN ACCORDANCE WITH STATE OR LOCAL SPECIFICATIONS. IF THERE ARE NO STATE OR LOCAL SPECIFICATIONS FOR CONTROL MEASURES, THEN THE CONTROLS SHOULD BE CONSTRUCTED IN ACCORDANCE WITH GOOD ENGINEERING PRACTICES. THE CONTROLS SHOULD BE CONSTRUCTED AND THE STABILIZATION MEASURES SHOULD BE APPLIED IN THE ORDER INDICATED IN THE SEQUENCE OF MAJOR ACTIVITIES.

TO ENSURE THAT CONTROLS ARE ADEQUATELY IMPLEMENTED, IT IS IMPORTANT THAT THE WORK CREWS WHO INSTALL THE MEASURES ARE EXPERIENCED AND/OR ADEQUATELY TRAINED. IMPROPERLY INSTALLED CONTROLS CAN HAVE LITTLE OR NO EFFECT AND MAY ACTUALLY INCREASE THE POLLUTION OF STORM WATER. IT IS ALSO IMPORTANT THAT ALL OTHER WORKERS ON THE CONSTRUCTION SITE BE MADE AWARE OF THE CONTROLS SO THAT THEY DO NOT INADVERTENTLY DISTURB OR REMOVE THEM.

(B) IMPLEMENT AND DOCUMENT TRAINING PROGRAMS FOR ONSITE INSPECTORS

IT IS THE RESPONSIBILITY OF THE OPERATOR TO PROVIDE TRAINED INSPECTORS AND TRAINING OF NEW INSPECTORS.

(C) INSPECT AND MAINTAIN CONTROLS

AS DISCUSSED PREVIOUSLY, INSPECTION AND MAINTENANCE OF THE PROTECTIVE MEASURES THAT ARE PART OF THIS PLAN ARE AS IMPORTANT TO POLLUTION PREVENTION AS PROPER PLANNING, DESIGN/SELECTION, AND INSTALLATION.

INSPECTION - THE EPA GENERAL PERMIT REQUIRES INSPECTION EVERY 14 DAYS OR WITHIN 24 HOURS OF A STORM OF 0.5 INCH OR GREATER. ALL DISTURBED AREAS OF THE SITE, AREAS OF MATERIAL STORAGE AND ALL OF THE EROSION AND SEDIMENT CONTROLS THAT WERE IDENTIFIED AS PART OF THE PLAN, SHOULD BE INSPECTED. CONTROLS MUST BE IN GOOD OPERATING CONDITION UNTIL THE AREAS THEY PROTECT HAVE BEEN COMPLETELY STABILIZED AND THE CONSTRUCTION ACTIVITY IS COMPLETE.

MAINTENANCE/REPAIRS - THE INSPECTOR SHOULD NOTE ANY DAMAGE OR DEFICIENCIES IN THE CONTROL MEASURES ON THE INSPECTION REPORT FORMS PROVIDED FOR THIS PURPOSE (FIGURE 1-5 AND 1-6 AND APPENDIX B1). THESE REPORTS DOCUMENT THE INSPECTION OF THE POLLUTION PREVENTION MEASURES. THESE SAME FORMS CAN BE USED TO REQUEST MAINTENANCE AND REPAIR AND TO PROVE THAT INSPECTION AND MAINTENANCE WERE PERFORMED. THE OPERATOR SHOULD CORRECT DAMAGE OR DEFICIENCIES AS SOON AS PRACTICABLE AFTER THE INSPECTION, AND ANY CHANGES THAT MAY BE REQUIRED TO CORRECT DEFICIENCIES IN THE SWPPP SHOULD BE MADE AS SOON AS PRACTICABLE AFTER THE INSPECTION.

I.B.2.D. SPILL NOTIFICATION

THE GENERAL PERMIT ALLOWS FOR STORM WATER DISCHARGE FROM CONSTRUCTION SITES ONLY. DISCHARGES OF OTHER SUBSTANCES FROM CONSTRUCTION ACTIVITIES OR FROM OPERATIONS ON A SITE DURING CONSTRUCTION ARE NOT PERMITTED. (SEE APPENDIX C2, PROHIBITION OF NON-STORM WATER DISCHARGES, FEDERAL REGISTER VOLUME 63, NO. 128, JULY 6, 1998, NOTICES, PP. 35506-36501.) IN THE EVENT OF A SPILL OF A HAZARDOUS SUBSTANCE, THE OPERATOR IS REQUIRED TO NOTIFY THE NATIONAL RESPONSE CENTER (NRC) AT (800) 424-8802, THE NEW MEXICO ENVIRONMENTAL DEPARTMENT (NMED) AT (505) 827-9392, AND THE LOCAL FIRE DEPARTMENT TO PROPERLY REPORT THE SPILL. A WRITTEN DESCRIPTION OF THE RELEASE MUST BE PROVIDED TO THE EPA REGIONAL OFFICE, WHICH INCLUDES THE DATE AND CIRCUMSTANCES OF THE RELEASE, MITIGATION MEASURES, AND STEPS TAKEN TO PREVENT ANOTHER RELEASE. IN ADDITION, THE SWPPP MUST BE REVISED WITHIN 14 CALENDAR DAYS AFTER THE RELEASE TO REFLECT THE RELEASE, STATING THE TYPE AND QUANTITY OF MATERIAL RELEASED, THE DATE OF THE RELEASE, THE CIRCUMSTANCES OF THE RELEASE, AND ACTIONS TO BE TAKEN TO PREVENT FURTHER SPILLS.

IF FUELS, OILS, OR OTHER SUBSTANCES ARE TO BE PRESENT ONSITE, IT IS IMPERATIVE THAT CLOSED CONTAINERS BE PROVIDED ALONG WITH SECONDARY CONTAINMENT AREAS FOR LARGE-QUANTITY SPILLS. HAZARDOUS CHEMICALS INCLUDE FERTILIZERS, PAINTS, OILS, GREASE, PESTICIDES, AND FUELS, ALONG WITH OTHER CONSTRUCTION CHEMICALS. WHILE MUCH OF THE MANUAL FOCUSES ON THE SEDIMENT- AND EROSION-CONTROL ASPECTS OF THE SWPPP, THE POTENTIAL FOR DAMAGING POLLUTION FROM CHEMICALS IS GREAT. PROVISIONS MUST BE MADE TO ADDRESS POTENTIAL POLLUTION THROUGH THE USE OF THE BMPs AS WELL AS COMPLIANCE WITH OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) AND OTHER REGULATORY REQUIREMENTS.

STABILIZATION REQUIREMENTS FOR INACTIVE AREAS

DURING CONSTRUCTION, SOME AREAS MAY BE INACTIVE FOR LONG PERIODS OF TIME. THE GENERAL PERMIT REQUIRES AREAS INACTIVE FOR MORE THAN 14 DAYS TO BE TEMPORARILY STABILIZED, UNLESS IT IS ANTICIPATED THAT CONSTRUCTION WILL RESUME WITHIN 21 DAYS

JAMES W. SIEBERT AND ASSOCIATES, INC. 815 MONROE STREET • SANTA FE, NEW MEXICO 87505 (505) 842-5400	SCALE 1" = 100'	DATE NOVEMBER 2013	MONTH
		DRAWN BY JFS	SHEET
	DATE NOV 11 2013	FILE NAME 11-13	18
	DATE 02/02/00	REVISION 02/02/00	
	DATE 02/02/00	REVISION 02/02/00	



NEW MEXICO
ENVIRONMENT DEPARTMENT



Ground Water Quality Bureau

SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lieutenant Governor

Harold Runnels Building
1190 St. Francis Drive
P.O. Box 5469, Santa Fe, NM 87502-5469
Phone (505) 827-2918 Fax (505) 827-2965
www.nmenv.state.nm.us

RYAN FLYNN
Secretary - Designate
BUTCH TONGATE
Deputy Secretary

January 24, 2014

Mr. Jose Larranaga, Commercial Development Case Manager for Santa Fe County
102 Grant Ave
PO Box 276
Santa Fe, NM 87504-0276

RE: Response to Request for Comments for CDRC CASE # Z/DMXT 13-5360 Buena Vista Estates & Rockology LLC

Dear Mr. Larranaga:

The Ground Water Quality Bureau (GWQB) of the New Mexico Environment Department (NMED) has reviewed the letter and enclosures from you, titled, *CDRC CASE # Z/DMXT 13-5360 Buena Vista Estates & Rockology LLC* (Letter), dated November 19, 2013, and received by NMED on November 19, 2013. The Letter requests that the GWQB review the enclosures for technical completeness. The enclosures consist of a Construction Materials Extraction report and Material Extraction Plan for a proposed basalt aggregate operation prepared by James W. Siebert and Associates, Inc. and submitted to Santa Fe County on behalf of the applicant - Buena Vista Estates, Inc & Rockology Limited LLC. The quarry is proposed to be located east of Interstate 25 and south of Waldo Canyon Road in Section 22, T15N, R8E, Santa Fe County.

The proposed operation is briefly described as follows:

The proposed quarry sits on 50 acres in which 34,000 cubic yards of overburden will be stockpiled and 1.26 million cubic yards of basaltic material will be processed. Overburden will be removed by a track dozer and stockpiled at the site for reclamation at closure. The exposed basalt layer will then be drilled and blasted. Blasted rock will be crushed, screened, and stockpiled. No water will be used in the process with the exception of that necessary for dust control. Up to 2.19 acre feet per year of water used for dust control will be hauled from the Santa Fe County bulk water services facility. A Storm Water Pollution Prevention Plan (SWPPP) will be prepared for the site to meet EPA requirements. No chemicals or additives will be used in the crushing process.



NBB-107

Jose Larranaga
January 24, 2014
Page 2

The NMED GWQB does not typically regulate aggregate operations and, based on the information provided, processing of the basaltic material would not likely be a source of water contaminants. However, in order for NMED to make an official determination whether a Discharge Permit might be required, the applicant is advised to file a Notice of Intent (NOI) with the Ground Water Quality Bureau, which would include the submittal of information relevant to the potential impacts to ground water quality. Furthermore, if at some time in the future the applicant changes the amount or character of the aggregate operation or location of the quarry, the applicant is advised to file an NOI with the GWQB for an official determination of whether a Discharge Permit is required.

Issuance of this letter does not relieve the applicant of liability should the operation result in actual pollution of surface or ground waters. Further, this letter does not relieve the applicant of the responsibility to comply with any other applicable federal, state, and/or local laws and regulations, such as zoning requirements, plumbing codes and nuisance ordinances.

If you have any questions, please contact either Brad Reid at 505-827-2963 or myself at 505-827-0195.

Sincerely,



Kurt Vollbrecht, Acting Program Manager
Mining Environmental Compliance Section

KV:br

cc: Robert Italiano, District Manager, NMED District 2
NMED SWQB
County File
Jose Larranaga, Santa Fe County (signed PDF copy via electronic mail:
joselarra@cosanta-fe.nm.us)

NBB-108

State of New Mexico
Energy, Minerals and Natural Resources Department

Susana Martinez
Governor

F. David Martin
Cabinet Secretary-Designate

Brett F. Woods, Ph.D.
Deputy Cabinet Secretary

Fernando Martinez, Director
Mining and Minerals Division



January 15, 2013

Mr. Jose E. Larrañaga
Santa Fe County
Building and Development Services
P.O. Box 276
Santa Fe, NM 87504-0276

RE: CDRC Case # Z/DMXT 13-5360 Buena Vista Estates & Rockology LLC

Dear Mr. Larrañaga,

The Mining and Minerals Division ("MMD") Mining Act Reclamation Program ("MARF") has received a letter from Santa Fe County, dated November 19, 2013, requesting review of the Buena Vista Estates and Rockology LLC ("BVER") application. The letter requests a review of the application for technical accuracy and for compliance with the [Santa Fe County] Land Development Code under Article XI, Section 1 – Zoning for Extraction of Construction Materials. We appreciate your contacting our agency about the permitting of this project, however MARF's jurisdiction does not allow us to regulate this type of mining facility.

MARF's jurisdiction over hard rock mining projects is established in Chapter 69 Article 36 of the New Mexico Statutes Annotated ("NMSA"), which is also referred to as the New Mexico Mining Act ("Act"). According to 69-36-3.H of the Act, the definition of "mining" does not mean "the extraction of sand, gravel, caliche, borrow dirt and quarry rock used as aggregate in construction." The BVER project proposes a mining zone to allow the extraction of aggregates for construction purposes to be used in ready-mix concrete, asphalt, landscaping, and base course. Based on 69-36-3.H of the Act, MARF has no jurisdictional authority pertaining to the BVER project, therefore a permit from MARF will not be required for the BVER project. Because MARF's jurisdictional authority is derived from 69-36 NMSA, MARF is unable to comment on the technical accuracy of the BVER application or comment on compliance with the Santa Fe County Land Development Code.

BVER is not required to obtain a state mining permit with MARF however, Pursuant to §19.7.1.8 of the New Mexico Administrative Code, BVER is required to register the mine with MMD once permitted by Santa Fe County. Mr. John Pfeil of the Mine Registration,

RE: CDRC Case # Z/DMXT 13-5360 Buena Vista Estates & Rockology LLC

January 15, 2014

Page 2

Reporting and Safeguarding Program can be reached at (505) 476-3407 for the forms necessary for registration.

If you have any questions, please contact DJ Ennis at (505) 476-3434, or by email at david.ennis@state.nm.us.

Sincerely,



Holland Shepherd, Program Manager
Mining Act Reclamation Program

cc: Fernando Martinez, Director, MMD
John Pfeil, Manager, Mine Registration Program
David J. (DJ) Ennis, P.G., Senior Reclamation Specialist



Susana Martinez
Governor

STATE OF NEW MEXICO
DEPARTMENT OF CULTURAL AFFAIRS
HISTORIC PRESERVATION DIVISION

BATAAN MEMORIAL BUILDING
407 GALISTEO STREET, SUITE 236
SANTA FE, NEW MEXICO 87501
PHONE (505) 827-6320 FAX (505) 827-6338

December 20, 2013

Jose E. Larrañaga
Development Review Team Leader
County of Santa Fe
102 Grant Avenue
P.O. Box 276
Santa Fe, NM 87504-0276

Re: CRDC Case # Z/DMXT 13-5360 Buena Vista Estates and Rockology LLC

Dear Mr. Larrañaga:

I am writing in response to the above referenced project and your request for comments on the proposed construction materials extraction pit. Included with the proposed extraction report was a cultural resources inventory report prepared by Townsend Archaeological Consultants in 2007.

Townsend Archaeological Consultants did not find any cultural resources during their archaeological survey of the 50 acre parcel of land and recommended clearance for the proposed materials pit and access road. The Historic Preservation Division (HPD) concurs with Townsend Archaeological Consultants' findings and no additional archaeological investigations are necessary.

In addition to reviewing the cultural resources survey report; I also reviewed our New Mexico Cultural Resources Information System (NMCRIS). According to NMCRIS, there are several segments of the Camino Real (LA 80012 and LA 80011) and Old US 85/Route 66 (LA 157100) within 1 mile of the proposed materials extraction pit. None of these segments are listed on the State Register of Cultural Properties or the National Register of Historic Places although they may be eligible for listing.

Because of the presence of the segments of US 85/66 and Camino Real within 1 mile of the project area, a line of sight analysis was conducted to determine whether the materials pit would be visible from each of the segments. This analysis showed that the materials pit would not be visible from most locations because of intervening topography. Based on this analysis, HPD has no concerns with the proposed project.

NBB-111

If you have any questions, please do not hesitate to contact me. I can be reached by telephone at (505) 827-4064 or by email at michelle.ensey@state.nm.us.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Ensey', written in a cursive style.

Michelle M. Ensey
Archaeologist

Log: 98261

NBB-112



STATE OF NEW MEXICO
OFFICE OF THE STATE ENGINEER
SANTA FE

Scott A. Verhines, P.E.
B
State Engineer

December 11, 2013

CONCHA ORTIZ Y PINO

POST OFFICE BOX 25102
130 SOUTH CAPITOL
SANTA FE, NEW MEXICO 87504-5102
(505) 827-6091
FAX: (505) 827-3806

Mr. Jose E. Larranaga
Commercial Development Case Manager
Santa Fe County
P.O. Box 276
102 Grant Avenue
Santa Fe, NM 87504-0276

CERTIFIED MAIL
RETURN RECEIPT
REQUESTED

Reference: Buena Vista Estates, Inc & Rockology Limited LLC

Dear Mr. Larranaga:

On November 19, 2013 the Office of the State Engineer (OSE) received a request to provide comments for the Master/Development Buena Vista Estates, Inc & Rockology Limited LLC.

The proposal provides an outline for a mining zone to allow for the extraction of aggregates for construction. Santa Fe County Water Utilities is the proposed water supply which will be trucked in. The property is located east of Interstate 25 and south of Waldo Canyon Road (County Road 57) in Santa Fe County, New Mexico within Sections 22, Township 15 North, and Range 7 East.

This proposal was reviewed pursuant to the Santa Fe County Land Development Code (Code) and the New Mexico Subdivision Act.

The Development Plan includes a Water Budget, which states that water will be used for dust control. The water will be delivered to the site by truck and stored in a 10,000 gallon tank. Drinking water will be provided in the form of 20 gallon containers. According to Table 2 of the Water Budget, 2.19 acre-feet per year of water would be used for dust control.

When a subdivision proposal is received by the OSE, the developer's water demand analysis is reviewed to determine if it is technically correct and reasonable. The OSE also verifies that the appropriate conservation measures are reflected in the analysis. Further, data in the water demand analysis is compared with the data and statements included in the disclosure statement and in the restrictive covenants to make sure that they are consistent with each other. Since, the aforementioned documents are not provided with the applicant's submittal, the technical analysis described above was not performed.

NBB-113

Buena Vista Estates, Inc & Rockology Limited LLC

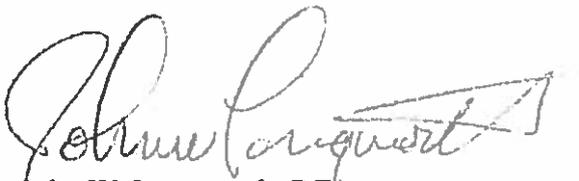
December 11, 2013

Page 2 of 2

Development Plans are not required (by the Code) to provide the level of detail that is required by the OSE for a water demand analysis. Article VII, Section 6.1 of the Santa Fe County Land Development Code (Code) allows the Santa Fe County Land Use staff to refer development plan to state agencies for review "*if, in the opinion of the County Hydrologist and the Code Administrator, such referrals will provide information necessary to the determination of whether or not a proposed development is in conformance with provisions of this Code*". The OSE recognizes the proactive actions on behalf of the County to solicit the technical opinion of the OSE on this development plan. However, because the proposed development is not formally covered under the New Mexico Subdivision Act, the OSE declines to provide formal comments at this time. We appreciate the opportunity to review the Buena Vista Estates, Inc & Rockology Limited LLC Plan.

If you have any questions, please call Kenneth Richard at 505-827-3838.

Sincerely,



John W. Longworth, P.E.

Water Use & Conservation/Subdivision Review Bureau Chief

cc: OSE Water Rights Division, Santa Fe Office

NBB-114



New Mexico DEPARTMENT OF
TRANSPORTATION

December 2, 2013

Mr. Jose E. Larrañaga
Commercial Development Case Manager
P.O. Box 276
Santa Fe, NM 87504-0276

Re: CRDC Case #Z/DMXT 13-5360 Buena Vista Estates & Rockology LLC

Dear Mr. Larrañaga:

Traffic staff reviewed the Development Report for the above referenced project in Santa Fe County, NM. It is apparent from the Traffic Impact Assessment that impacts from the development will be minimal to the state roadway system. No further action is required.

If you have any questions, please feel free to call me at 505-995-7803.

Sincerely,

Will Montoya
District 5 Traffic Section

xc: Javier A. Martinez, P.E., District Traffic Engineer, District 5

Susana Martinez
Governor

Tom Church
Cabinet Secretary, Design

Commissioners

Pete K. Rahn
Chairman
District 3

Ronald Schmeits
Vice Chairman
District 4

Dr. Kenneth White
Secretary
District 1

Robert R. Wallach
Commissioner
District 2

Butch Mathews
Commissioner
District 5

Jackson Gibson
Commissioner
District 6

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

December 20, 2013

Mr. Jose Larranaga
Commercial Development Case Manager
Santa Fe County Land Use Department
102 Grant Ave
Santa Fe, NM 87504

RE: CDRC CASE # Z/DMXT 13-5360 BUENA VISTA ESTATES & ROCKOLOGY, LLC

Dear Jose,

This letter is in response to your request for a review of the Buena Vista Estates & Rockology LLC presented by James W. Siebert and Associates, dated November 2013.

Although this project is outside of our service area, we have issued a willing and able letter to provide bulk water services for the project in Waldo Canyon, Buena Vista, LLC (please refer to the letter issued on May 20, 2013). The construction materials extraction report mentioned that the bulk water purchased will be used for dust control and potable water will be purchased in ten to twenty gallon containers for daily use. We would like to point out that the bulk water provided by the County is a 24hour potable water station.

If you have any questions or concerns, please do not hesitate to contact us.

Respectfully,

Paul Casaus
Utilities Engineering Associate
Santa Fe County Utilities Department

Daniel Mayfield
Commissioner, District 1

Miguel Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Liz Stefanics
Commissioner, District 4

Kathy Holian
Commissioner, District 5

Katherine Miller
County Manager

**PUBLIC WORKS DIVISION
MEMORANDUM**

Date: November 27, 2013

To: Jose Larranaga, Land Use Department

From: Paul Kavanaugh, Engineering Associate Public Works
Johnny P. Baca, Traffic Manager Public Works

Re: CDRC CASE # Z/DMXT 13-5360 Buena Vista Estates & Rockology LLC.

The referenced project has been reviewed for compliance of the **Land Development Code**, of **Article XI (Zoning for Extraction of Construction Materials)**, **Section 8.1 (General Policy on Roads)**, in which the roadway/driveway needs to conform. The project is located east of Interstate 25 and south of Waldo Canyon Road (County Road 57), within Sections 20,21,22,26,27&28, Township 15 North, Range 7 East. The applicant is requesting approval to allow for the creation of a mining zone on fifty (50) acres of land that is part of an existing one thousand three hundred and fifty-nine acre tract (1,359 acres).

Access:

The applicant is proposing to construct an access road approximately one quarter mile in length. The access road will utilize County Road 57 (Waldo Canyon Road). The distance from Interstate 25 and the proposed access road is .6 miles. County Road 57 is an eighteen (18') foot road with no shoulders which traverses in a north/south direction. Santa Fe County conducted an inspection of this road and has determined that County Road 57 has deteriorated to the point of alligator cracking, longitudinal cracks with moderate raveling. County Road 57 has a PASER (Pavement Surface Evaluation and Rating) rating of five (5). Santa Fe County Public Works feels that the additional truck traffic will have a significant impact to road surface thus furthering the road deterioration.

Conclusion:

Public Works has reviewed the plans submitted by the agent James W. Siebert and Associates, Inc., and feels that they can support the above mentioned project with the following conditions:

- The applicant shall apply a two (2") inch overlay of HMA on County Road 57 (Waldo Canyon Road) from East Interstate 25 Frontage to the most southern boundary of the applicant's access road (approximately 4,500 linear feet).
- Applicant shall obtain the required road construction permit from Public Works Department/ Land Use Department prior to any work on County Road 57 (Waldo Canyon Road).
- The applicant shall provide a 3% crown on County Road 57 (Waldo Canyon Road) as per Appendix 5.B.3 of the Land Development Code

NBB-117

Buena Vista & Rockology Mining
11-27-2013
Page II

Applicant shall provide Santa Fe County Public Works a Traffic Control Plan and a pavement Plan prior to approval of permits from the Public Works Department and the Land Use Department.

SANTA FE COUNTY PLANNING DEPARTMENT
TRANSPORTATION PLANNING

November 27, 2013

Jose E. Larranaga
Commercial Development Case Manager

Re: CDRC Case# Z/DMXT 13-5360 Buena Vista Estates & Rockology LLC

Jose:

I have reviewed the project submittal with the following comments:

1.5 Submittals for Mining Uses: 1.5.1 7) A traffic generation report pursuant to Article III. Section 4.4.1 Submittals. Subsection 6 (Error Subsection 5)

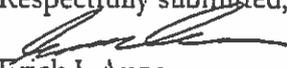
A Traffic Impact Assessment prepared by Jorge Gonzalez, P.E. was submitted in accordance to this section. Based on assessment of minimal impacts no improvements to County Road 57 are identified, "as warranted".

The following actions are recommended from the assessment:

1. Secure driveway permit from Santa Fe County for access to County Road 57
2. Install Stop sign at exit from the site onto County Road 57
3. Pave driveway access from paved section of County Road 57 to existing road easement with 50 foot radius at County Road 57
4. Install sign on County Road 57 in both directions notifying traffic of "Trucks turning"

It is estimated from the report that up to 12 trucks will haul material from the site on a daily basis. It is recommended that a condition of approval be added for the safety of vehicular travel along County Road 57 as well as impacts to the road surface: Excess mud and dirt transported from the site onto County Road 57 shall be minimized to the extent possible. Prior to exiting the proposed facilities and onto County Road 57 all trucks are to have excess dirt/gravel/mud removed from tires and the undercarriage of the vehicles. Excess dirt and gravel on paved County Roads may be cause for unsafe traveling surfaces for vehicles and bicycles, cause damage to vehicular traffic due to flying debris and induce excessive long term damage to road surfaces.

Respectfully submitted,


Erick J. Aune

Senior Transportation Planner

Erick J. Aune AICP, Senior Transportation Planner
102 GRANT AVENUE · SANTA FE, NEW MEXICO · 87501
PHONE (505) 986.6214 E-MAIL eaune@santafecounty.org

NBB-119

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

Santa Fe County Fire Department Fire Prevention Division

Official Development Review

Date	12/10/2013		
Project Name	Buena Vista Estates & Rockology LLC		
Project Location	East of I25 and South of Waldo Canyon Rd		
Description	Mining Zone	Case Manager	Jose Larranaga
Applicant Name	Buena Vista Estates Inc.	County Case #	Z/DMXT 13-5360
Applicant Address	931 San Pedro SE Albuquerque, NM 87108	Fire District	Turquoise Trail
Applicant Phone			
Review Type:	Commercial <input checked="" type="checkbox"/>	Residential <input type="checkbox"/>	Sprinklers <input type="checkbox"/>
	Master Plan <input type="checkbox"/>	Prelliminary <input type="checkbox"/>	Final <input checked="" type="checkbox"/>
	Wildland <input type="checkbox"/>	Variance <input type="checkbox"/>	Hydrant Acceptance <input type="checkbox"/>
Project Status:	Approved <input checked="" type="checkbox"/>	Approved with Conditions <input type="checkbox"/>	Denial <input type="checkbox"/>
			Inspection <input type="checkbox"/>
			Lot Split <input type="checkbox"/>

The Fire Prevention Divison/Code Enforcement Bureau of the Santa Fe County Fire Department has reviewed the above submittal and requires compliance with applicable Santa Fe County fire and life safety codes, ordinances and resolutions as indicated.

Fire Department Access

Shall comply with Article 9 - Fire Department Access and Water Supply of the 1997 Uniform Fire Code inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal

- **Fire Access Lanes**

Section 901.4.2 Fire Apparatus Access Roads. (1997 UFC) *When required by the Chief, approved signs or other approved notices shall be provided and maintained for fire apparatus access roads to identify such roads and prohibit the obstruction thereof or both.*

▪ **Roadways/Driveways**

Shall comply with Article 9, Section 902 - Fire Department Access of the 1997 Uniform Fire Code inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.

Roads shall meet the minimum County standards for fire apparatus access roads of a minimum 14' wide all-weather driving surface and an unobstructed vertical clearance of 13' 6" within this type of proposed development.

▪ **Street Signs/Rural Address**

Section 901.4.4 Premises Identification (1997 UFC) Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property.

Section 901.4.5 Street or Road Signs. (1997 UFC) When required by the Chief, streets and roads shall be identified with approved signs.

▪ **Slope/Road Grade**

Section 902.2.2.6 Grade (1997 UFC) The gradient for a fire apparatus access road shall not exceed the maximum approved.

This fire access shall not exceed 11% slope and shall have a minimum 28' inside radius on curves.

▪ **Restricted Access/Gates/Security Systems**

Section 902.4 Key Boxes. (1997 UFC) When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, the chief is authorized to require a key box to be installed in an accessible location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the chief.

A Knox lock will be installed at the gate located on County Road 57 as stated on page 10 of the Construction Materials Extraction Report. Details, information and forms are available from the Fire Prevention Division

Fire Protection Systems

▪ **Water Storage/Delivery Systems**

Shall comply with Article 9, Section 903 - Water Supplies and Fire Hydrants of the 1997 Uniform Fire Code, inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.

Section 903.3 Type of Water Supply (1997 UFC) *Water supply is allowed to consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed systems capable of providing the required fire flow. In setting the requirements for fire flow, the chief may be guided by Appendix III-A.*

Due to the lack of adequate resources for fire flow a 10,000-gallon tank will be dedicated to fire protection on the site. This tank will have a draft hydrant attached to the fire protection tank with the location of the draft hydrant being accessible to fire trucks as stated on page 10 of the Construction Materials Extraction Report. Plans and location for said system shall be submitted prior to installation for approval by this office and shall meet all minimum requirements of the Santa Fe County Fire Department. Details and information are available through the Fire Prevention office.

▪ **Fire Extinguishers**

Article 10, Section 1002.1 General (1997 UFC) *Portable fire extinguishers shall be installed in occupancies and locations as set forth in this code and as required by the chief. Portable fire extinguishers shall be in accordance with UFC Standard 10-1.*

Twenty pound ABC fire extinguishers shall be located at the constructions trailer, tool shed, and at the crusher and screener. Ten pound extinguishers will be available at all movable machinery at the site as stated on page 10 of the Construction Materials Extraction Report. Portable fire extinguishers shall be in accordance with UFC Standard 10-1.

General Requirements/Comments

▪ **Inspections/Acceptance Tests**

Shall comply with Article 1, Section 103.3.2 - New Construction and Alterations of the 1997 Uniform Fire Code, inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.

▪ **Permits**

As required

Final Status

Recommendation for Final Development Plan approval with the above conditions applied.

Buster Patty



Fire Marshal

12-10-13
Date

Through: David Sperling, Chief

File: DevRev/Turquoise Trail Bucna Vista Estates & Rocknology LLC/12.10.13

Cy: Jose Lananaga, Land Use
Applicant
File

MEMORANDUM

DATE: January 23, 2014

TO: Jose Larranaga, Commercial Development Case Manager

FROM: John Lovato, Terrain Management

VIA: Penny Ellis-Green, Interim Land Use Administrator
Vicki Lucero, Building and Development Services Manager
Wayne Dalton, Building and Development Services Supervisor

FILE REF: CDRC CASE # DMXT Phase I, II, & III 13-5360 Rockology/ Buena Vista Estates

REVIEW SUMMARY

The referenced project has been reviewed for compliance with the Santa Fe County Land Development Code and Ordinance 2008-10 Flood Damage Prevention and Stormwater Management Ordinance. The request is for Master Plan Zoning for phases I, II, and III. The 1,359 acre tract is located off County road 57 east of Interstate 25. The mining will encumber 50 acres of the 1,359 acre parcel.

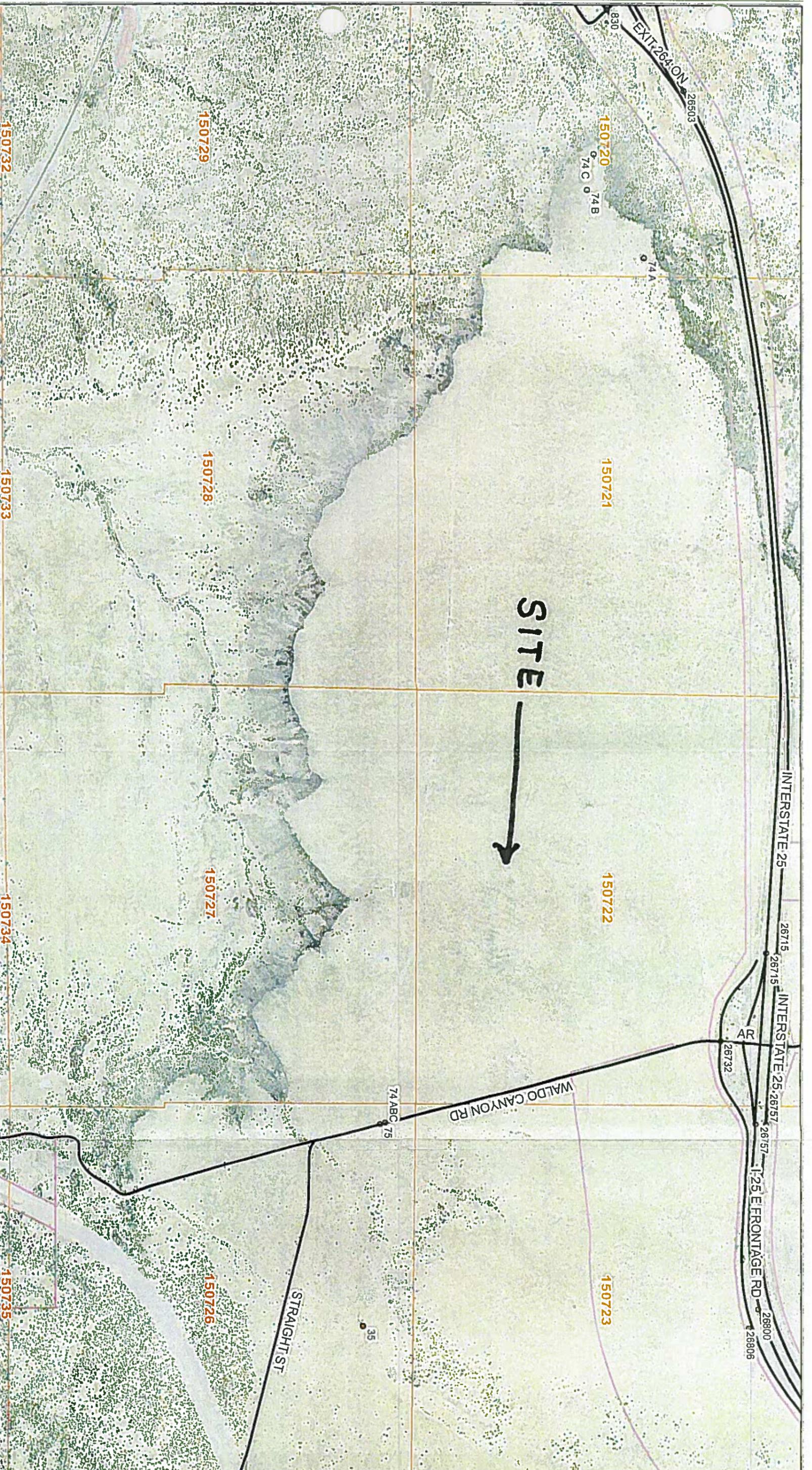
Storm Drainage and Erosion Control:

The Applicant has submitted Topography, Soils map, Grading and Drainage Plan, and Reclamation Plan. A 31,245 cubic foot retention pond is proposed which will serve as drainage control for onsite drainage. The total amount of ponding required is 22,264. Therefore, the submittal is in conformance for phase I, II, and III and complies with Article VII, Section 3.4.6 and Ordinance 2008-10 Flood Damage Prevention and Stormwater Management Ordinance.

Terrain Management

The site contains slopes 0-15% and slopes from northeast to southwest portion of the extraction. The site is located outside of the 100 year FEMA designated flood hazard and contains one small drainage location on the site. The Submittal is in conformance of Article VII, Section 3.4.6 and Ordinance 2008-10 Flood Damage Prevention and Stormwater Management Ordinance

NBB-124



- Legend**
- ROADS
 - Parcels
 - 3.2% Annual Chance Flood Hazard
 - 2011 Zone A (No BFEs Determined)
 - 2011 Zone AE
 - 2011 Floodways
 - 2011 Zone AO
 - 2011 Zone D



2008 Orthophotography
2 FOOT CONTOURS

This information is for reference only.
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User are solely responsible for confirming data accuracy.



ARTICLE XI
ZONING FOR EXTRACTION OF CONSTRUCTION MATERIALS

SECTION 1 - MINERAL EXTRACTION: CONSTRUCTION MATERIALS

1.1 Applicability

Mineral extraction activity for construction materials, including but not limited to, stone, sand, gravel, aggregate, or similar naturally occurring materials, (hereinafter: construction materials) shall be allowed anywhere in the County, provided the requirements of this Ordinance are met.

1.1.1 Special Uses

Industrial, manufacturing and related office uses not related to mining uses are allowed in mining zones, provided they meet the requirements of the Santa Fe County Land Development Code 1980-6, as amended.

1.1.2 Conflicting Provisions

The provisions of this Article XI shall apply to zoning for extraction of construction materials; namely, stone, sand and gravel, and any provision in this Code which is contrary to this Article XI, shall have no application and shall be precluded by this Article XI.

1.1.3 Penalties

- A. Failure to comply with this Article XI of the Code shall result in the imposition of penalties as set forth in Article II, Section 5, of this Code.
- B. Penalties may also include suspension or revocation of the Mineral Exploration and/or Mining Land Use Permit.

1.2 Location Standards for Creation of New Mining Zones

The Santa Fe County Board of County Commissioners may create new mining zones, provided the following location standards are satisfied.

1.2.1 Demonstrated existence of significant mineral resources.

1.2.2 Use of the land for mining uses is reasonably compatible with other uses in the area affected by the mining use, including but not limited to traditional patterns of land use, recreational uses, and present or planned population centers or urban and metropolitan areas.

1.2.3 A history of significant mining activity in the area, if mining has been conducted in the area (not required for creation of new mining zones).

1.2.4 The area designated is particularly suited for mining uses, in comparison with other areas of the County, as set forth in Sections 1.2.1, 1.2.2 and 1.2.3.

1.3 Maximum Height

Structures shall be limited to a maximum height of thirty six (36) feet from the highest point of the surface of the ground at the perimeter of the structure. This height limitation shall also apply to temporary or portable drilling equipment. It is acknowledged that the provisions of this Section may be pre-empted by height restrictions of structures as imposed and regulated by the Federal Aviation Administration, and that such standards may be imposed upon mining operations, applications and permits. See Article II, Section 3.4 for additional information.



1.4 Submittals Required for Creation of Mining Zones

In addition to submittals required by Section 1.5, an applicant seeking the creation of a mining zone shall submit information showing that the proposed zone meets the locational standards set forth in Section 1.2.

1.5 Submittals for Mining Uses

1.5.1 Submittals for Mining Uses

All applications for mining uses shall contain:

- a. Vicinity map. A vicinity map showing the mine site and the area within a three (3) mile radius of the mine site drawn on a U.S.G.S. topographic quadrangle map.
- b. Existing site data. A map for the mine site, general survey, aerial photograph or any combination of the foregoing shall be at a scale of one (1) inch to five hundred (500) feet, or such other scale as approved by the Code Administrator, and shall include the following:
 - 1) A description of existing structures and improvements, including streets and utilities on and within two hundred (200) feet of the mine site unless otherwise required by the Code Administrator.
 - 2) A survey of the mine site showing the exterior boundary lines, bearings, and distances which, unless otherwise specified by the Code Administrator, shall be determined to a degree of precision such that no discrepancy between computed and measured distances shall exceed one (1) part in one thousand two hundred and eighty (1,280) parts.
 - 3) A notation stating acreage, scale, true and magnetic north arrow, U.S.G.S. datum and bench marks, if any, and certification of a professional engineer or a qualified land surveyor or other qualified person who prepared the existing site data.
 - 4) The location, width and purpose of any known or visible easements, right-of-way, or access to the mine site.
 - 5) Present tract designations or other identification according to official records in the County Clerk's office, if any, including the name and address of the owner of the property on which the mine site is located; and the name and address of the mineral owner of the property on which the mine site is located.
 - 6) Owners of record of property adjacent to the mine site.
- c. An operations plan consisting of the following:
 - 1) Maps, plans, graphics, descriptions, timetables, and reports which correlate and specify:
 - a) a detailed description of the method(s) or technique(s) of mining to be employed in each stage of the operation where any surface disturbance on affected lands will occur;
 - b) pursuant to the standards in Article VI, Section 3, Terrain Management of the Code, a description of all earthmoving activities which includes backfilling of cuts, and leveling or compaction of overburden;
 - c) if applicable, the location and size of all water diversions and impoundments or discharge of water used in mine operations;
 - d) the size and location of area(s) to be disturbed, which includes excavations, overburden spoils, topsoil stockpiles, driveways and roads;
 - e) areas to be used for storage of equipment and vehicles;
 - f) location and size of any structures;
 - g) areas designated to be reclaimed;
 - h) hours of operation and, if applicable, a description of outdoor lighting; and

- i) fire protection plans.
 - 2) A description of how construction materials will be processed on and/or removed from the site.
 - 3) A description of how each phase of exploration or extraction correlates to the reclamation plan.
 - 4) A time table for each phase of operations and reclamation.
 - 5) A description of the steps to be taken to comply with applicable air and water quality laws and regulations and any applicable health and safety standards.
 - 6) A drainage control plan showing methods which will be utilized to avoid erosion on and adjacent to the affected lands.
 - 7) A traffic generation report pursuant to Article III, Section 4.4.1, Submittals, Subsection 6).
 - 8) A description of all hazardous materials to be used and transported in connection with the mining activity and a description of steps that will be taken to insure that the use of such materials will have no adverse impact on the residents or environment of Santa Fe County.
- d. A plan to provide for reclamation of the mine site. For mining uses involving open pit mining operations, the mining operator shall be required to submit a plan for recontouring and reseeded or revegetation of the mine site or any phases thereof when the property or portions thereof has been mined. The plan for reseeded or revegetation may not require seeding or reseeded or revegetation of the open pit, but it shall require a plan to reseed or revegetate the remaining disturbed areas of the mine site, excluding roads, with reasonable allowances to recognize areas that cannot be practically seeded or revegetated because of slope, rock conditions or other limitation factors, in an attempt to provide roughly comparable vegetation to that which existed in the area prior to mining, through a single reasonable effort. The Board may require a security for completion of the reclamation required under the section. The security may be in the form of a:
- (1) surety bond issued by an insurance company which is rated "A" or better by Standard and Poors or a comparable rating service; or
 - (2) by a letter of credit in a form approved by the Board, issued by a state or national bank whose deposits are insured by the Federal Deposit Insurance Corporation; or
 - (3) if approved by the Board, by a corporate undertaking issued by the applicant corporation or its parent corporation listed on the New York or American Stock Exchange or major foreign stock exchange.
- e. If applicable, a description of hazardous materials produced or used by the operation, and a plan for disposal of the wastes, including comments by the New Mexico Environmental Improvement Division.
- f. An estimate of the average annual payroll, ad valorem taxes, gross receipts and other economic benefits for the proposed mining uses.
- g. A listing of the permits required to be obtained to engage in the mining use on the mine site. Upon obtaining copies of the required permits, submission of a copy of each of these permits to the Code Administrator. Copies of the submittals or other data presented in support of obtaining required permits shall be provided to the Code Administrator upon request and the listing of the regulatory agency under which this permit is required.
- h. The Code Administrator or the County Development Review Committee may recommend to the Board of County Commissioners and the Board of County Commissioners may require that the applicant provide an environmental impact statement for the proposed mining use. No impact statement shall be required until specific regulations are adopted by the Board setting forth the requirements for the scope, format, and content for environmental impact statements.

- i. Submission of an affidavit of ownership of mineral rights, in a form supplied by the Code Administrator.
- j. Exceptions and Substitutions for Submittals. Upon request of the applicant and approval of the Code Administrator, submittals may be substituted for submittals required by the Code. Upon request of the applicant and the approval of the Code Administrator, submittals required in this section may be omitted or modified.

1.6 Performance Standard

No mining use activity will be permitted if it is determined that the use will have a significant adverse affect on health, safety, morals or general welfare of the County or its residents.

1.7 Reviews for Mining Uses

Except as provided in this Section, mining uses as defined in the Code shall not be subject to the provisions of Article III, Section 10, Lot Size Regulations of the Code. The applicant shall submit evidence that the applicant has obtained an adequate water supply as evidenced by appropriate permits issued by the State Engineer's Office/Interstate State Stream Commission of the State of New Mexico.

1.7.1 Special District Review

The Code Administrator shall check the location of the proposed use and shall inform the applicant of any additional submittals or reviews required because of location of the proposed use within a Special Review District and make the applicable review.

1.7.2 Environmental Review

Except as otherwise provided in this Ordinance, mining uses shall not be subject to the Code. The applicant shall submit evidence of planned compliance with all federal and state environmental laws, rules and regulations, including but not limited to permits required by the U.S. Environmental Protection Agency, State of New Mexico; Environmental Improvement Division of the Health and Environment Department; Water Quality Control Commission of the New Mexico Environmental Improvement Division of the Health and Environment Department; and other appropriate federal and state agencies. In addition, the applicant shall be subject to the following sections of Article VII, Environmental Requirements of the Code:

- a. Section 1, except Sections 1.2.3c, d; 1.2; 1.4.2; 1.4.3; 1.4.4, 1.4.4a. (Flood Hazards)
- b. Section 2. (Liquid Waste Disposal)
- c. Section 3. (Terrain Management)
- d. Section 4. (Air Quality)
- e. Section 6 (Water Supply) does not apply if the mining use will not be utilizing water or will utilize permitted water rights for its water supply.
- f. Section 7. (Solid Waste)

1.7.3 Procedures for zoning for extraction of construction materials are set forth in Article II of the Code.

1.8 Conformance to Building, Mechanical and Electrical Codes

The Code Administrator shall review the submitted plans, and specifications for compliance with the building, mechanical, and electrical provisions of the Code and for engineering design. Upon approval of a development permit, construction must begin within one year of the date of the issuance of the development permit, or it becomes void and a new application for a development permit must be made.

Map of Property
In Santa Fe Coun

- Legend
- Proposed Waldo Mini
 - Roads
 - Percels
 - Plgs Section Lines

1:4,800
1 inch equals 400 feet

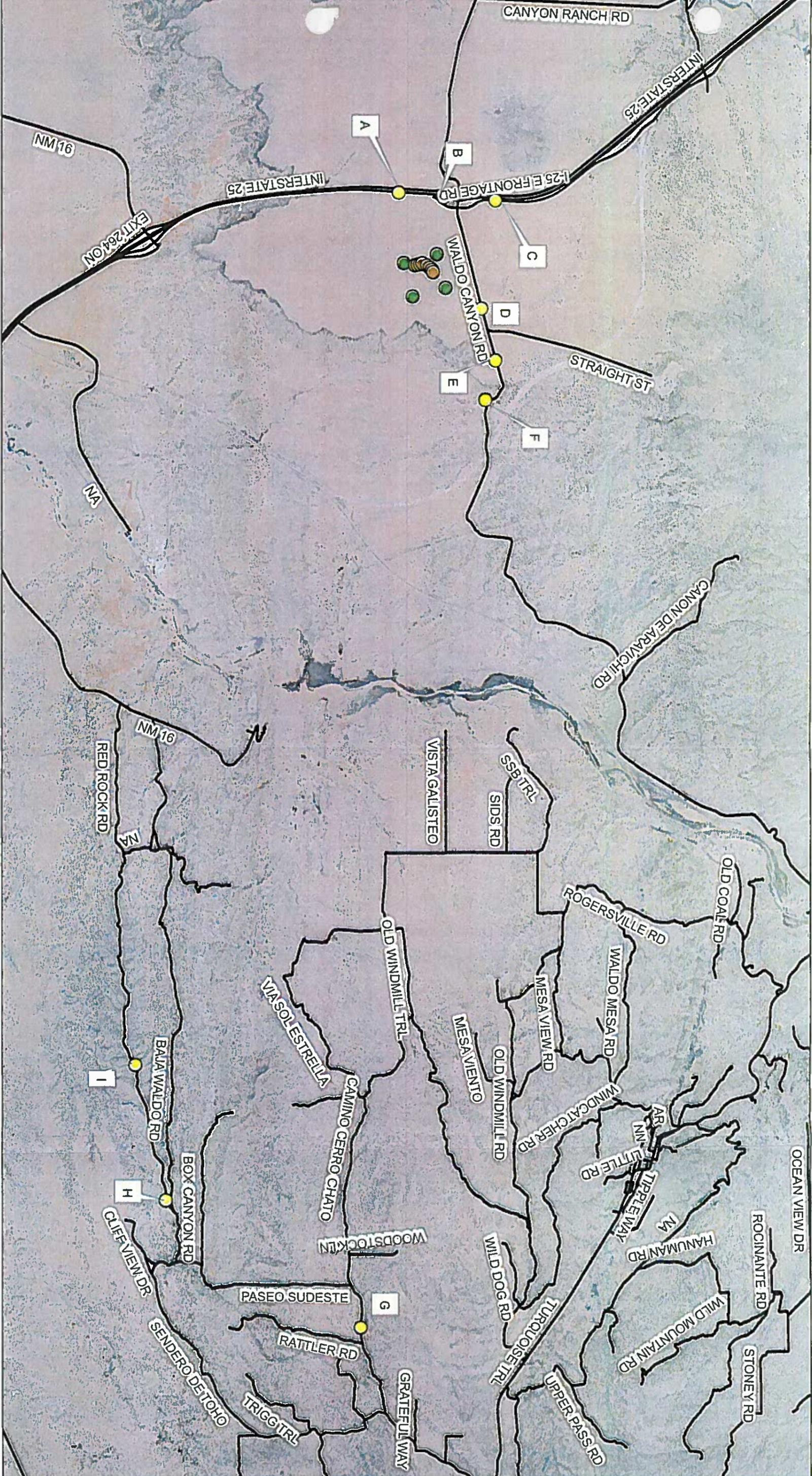


WARN: NC
Two (2) foot contour lines are
NOT SUITABLE FOR ENGINEERING OR
PLANNING PURPOSES ONLY

Orthophoto Year: 2005
Contour Interval: 2 Feet
The information is for reference only.
Santa Fe County does not warrant the
accuracy or reliability of these
data. Users are solely responsible for
obtaining data accuracy.

N08-131





- Legend**
- Material Stock Pile
 - Proposed Gravel site
 - Photo Location Sites
 - ROADS



2008 Orthophotography

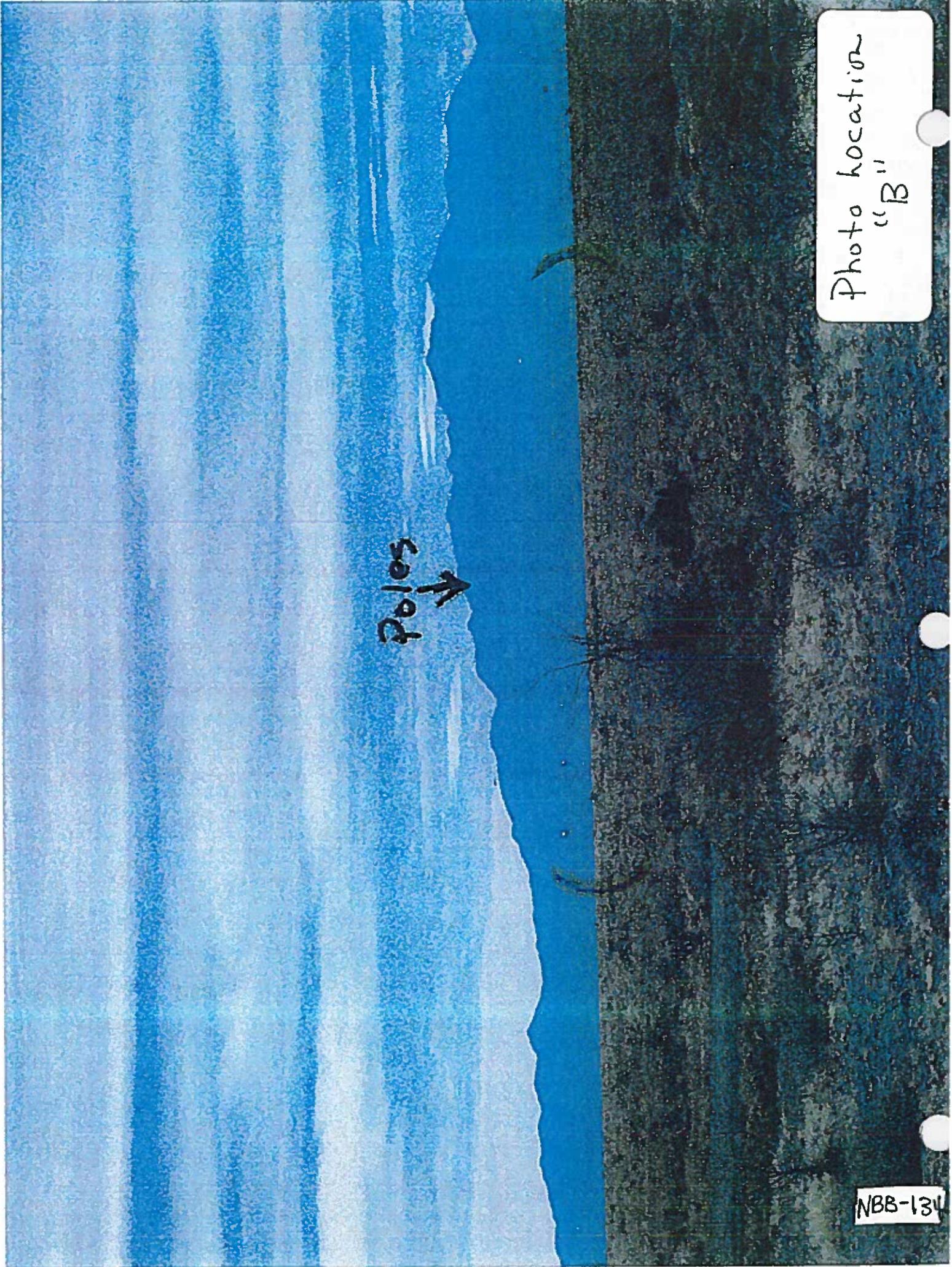
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Poles
↓

Photo Location
"A"

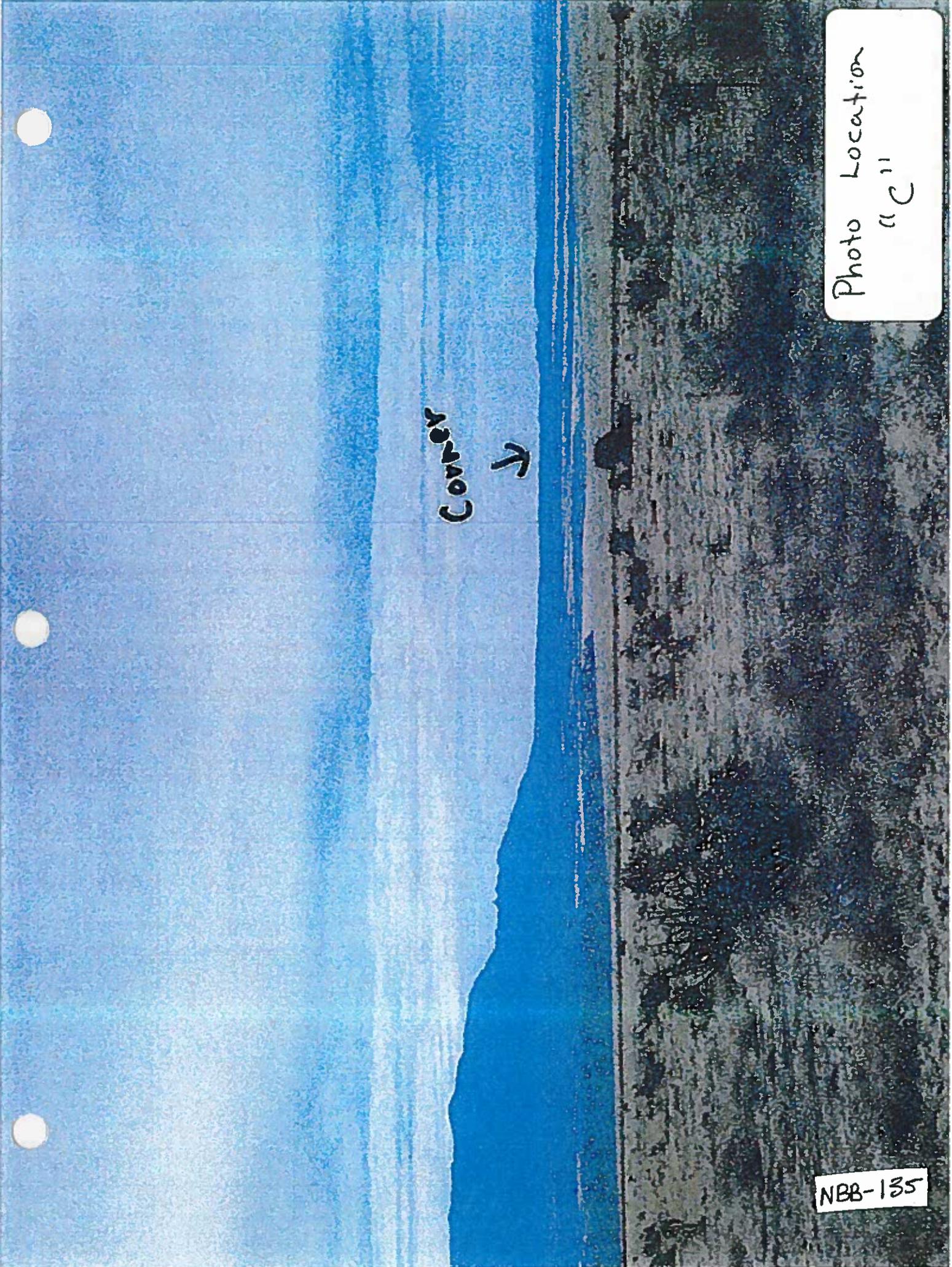
NBB-133



Poles
↓

Photo location
"B"

NBB-134



Conroy
↓

Photo Location
"C"

NBB-135

SE Corner

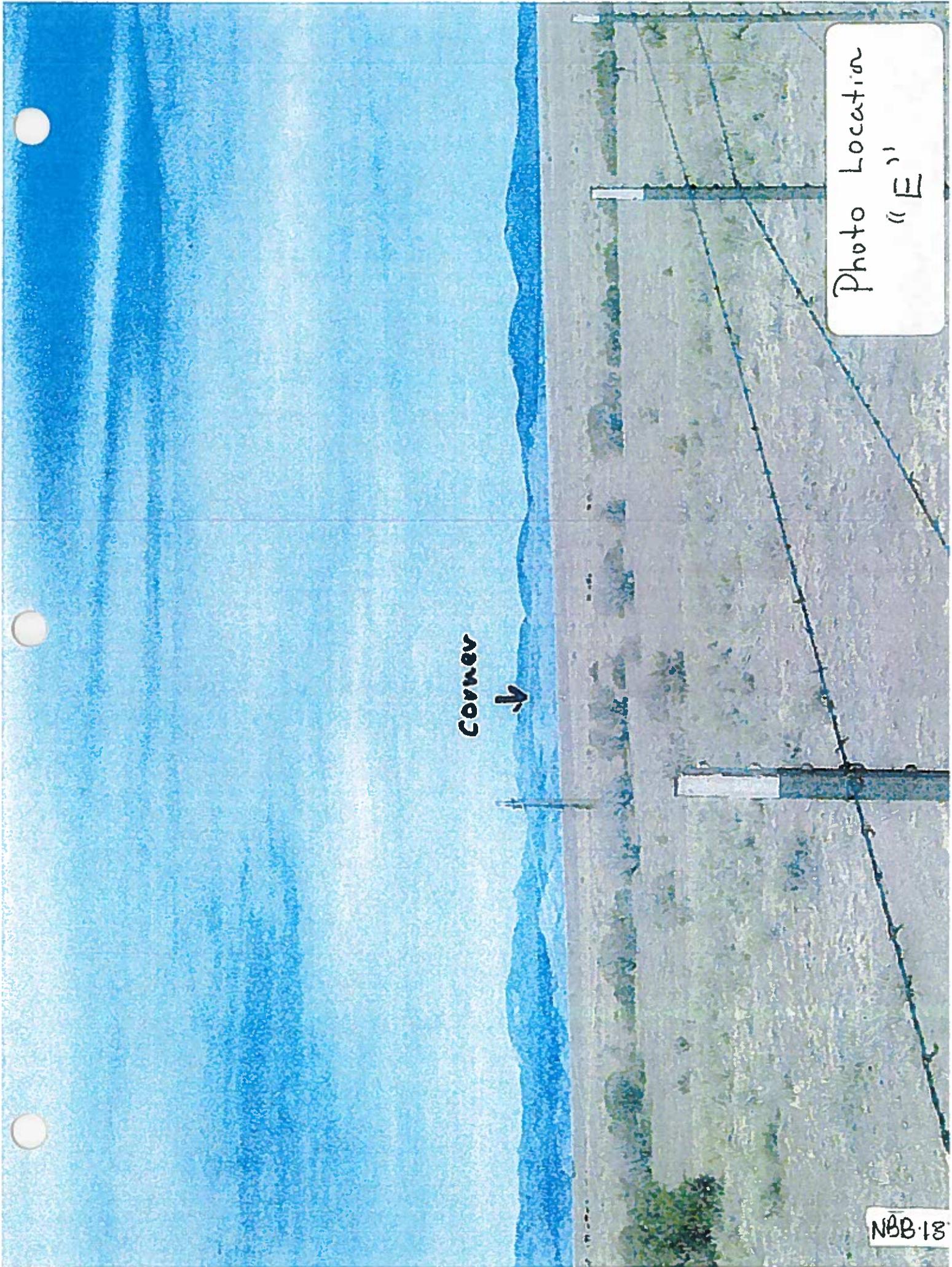


Stockpile



NBB-136

Photo Location
"D"



Corner



Photo Location
"E"

NBB-18



corner
↓

Photo Location
"F"

NBB-138

cell tower
↓

Photo location
"G"

NBB-139

cell tower



Photo Location
"H"

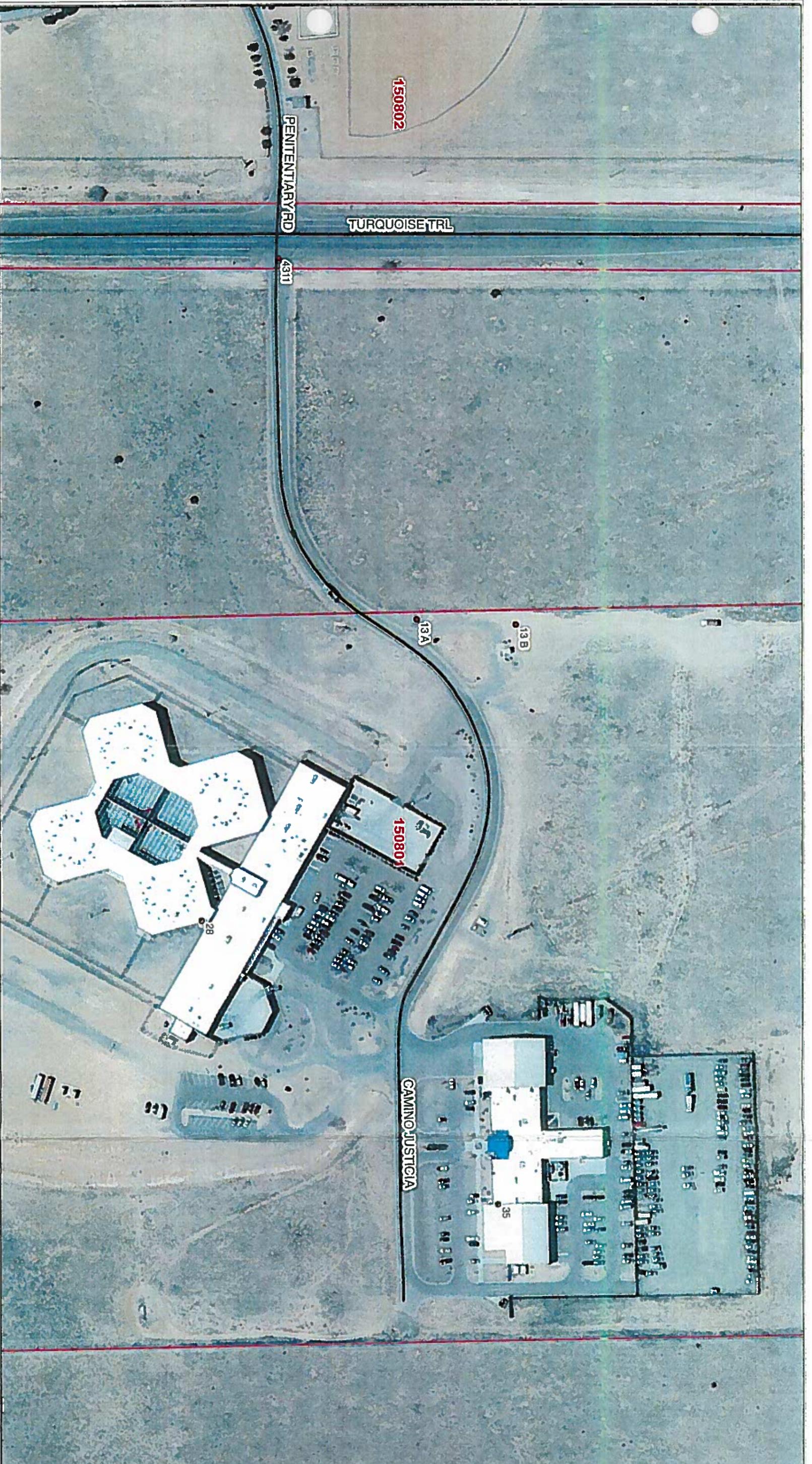
NBB-140



Cell Tower
↓

Photo Location
"I"

NBB-141



- Legend**
-  ROADS
 -  Parcels



Orthophotography
2 FOOT CONTOURS

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February 7, 2013

N233-14

Orthophotography
2 FOOT CONTOURS

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Legend

-  ROADS
-  Parcels

COUNTY ROAD 56

0 PASEO REAL

MA

90

HUEY RD

PASEO REAL



41A PASEO REAL

41B PASEO REAL

41A

39 PASEO REAL

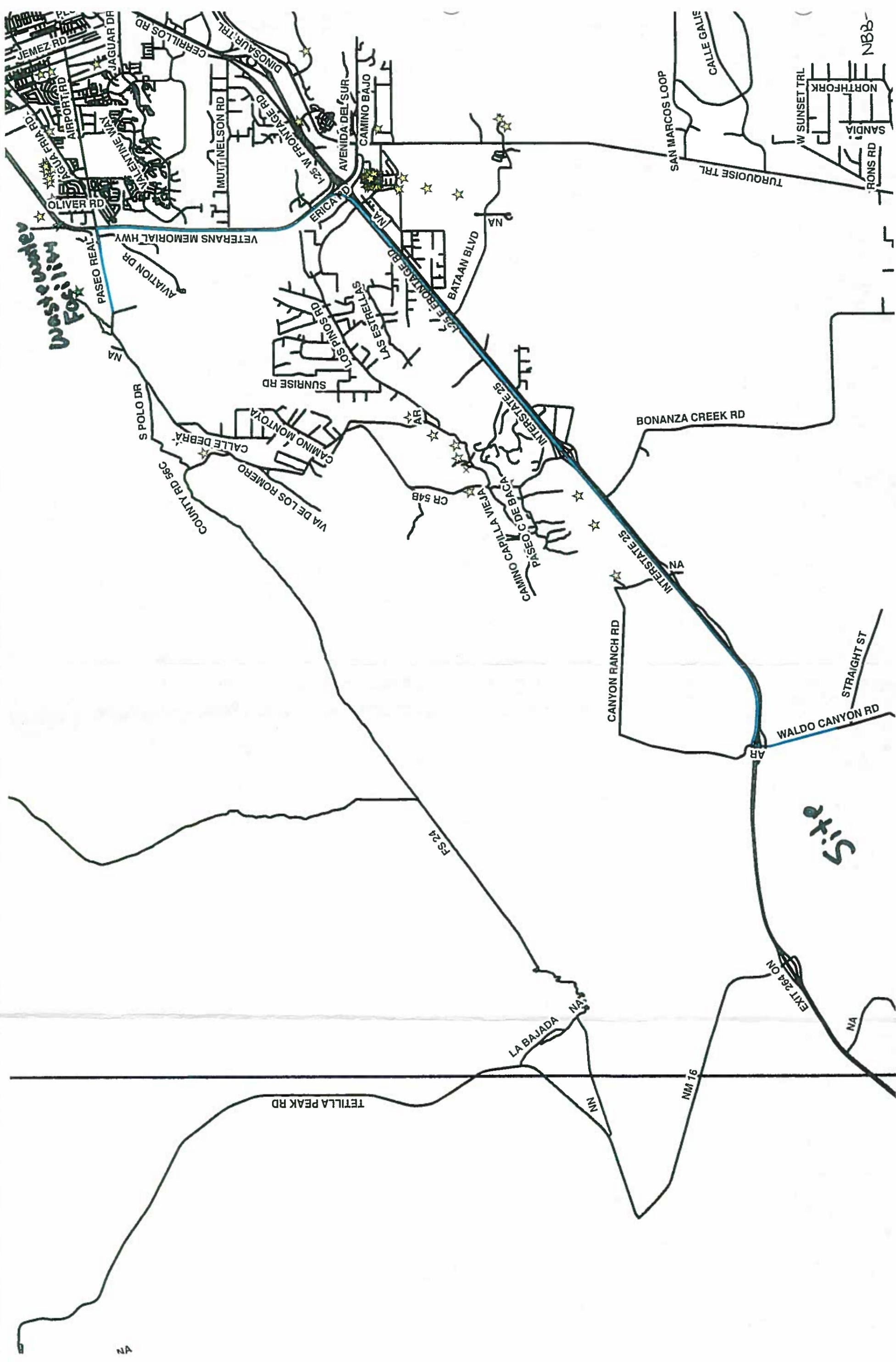
45

45

Return water
 Dispersing
 Facility

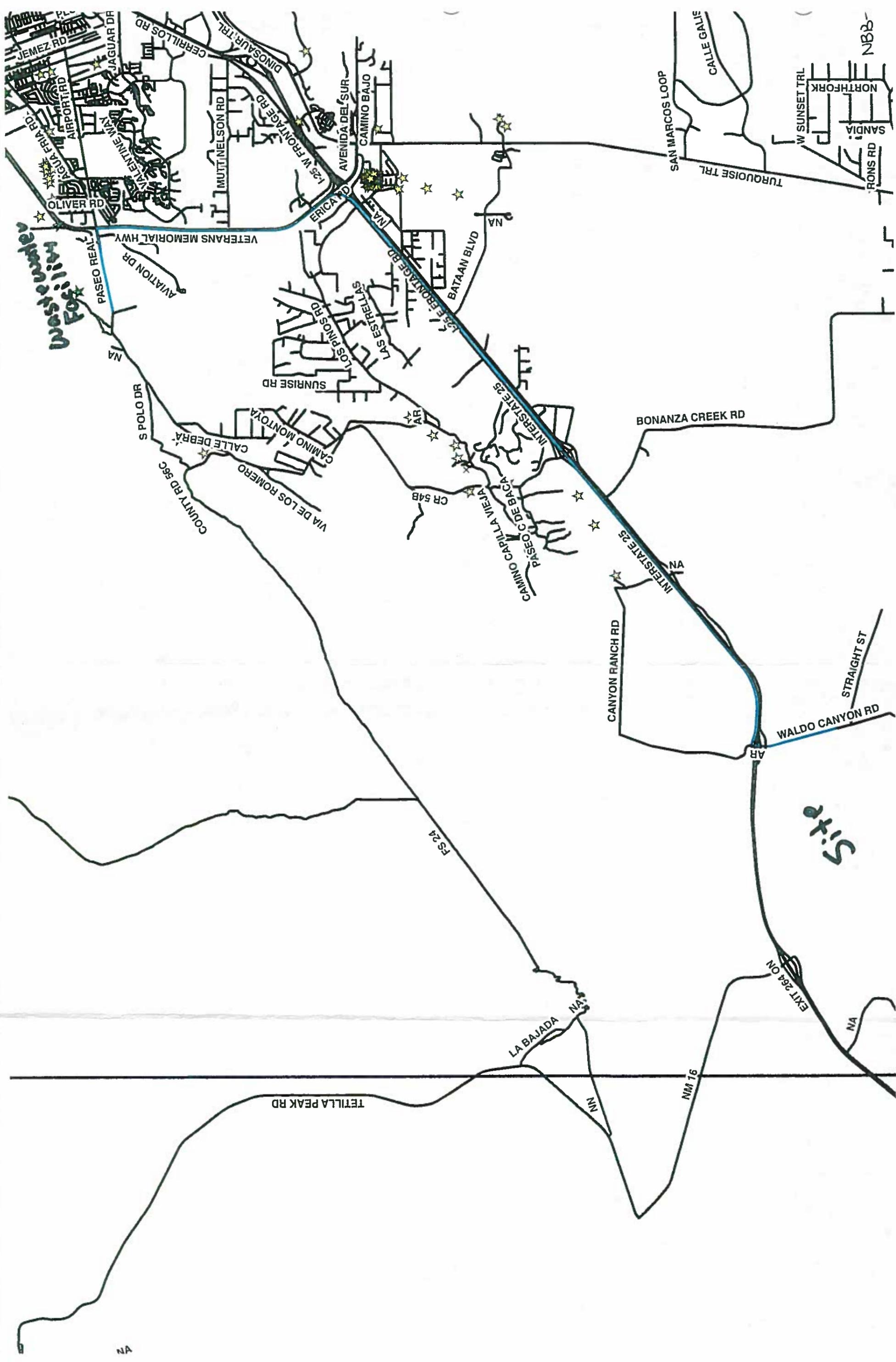
tabbles
EXHIBIT
8

NBB-144



Waste Transfer Station

Site



Waste Transfer Station

Site

AFFIDAVIT OF [Buena Vista Estates, Inc]

STATE OF NEW MEXICO)
) ss.
COUNTY OF Santa Fe)

I, [Peter Naumburg], am first duly sworn, state upon my oath as follows:

1. I am the [Vice President] of [Buena Vista Estates, Inc.] ("Applicant").
2. I am authorized by Applicant to testify to all matters addressed in this Affidavit.
3. Applicant filed application [Buena Vista Estates, Inc & Rockology, Limited LLC Case #2013-5360] to mine construction material in Santa Fe County ("Application").
4. Applicant has completed all necessary research to determine title to the construction material sought to be mined, and affirms that Applicant owns all legal rights to that material.
5. Should the assertion in ¶ 4 prove to be incorrect, Applicant agrees to indemnify Santa Fe County against any and all liability arising, directly or indirectly, from that error.
6. Should the assertion in ¶ 4 prove to be incorrect, Applicant understands that Santa Fe County may suspend or revoke any permit granted pursuant to the Application. Further the Affiant sayeth naught.

Dated this 19th day of November, 2013.


 Buena Vista Estates, Inc.
 Peter Naumburg, Vice President
 10901 Holly Avenue, NE
 Albuquerque, NM 87122

Subscribed and sworn to before me this 19th day of November, 2013.


 Notary Public

My commission expires 5/23/13



NBB-146

VII. Public Hearings

- A. CDRC CASE # MIS 13-5390 Louie Rael Sr. Exemption. Louie Rael, Sr. and Louie Rael Jr., Applicants, request an Exemption for five year holding between Family Transfer Applications, Section 6.14.4 of Ordinance No. 2002-9, to allow a Small Lot Family Transfer Land Division of two lots consisting of 2.54 and 2.56 acres into four lots. The property is located at 34A Camino Montoya and 53B Paseo Martinez, within the Traditional Historic Community of La Cienega/La Cieneguilla, within Section 20 & 29 Township 16 North, Range 8 East, (Commission District 3)

Chair Drobnis reminded the Committee that at its February meeting the vote on this case ended in a tie vote. Under Commission Rules of Order the application is automatically tabled until the next meeting when a tie can be broken. The case is being presented for vote only.

Ms. Lucero advised the Committee that the motion at last month's meeting was to grant the applicant's request for the exemption.

The motion to approve the request was approved by majority [4-3] voice vote with members Roybal, Gonzales, Booth and Anaya voting for and members Drobnis, Martin and Katz voting against.

- B. CDRC CASE # ZMXT 13-5360 Buena Vista Estates, Inc. & Rockology LLC Buena Vista Estates, Inc, Applicant, Jim Siebert, Agent, requests zoning approval to create a mining zone, on a 50 acre + site, to allow the extraction of aggregate for use as construction material. The site will take access off of Waldo Canyon Road (County Road 57) and the property is located on the south side of I-25, within Section 21, Township 15 North, Range 7 East (Commission District 3)

[Exhibit 1: Red binder of materials opposing the strip mine application on La Bajada Mesa compiled by the Rural Conservation Alliance; Exhibit 2: League of Women Voter letter in opposition of request; Exhibit 3: San Marcos Association letter in opposition to request, dated 3/20/14; Exhibit 4: 101 signatures of individuals outside the County Chambers; Exhibit 5: Ross Lockridge letter, dated 3/20/14 against the request; Exhibit 6: Sam Worthman, email in support of the request; Exhibit 7: Packet of emails sent to County staff opposing the application]

JOSE LARRAÑAGA: Buena Vista Estates, Inc. owner, Rockology Limited, LLC, operator, are proposing the creation of a Mining Zone to allow the extraction of aggregate for construction purposes to be used in redi-mix concrete, asphalt, landscaping, and base coarse. The Applicant states: "the basaltic material is a durable,



NBB-147

sound aggregate, which is needed in construction of roads, bridges, homes, schools, buildings, and public works projects. The quality of the aggregate pits in the Santa Fe area generally does not meet the requirements for these types of construction projects". The mining will encumber 50 acres of land within a 1,359-acre parcel owned by Buena Vista Estates.

The mining operation is expected to last 25 years with the operation to be conducted in three phases. A materials stockpile and crusher will be located in each of the three phases pits to be excavated. The mining for each phase/cell will occur over an approximate seven to eight year period. Rock drilling will follow the removal of overburden, drilled in accordance with the approved blasting plan. A licensed and insured blaster will perform the blasting operations in compliance with all regulatory agencies, including Santa Fe County, MSHA and Federal ATF regulations.

Article 11, Section 1.1 states that the mineral extraction activity for construction materials, including but not limited to, stone, sand, gravel, aggregate, or similar naturally occurring materials, shall be allowed anywhere in the County, provided the requirements of this Ordinance are met. Article 11, Section 1.2, Location Standards for Creation of New Mining Zones, states that "the Santa Fe County Board of County Commissioners may create new mining zones, provided the following location standards are satisfied: 1. Demonstrated existence of significant mineral resources. 2. Use of the land for mining uses is reasonably compatible with other uses in the area affected by the mining use, including but not limited to traditional patterns of land use, recreational uses, and present or planned population centers or urban and metropolitan areas. 3. A history of significant mining activity in the area, if mining has been conducted in the area not required for creation of new mining zones. 4. The area designated is particularly suited for mining uses, in comparison with other areas of the County".

The Applicants have submitted an analysis of the above mentioned location standards criteria: 1. A soils investigation of the site was conducted. An aggregate summary report, prepared by AMEC Earth Environmental, Incorporated, describes the type of material found on the site. Basaltic material was found to the limits of the depth that can be achieved by an excavator, or approximately 20 feet. 2. Currently the property is being used for grazing purposes which would continue during the mining operation. The site is privately owned and is not an open area for public use. The site is not within a present or planned population district. 3. There are several mine sites in the vicinity of this property. 4. The site is not neighboring any residences. The traffic created by the mine will not go through residential communities. The mine site will not impact the neighboring properties.

Article XI, Section 1.5.1.d, states: "a plan to provide for reclamation of the mine site. For mining uses involving open pit mining operations, the mining operator shall be required to submit a plan for recontouring and reseeding or revegetation of the mine site or any phases thereof when the property or portions thereof has been mined. The plan for reseeding or revegetation may not require seeding or reseeding or revegetation of the open pit, but it shall require a plan to reseed or revegetate the remaining disturbed areas of the mine site, excluding roads, with reasonable allowances to recognize areas that cannot be practically seeded or revegetated because of slope; rock conditions or other limitation factors, in an attempt to provide roughly comparable vegetation to that which existed in the area prior to mining, through a single reasonable effort. The Board may

require a security for completion of the reclamation required under the section. The security may be in the form of a: (1) surety bond issued by an insurance company which is rated "A" or better by Standard and Poors or a comparable rating service; or (2) by a letter of credit in a form approved by the Board, issued by a state or national bank whose deposits are insured by the Federal Deposit Insurance Corporation; or (3) if approved by the Board, by a corporate undertaking issued by the applicant corporation or its parent corporation listed on the New York or American Stock Exchange or major foreign stock exchange.

This Application was submitted on December 6, 2013. The Building and Development Services staff has reviewed this project for compliance with pertinent Code requirements and has found that the following facts presented support the request for the creation of a Mining Zone: the Application is comprehensive in establishing the scope of the project; existence of significant mineral resources has been demonstrated by the Applicant; the use of 50 acres of land, within a 1,359 acre parcel, for a mining use is reasonably compatible with other uses in the vicinity; the designated 50 acre site is particularly suited for mining uses, in comparison with other areas of the County; the review comments from State Agencies and County staff have established that this Application is in compliance with State and County requirements and Article XI, Section 1 of the Land Development Code.

The approval sought the creation of a Mining Zone to allow the extraction of aggregate for construction purposes on 50 acres of land within a 1,359-acre parcel. Submittal For Mining Uses: The following was submitted by the Applicant as required by Article XI, 1.5.1: a vicinity map showing the mine site and the area within a three mile radius of the mine site drawn on a USGS topographic quadrangle map; a map for the mine site, general survey, aerial photograph illustrating the existing site data; an operations plan in accordance with Article XI, 1.5.1 - 8; a plan to provide reclamation of the mine site; an estimate of the average annual payroll/economic benefit of the mine site; a list of permits required to be obtained to engage in the mining use on the mine site; submission of an affidavit of ownership of mineral rights which is Exhibit 8.

Area of Mineral Extraction Activities: The neighboring activities are all -

CHAIR DROBNIS: Mr. Larrañaga, can I interrupt for a moment. Jeff, can you give us any more volume on the loud speakers. Thank you.

MR. LARRAÑAGA: Area of Mineral Extraction Activities: The neighboring activities are all industrial or transportation uses: the Waldo Quarry is 1.5 miles southeast of the proposed site; the New Mexico Rail Runner track traverses south of the proposed site; the Rosario Asphalt Terminal is located approximately three miles southwest of the proposed site; and in 1998, sand and gravel was mined in the area by Corn Construction for the I-25 construction."

Archaeological: Medium Potential, archeological report required for development of more than 10 acres. An archaeological report has been submitted for review. The Historic Preservation Division reviewed the archaeological report prepared by Townsend Archaeological Consultants and concurred with the findings that no additional archaeological investigations are necessary. Because of the presence of segments of US 85/66 and Camino Real within one mile of the project area, a line of site analysis was conducted to determine whether the materials pit would be visible from each of the segments. This analysis showed that the materials pit would not be visible from most

locations because of intervening topography. Based on this analysis HPD had no concerns with the proposed project.

Access And Traffic: The site will be accessed from I-25 and Waldo Canyon Road. The distance from I-25, measured along County Road 57, to the access point to the site is approximately .6 miles. A Traffic Impact Analysis was submitted for review. NMDOT stated that traffic impact from the development would be minimal to the state roadway system and that no further action would be required. Santa Fe County Public Works Department has imposed conditions that County Road 57 be improved – a two-inch overlay of HMA shall be applied on County Road 57 starting from the East Interstate 25 Frontage to the most southern boundary of the access road to the site – as per Code requirements. Truck traffic both to and from the site will utilize I-25 and County Road 57 as described on page 13 of the Applicants Report. Traffic generated by the mine site will not go through any community, Traditional Community or pass any existing residences.

Fire Protection: Turquoise Trail Fire District. Santa Fe County Fire Marshal recommends approval of the proposed project conditioned on compliance with Article 1, Section 103.3.2 of the Uniform Fire Code. A 10,000-gallon water tank will be dedicated for fire protection on the site. A draft hydrant will be attached to the tank to be accessible to fire trucks. A knox locks will be installed on the gate located on County Road 57.

Water Supply: Bulk water services from Santa Fe County will be used to serve this project. The County has issued a ready and willing letter to provide bulk water services from the SFCU dispensing facility located at 13B Camino Justicia. The Applicant submitted a water budget on the annual use of water for dust control. Santa Fe County Utilities Department has reviewed the project and has verified the issuance of a ready and willing letter to supply bulk water services to this project.

Liquid Waste: Portable toilets will be brought on site for sanitary purposes for the employees. The operator will enter into a contract to supply and maintain the portable toilets.

Solid Waste: The solid waste produced on site will be associated with trash generated by the employees eating lunch at the plant. This trash will be placed in bags and taken to the Rockology office in Albuquerque to be disposed of in Albuquerque.

Floodplain and Terrain Management: The Applicant has submitted Topography data, a soils map, Grading and Drainage Plan, and Reclamation Plan. A 31,245 cubic foot retention pond is proposed which will serve as drainage control for onsite drainage. The total amount of ponding required is 22,264. Therefore, the submittal is in conformance for phases I, II and III and complies with Article VII, Section 3.4.6 and Ordinance 2008-10 Flood Damage Prevention and Stormwater Management Ordinance.

The site contains slopes of 0-15 percent and slopes from northeast to southwest portion of the extraction. The site is located outside of the 100 year FEMA designated flood hazard area and contains one small drainage location on the site. The submittal is in conformance of Article VII, Section 3.4.6 and Ordinance 2008-10 Flood Damage Prevention and Stormwater Management Ordinance

Signage and Lighting: No signage has been proposed for this project. A portable generator will serve the electric needs for this project. There will be periods of time that the extraction of material will not take place therefore a consistent source of electricity is

not required. Temporary, portable lights will be used in the crusher/screener area, not to exceed 20 feet in height.

Existing Development: The 1,359 acre parcel is currently vacant. The property is currently being assessed as agricultural.

Adjacent Property: The 50-acre site is bordered on all sides by property owned by Buena Vista LTD. County Road 57 is approximately 1,250 feet away from the site to the east. The site is set back from I-25 and the Waldo Canyon overpass 4,250 feet at the northern boundary. The set back from the southern property line is 1,250 feet and 9,000 feet from the west property line.

Phasing: The project will be completed in three phases within a 25-year period. The estimated time frame from start to completion of Phase I is 2014-2021, with approximately 326,000 cubic yards of material to be removed from the site. The estimated time frame from start to completion of Phase II is 2021-2028, with approximately 397,000 cubic yards of material to be removed from the site. The estimated time frame from start to completion of Phase III is 2028-2039, with approximately 543,000 cubic yards of material to be removed from the site. Reclamation will take place upon completion of each phase.

Visibility: On February 28, 2014, staff conducted a site visit to the proposed mine site. The Applicants placed 20-foot story poles, with white banners, at each corner of the 50-acre site. The Applicants also placed 20-foot story poles, with brown banners, where material would be stored within the 50-acre site. The purpose of placing the story poles was for staff to take photos at different locations to analyze the visibility of the proposed site. Staff GPS'd the property corners and the proposed stockpile location. Staff then went out onto I-25, I-25 Frontage Road, and County Road, 57 and took photos at locations where the poles or a portion of the poles were visible to the naked eye, these locations were also GPS'd. Staff also went out to areas to the south of the site and took photos of the general site using the cell tower as a landmark, the location of these photos were also GPS'd. Attached as Exhibit 6 is a map of the area which illustrates the location of the story poles and photos from different vantage points where staff could see the poles or a portion of the poles.

Staff's conclusion is that the site will be visible on I-25 going west/headed towards Albuquerque, there will be very little visibility heading into Santa Fe on I-25. The site will be visible on County Rd. 57 at the entrance to the site.

Agencies Reviews: County Fire Marshal, approval; County Utilities, approval, NMDOT, approval, Public Works, approval with conditions, Traffic Planner, approval with conditions, Office State Engineer, declined to comment; State Historic Preservation Office, approval, New Mexico Environmental Department Groundwater, approval; New Mexico Energy and Minerals, approval.

Staff Recommendation: Conditional approval for the creation of a mining zone, on a 50 acre site, to allow the extraction of aggregate for the use as construction material subject to the following staff condition:

1. Master Plan for all three Phases with appropriate signatures shall be recorded with the County Clerk, as per Article V, Section 5.2.5 of the Land Development Code.
2. Staff recommends that the Board of County Commissioners require the Applicant to submit a financial security for completion of the reclamation in accordance with Article XI, Section 1.5.1.d of the Land Development Code.

Mr. Chair, I stand for any questions.

CHAIR DROBNIS: Are there questions from the Committee to staff?

Mr. Anaya.

COMMITTEE MEMBER ANAYA: Mr. Chair, first thing I want to do is tell staff personally that the work that you guys had done on this particular project right here was very professional done and I appreciate it. It made it easy for myself to view everything and follow along as it read. So I just want to thank staff publicly for the work that they've done not only on this one but on many other cases too. So I want to start off with just that right there. And then we'll continue.

CHAIR DROBNIS: Any other questions from the Committee? Ms.

Martin.

COMMITTEE MEMBER MARTIN: I'm not sure if this is for you or this is for the utilities department but how does the utilities department make a decision on supplying the bulk water.

AUDIENCE: Can't hear.

COMMITTEE MEMBER MARTIN: It's a question for staff I wanted to know how the County water utilities makes a decision to provide bulk water services to an applicant such as this?

CHAIR DROBNIS: I think we're looking for a utilities department person.

COMMITTEE MEMBER MARTIN: I'll hold it.

CHAIR DROBNIS: We'll hold that question until somebody can be located. Mr. Gonzales, did you have something?

COMMITTEE MEMBER GONZALES: Member Drobnis, I kind of have the same question. Maybe you can answer it instead. Regarding the bulk water is it - where is it specifically that they're getting the water from?

MR. LARRAÑAGA: Mr. Chair, Committee Member Gonzales, the water that they're getting is from the County water from Highway 14 by the County jail, right in front of the County jail.

COMMITTEE MEMBER GONZALES: Is that just potable water or is it greywater?

MR. LARRAÑAGA: Mr. Chair, Committee Member Gonzales, potable water, yes.

COMMITTEE MEMBER GONZALES: Thank you.

CHAIR DROBNIS: Mr. Katz.

COMMITTEE MEMBER KATZ: I have a question about the history of the zoning of this area if staff could give us some input on that please. What is it zoned now? When was it zoned that? Has it ever been changed? What considerations went into the zoning originally?

MR. LARRAÑAGA: Mr. Chair, Committee Member Katz, right now it is zoned agricultural. It has been assessed agricultural so we consider it agricultural slash residential. They could go out there and build a house with the proper permits. This is changing the zoning just on the 50-acre site within that large parcel as a mining zone.

COMMITTEE MEMBER KATZ: I understand that. How did it get the - does it have zoning now?

MR. LARRAÑAGA: Mr. Chair, Committee Member Katz, it has never gone through a zoning process, no. But we do consider it as residential/agricultural.

COMMITTEE MEMBER KATZ: What is the basis of your considering it that? I'm a little puzzled.

MR. LARRAÑAGA: Mr. Chair, Committee Member Katz, most properties aren't – don't ever come in for zoning. This property is going through zoning is assessed agricultural and used for grazing but it's not zoned as a subdivision. It's just zoned as a large tract residential.

COMMITTEE MEMBER KATZ: Thank you. That's all I have.

CHAIR DROBNIS: Are there other questions from the Committee? Ms. Booth.

COMMITTEE MEMBER BOOTH: I'm wondering the Sustainable Growth – our new plan that is going to be coming into effect, how that would affect this or how it would be perceived differently? Is that a fair question? Is that a legal question?

CHAIR DROBNIS: How is it zoned in the Sustainable Development Land Use Plan?

MS. LUCERO: Mr. Chair, Committee Members, under the Sustainable Land Development Code this – the zoning designation for a mining operation would be considered a development of Countywide Impact so it would be a different procedure that they would have to follow under the Sustainable Land Development Code.

CHAIR DROBNIS: If this application for rezoning were denied what would be the zone under the new code?

MS. LUCERO: Mr. Chair, the zoning map is still – the draft is in the process of being finalized so I don't know the specific zoning designation of this particular parcel.

CHAIR DROBNIS: Thank you. Are there any other questions from the Committee, Mr. Katz?

COMMITTEE MEMBER KATZ: A similar application came before the County a few years back and staff recommended against approving it. Why is there a different recommendation this go around? What's different?

MR. LARRAÑAGA: Mr. Chair, Committee Member Katz, a few years back when it came through it came in as trying to do temporary for the Rail Runner also the water was an issue. We had a negative recommendation on water from the then county hydrologist.

COMMITTEE MEMBER KATZ: Thank you.

CHAIR DROBNIS: Are there any other questions from the Committee? Is the applicant present? Oh, excuse me just a moment. Is someone from the Public Utilities Department available to answer the question we asked?

ADAM LEIGLAND: Good afternoon members of the Committee. I am Adam Leigland, public works director. Mr. Chair, I understand the question is how does the County evaluate requests for bulk water; is that correct? There is not approval process. We have a bulk water dispenser which I think has been mentioned off of State Road 14 and you would come in and create a customer account and so there is no approval process. We don't evaluate what your uses are. You just come in and create an account and then you purchase water and the amount you purchase goes against your account and then you're billed monthly according to your usage.

CHAIR DROBNIS: If we're going to get through the meeting within any of our lifetimes it going to be necessary for us to be polite and let everyone speak their turn. Thank you.

Are there other questions for public utilities? Ms. Martin.

COMMITTEE MEMBER MARTIN: Yeah, I've got a question. What's the basis for the utilities as willing and able to provide bulk water services for this project that's anticipated to be 25-year lifespan.

MR. LEIGLAND: Mr. Chair, Ms. Martin, as I said, we have a bulk water dispenser that in order to avail yourself of it, you open up an account. This particular client said if we open up an account can we buy water from you and the answer is yes. There is no policy that says you have to use the water for a specific purpose – so that was the basis for that letter.

COMMITTEE MEMBER MARTIN: Is there a time period specified?

MR. LEIGLAND: Mr. Chair, Member Martin, no, because it would be no different if a resident came in and said I'm going to be buying water from you for 25 years or maybe the applicant buys water one time. So we have approximately 150 customer accounts for the bulk water dispenser. Some are commercial, some are residential, we have different rates for each of these. This particular application would be a commercial rate. Commercial rate for water is 2 cents a gallons which is actually about three times what it would be if you had it right off the utility. So it's a pretty high rate for water but there's no mention of a time frame as long as that bulk water dispensers exist.

CHAIR DROBNIS: Yes, Mr. Katz.

COMMITTEE MEMBER KATZ: So if I wanted to buy a million gallons a day from you and would have trucks lined up all day long, you would just automatically approve that?

MR. LEIGLAND: Mr. Chair, Member Katz, yes, under our current policy, yes.

COMMITTEE MEMBER KATZ: Thank you.

CHAIR DROBNIS: Ms. Booth.

COMMITTEE MEMBER BOOTH: Will that change under the new plan? Will water rates or water – I'm sorry. Will that change under the new plan? The access to that much water and the rates? Is that part of the sustainable plan?

MR. LEIGLAND: Mr. Chair, Member Booth, no, the bulk water dispenser would not be part of the land use policy. If we wanted to address a question like Member Katz asked we'd have to do that in a bulk water distribution policy. We don't have. Most of our customers buy 5,000 gallons a month or something like that.

CHAIR DROBNIS: Mr. Gonzales.

COMMITTEE MEMBER GONZALES: Adam, could this application drill a well if he got a permit from the State Engineer? Is that why they didn't have any dog in this fight sort of speak? Could the get a permit to drill a well and use it there at the site?

MR. LEIGLAND: Mr. Chair, Member Gonzales I don't know that. I presume this is a question for Mr. Siebert. I presume the answer to that question is yes. I don't know why they chose to come to us. Again, they came to us and we charge a high rate of water. You know, going back to Member Katz' question, in theory anyone could buy million gallons but they would quickly put themselves out of business because our

rates are so high and plus the maximum, if you followed state, the maximum amount of water you could deliver at any one time by a truck is only 6,000 gallons otherwise you're exceeding state truck weight limits. So the max you could even expect to deliver at a time is say, 5,000 gallons. So that is why we never thought it would be necessary to have a policy that says you can't buy a million gallons because we can't imagine a usage where 5,000 gallons at a time at 2 cents a gallon where it would be economical to buy that. Most of the commercial users we have are going to be maybe one-time users with a 6,000/5,000 gallons makes sense.

But to get to your question, I don't know why or what the nature of the well is. I presume the answer is yes. But I think that might be a question for Mr. Siebert.

COMMITTEE MEMBER GONZALES: This bulk water that they're going to buy from the County it's going to be primarily used for dust control?

MR. LEIGLAND: Mr. Chair, Member Gonzales, that is my understanding, yes.

COMMITTEE MEMBER BOOTH: Mr. Anaya.

COMMITTEE MEMBER ANAYA: Mr. Chair, Adam, I believe that was your name and I apologize if it's not.

Along that same line of questioning I was going to ask you and you answered it pretty clear to me but I just want to make it a little bit clearer there. The water that they're using, the amount of gallons that they're using about how much would say is reclaimable water?

MR. LEIGLAND: Mr. Chair, Member Anaya, so when you say reclaimable water – I'm not understanding.

COMMITTEE MEMBER ANAYA: How much of that water is going to be just sprayed where it goes right back down into the gravel into the aquifer and how much of that water is going to be hauled out?

MR. LEIGLAND: Mr. Chair, Mr. Anaya, I don't know the answer to that question. Presumably if they use all of it for dust control 100 percent of it will be returned.

COMMITTEE MEMBER BOOTH: Any other questions from the Committee? Ms. Martin.

COMMITTEE MEMBER MARTIN: I just wanted to clarify. This is potable water we're talking about?

MR. LEIGLAND: Mr. Chair, Member Martin, yes.

CHAIR DROBNIS: Any other questions? Is the applicant present?

RACHEL BROWN (Deputy County Attorney): Mr. Chair, if I could clarify a point that was made earlier.

CHAIR DROBNIS: Please.

MS. BROWN: Just so that the record is correct as you move forward. There was a discussion as to whether this is a rezoning of property. And I want to make it clear that the Land Use Code allows gravel pits anywhere in the county. So all property is in theory zoned for gravel pits. It's more in mind with a conditional permit that's at issue today. A discretionary discussion as to whether to allow that use as opposed to a rezoning.

CHAIR DROBNIS: Okay. The label for the item says, request zoning approval to create a mining zone, so that is strictly speaking the accurate term?

MS. BROWN: Rezoning is not the correct term.

CHAIR DROBNIS: Very good, thank you. Any other question from the Committee? May we have the applicant now, please.

[Jim Siebert and Steve Hooper were duly sworn]

JIM SIEBERT: My name is Jim Siebert. My business address is 915 Mercer, Santa Fe. I'm going to let Steve Hooper who is the president of Rockology lead out here and provide you some of the background on his company and what his company has done historically in the past in terms of having experience in this kind of an operation. With that I'll ask that power point presentation be turned on. Thank you.

STEVE HOOPER: Thank you. Mr. Chair, Committee members my name is Steve Hooper. Address is 3601 Pan American Freeway, Albuquerque. I'd like to just give a brief introduction of myself and who Rockology is. Essentially Rockology is an LLC that is comprised of the owners of Buena Vista who are applying for this application and myself. I have no ownership in the property. I basically am the managing member of Rockology for purposes of what we're hoping to do. So basically the purpose of the organization is to engage in the business of selling aggregates.

Quick background on myself. I know that there's a lot of people here opposed to it but I'm a very proud New Mexican myself. And I'm a professional engineer in aggregate, concrete and asphalt business my entire career. I have operated numerous pits in Colorado, a couple in Colorado but primarily here in New Mexico. Have worked with the zoning in the past, Santa Fe County in particular in a quarry in Edgewood, operated several pits in Albuquerque that have been reclaimed. Albuquerque balloon field is a good example of one. There was a sand and gravel pit that I was involved in the ultimate reclamation. The Renaissance development area in Albuquerque where Costco and those kinds of things are. So I've been involved in very large ones and I've also been involved in small ones. Operated and ran Santa Fe Brown Pit before the Ecker brothers got in it for those that are familiar with Santa Fe Brown Pit we operated one right next to the waste treatment plant.

So I have a long history of being in the sand and gravel business. It's been quite some time since I've been in front of a group trying to get an application approved. And I always recognize that there's opposition to it. There's always opposition and I'm sure we're going to hear a lot. I think that though one of the things to remember is that aggregates are a foundation product for any society that wants to go. We all drive on roads. We all have houses. Certainly, there are people that believe we need to go and that kind of stuff but no matter whether you're going to build a hospital or a school, it takes our materials. One of the things that has happened is that the quality of aggregates particularly for Santa Fe that are permitted and zoned and legal are becoming depleted. Santa Fe County really relies or Santa Fe in particular relies on a lot of aggregates coming out of the Algodones and Placitas area and this would be an opportunity and it's spelled out in our application to create a closer location with a high quality aggregate and quite frankly the Algodones areas are also becoming depleted. So it's something that I think not only Santa Fe County but Sandoval County, Bernalillo County, people, decision makers like you, have to be aware that our industry requires a quality source, number one. And then a demand, and there's obviously demand for it. And then approval for it because we all need these kinds of materials.

In my operations I've always been proud. I love the business. I wouldn't do anything different. People probably think that's crazy. It's a wonderful business. The company that I've worked for and the people that have worked with me, we've won numerous national awards for community relations and that's one of the things that we would like to extend as this thing progresses that we get involvement. And if we're not proposing it correctly, we're always open. We want to be good neighbors to everybody and be sure that we're doing it right.

I'd like to just maybe quickly go through some of the slides here. We can go to the next one here? This is a picture, basically the permit, the application has an air quality permit, these are all under the jurisdiction of the New Mexico Environment Department and what we've done is we actually put in an application for a significantly large plant. And the only reason that we did that, it's a 500 ton an hour plant, has multiple crushers and screens and this is a picture of the plant, if there should be highway project or something where there is a fair amount of material that you need quick we would use this size of a plant. Typically, we would probably not have that many components. This has two primary jaw crushes, two cone crushers, multiple screens but we don't anticipate that kind – but if there is a job that need and we need to come in and do something, say for the Highway Department, they're widening I-25 or something like that, we want to have that ability. But air permits also allow you to just take components of it and run smaller plants.

Our anticipated volume is about 250,000 tons a year. This is not – and that's based on kind of projections of annual consumption of communities like Santa Fe and we don't see it going much over that in any given year. There may be spikes because of a highway project or something like that. So what we would intend on doing is bringing in a portable plant, running it, stocking piling material, moving it. So it's not a full time, 40-hour a week, full year operation. Next slide. I just want to give you some pictures of some of the plants here. Here's a stacking conveyor. As Mr. Larrañaga pointed out we ran some poles up 20 feet high. We don't intend on stacking or having any equipment higher than 20 feet above the grade that we're mining. So this is an example of a stacker staking material, loader in the background. Next slide, please. Just a close up of some type of equipment. High quality equipment. It's all very well maintained. It's state-of-the-art type equipment. Next please. The types of trucks, I know that that's always a concern and part of the reason that we felt that this was a good location is that we have a very short distance to an interstate 6/10 of a mile. Trying to go further within the property of the landowners didn't make sense to access more of the county road. This is the type of truck, all legal type trucks. We will primarily be running the semi type in – and they're all street legal and you see them everyday on the interstate. Next please. We'll see some of these. Most of the trucks are going to be full-loads but this is a tandem type truck. So those are the two types of trucks you'll see running out of there. Here in a little bit, Jim will go over some of the traffic count and so forth on what we're expecting. Next, go ahead. Jim, I think this is where you're going to take over. Do you have any questions? Jim is going to go through more and if you have any particular questions before I sit down.

CHAIR DROBNIS: I think it would be better to hold the questions until the end of your presentation.

MR. HOOPER: Thank you, very much.

MR. SIEBERT: So what I'm going to do is go through kind of the overview of the sites itself where it's located and some of the existing activities that surround it to the yellow area is the 50-acre site lies 2,800 feet from I-25, right-of-way of I-25 and around 1,300 feet from County Road 57. The [inaudible] line on the top is hard to see but it says not a part. That's a 200-acre site that's not a part of the Buena Vista on top of the mesa. Next slide. This is an indication of how this site works well in terms of supply and demand both to the south and to the north. The immediate access to the north along I-25 which provides access to southern areas and what's anticipated is that for a road work project that area will provide for good access. I think it points out to – further north of that is Algodones, instead trucks coming north from Algodones or Placitas they would be coming south down at the south. Another advantage is on NM 599 you can access that going north and traveling through relatively unpopulated residential areas. Next. There is some activity that already exists on this property – it may not look like it. Right up against the northern property lines, the gas transmission line, that's actually the gas transmission line that feeds Santo Domingo it's a 12 or 14 inch high pressure line and then right below that, existing cell, there is an electric line, an underground electric that goes out to serve the cell towers. And the bottom line also coincides with the road which the maintenance road to the cell towers. And further down going further south to [inaudible] is a PNM high voltage transmission line that crosses the property and further down from that is the Rail Runner crosses into the south and east of this particular site. Next. This is kind of an overview of how the site works. The purpose of this slide was to show you where these activities would take place to the left. The next slide is a blowup of a better view of this but the yellow area – let me go back one slide if I could. Is that better there – no, the other way.

What happens is the road, the current road goes out to the salt towers is that we'll use that same road and there's a small off shoot that will go into this tract. That road will get a base course material and we'll talk about that in a bit. The location – the heavier yellow areas are equipment actually moves around on the site – could you go to the next slide, thank you. Once again, there's a trailer, there's fire storage, there's scales, there's equipment sheds, all of those things are permanently stationed on the site. To the right you would have the materials storage, the screeners, the crushers, the equipment that moves things around. That obviously will move around on the site for each phase and even the amendment phase, again, to extract the material in that particular phase. Next.

There has been some concern about you have a 5,000 gallon diesel tank for diesel storage and we're [inaudible] liner that would contain any spillage or any leaks that would occur on that and we certainly don't anticipate any that would take place. There's kind of an extraordinary measure, a secondary backup for any potential leaks with the diesel storage tank. Next.

We talked a little about the history of mining in the area. This is a map and if it's a little hard to read, I apologize. But there's a dash circle within that dash circle was the designated Cerrillos Road mining district and that's something that was established by the State. We are not within that district. We are to the south and west of that. Next. This is taken from the New Mexico Geological Society guidebook and what it does it shows the type of mining activity that is either ongoing or historic or has taken place within Santa Fe County. You can see there is a significant amount of activity around the railroad line and just to the north of it. I can point that out but – so this site is real

consistent with some of the mining activity that has historically taken place. Next slide. And this actually is a sign that you see at the Cerrillos Hills State Park and what it says it talks about the mining history of the area which is pretty extensive. In fact, the real history began probably back in the 17th Century when the Indians were mining turquoise and then there was exploration for gold and silver and then coal. But there's a long history of mining in this particular area. Next. And then what's going on currently. The site you can see by the square to the right and is Española Mercantile Mine sometimes referred to as the Waldo mine and that's a current material extraction site that ongoing. Then to the left along the – down below the railroad track is the prior gypsum mine that took place in the Santo Domingo Pueblo and then right next to the railroad tracks it was the spur tracks, it was the asphalt tanks were it stores petroleum that's used for the production of asphalt. And then further down on the very bottom towards the very bottom of the screen is Waldo the kind of historic mining town which everybody refers to. Next.

So the site – and this is an actual aerial photograph – indicated that the distance is about 4,400 feet from the intersection at County Road 57 to the beginning of the ramps on I-25. That, as you can see, there's this area along either of County Road 57 and then the general area has no physical evidence of development. This is a slide from the traffic study. And what the traffic study did was it took counts, it took what's called peak hour counts which are from 7 o'clock to 9 o'clock in the morning and from 4 o'clock to 6 o'clock in the afternoon because those are the peak hours of travel. Within that the highest count over a 15-minute period is selected for 1 hour thus the term peak hour. But the amount of traffic on County Road 57 is very limited. I can't remember the number ; but I think it was 7 that were northbound and fewer southbound. A lot of that traffic also is the entrance to what we call the Española Mercantile pit is further to the south so a lot of that traffic is actually truck traffic from the [inaudible] operation. The traffic – is this the next slide? I can't – the next slide indicates the volume of traffic that's turning in front of the project onto County Road 57 and generally between 20 and 16 vehicles that are turning and that includes both trucks and the employees coming to and from the site. And just to reiterate this is in a one-hour period that was taken. Next.

So we did a visibility analysis and the way we did this is we posted what we call visual banners and I'll describe how that works and they were light colored banners, at the four corners for the 50 acre site. And then we placed 8 land banners visual banners in that area where phase I operations would begin. The reason that they're brown is that the equipment and the material would be a dark color as well so we did not – next. So the banners, the way we did this is we drove post in the ground. We had a 2-inch PVC and then had to mast arms and for the light banners they are 3 feet wide. For the brown banners they are 2 feet wide. The height of the banner, the total height of the manner itself is 14.5 feet. The total height of the pole was 20 feet and then the banners were kind of 6 inches down from the top of the pole. So they're just slightly less than 20 feet. And the reason we did this is that if you just dug a PVC in the ground and stuck it out in the area there's not a way that you'd be able to see it from the distances that – and this is a visibility analysis from I-25 – the one on the south, and the reason I started there is that the further down you get there's an embankment and the embankment blocks any visibility. To the north is the [inaudible] underpass where the power was [inaudible] to I-25 and then the next slide. This is from I-25, it's the southern most point. There's a for

sale there and we use that as kind of a point of reference so people could locate themselves. And what happens there's a ridge at that point and there's no visibility from I-25. Next. This is moving a little further to the north. And, once again you have the ridge and there's no visibility from I-25. And then this once again is further up the road passed the turn off to County Road 57 at this point. And then as you can see further north and at this point you would really from I-25 you would have to look back over your right shoulder driving down the road in order to see it. And the reason we have [inaudible] is that the one – and this would be the corner point, it wouldn't be the points where the actual operation is taking place, that's what would be visible from that point on I-25. Next, and this is further up the road, there's two poles and it's difficult to see those from I-25 looking over your shoulder but the one thing that we did do is we used a camera with a 50 millimeter lens which is generally approximately somebody with 20/20 vision. Next.

So the other analysis that we did is along County Road 57 and we began at the south end as our start point and on the next slide – so at this point there is some visibility on the southeast side of the site. There's two poles that are visible at that point. Next. And this is kind of looking at approximate 1/10-mile increments. This is the same, basically the same site, pretty much the same visibility and notice that the poles on the left are the poles for the height of the transmission line. Next. This is right in front of the high voltage transmission line that crosses County Road 57, at that point there's only a part of the corner of the property that would be visible. Next. And this is moving further up and once again there's one point of the property that is visible. And where the car is parked is the location to the entry to the site. This because the ridge has disappeared you would have two points of visibility at the corners.

CHAIR DROBNIS: Excuse me. Let me interrupt for just a moment. Will the people in the hallway please keep their voices down. It makes difficult for all of us to hear. This is an old building and it has some particular echoes so please keep your voices down. Thank you.

MR. SIEBERT: Next slide. And this is further along and there's still some visibility that takes place from County Road 57. And as we move further down what happens is there's less and less visibility. At this point there's only point of the property that would be visible. And then once again, further north one point that is visible of the site. Next. Once again, these were done on 1/10-mile increments so – next. I think – did we go back or are we moving backwards or forward? Go forward. Oh, and then as you go further up County Road 57 towards I-25 interchange it's no longer visible. Next. This is kind of a point of reference. Right across to the left is where I-25 frontage road intersects County Road 57 and at that point and obviously from further down to the south there is on visibility of the site. And the other thing we did was located the closest residential dwellings to the site. And the closest one is approximately 3 miles away – it's actually the La Bajada – what I use to refer to as La Bajada Ranch and that has no visibility. Actually, none of these points here with the exception of the one on the south have visibility to the site and then [inaudible] visibilities approximately 5 miles away.

This is a cross-section of what the actual excavation the site will look like. The different colors are the different phases and what happens is that Phase I which is where we show the ground visual is where the first pit takes place. What happens is that's approximately 30 feet deep and then the first period of excavation with the equipment

and the stockpiles within the pit and are not visible from anywhere – let me back up a little here.

There was a mathematical error that we caught in the calculation of materials removed. We had estimated about 3.3 million cubic yards and the real estimate is 3.6 million yards. And then the phases that the yards go into the phases is shown on the screen. Next. What will take place with the phasing is a reclaiming of the banks that are created by the operation for each phase of the development. So if all goes well – start a new pit, new depth and those slopes would get revegetated at each phase. It was simply showing that – the second phase the reclamation for the second phase of excavation – and then this is the third phase were basically everything is, the topsoil is brought back in and everything is reseeded at that point of phase III and the following phase.

Water use estimate was an issue about [inaudible] for water use and actually Steve Hooper prepared this table. The top row is assuming that there would be a 0.5 percent moisture content during the dust control operation which is pretty much as I understand industry standard. But he has seen that there is about 11 percent moisture content and production would be 300,000 tons of material on an annual basis. If you run those numbers out what it does it comes out to 2.2 acre-feet. Let me back up, the way it works in terms in dust control – and I may need to have Steve jump in here – but what takes place is these pre-wetting and the shot rack before it's blasted, the entrance road besides having base course on it, they treat it with a surfacant to cut down the [inaudible] blast and then the water in the crushers is kind of a fine mist that is used to manage dust control along with the conveyors and then there will be a need for watering at the time that there's reclamation for each of the phases. Next. And the issue about dust blowing and what happens to if there's any fugitive dust that leaves the site. The weather that we have and the direction of the north winds that take place, the winter winds, and the property immediately south of this is also run by [inaudible] State, Inc. So anything that would happen north would be along their property. To the south [inaudible] and the southwest and the property nearly north of that, north and west of that, is vacant. And one of the landowners in Buena Vista is also a landowner in the property across the street. Next.

So let's take a look at the County requirements for establishing mining zones. And maybe that's where the kind of confusion came up with rezoning. They call these mining zones. So I can see there would be some confusion on there. That there be a demonstrated existence of significant mineral resources and we've proven that. I don't think there's much of an issue surrounding that. This is basaltic material that goes down a long ways. That the use of the land, mining use is reasonably compatible with other uses in the area affected by the mining use including the map of traditional patterns of land use, recreation use and present plan population centers. I think the concern there was that they didn't want mining zones mixing in with more intensive developments especially residential development. And, in this case, there really is no development. It's all currently ranching. History of significant mining activity in the area. Mining has been conducted in the area although in parenthesis not required for creation of new mining zones, but we have established that mining activity is an activity that has taken place for a long time in this particular area. The area is designated as particularly suited for mining uses in comparison to other uses of the County. We actually addressed that in the next few bullet points.

AUDIENCE: Wrap it up.

MR. SIEBERT: The application is in – one of the conditions in favor of this site for extraction. The application is in conformance with the requirements with the Santa Fe County Land Development Code in this particular case it has received approval from all State and County agencies. It satisfies the criteria for history of mining in the area although that's not required. An interchange is available with direct access to the interstate highway and this is one of the reasons that Steve Hooper felt that this was an especially appropriate site for him as a businessman. The interchange of limited traffic and no conflict with a residential area. The traffic on this interchange is relatively nil really. The land between I-25 and access from County Road 57 is devoid of any development. With one exception, the type of material being extracted on site is distinct from other sand and gravel operations in Santa Fe County. This would be an important point. There is another site that extracts basaltic material and that's at the regional landfill site. Two things on that: one is they generate material – use cells to store the solid waste. Steve Hooper attended a bid recently and was told that the next cells would begin to leave the basaltic formation, so they no longer have that material available. The site is located where it can easily serve Santa Fe and surrounding communities, Albuquerque markets so it's been quite a change. Normally, it's Sandoval is delivering materials up here and we'd like to delivery materials in Sandoval. Has limited visibility from I-25 with completion of Phase I with the sunken ground it would have no visibility from I-25. Next.

So, I think we're going to anticipate some of the comments that the opposition is going to provide to you today and discuss each of those in anticipation. There is the issue of water use. We think we've established that under industry standards that 2.2 acre-feet is sufficient. There was a comment in the paper that this operation is going to operate on 40 hours a week, 52 weeks out of the year and that's simply not the way it works in a sand and gravel operation. There will be times where they need material, they bid on a project, they're successful and they will be operating 40 hours a week. Other times there will be no crushing activity taking place. It will simply be managing the stockpiles and working off of existing stockpiles. There's an issue of potable water; why use potable water? What on a previous application we were told by the County hydrologist that we were not be able to use treated effluent water. There seems to be a difference of opinion now on whether that's possible or not. We would very much agree to use treated effluent water. There is no reason that you need to use potable water for dust control methods when treated water is more than sufficient. The materials of extraction is compatible with existing uses, well, you've seen the area photographs. There are no existing uses – habitable at this time.

The adverse impact on cultural resources, the State Historic Preservation Office has taken a look at this project and determined that there was no archaeological or historic artifacts within the 50 acres and that the Camino Real is far enough away and has visual barriers that there is no impact on that. And that was from the State Historic Preservation Office. Next. So that issue is fairly important – you have here the location of the El Camino Real which is a little past, the southern part of the overall property when actually if the plan crosses County Road 57 and on for a period of time to the north, it actually runs pretty much parallel to the Camino.

There's already another basalt operation in Santa Fe County, why would you need this? I don't think Steve mentioned this and if he did I'll repeat it that there is a difference in the quality of this basalt material versus the basaltic material from the regional landfill. This is much more dense material. It doesn't absorb concrete or asphalt to the degree of the other location.

And they're going to say, there's no demand for sand and gravel products and the current extraction sites can satisfy your demand. One thing that is not taken into consideration is that some of these pits especially in Sandoval and Placitas are starting to be depleted. They may be able to expand or they may not. And some of the local pits are beginning to run out of material.

And dust control: we do feel we have enough water to provide for dust control. Let me reiterate, if treated effluent is permitted, we would certainly use treated effluent instead of potable water.

And there was a statement about a need for a visibility study. Well, we did do a visibility study and one suggestion that I might leave with – and we're at the end here – one suggestion that I might have for the committee is it might be worthwhile for us to set up those poles again and actually visit the site. See what it looks like from your own eyes. We can give you picture but they're pictures – you have to prove to yourself that they're accurate representations. To give you an idea of what kind of traffic they have on County Road 57 with the road passed the paved road going over to Cerrillos Road State Park and we would be more than willing to table for one month to allow for that site visit. And there's an issue of ex parte but I guess is that there's a way to legally overcome that.

I'll answer any questions you may have?

CHAIR DROBNIS: Questions from the Committee? Mr. Katz.

COMMITTEE MEMBER KATZ: Mr. Chair, thank you. Jim, one of the concerns I've heard expressed and read in the materials here is that this is just sort of the tip of what would be done here. And that after this is utilized you'd want to do more of the mesa and the other portions of the land that the company owns. What's the story on that?

MR. SIEBERT: Yeah, I hear that argument on almost all of my cases that are controversial that this will lead into something much bigger. And the answer is always the same; if they were ever to expand the pit they would have to go through the exact same process that they're going through now. And my guess is that under the SLDC it would be a little more complicated. It would be development with a countywide impact. There's always a possibility but this is 25 years of – we're estimating 25 years of material and Steve [inaudible] I'm not sure how much longer he's going to want to do this.

COMMITTEE MEMBER KATZ: What led you to choose that particular 50 acres out of the 1,300 in the larger area which seems to encompass the mesa top? Is that what is owned by the company?

MR. SIEBERT: Right, well it was really visibility had a lot to do with it. The type of material is basically consistent throughout the mesa. We selected a point where it's in a broader valley. There's a ridge that protects it from I-25 in particular and is setback from County Road 57 and you didn't want to get that close to the escarpment itself.

COMMITTEE MEMBER KATZ: To what extent do you think the owners would be willing to enter into a covenant to have no other mining on that property? To perhaps assure people that this is not just going to be the camel's nose shall we say?

MR. SIEBERT: I'm sure that they'd be happy to consider that. I'd have to talk to Steve about that.

COMMITTEE MEMBER KATZ: With regard to water. It sounds as though you're using maybe a little water on the haul road, water around the crushers, water when you blast. Those were I think the three uses you mentioned. How about these large piles of material that are going to be just sitting there? Are they going to be susceptible to being blown – there's quite a wind up there.

MR. SIEBERT: They probably would have to be wetted at times. After the pit is excavated there would dampening of the pit. There would less susceptibility to blowing at that point.

COMMITTEE MEMBER KATZ: Thank you, Mr. Chair.

CHAIR DROBNIS: Mr. Anaya.

COMMITTEE MEMBER ANAYA: Mr. Chair. Jim, for just wasting an hour of my time with the figures. I sat up here trying to figure out where your mistake was and then you finally come to the end and tell me cause I was going to jump all over you for that. But having said that, it just increased all of my figures doubled. And our gross receipts went up doubled and you based it only on 50 percent. Where is the other 50 percent going? Gross receipts, everything is taxed, even all projects, state and local government, federal government they're all taxed.

MR. SIEBERT: Right, are you referring to the gross receipts part of it?

COMMITTEE MEMBER ANAYA: Yeah, your figures that you have submitted to us.

MR. SIEBERT: Well, the gross receipts are the gross receipts. Part of this whole process is we can't – we're saying is that there's 250,000 tons processed every year and that's a guess. Some years going back between 2008 and 2010 there would probably be very little processing take place and very little gross receipts. The gross receipts are just what they are. Whatever gets processed out of the pit is what has for the value standpoint has to be paid to Santa Fe County.

COMMITTEE MEMBER ANAYA: Well, these are your figures not mine. I didn't come up with them nor did anyone else up here so – if there's something else that you're trying to tell us –

MR. SIEBERT: Well, if the roll on the gross receipts was a calculation error on the amount of volume that was taken out.

COMMITTEE MEMBER ANAYA: So these estimates are accurate or not?

MR. SIEBERT: We would have to go back and take a look at those numbers to make sure they're consistent with the volume metric calculations.

COMMITTEE MEMBER ANAYA: And how long will that take you to do that?

MR. SIEBERT: We can have it done in a week or so or day so.

COMMITTEE MEMBER ANAYA: Okay, cause pretty much everyone else, Mr. Katz has asked you a lot about the water issues and stuff which I have written

down over here and I'm not going into those either because I believe they were explained at least to my satisfaction, now I don't know about the rest but to me they did. One of the things that I'm looking at on the business side, again, on the calculations and I'll look at it as a business aspect of okay, what's the County going to get? What are the people that live in your area, what are they going to receive as far dollars for improvements if you will for their projects, for their lands and issues like that? So this is why I was playing around with all the numbers is to try to justify in my own head as to how good your company is going to – well, not our company, well it could be your company – their company is going to be as neighbors as what you all said earlier, you want to be good neighbors and good stewards and I want to make sure as a member sitting up here too that you are that. And so that's why I used your figures trying to get to that satisfaction for me as a businessperson trying to justify the means.

MR. SIEBERT: We'll take a closer at those.

COMMITTEE MEMBER ANAYA: Thank you.

CHAIR DROBNIS: Other questions from the Committee? Ms. Booth.

COMMITTEE MEMBER BOOTH: I have a couple. We know that the trucks are going to be extracting the material out toward the highway but they were going to be brining water in across from Highway 14. So how many trucks would that be and how much traffic is that going to increase on that part of the road? I don't see anything relating to that in the packet.

MR. SIEBERT: Let me defer that to Steve. He can tell you what the size of the trucks are that are delivering and the gallons in the trucks delivering water. There's a 10,000-gallon tank that's used to store water for dust control purposes on the site. We can load that tank in off periods. But I think Steve would have a better idea about that.

MR. HOOPER: We'll be using a 4,000 gallon water truck and like you said we will store 10,000 gallons on site so kind of on a typical day somewhere between five and 10 loads depending on what we have going. I'd have to go back through our calculations because – normally, I think by the ton and stuff.

COMMITTEE MEMBER BOOTH: Has there been any study on what that will do in terms of the road and traffic study from that side?

MR. HOOPEP: I think that Jim will have to answer that. Did we have Jorge look at something on the road?

MR. SIEBERT: The traffic volumes actually was something that were taken – if you take a look at the generation manual that the State engineers use, there's no category for sand and gravel extraction. So what we did was we asked Steve to give us based on an operating pit what we saw as kind of the typical traffic and it's from him 65 vehicles per day. What we showed you was the peak hour, a one-hour period. But the 24-hour period would be more in the area of around 65.

COMMITTEE MEMBER BOOTH: That's the extractive trucks. I'm talking about the water trucks that would be coming across from 14.

MR. SIEBERT: I would assume that – did the other sites have water trucks? Steve, did the other sites have water trucks that you gave traffic counts on?

MR. HOOPER: No.

MR. SIEBERT: Okay, so I guess that would not include water trucks. The advantage we have is that the water trucks because of the 10,000-gallon tank – and come at those hours that are not peak hours.

COMMITTEE MEMBER BOOTH: Then the other question that I have is about the blasts and how frequent they would be and how far people would be able to hear them and what times of day?

MR. SIEBERT: We're back to Steve again. I'm a planner.

MR. HOOPER: I want to clarify. I missed that question but I was just talking on the truck count. We would need about 200 trips for the full year. So on given days, that's the water truck coming in, that's about 800,000 gallons on 4,000 gallons per load. So on given days when we're running we'll need several trucks. When we've pulled the plant out and we just need to wet the haul road it might be just one load a day.

COMMITTEE MEMBER BOOTH: Has the traffic study been done to see what impact that would have on the road coming from Highway 14 and whether or not there might be some remediation needed?

MR. HOOPER: There has not been. I think under the recommendation that Mr. Larrañaga gave which was to do some overlay to improve the road.

CHAIR DROBNIS: Any other questions? Mr. Gonzales.

COMMITTEE MEMBER BOOTH: Question, sir, about the blasts.

CHAIR DROBNIS: I'm sorry, Ms. Booth's question about the number of blasts, when and how far they could be heard.

MR. HOOPER: We are typically we'll blast and this is again depending on – we try to minimize the frequency of them and they will typically be somewhere between 10 and 20,000 cubic yard blasts. A cubic yard will equate to almost two tons of aggregate. That gives us a fair amount of material. We are planning on using a company called WESCO and they do all the blasting. As a matter of fact, they're doing the blasting for the County landfill at Caja del Rio. They are a top quality company. They would – so basically, it really depends on the demand but once or twice a month would be kind of the typical when we're operating.

CHAIR DROBNIS: Excuse me; allow me to follow up on that. On the back of my napkin I'm looking at 250,000 tons a year and if I understood you correctly, each blast gives you about 2 tons –

MR. HOOPER: Cubic yard. Correct

CHAIR DROBNIS: So that would be roughly 125 blasts per year, is my arithmetic –

MR. HOOPER: If we did a 20,000-yard blast that gives you 40,000 tons.

CHAIR DROBNIS: Okay, so that would be roughly six blasts a year?

MR. HOOPER: Correct. So we can do larger ones to minimize the frequency or we can do them more frequently. There really is no – people will hear it. It's obviously a fairly – just like they do at the Santa Fe County landfill. I'm sure that they hear that when that happens. But there would be no disturbance to any property or anything with that. So we would be amenable to working with the frequency that works for you.

CHAIR DROBNIS: Thank you for the clarification. Mr. Gonzales.

COMMITTEE MEMBER GONZALES: Chair Drobnis. Is it Mr. Hooper?

MR. HOOPER: That's correct.

COMMITTEE MEMBER GONZALES: Regarding the water issue. If you were to drill a well, I don't know that that would be such a good idea, but if you were to get non-potable water, where would you get that from?

MR. HOOPER: We could get it from the Santa Fe County Water Treatment Plant. And that was part of the reasons that we pulled off of this project for some time because we were looking to acquire water rights and so forth. Our original plan was to use the effluent from the waste treatment plan and it came back to us that that was not going to be adequate. So we spent some time, if anybody has worked with the State Engineer, great people and everything but things take a long time. So we were looking at acquiring the water rights during the meantime. Once it became available to buy it from the County we decided that that was the best way to go. But we would definitely use the waste treatment plant if that's available.

COMMITTEE MEMBER GONZALES: So why – do you know why it wasn't adequate?

MR. HOOPER: Jim may have heard a response on that. My understanding was that that didn't demonstrate that we had adequate water for the life of the mine. And I don't know, unless the waste treatment is going to go away or the water is not available that that would be true.

COMMITTEE MEMBER GONZALES: Well, in my view, it seems if we could use non-potable water that would be a lot better than using good water.

MR. HOOPER: Absolutely, right.

COMMITTEE MEMBER GONZALES: Another question, once you've scraped off the overburden how much overburden is it?

MR. HOOPER: It varies from a foot to five foot.

COMMITTEE MEMBER GONZALES: And you stockpile the overburden there and then you'll use that to do the reclamation?

MR. HOOPER: Right.

COMMITTEE MEMBER GONZALES: And if you've dug this hole that keeps getting bigger what do you do, go get extra dirt somewhere? In your history how do you do that?

MR. HOOPER: Typically you control the land around a lower area.

COMMITTEE MEMBER GONZALES: And you can have enough of the overburden to –

MR. HOOPER: You can't bring it back to original grade, no.

COMMITTEE MEMBER GONZALES: You can't bring it back to original grade but you would have enough with the overburden that's there to cover the area and then reseed it?

MR. HOOPER: That's correct.

COMMITTEE MEMBER GONZALES: Thank you.

CHAIR DROBNIS: Any other questions from the Committee. Yes, Mr. Katz.

COMMITTEE MEMBER KATZ: On the water trucks and the trips. I think I heard you correctly to say there would often be six or so trips a day and the trucks hold 4,000 gallons and the tank 10,000 gallons. So if you're working during the day that

makes me realize that some of those trips have to happen during the day not off hours but during the day; is that correct?

MR. HOOPER: That's correct.

COMMITTEE MEMBER KATZ: How long does it take to fill up a 4,000-gallon truck?

MR. HOOPER: I'm not sure at this particular facility how long it takes.

COMMITTEE MEMBER KATZ: We need the answer to that I think. Because that's one of the big concerns that seems to be expressed in some of the materials that your trucks will be there all day long filling up and make it hard for other people to get their water. I want to know if that's a realistic problem. Maybe it's not a problem, I don't know.

MR. HOOPER: I don't know if the gentleman from the water department is here or not.

CHAIR DROBNIS: I think somebody may be coming who can answer that.

COMMITTEE MEMBER KATZ: Or we'll get somebody, thank you.

MR. HOOPER: You know, obviously, we're going to have to work through that because we can run if we don't have water. We have to meet New Mexico Environment Department air quality standards at all transfer ports and crushers. So, if that's a problem, we can't run.

CHAIR DROBNIS: Any other questions from the Committee?

COMMITTEE MEMBER ANAYA: Mr. Chair.

CHAIR DROBNIS: Yes, Mr. Anaya.

COMMITTEE MEMBER ANAYA: On the last question that was just asked about how long it takes to fill up 4,000 gallons tank of water, I'm pretty sure the water works department has adequate commercial filling stations and I know this based on what I used to do before in another life that it would take us to fill up a 2,000 gallon, it would take us about 12 minutes. Just so this question doesn't get further back so that it's – I'm going to leave it there, thank you.

MR. HOOPER: We will look into that. I'll get with the people that we need to get back with and on the gross receipt question, if you'll give us a little bit of time on. We'll evaluate the time to load, time to get back and forth to be sure we have adequate water capacity.

CHAIR DROBNIS: Any other questions from the Committee. All right, thank you very much.

MR. HOOPER: Thank you.

CHAIR DROBNIS: This is a public hearing and I see that we have some members of the public here. In order for us to be able to hear everyone who wants to speak – first of all those of you who think you would like to speak raise your hands – this is not a firm commitment but just an idea of how many people will be speaking. Thank you.

MS. BROWN: Mr. Chair. I just wanted to advise you that there are people not in the room who also want to speak, both downstairs and in the legal conference room.

CHAIR DROBNIS: Okay. I think it would be a good idea if the people who are not sure they are not going to speak could step out of the room and allow the

people who are going to speak to come into the room. This will minimize the amount of traffic that we have coming and going while people are actually speaking.

COMMITTEE MEMBER ANAYA: Mr. Chair.

CHAIR DROBNIS: Yes.

COMMITTEE MEMBER ANAYA: Do we have a time limit?

CHAIR DROBNIS: Yes, I'm going to set some ground rules. Those of you who are here please listen and take note. I will repeat these later on but to get started, first of all there will be a limit of 2 minutes for each speaker. The time will be kept by our audio/visual technician and I think he has arranged to project it on the screen so that everyone in the audience including the speaker can see it. Unfortunately, it is not easy for the people on the committee to see it so I have asked him to do the following, Jeff, are you there? After a minute and 30 seconds please call out, 30 more seconds and at two minutes call out time. That way everyone will have an equal opportunity to be heard. Second of all, if you agree with what someone has already said, it is not necessary to restate it. You can simply say, I agree with what the speaker addressing the color of the sky has said. And we will take it as if you had stated all those remarks yourself. And to go along with that, it is not necessary to take all of your two minutes. If you can say what you need to say in less than two minutes then all of the Committee members will bless you.

Finally, no applauding, no cheering, no booing, no parade floats, no balloons. We want everything to proceed as smoothly and efficiently as possible and with the maximum consideration for the value of everybody's time in the room. The committee members, the staff members and particular those of you in the audience.

So, is there anyone who has an organized presentation? All right. Are there members of that presentation besides yourself? All right, then the organized presentation will have two minutes as well.

Based on the number of people that we have who want to speak and the opportunity – in fact, we want everyone to have an opportunity to speak, I think we will have to table agenda item F and I think we can probably accommodate E if everyone is considerate and uses time efficiently. Item F is the St. Francis South Master Plan Amendments for the 650 dwelling units and if there is anyone who is here for that or anyone who comes in, I will repeat this announcement again, but we will be tabling agenda item F, the St. Francis South Master Plan Amendment and Variance.

Is everybody in the room who thinks they will want to speak? What I want you to please is stand and you'll all be sworn.

COMMITTEE MEMBER ANAYA: Point of correction, please, or clarification, I guess.

CHAIR DROBNIS: Yes.

COMMITTEE MEMBER ANAYA: You said item F is tabled?

CHAIR DROBNIS: Yes.

COMMITTEE MEMBER ANAYA: And in the minutes or the agenda we tabled G, is this correct?

CHAIR DROBNIS: That's correct. So the agenda this evening will end with item E.

COMMITTEE MEMBER ANAYA: F and G are tabled but we didn't table F originally.

CHAIR DROBNIS: That's correct.

COMMITTEE MEMBER ANAYA: We need to do that for – we don't?

CHAIR DROBNIS: We will be tabling item F, St. Francis Master Plan.

Those of you who are standing please raise your right hand and be sworn.

[Those standing were duly sworn. The recorder asked that the speakers provide their name, address and verify that they are under oath.]

AUDIENCE: Is that part of our two minutes? To say we're under oath.

CHAIR DROBNIS: The answer to that seeing the number of people who wish to speak, the answer to that has to be yes or else we will be here all night and into the morning.

AUDIENCE: Can we yield our time to another?

CHAIR DROBNIS: No, we will not be horse-trading time. Each individual will have two minutes and if they don't use their two minutes then we will move onto the next. Because we have a large number of people who want to be heard and we don't have time to do the horse-trading.

I'm sorry, you are out of order. You have not been recognized by the chair, please be seated.

MS. LUCERO: Mr. Chair, I think it would be in order to table Case letter F, if that is the wishes of the CDRC.

COMMITTEE MEMBER MARTIN: I so move to table item F.

COMMITTEE MEMBER KATZ: Second.

The motion passed by unanimous [7-0] voice vote.

CHAIR DROBNIS: May we have the first person that wishes to speak.

MATTHEW MCQUEEN: Mr. Chair, my name is Matthew McQueen. I'm an attorney and I'm here on behalf of the Rural Conservation Alliance and Conservancy in Cerrillos. Before I start my time and --

CHAIR DROBNIS: Please confirm you have been sworn.

MR. MCQUEEN: I'm here as an attorney. I am not providing evidence and I have not been sworn.

CHAIR DROBNIS: Thank you.

MR. MCQUEEN: We do have an organized presentation. We have I think six members. I would like to give an introduction and have our members in turn give their presentation and then I would like to close with a few comments. Is that permissible?

CHAIR DROBNIS: Yes. If you have six people then you may have 12 minutes to make your organized presentation.

MR. MCQUEEN: So I as the representative of this organization only have two minutes, is that correct?

CHAIR DROBNIS: That's correct.

MR. MCQUEEN: Okay. As I said my name is Matthew McQueen. I live at 38 Avenida de Vigil in the Village of Galisteo. I represent the Rural Conservation Alliance and Conservancy of Cerrillos. We have a lot of information to present, a lot more than we're going to be able to in two minutes. We asked to present a power point

presentation even in keeping with the time limitation and we were told we could not. That puts us at a technological disadvantage which I feel is inappropriate.

There are for four points I would like you all to remember as you listen to the testimony. The first point is that this is their third application. The first two applications were denied and were recommended for denial by staff. I'm not sure what has changed in this application. The second key point is that this is indeed a fit in the door camel's nose approach to zoning. Mr. Siebert has said if they want to expand the mind that they will have to come back and go through the process. Of course, at that point, it won't be a new mine. It won't be a new zone. It'll be an expansion and it will be much easier for them to continue mining. The third point deals with rezoning. There has been some question with the County Attorney opining that this is not a rezoning. It is still a zoning action. It is a change of zoning or at the very least a creation of a zone – it is a discretionary approval. This is not an existing use that is permitted in this area. They are asking for the creation of a new zone in it's discretionary.

The third point I'd like you to keep in mind is the difference in [inaudible] between the prescriptive or required elements and again the description of the approvals. And it is up to this committee and ultimately the BCC to exercise your judgment for the discretionary approvals. I apologize that's all the time I have. I do have a lot more I would like to cover. Next up from our group is Diane Senior.

[A gentleman expressed his dissatisfaction that he had been present since 2:45 and wanted to have his turn to speak first.]

CHAIR DROBNIS: If people would like to line up that certainly an efficient way to do it. I'm sorry you weren't somehow included in that. It's not something that I announced, but I think it's a good idea.

Yes, please go ahead.

DIANE SENIOR: My name is Diane Senior. I live at 317 B Camino Cerro Chato in Madrid. And I am under oath.

Since our time is so limited there is one thing that I want to be sure that I communicate to you today and that is that we're talking about some little back water part of the County that nobody cares about. We're talking about not a Mom and Pop operation but a massive industrial operation on a historic landscape that thousands of people care about and have for centuries.

This is a place that matters to people. Henry Shukman from the *New York Times* recently wrote of La Bajada mesa: "It's still one of those approaches, those arrival, it seems mythical and possibly grand. A place that could change not only ones external life but also ones inner spiritual life. You will never be the same again."

This place matters. If it didn't all of us would not be here today asking you to save it. I've already submitted many comments that talk to the technical reasons why I think the application is flawed and I hope that you would have read that and particularly the letter I sent in yesterday. Thank you.

CHAIR DROBNIS: Thank you, next. Please go ahead.

DON VAN DOREN: Mr. Chair, members of the Committee, I'm Don Van Doren. I'm at 317B Camino Cerro Chato in Cerrillos and I am under oath.

I am here to address a number of the economic issues that have been raised on the part of the applicants. Given the time constraints I am going to focus on just several of these. The first fact is that within the county production exceeds demand by

approximately over 200,000 tons and this is data from 2008 through 2012. That's very important because what it means is that adding this mine will not cause any more construction to occur. It will simply take demand away from other existing facilities both within the county and outside.

But I think that's going to be a very important issue. A couple of other points. There are calculations of what they're going to produce simply do not add up. We put in this information in the written material we have sent to you. The claim is for a quarter of a mile in terms of years for 25 years, and at the rate that they're saying they're going to do this they're going to sell 886,000 cubic yard in 25 years. That's [inaudible] 240,000 tons that's five years of production at the rate they're talking not 25.

I need to move quickly. The gross receipts tax is a key issue. The claim is that they're [inaudible] the facts are because they're going to do this in five years, not 25, the numbers are way out of sight. The County only receives 25 percent of the 7 percent gross receipts tax and I don't get all the calculations that they have provided. There are no, no gross receipts tax that are going to be available because money is collected outside of the – or inside in the County wherever the material is used –

CHAIR DROBNIS: Mr. Van Doren, thank you very much. I'm sorry you're out of time. Next.

RICK WESSEL: My name is Rick Wessel. I live in State Highway 50 in Pecos, New Mexico. And I'm an archaeologist and cultural resource manager for the past 40 years and I am under oath, I recognize that.

I wish to address the aspects of the cultural heritage of the area and the potential impacts that this project may have. I realize that the applicants have conducted an archaeological survey but that has been limited to the archaeology underneath the footprint of the mine itself, the open pit. And I'm more concerned about neighboring resources and a more active element of our cultural heritage. The ability to interpret and understand that and to appreciate it – taking one example in particular is the Camino Real Tierra Adentro. It is within one-mile distance and whereas the State Historic Preservation Office has looked at a few points to see if you can see it from it, I have conducted a much broader viewshed on the entire Juana Lopez segment of it and you can clearly see in the material I just presented to you that it is visible from – or that the pit is visible from the trail and not so much in the way of a photographic image that you saw in the earlier presentation about visibility. That method is terribly flawed by the mechanics of the camera and the lens itself in a phenomenon called barrel distortion. What it does is it compresses the – all you get to see is what's in the foreground. But that's an important part. The Bureau of Land Management as well as the Forest Service have developed a technique for measuring the impacts of features upon the landscape and they don't use photographs they use simply what I've done here, a viewshed analysis at a distance from the object itself. And we are clearly within their one-mile radius of what would be considered within the foreground of the viewshed and therefore very noticeable by anybody walking along that trail and – so the problem there is that it would interrupt your ability to appreciate it.

CHAIR DROBNIS: Thank you. Thank you for your input. Next.

JAN-WILLEM JANSSENS: Mr. Chair, Commissioners, my name is Jan-Willem Janssens. I live in Santa Fe County on 770 West Manhattan Avenue in Santa Fe and I realize I am under oath. I'm an ecological landscape planner and I've worked for

about 20 years in Santa Fe County and a lot in the Galisteo Basin where this mine is located, or the proposed mine.

The proposed mine would impact ecological values and landscape conservation values especially habitat values, some water values, scenic values and cumulative of all these values and other values that constitute together a significant conservation value in this landscape. These combined values are very high for the entire County actually in the Galisteo Basin including this area and that has been stated in a study that was supported by Santa Fe County for which Santa Fe County adopted a resolution to support this in March 27, 2012 and the study was called the Galisteo Watershed Conservation Initiative.

In this area we also have wildlife corridors that are local linkage areas. Study have been conducted particularly about cougar but all associated species like deer, bear, pronghorn are a part of that ecosystem of the cougar pathways as well. And this corridor particularly is part of the wildlife linkage between the Sangre de Cristos and the Manzanos and Sandia complex and was identified as one of 20 wildlife linkages that are of importance in the spin of wildlife corridor between Alaska and Mexico and therefore this area should not be impacted in this way.

Secondly, as the New Mexico Crucial Habitat Assessment which was developed a year or two years ago by New Mexico Natural Heritage which is part of the biology department at UNM and funded by State Game and Fish, but the area here of the proposed strip mine sits in an area of highly ranked natural vegetation and then it supports the observations that this area is actually considered a critical habitat and states that the reclamation of overburden can not just be reseeded. It requires watering and inoculation with biological [inaudible] which cost about a million dollars for 50 acres. Than you very much.

CHAIR DROBNIS: Thank you for your input. Hold your applause please. Next.

KIM SORVIG: Mr. Chair, member of the Committee, my name is Kim Sorvig. I'm a research associate professor at the UNM School of Architecture and Planning, also a County resident, licensed landscape architect. I have prepared the same kind of stormwater management, dust control and revegetation plans as we are discussing here. And I would challenge the adequacy of all of these and of staff's review of any of them.

But first I want to make one point. I have here the advertisement which is online from Buena Vista and Buildology as Rockology used to be called offering 5,421 acres for sale on the international market, quote which includes 5,200 acres of rich aggregate deposits for possible mining. This is a foot-in-the-door strategy. They have only reduced the acreage on the three identical applications that they have put in since 2005.

The problem with dust, this is a public health and safety issue, and as such I believe one that you have a great obligation to consider. They are complying with the requirement for dust from their machinery but if they stockpile topsoil in the tiny little oval that they're showing in each phase, they will have 17,000 cubic yards in one pile that will 30, 40, and some people have estimated 70 feet tall. It will be impossible to keep it wet. The soil organisms will die which is against all practices of landscape architecture and that will turn into nothing but dust. It will also cause the revegetation to fail. That is my professional experience and opinion.

I would also say that denial to County residents who rely on it and have prior existing agreements with the County water service, denial of potable water is a health and safety of the first sort and probably actionable. I would sincerely urge you to deny this misguided application. Thank you.

CHAIR DROBNIS: Thank you. Hold your applause. Next please.

PAM BENNETT CUMMING: Pam Bennett Cumming. My assistant is handing out the 8-minute version of my talk. I'm a retired county land use planner and I just want to go over a few brief things.

The County's growth management mission statement is to preserve the character of our existing communities and unique rural landscapes from future growth and development through effective planning, zoning, data analysis, permitting and enforcement – makes available meaningful choices in terms of alternative living environments and lifestyles and preserve resources for future generations. And to address the needs and concerns of our citizens while insuring their quality of life.

I am one of the many citizens that lives in an apparently nonexistent community to the south of the mine. The view from our front windows is this [points to a photo on an easel] this picture. And I hope the press takes a photo. So the County rural planning history and the proposed planning for this area are consistent. In other words, the County seems to show an intent of continuing the zoning of agricultural ranches. So I would suggest that rezoning, creating a new mining zone as the chapter says would be inconsistent with this plan that the County has.

Others have addressed the fact that there were several proposals and that they were either denied or withdrawn pending denial. One question I have is, what has changed? The code is the same. Two reviews were the same one is different. What changed?

The other issue, the last issue, is mining zones and water. By the land development code mining, surface mining section is pretty clear that the Board may create a mining zone. In other words, there is thought for discretion before you decide if you want to put one there. Under the issue of water, Section 1.7 says shall submit evidence that the applicant has a State Engineer's permit. They do not.

CHAIR DROBNIS: Thank you. Thank you very much. Next please.

BRIAN EGOLF: Mr. Chair, member of the Commission, my name is Brian Egolf. I am a state representative and I represent this area. I don't usually appear –

CHAIR DROBNIS: Mr. Egolf, you are under oath, is that correct?

REPRESENTATIVE EGOLF: I am under oath and I also appear in my oath as an attorney. But I appear in my capacity as a state representative, Mr. Chairman. I like your clock, by the way, I'm going to use it next time I get a county lobbyist calling me for something.

Mr. Chair, I represent the area affected. I was joined during the session by Representative Stephanie Garcia Richard, Senator Peter Wirth and Senator Phil Griego who all wrote to the County Commission that at a minimum there be a moratorium imposed on this and that more work be done and a thoughtful ordinance be implemented such as the one that was done in the oil and gas situation a number of years ago.

The reason I seldom appear is that these are local issues and obviously we deal with statewide matters. I'm concerned about this project because this goes a long way towards undermining a tremendous amount of work that we're doing at the state level to

support a diversification of the economy of northern New Mexico. Just in one instance we're receiving an explosion of jobs and economic activity from film and TV and the creative culture that exists here to turn the entrance of Santa Fe into a new mining zone with the risk of 30, 40 foot high piles of rubble and all the intending consequences you've heard and will hear about throughout the evening undermines tremendously what we're doing.

Also, we've been working very hard and succeeded in getting the state penitentiary off their wells to support the spring fed acequias in La Cienega. That's a project that Stephanie Garcia Richard and I worked on and we succeeded in that and we put the state pen on the County's water system. Putting this effort and this drain on that line of the water system completely undermines what we've been trying to do to get the state pen on that system to support the local area.

Please consider the impact of what you're going to do not just locally but to the statewide economy as we attempt to diversify. Please consider not just the areas that I represent, Madrid and Cerrillos and San Marcos, but the countywide impact from the truck traffic and also the impacts that you're going to have from economic activities throughout the County and completely throughout the north. We certainly hope that you'll reject this mining zone that is being contemplated and I appear here tonight because I normally would have appeared before the Board of County Commission but hopefully it won't make it that far. Thank you, Mr. Chairman.

CHAIR DROBNIS: Thank you, Mr. Egolf. Hold your applause.

COMMITTEE MEMBER ANAYA: Mr. Chair.

CHAIR DROBNIS: Yes.

COMMITTEE MEMBER ANAYA: Can I get one clarification from Mr. Egolf, please as to what district he represents – 47 or 48?

REPRESENTATIVE EGOLF: I'm sorry, what was your question?

COMMITTEE MEMBER ANAYA: What district do you represent?

REPRESENTATIVE EGOLF: I represent 47 which is Madrid and Cerrillos and Stephanie Garcia Richard is 43. Peter Wirth is district –

CHAIR DROBNIS: Thank you. Appreciate your input, thank you.

WALTER WAIT: My name is Walter Wait, 48 Bonanza Creek Road and I'm representing the San Marcos Association.

We would argue that the proposed mine should have been evaluated under Santa Fe County Ordinance 1996-10 Article 11 but should have evaluated under Article 5, the Santa Fe County Mineral Exploration and Extraction regulations. We believe that the regulations for gravel mining were intended for operations that remove naturally occurring gravel from a defined space not for the production of gravel from hard rock formation. This is clearly stated in Article 11, which states, mineral activities or mineral extraction activities for construction materials are as included but not limited to sand, stone, gravel, aggregate or a similar naturally occurring materials. That would be allowed anywhere in the County providing the requirements of the ordinance are met. The key phrase that signifies intent is similar naturally occurring material. In order for the proposed development to qualify under Article 11, the material proposed to be extracted must be naturally occurring. That is to say, it must be already in a state that would qualify as sand, gravel or stone useful in construction activities. In this instance the material to be mined is not gravel and Article 11 does not apply.

Since Section 11 doesn't apply, then Section 5 must be applied to the application. We believe, therefore, that the application should have been rejected before it came before the CDRC because it doesn't follow the requirements set forth in Section 5, Mineral Exploration and Extraction. We therefore urge the CDRC to reject the application on these grounds. Thank you.

CHAIR DROBNIS: Thank you. Nicely timed. Next please.

JUDY WILLIAMS: My name is Judy Williams. I live at 13 Ute Circle, Santa Fe. I'm under oath.

I represent the League of Women Voters of Santa Fe County. I'm the recent past president. The League of Women Voters takes positions on issues after careful study. We have studied land use issues for this County for several years. We have followed the Sustainable Growth Management Plan development and the code and we have urged passage of strong plans and codes which the County Commission has done.

The code has been approved but is not going to be final until the zoning map is approved. We understand that but still we believe that this body should adhere to the spirit of the code that was adopted.

This project has been rejected before under the old code and it should be rejected again. And if I didn't say so in the beginning, we oppose the development of a mining zone at La Bajada Mesa. We believe that highway corridors should aim to retain historic and scenic approaches which La Bajada Mesa clearly is. We believe that this is a development of countywide impact even though the DCI code has not been finalized. There are principles in the code that should be adhered to in this project. We believe that an environmental impact study should be required and that careful consideration of the findings should be an important part of any decision on this proposed development. We also believe that any development should be tied to the availability of water. Additionally, both the long-term cumulative impacts of the water usage by this development and the short-term impacts should be taken into account of the County. We are all acutely aware of the dwindling water supplies and increasing demands. I agree with pretty much everything everyone has said before and I thank you for the opportunity to speak.

CHAIR DROBNIS: Thank you very much. Next please.

JAN BOYER: Hello, I'm Jan Boyer and I live at 815 Rio Vista Street. I've lived here for 30 years and my business is that I do psychological retreats for people who come from all over the country.

CHAIR DROBNIS: Have you been sworn? Have you been sworn?

MS. BOYER: I'm sorry. I have been sworn.

CHAIR DROBNIS: Thank you.

MS. BOYER: So the people who come here for my business come here mostly for the beauty and that includes the way in through La Bajada. It sounds to me like and I am to understand it but I appreciate all the specific details people have been giving. But it kind of sounds to me like if this project is approved and they are asking for a certain amount of water, it sounds like once you've opened the gates to the project they can keep asking for more water with no limitation. Maybe I didn't understand that correctly, but that would be a grave concern for me as if it weren't bad enough already. So I respectfully beg you to reject this as vigorously as you possibly can. This is our water; this is our mother, thank you.

CHAIR DROBNIS: Thank you. Next please.

BARBARA KING: Good evening. I am Barbara King, 29 Rancho Alegria Road, Santa Fe and I've been sworn.

While the applicants tonight did not address light pollution nor the route that the water trucks will take, I'm here tonight to speak to you about the use of water using words written by William deBuys author of a *Great Aridness Climate Change and the Future of the American Southwest*. He is also widely respected as a water expert. He says, over the decades ahead water supply for the Santa Fe area will almost certainly decline. This includes local sources as well as imported San Juan-Chama water. Santa Fe County needs to focus on its water resilience for a region looking at a substantially drier and warmer future – this is a poor use of a very valuable and exceedingly finite resource both for the time that the mine is being operated and for the extreme needs to remediate the land following. Thank you.

CHAIR DROBNIS: Thank you. Let me announce that in about 15 minutes we will taking a break for the committee and at that time if we still have people lined up we'll pass out slips of paper so that you can take a break also and resume the same place in line.

Please go ahead.

RUSSELL JAY BENNETT CUMMING: Thank you. I have been sworn. Russell Jay Bennett Cumming, MIT educator retired.

There are those in our community who have conveyed that the public should not bother to state their case against the La Bajada strip mine because the scuttlebutt is that the go-ahead for this proposal is already a done deal. I do not believe that the public process is subverted nor do I believe that the commissions will fail to do the right and the just thing for the community. Indeed, commissioners denied this very proposal in 2005 and denial was recommended in 2008.

Experts in our position to the La Bajada strip mine propose we have already exposed compelling and valid reasons to deny the destruction of a historic, pristine landmark that is part of our community's geographic and aesthetic heritage. [inaudible] unnecessary mining under the guise of permitting business expansion. Unwise use of scarce potable water, risk of excessive dust and rock particles blowing into Santa Fe, unseemly light pollution which mares night skies, continuous rock crushing and blasting noise which travels for many miles. Defacing two gateways to our lovely region. Endangering traditional wildlife traffic and wildlife itself. Alas, the list continues.

However, the most egregious negative could be the creating of the mining zone in the midst of an aesthetically pleasing, sedate, agricultural, ranch zoning plan. Those in the trusted decision making position of overseeing zoning changes to allow for non-conforming use would be responsible for much legacy of future indiscriminant development. Those changes would not reflect how citizens view and value their region. Thank you very much.

CHAIR DROBNIS: Thank you very much for your input.

KEN WEAVER: I have been sworn. My name is Ken Weaver. I live at 53 Old Coal Road, Cerrillos, New Mexico.

There's a couple of things that bother me. Number one, putting up the placard, taking pictures so you can see that you couldn't see anything. Well, that's fine but the dust goes a lot higher than that. Let's put those placards up to the height of the dust so

that we really see what we're going to see. 25,438,975 gallons in 25 years of water. That's a lot of water. And that's at 3 acre-feet. It bothers me that our bulk people, they don't seem to know how much water they'll use – or they don't care how much water you can take. They could take four, five, six acre-feet. We wouldn't care: bulk people wouldn't care. That really concerns me. The bulk people should know how much water is being taken and how much they're going to have to give. Not just a guess.

Bonds, I use to work for Caterpillar, 30 years I've been to a lot of quarries. I've been to a lot of road projects. I've seen a lot of quarries that were set up; people went in with the best of intentions. Twenty years later they left and it was a mess. They tried to reclaim it. They tried to reclaim it to their standards though. The County better know what they mean by reclaiming before they get into this. And they better have a bond to make sure that they do it. A bond big enough to take care of this in 25 years. Now if you say, okay, there 1.5 percent inflation per year. Your dollar today is worth 69 cents in 25 years. If it's 2 percent, it's worth 61 cents. So the bond better be big enough because I've seen a lot of places where the bond wasn't big enough, it never got reclaimed. Who reclaimed it? The taxpayer. Not fair. Thank you.

CHAIR DROBNIS: Thank you.

VIRGINIA MILLER: My name is Virginia Miller. I live at 125 Calle Don Jose in Santa Fe. And the reason I am like this is because of dust in the air and other particles.

CHAIR DROBNIS: I didn't hear you state that you have been sworn.

MS. MILLER: Oh, I have been sworn.

CHAIR DROBNIS: Thank you.

MS. MILER: I do not support mining on La Bajada Mesa. It is unnecessary to destroy this historic and cultural and economical landmark. Residents and tourists alike value the beauty and stillness of the land. It's greatest value that must be preserved for future generations. The county water required for dust control is unacceptable during a time of drought. We must conserve and prioritize our water usage as water grows more scarce.

I'm very concern about what the man talked about with health and safety. I know it's going to impact me. The cost to the County in water loss and road maintenance would be immeasurable. Please maintain the current residential/agricultural zoning for La Bajada Mesa and do not permit any mining now or ever. Thank you.

CHAIR DROBNIS: Thank you very much. Next please.

ANNE MURRAY: My name is Anne Murray, PO Box 22, Cerrillos. I am under oath. I would like to read a statement from Ross Lockridge of Cerrillos who could not be here tonight.

Time and time again citizen have had to rise to fight the same proposal only to watch as applicants skillfully and repeatedly withdraw their applications when they sense things weren't going their way. When in 2005 they proposed to commence a quote initial stripping of 108 acres and they were confronted by a recommendation to deny by County staff they retreated before the CDRC had the chance to officially deny them.

Again, in 2008, they repeated responded by postponements and then withdrew their application. These were not temporary proposals. OSE right now has a protest before them. Rural Conservation Alliance is protesting a mining application by Buena Vista and Rockology for mining anywhere on 5,200 acres. How ironic it is that now in

2014 after citizens have given untold hours to help develop a sustainable county plan and code they are back. Having shamelessly slid in an application just under the wire before the enactment of the new code. The irony extends in finding County staff appalling recommending approval of this unsustainable scheme.

It's that inexplicable judgment by County staff that brings us before the CDRC when clearly Article XI's location standards have not been met. Here is where the CDRC can finally help rid New Mexicans of this nuisance by recommending but denial.

I'd also like to emphasize some comments in your packet by former County planner Arnold Valdez who writes, I hope that Santa Fe County will stand firmly by the Sustainable Growth Management Plan and directives. Map 5.2, scenic and historic routes from the 2010 Sustainable Growth Management Plan depicts La Bajada Mesa as a potential gateway corridor and is supported by goal 21 and the policies he notes.

I would also like to bring to your attention the red binders before you. There are 4,000 signatures opposing mining on La Bajada Mesa, Thank you.

CHAIR DROBNIS: Roger Taylor, 54 Camino Los Angelitos, Galisteo. I have been sworn.

I serve as president of Ranchitos de Galisteo Waterusers Association. We're a small community with a private water system; however, due to our emphasis on responsible use of water and conservation of water we have significantly used less water than our allocation allows for. Many residents and visitors to our county have the same value for water here. I know many mutual domestics and private water associations who could also make the same claim. I wonder and I want you to think about this very carefully, what message do we give our community people or residents and our visitors about water and our value of water when we are doing so much to conserve and we give potable water for dust control on a dubious operation.

Now, I will also speak as president of the Santa Fe Basin Water Association which has been in operation for 30 years conserving aquifer supplies. In our current climate of concern over water supplies for the general public with shutdowns of the Buckman the last couple of years during the summer high season, with concerns over agricultural use being in the newspapers on a regular basis, at a time when Texas is suing New Mexico for additional water supplies, it is unconscionable that we would give potable water to a mining operation that is not needed.

Finally, I'd like us to think about the value of tourism and the revenues that brings in. The image leaving Santa Fe going to the airport of a large mining operation does not give a good memory or one that gets recommended to other people when they talk about their visit to Santa Fe.

CHAIR DROBNIS: Thank you. Next please.

MCKENZIE ALLEN: McKenzie Allan, 9 Camino Sudeste in the County. I've been sworn.

The most baffling thing to me, it's absolutely bewildering is how this project, this nightmare project, got this far. This thing should have been dead on arrival. Despoiling the landscape, destroying wildlife habitat, ruining quality of life, noise pollution, air pollution, light pollution – is there no point at which we will not condone destruction for the sake of money? These guys sitting here spewing this nonsense – I think they think you're all naïve. I don't get how anybody can believe this. I'm no hydrologist I think it's laughable that the guy from the utility says 100 percent of the water will go back to the

aquifer. I bet my mortgage that 100 percent or 98 percent is going evaporate unless magically a cloud appears over the pit.

If we were in New Jersey we'd be looking for the bagman who brought the satchel of cash in here to promote this project. But we're in not in New Jersey. This is Santa Fe. Mr. Chairman, you had some interesting remarks at the beginning. To keep the place quiet you said we need to be considerate and aware of each other. Everything these guys want to do is in contravention of a Santa Fe attitude and atmosphere. Completely the opposite of what we should be doing. You know, I'm sure you've all heard the expression that perception is truth to the perceiver. Now I'm not saying it's true but if you make the very ill advised decision to allow this thing to go forward, the perception of the people in this city and county is going to be that something very underhanded happened here. And I'm not saying that's true but that is going to be the perception and I think it's important for the County, the council, to decide to whom you are accountable: the pit miners or the residents and the tourists and guests who visit our city, thank you.

CHAIR DROBNIS: Thank you for your input.

COMMITTEE MEMBER GONZALES: Chairman. I would like to make. I personally don't like attacks against this board or the land use staff or the application. . So please have some respect. I'm very offended by this. We're up to listen to this case and give the applicant and you a fair shake on our decision. I would appreciate the same.

CHAIR DROBNIS: Thank you for your thoughts Mr. Gonzales. I think the most effective presentation addresses the facts rather than personalities. Please go ahead.

BUSY MCCARROLL: Hi, my name is Busy McCarroll and I've been sworn. I'm here on behalf of myself and my husband. We own – our address is 44 Main Street and 44B I guess you would call it Main Street and 46 Main Street. We've lived in Cerrillos for close to 40 years. We have a business. We have a recording studio, a home and a guest house.

I agree with what everyone else has said but I'd also want to add about Highway 14. There's an elementary school there, Turquoise Trail. There's a school bus. There's kids on that school bus. The trucks that will be riding on that narrow highway will effect safety in and around our village of Cerrillos and on the highway. Cerrillos and Highway 14 is a populated and growing area. We have a state park. We have hikers. We have horseback riders, businesses, bike riders. We have annual Cerrillos events. There's weekly events at the state park. There's village fiesta. There's art walks. There's a yearly yard sale that everybody is involved in. There's local businesses. There's accidents on Highway 14 as it is. A lot of drunk drivers have been known to drive on that road. These trucks will just add to it. On Highway 14 the gravel will cause spillage and damage to our vehicles. There will be noise on both areas in our town. This will affect our growing tourism and films being shot there in our village and in Madrid and I just hope that you don't approve it. Thank you.

CHAIR DROBNIS: Thank you for your input. Next please.

PIERRE WERBROUK: My name is Pierre Werbrouk and I'm sworn in. Dear member of the committee, good afternoon.

CHAIR DROBNIS: Excuse me, could we have your address please.

MR. WERBROUK: Pierre Werbrouk, 341 Rogersville Road, Cerrillos, south of the proposed strip mine. So my name is Pierre Werbrouk, my wife Dominique Samyn and I have built an [inaudible] artist education retreat center on our 400 acres ranch south of the proposed strip mine. Artists from all over the United States come to take art lessons and enjoy hiking and horseback riding on the ranch with its beautiful views and unspoiled nature of La Bajada Mesa.

The artists stay overnight in lodging facilities of Madrid, Cerrillos and Santa Fe. They spend money as tourists. When we came to live in New Mexico, La Bajada Mesa was zoned as agricultural land and we spent our savings to buy land construct a ranch home, stables and art studios. We pay annual property taxes on this investments. The expectation of a strip mine which is just noise and light pollution in full view of our ranch and studios will reduce the attractiveness of our place. It will reduce our business and reduce the value of our property.

We are convinced the proposed environment to mitigation measures of 2.8 gallons of water about one bucket of water per ton of gravel are largely insufficient to keep the dust down. Moreover, the hauling of water is logistically so cumbersome and costly that in all likelihood little or no dust control will take place as the authorities never check the implementation of such environmental measures. Our drinking and household water originates almost exclusively from rainwater catchments the government instructed us to build. The strip mine dust will fall on every house, enter into our drinking water and may negatively affect our health and that of our visiting artists. Therefore, at least [inaudible] an environmental assessment is needed to measure the real impact of this strip mines.

The future of Santa Fe County lies in research, alternative energy, tourism, health and cultural diversity sectors not in attracting pollution. [inaudible] shared responsibility protecting the environment and the beauty of this County. Thank you.

CHAIR DROBNIS: Thank you.

SUSAN HARRIS: Good evening. Thank you for letting me speak. My name is Susan Harris. I have been sworn in. My address is 518 Old Santa Fe Trail. And I happen to be a realtor. I'm going to address one fact that I think is going to be an important caution.

Last year I participated in a transaction that was the sale of commercial property in Rio Arriba County. This property had been 25 or more years in production as a mine, a mica mine, which is highly dust prone. They – the State Environmental Department at the time when this went under – went into effect, asked for a pitifully small bond to be able to cover the restoration of this site. I think what we're talking about here – and what is of somewhat of concern especially someone having referenced the fact that on the internet is this offer of sale for 5,200 acres that we may not be dealing with the same individual who may have perhaps good intentions and so on. But the kinds of things that we want to consider is that finally northern New Mexico, New Mexico as a whole, our County has clean industry in the film business. This makes jobs. This does a wonderful thing. We have tourism. We have something to preserve. The confusion that we will see with lights and dust, I've been watching weather forecast with wind, they now project wind in terms of its height and the dust blowing. So we have issues of safety. You know, there is just too much variables here so again as someone has said so eloquently why isn't this dead on arrival?

CHAIR DROBNIS: Thank you for your input. Next please.

DOUG SPEER: My name is Doug Speer and I live at 100 Pine West. And I've been sworn.

You've heard many compelling reasons why the La Bajada Mesa should remain from gravel mining. Of all of these one stands clear and above all of the others water conservation. At the end it comes down to a very simple decision. Will this committee vote to provide water for people or will they vote to provide water for gravel? Clearly the official position of Santa Fe County as declared in Ordinance 2002-13 is that conserving water is and should be the overriding concern of this body and of all the citizens of Santa Fe County. The amount of water that has been conservatively estimated to be needed for the gravel-mining project stands at 713,600 gallons per year. Although that estimate has been disputed as much less than would be required that equates to 18 million gallons of water over the life of the proposed project. 18 million gallons of water for gravel instead of people at a time when our county has declared that our water resources are vulnerable to depletion by drought and that it is critical to conserve our water resources. How does 18 million gallons of water for gravel conserve our resources for the public welfare?

Claims of economic benefit to the County are the primary rationale advanced in favor of the gravel strip mines. Buena Vista stated that the operation will create seven full time jobs and a few more part time positions and create approximately \$122,000 in gross receipt revenue for the County. That equals approximately 17 cents for a gallon of water. That is the economic impact that is driving this proposal. We're going to squander the one resource we can't live without at a rate of 17 cents per gallon so we can have gravel. The fact is the residents of Santa Fe County can live without gravel and the County can function without the \$122,000 every year. One resource we can't live without is water. If we want to measure the economic impact of this proposal we must vote against this proposal.

CHAIR DROBNIS: Thank you for your input.

CINDY SHEFF: Hello my name is Cindy Sheff. I live 1 Camino No Es in Madrid New Mexico. I have been sworn. I'm also an associate broker with Santa Fe Properties and I'm heavily present in the Turquoise Trail area. I was asked what the impact that this may have on property values. And I said, we've been through this before with the oil and gas drilling in the Galisteo Basin. It pulled the plug on the real estate market. We're a fragile real estate market. The rural areas are in a slow recovery compared to Santa Fe. We're already seeing the pulled plug in the Cerrillos/ Madrid real estate market based on the information that is out there about this mine.

People come to the area because it's a scenic byway, the Turquoise Trail. They hear about mining and it's not just an impact on the immediate neighbors it's a broad impact all across the Turquoise Trail. It shows whether or not, what kind of steward we are of our beautiful country that we have and the water. We've already had two deals crash in real estate that were under contract because of concerns about support for expanded mining in the area. Those deals crash from people who came from out of state fell in love with the area and the Turquoise Trail and then had concerns over whether there would be water and what the quality of that water would be. When I hear that the County is going to give away water and my village is struggling with their water source, it concerns me in terms of the long-term impact of the project and I have several clients here who have properties on the market, some of them in the off the grid areas which will

have visibility of this project and I'm sorry to say that it may make it impossible to sell their properties in the environment of the type of people such as artists, people who enjoy nature who are attracted to the area.

We really appreciate that the County and the Governor's support with the Galisteo Basin Preserve and the strong ordinance that you put in place has been very effective and we hope that you will do that again when you consider this proposal. Thank you.

CHAIR DROBNIS: Thank you.

ANDREW BRAMBLE: My name is Andrew Bramble, 36 White Wolf off of Rogersville Road in Cerrillos. I'm sworn.

I have a very similar view to this view right here shown. Should the mine go in I will have an amazing view of a blight on the land. Would you buy a piece of property that had a view like this with a mine on it? I'm going to guess no. I sure wouldn't. I might not have bought my property if I knew there was going to be a mine on it. A lot of people have a view like this in the Cerrillos/Madrid area, a lot of people. I don't see that mentioned in the proposal. I doubt that it was considered.

They say there's a long history of mining in the area. Well, in certain parts of this country there's a long history of slavery. Just because something has been happening doesn't mean it should continue.

And with regards to the earlier comment that 100 percent of the water would go back to the aquifer, I would really like to hear from a hydrologist not associated with this project if any of that water would make it back into the aquifer given how hot, dry and windy it is up there.

And with regard to the reseeding with the reclamation, are they going to go out there and nurture the seedlings? Are they going to water it for however long it takes? A couple of years at least. I have my doubts about that too. Thank you.

CHAIR DROBNIS: Thank you. Next please.

JOHN PEN LAFARGE: Good evening. My name is John Pen LaFarge. I live 647 Old Santa Fe Trail here in Santa Fe. I'm the president of the Old Santa Fe Association and I am under oath.

On behalf of the Old Santa Fe Association I urge you to consider the importance of the history of La Bajada. First, La Bajada has been kept as it, the entrance to Santa Fe clean and clear for centuries and has been kept that way deliberately. As far past as Governor Juan Bautista de Anza this was so. When giving out the entrance to the city as a grant, he said, Cognizance that the issuance of the grant would offer the greatest protection of the vicinity to the capitol made the requested concession in the name of the King and for the sole purpose of pasturing stock.

As Old Santa Fe Association is the oldest organization that looks after the heritage of Santa Fe its authenticity and its truth and although this is an issue outside our usual purview, we believe it relates directly to the City's quality of life, moreover, every study made of what brings people to the City Different first and foremost it is the legitimacy of its history and its culture. Some 15,000 local jobs depending upon these factors and La Bajada is the entry gateway to Santa Fe. It is what one sees first. It is our – it is our introduction.

It seems to the Old Santa Fe Association that to turn the first sight of a city known for its physical location and dramatic beauty into an industrial function would be perverse. This is the location of the Camino Real, the Juana Lopez Grant, an area

nominated to be a national monument to allow this area to be an area of ugly exploitation would be flat wrong.

We, the Old Santa Fe Association ask you to deny permission for this requested industrial use. Thank you.

CHAIR DROBNIS: Thank you.

MIKE TAYLOR: My name is Mike Taylor. I live at --

CHAIR DROBNIS: Excuse me. I just wanted to announce that at the end of your presentation we will take a short break of about 15 minutes. Mr. Larrañaga, can I ask you to help out by distributing some numbered tags to the people who are in line so they can take a break also and then get back into line.

MR. TAYLOR: Thank you, Mr. Chair, members of the Committee. My name is Mike Taylor. I live at 52 Sunset Road in La Cienega and I am under oath.

La Bajada is probably the most important natural landmark in New Mexico traditionally separating Rio Arriba from Rio Abajo and symbolically uniting our great land of enchantment. I am a 17th century New Mexican whose ancestors have been ascending and descending La Bajada escarpment for over 300 years. Movement through this incredible landscape continues today as we travel Interstate 25 back and forth to Albuquerque. It is truly the perfect gateway to the north in an almost pristine approach to Santa Fe.

Some may think that permitting this mine will have negligible impacts. I and thousands of others know that it will be the crack in the door to allow repeated abuse to our sacred cultural landscape, our common wealth. The litany of common sense reasons to deny their permit is huge as each of you by now know. Allowing the mining would be allowing a huge gash into the heart and soul of who we are.

Please deny this permit and everybody here I'm sure is going to be very appreciative of that. And I also wanted to state that there's a great cultural landscape geographer named J.B. Jackson who used to live in La Cienega. J.B. Jackson is known worldwide. One of his seminal books on cultural landscapes had on the dust cover this incredible photograph of La Bajada. Millions of people have seen this book and this person really knew and appreciated the cultural landscape of our area. I'm very happy that somebody me, JJ Gonzales, is going to be talking about water issues. JJ knows more about water than anybody else in this room and he's going to I'm sure let us know what the status is. And, finally, I want to state that I very much appreciate all of you being public servants cause you do put a lot of time into this and we very much --

CHAIR DROBNIS: Thank you very much. We will take a 15-minute break and reconvene at 7:15.

[The Committee recessed from 7:00 to 7:25]

CHAIR DROBNIS: May we have the next speaker please.

ALLAN SINDELAR: Members of the Committee, my name is Allan Sindelar. I live at 39 Via de Loma, Madrid, New Mexico. I am under oath.

I have several points to make. I will be concise. First, the application is deficient on its face. The owners of the mineral rights have not been identified as required by code. In addition, the applicants have not secured a certificate for the water rights from the Office of the State Engineer as required by County code.

Second point, the application should be denied due to its inaccuracies, fuzzy math and false assumptions that have been addressed in specific terms as submitted in Diane Seniors letter submitted yesterday, 3/19.

Third, the application should be denied due to the overwhelming evidence that this mine would have a significant adverse affect on the health, safety and welfare of all of the citizens of the county.

I will offer finally that the quarry manager at Caja del Rio has stated last week that he has currently 800,000 to 1 million tons of stockpiled material that is appropriate for this purpose and has reclaimed effluent water available for dust control. Thank you.

CHAIR DROBNIS: Thank you. Go ahead.

GAIL CARR: My name is Gail Carr. I live at 100 Rancho Alegre Road in Santa Fe County. I'm sworn in. I'm a voter and an artist.

And I really came into this hearing thinking I was going to say something else but what's occurred to me is that this is still the Wild West. I used to believe that the battles over from the 1800s were going to come again and it looks like they're here. I currently have a well. I have a cistern and I haul water. So to me this is of utmost concern because one thing I think we really have to look at is that I pay more than 2 cents for a gallon of water. I don't think this is a fair market value. I think it is totally against the State anti-donation clause and I think that is grounds for really looking at this much more. We're being told to look at and conserve our water. I got a letter from Tom Udall the other day, they're raising money federally to conserve water and what are we doing wasting it. In other countries, in Israel alone they have 250 reservoirs of recycled water to use. You know, every place else is saving it. We are in a drought. We cannot afford to waste it and we can't give it away at those prices. Something is really wrong.

Something else that I needed to say is that what came out to me as I was hearing these people speak is that we need to have a policy for water usage and priorities with this drought going on with the water going probably to people first. Water is life. We can recycle all we do on our own and then we see blatant waste of the water. And we know already that dust is the major polluter in this state.

Anyway, I think we need to have a moratorium before we give any more water away and we have to figure out what we need first.

CHAIR DROBNIS: I'm sorry, your time is up. Thank you.

MS. CARR: Oh, but can I say one thing?

CHAIR DROBNIS: No, I'm sorry.

MS. CARR: The adobe houses cannot take the blasts and the sounds.

CHAIR DROBNIS: Please. Next please.

MICHAEL COLLINS: Hello. My name is Michael Collins. I wanted to thank you for your service for sitting here and listening for so long. I'm a County resident for 40 some odd years and I swear to god I still love water and I like the gentleman here who represents Rockology, we represent biology and ecology of Santa Fe County, our wonderful community. And I think communities and community rights trump corporate interest every day and this counts for our whole county and our whole state.

There's some issues like Gail just mentioned, I'd like to know about decibels. Possible decibels from blasting and trucks et cetera as far as what people are going to be hearing. Also, damage to the highways. I know I've consistently gotten rocks in

windshield; this is just minor, rocks in windshields from gravel trucks. Even when I try to avoid them.

The other thing would be chemicals. What the surfactant was mentioned. What are the chemicals in the surfactant that is going to be used to hold it down? My understanding is a surfactant can be anything from something like a detergent or something like that but Dawn has been proven to be hormonal damage – has given hormonal damage. Dawn the dishwasher soap. So there's a lot of questions..

The other thing is that treated water is also usable and water has been proven to be treated to where it can even be potable even though [inaudible] worst water. So even the treated water that we need it's precious to us and please vote against this change in zoning. Thank you.

CHAIR DROBNIS: Thank you. Next please.

TERESA MUZIEK: My name is Teresa Muziek. I've been sworn in. I live at 2417 Camino Agua Azul in Santa Fe.

One of the things that I would like to see is what the blast vibrations will do to that gas line that you pointed out on the property. That would be awful if that exploded. It would cut off all of our gas in Santa Fe. Also, I feel that the traffic through Cerrillos, the answer was a bit evasive. I know those streets are kind of skinny and the roads are kind of bad inside Cerrillos itself and they're going to be driving water trucks through there? Anyway, I would like that to be addressed a little bit better.

And, maybe the County hydrologist could take a look at the estimate of how much water is available in that aquifer that they're going to be pulling the water out of. I'm a hydrologist for the state and I know that the aquifers everywhere are dropping. On the eastside of the state it's like 6, 10 feet a year. Some other places it's only, 2, 3, 4 feet a year. How deep is that aquifer and how much water is in it? Is it even capable to supply just the gravel mine? I'm not sure about that. They also said that the water will go back into the aquifer, 100 percent of it, well, basalt is impermeable. It's like cement, right? Nothing gets through. And they said that basalt is better than the basalt out at Caja because it doesn't have as many holes in it which makes it less permeable. So it won't go down back into the aquifer. Besides the whole evaporation thing around here, right? So also –

CHAIR DROBNIS: I'm sorry, time is up. Thank you very much. I have an announcement I've been asked to make. A lady has lost a blue wallet in the room. Could you look around you and see if you see a dark blue wallet about 4 by 5 inches and if you find it bring it over to the staff on the side of the room.

Thank you. Please go ahead.

COBY LIVINGSTONE: Thank you for this opportunity. Coby Livingstone. I'm a registered voter at 303 East Buena Vista, Santa Fe, New Mexico. I'm a new resident to Santa Fe but I am livid that La Bajada hill, mesa, may be used for mining. It seems to be that what I've learned in the last year is the city and county want to grown and have wonderful things happening in this county and how does a mining company help with that. I think you've heard so many non-repetitive facts, science, evidence that you should deny this permit for a mining company at La Bajada Mesa.

CHAIR DROBNIS: Thank you. Next please.

JAN UDELL: Good evening. My name is Jane Udell. My address 5 Blanco Road, Santa Fe. And I am sworn.

I bought 20 acres off Red Rock Road 40 years ago. I have a million dollar view of the mesa from that place. I'm strongly against changing the zoning from agricultural/residential to mining for all the reasons voiced by the other speakers with the exception of the first two.

Another thing I might mention and I hadn't heard anything until this evening about blasting. I should have realized it was part of the process. There was a very large equine population there. I don't think they'll get along well with blasts.

Four years ago my 20 acres was appraised at \$85,000. That's unimproved property. I think that a working mine above my place would cut that value by 50 percent or more. That would cause a related lower tax for me and every other owner in that area. What I'm trying to say is that Santa Fe County could lose far more in property taxes than this mine would produce in gross receipt taxes. I heard about man who figured out how to reclaim oil by scraping the paint off the Mona Lisa. Sort of like scraping gravel off the mesa. Thank you very much.

CHAIR DROBNIS: Thank you. Next please.

LOUIS DEMELON: Greetings Council members. My name is Louis DeMelon. I live at 2521 Camino Estribo in the City of Santa Fe and I have been sworn in.

I'm 24 years old and for most of that time I have been a Santa Fean and I look forward to being one for many more years. It is with that in mind that I objected to this mine. It is because in a 25 year time scale both the applicants, the citizen who are concerned and let all of you know what they're concerned about and you yourselves will not be working – or you certainly hope you won't be working in 25 years, if we were to do a minimum age of the people in this room with myself and the other person that would put us in the mid 40s. Once this mind has come through in that 25 years the reclamation will begin, if they were to get their projections incorrect, the gentleman who had proposed this would not be accountable, the councilmen who may or may not have agreed with it would not be accountable and the people who objected to it would have no method of recourse.

This concerns me deeply because I am one of the people who are going to have to deal with this issue in 25 years and I would like to think that since this is the City Different we would differ than most other cities and put the interest of people ahead of the economic interests of the select few individuals.

I am hoping you will all consider that. Thank you for your time.

CHAIR DROBNIS: Thank you. Please go ahead.

JOANNA CONTE DURHAM: Hi, thank you. I'm also of the younger generation concerned. I thank you for the opportunity to speak. I'm JoAnna Conte Durham. I'm a resident of 10 years in Cerrillos, 6 Anthercite Avenue. And I've been sworn.

I hope you hear our concerns. I appreciate the chance to speak and I appreciate you listening. I hope you reject the mine. As a homeowner on Highway 14 right at the Cerrillos Village turn this impacts my home and my many neighbors. And it impacts my farm and my home work studio. As an artist – and I use art as therapy – in my studio I work with kids and adults as a healing modality as artist therapy and I'm concerned with the impact of large trucks, the safety in our small village, with the kids, with pets. We live off the land here. I live off tourism. The beauty of the land. The charming land that

we love. This will impact our small businesses disrupt our home. We're concerned about limited water. We're concerned about the impact on the earth for future generations as well as now. The history, the unique beauty – I'm concerned about the wildlife in the hills. Who is protecting the natural order of life? The hills are still wild with deer, wildcats, coyotes – the turquoise mining that is done in the hills is done with hand tools. I'm concerned about the noise pollution, the disruption of blasting rocks along with the wild animals what about our domestic animals, our farms? We're an agriculture community. It's our food. It's our life. This impacts us, our animals, our chickens, our goats, they're disrupted being so close to these blasted rocks, the light pollution, the noise pollution, the vibration. This is Santa Fe County lifestyle. Along with eaming land right on 14 and my home, my family owns 40 acres two miles west from this proposed mine. So right there on Waldo Canyon on this land as a helping profession, I work with many people, children, adults and I help the health of the community. Please choose the people. Hear the people. Honor the unique community –

CHAIR DROBNIS: I'm sorry, ma'am, your time is up.

MS. CONTE-DURHAM: Sorry. Keep it wild.

CHAIR DROBNIS: Thank you. Please go ahead.

LOUISE BAUM: My name is Louise Baum. I live at 54 San Marcos Road West. I really appreciate that –

CHAIR DROBNIS: Have you been sworn?

MS. BAUM: I've been sworn. I really appreciate you all staying so long. You must be hungry. Anyway, thanks for listening this is a crucial process for the people to be able to tell you our concerns.

Santa Fe calls itself the City Different and it is different. It is beautiful. La Bajada Hill has a long history and is the entrance to Santa Fe. When settlers came in wagons they paused there for the night at the bottom of the hill to rest and gather strength for the difficult ascent up La Bajada Hill. Now it's much easier, a 6-lane highway takes us up. But still when we reach La Bajada it is significant. We know we've come home.

If we let this gravel mine go ahead who does it benefit? Rockology? I'm concerned about that ad in the internet that someone mentioned. I'm concerned that this is just the beginning. I'm not convinced that it's a small operation that they intent to keep small. I'm not convinced that the dust will not be a huge problem. I'm thinking of about two days ago when there was dust all over the sky. You know, we're having very different weather conditions now. It's not necessary to have this mine that will trash the beautiful entrance to our beautiful city. Instead of the City Difference, we'll be one more ecologically ruined industrial landscape. Just the same as so much of the modern world.

We don't have to do this. We value the beauty of this place. Let's keep it beautiful. Let's keep it different. Say no to the gravel mine.

CHAIR DROBNIS: Thank you. Please go ahead.

APRIL JEAN TAFOYA: Hello, good evening. My name is April Jean Tafoya. I live at 1600 Lena, Suite F4 in Santa Fe. I've been sworn.

I hold a masters degree in earth and planetary sciences from the University of New Mexico. My specialty is hydrogeology. The proposed 50-acre mining zone is within the Galisteo Creek Watershed. My main concern with the proposed project is the erosion in the area.

The La Bajada Mesa exists as a mesa because of the basalt flow that caps it. We call this inverted topography. That was once the lowest part of the landscape, the lava flowed in, capped and everything eroded around. It caps with the unconsolidated sediments of the Santa Fe Group. I am referencing USGS Professional Paper 1720 A and B for this. So this basalt cap is what prevents erosion of this mesa.

The watershed restoration action strategy for the Galisteo Creek Watershed which was funded by grants from the New Mexico State and the Surface Water Quality Bureau of the New Mexico Environment Department and it was authorized by the Clean Water Act, lists soil erosion and run off control as their second major priority after community involvement. They report that soil loss occurs at a more rapid rate than soil accumulation in this particular area. Also note that the US Department of Interior, the Bureau of Land Management in December 2012, and I quote the report, soil erosion is a key concern in the greater Galisteo Basin because of the highly erodible nature of the soils in the area. This will ultimately end up in the Galisteo Creek which is 1,500 feet from this proposed site. The Galisteo Creek is a major tributary of the Rio Grande. This extra sediment load will indeed be a problem even if potable or non-potable water is used in this. This is something that should be of major concern for the area. Thank you.

CHAIR DROBNIS: Thank you. Please, go ahead.

JJ GONZALES: My name is JJ Gonzales. I live at 54 Entrada La Cienega. And I have been sworn in.

Chairman Drobnis and committee members, thank you for this opportunity to address you. There's a groundswell of opposition to this project and even though maybe it complies with the County Code I kind of feel that this is not just a gravel operation, this is a hard rock mining operation. They talk that gravel was allowed in areas such as this – at the very end of the presentation they came up with this was basalt. It's one of the hardest rocks on the planet and it's extracted only with blasting. That's one thing that they didn't really address very clearly in the story poles that they put up. You know, they don't tell the whole story. They don't tell about the dust that appears. They don't talk about the noise. The other thing that they mentioned was getting water from Santa Fe County. There is a water distribution place by the penitentiary or Justicia Road by the County jail. That is utilized because a lot of people in Cerrillos used to be water haulers. When Santa Fe County put a water system out there they put in a spigot there for water haulers that did not have water so they could get water to supplement their use, either indoor use or outdoor use. All of a sudden we have a County person who says, Oh, they can have a million gallons of water if they want. You know, I live on a farm. Our water is precious. We fought hard for our water rights. This project is dependent on Santa Fe County giving them water. They should go to the State Engineer like everybody else does and bring water rights to the table or have an application for their own water rights. It's like other projects in this county that rely on Santa Fe County to bail them out. That's a flaw that I see. Mining in the area. Mining has been done there for centuries but not since the first code was adopted in 1980. Mining hasn't occurred since then. So this is a flaw.

Thank you very much.

CHAIR DROBNIS: Mr. Gonzales, thank you. Next please.

DANA MAVEN: Thanks for being here to hear us out. My name is Dana Maven. I'm sworn in. I live in the Village of Cerrillos at 8 First Street and I'm new to

the area. One of the things that is beautiful about this area is the peace and quiet. I have a feeling that everybody is going about their business, doing their work, participating in community. I think that if community is the first important thing to protect the environment, we certainly have that as you can see. My concerns, really personal concerns in the Village of Cerrillos are those water trucks coming through. They're going to create a lot of noise. They're going to damage the roads that we have – I think this is delicate balance. There's a little bit of an irony here in that mining a bunch of things to repair roads and then making the road so if you have to repair them is an odd feature of this whole proposition.

I would really want to emphasize that people that live in the Cerrillos, in the area of La Bajada, we are not nobodies. We have work. This mine would probably create work for a few more people but it might destroy livelihoods for very many, many more. People who depend on the land. People who depend on the quiet. I'm a musician myself. I don't want to hear blasts all the time. I think the horses are going to freak out. We've got a stable at the road; what are they going to do with blasts? I don't like that idea.

Finally, I think we do have a sustainable land development code in place; it's not official yet. It's going to take some time but I would urge you to just throw this proposal out the window immediately based on the evidence that you've heard and if that's not possible delay it until we can see if it matches with the sustainability land code that is going to be in place very soon. Thank you very much.

CHAIR DROBNIS: Thank you. Please go ahead.

JANET MCVICKAR: Good evening, I want to thank – my name is Janet McVickar. I live at 17 Vista Aronda in the County and I've been sworn. I want to thank you all for asking some very good, pertinent questions to the applicants. And I really thank the people behind me who have brought up some incredible points some of which I've never thought of.

I wanted to do kind of a cleanup of a few things that I haven't heard spoken of completely and the main one has to do with the roads. For example, transporting that water from the County facility up near the prison, think about what that road is going to be. Yes, it's going to go down Highway 14 and then where? It's probably going to go, I'm guessing, west on County Road 45 over to the frontage road. I see several problems with that. The population in the County down in the Highway 14 area has increased significantly in the time that I've lived in that area which is – well, I've lived in New Mexico for almost 45 years. I've lived in that area for almost 15. And already the traffic load on 14 is getting a little bit out of hand at times. But traffic load on County Road 45 is going to really damage it. Also, the creek, San Marcos Creek crosses that road there and during the flooding last year part of that road was washed out. Think about these trucks are going to impact that. And finally, the frontage road I don't know if you've all driven that but especially near that one cell tower, there's a pretty dangerous curve. I guess it's just south of it and I can just imagine these trucks going a little too fast and having various accidents in that location.

Anyway, I would encourage you to deny this application. Thank you.

CHAIR DROBNIS: Thank you. Please go ahead.

MARIANNA HATTEN: Thanks for listening. My name is Marianna Hatten, 29 High Feather Ranch, Cerrillos, New Mexico, and I've been sworn. I own and

operate a B&B up Goldmine Road which is an area that has this same view by the way. I'm at an elevation of 6,153 feet and that's what I see every morning. That's what my guests see. When I considered relocating from Colorado to New Mexico 15 years ago I had several criteria in order to get myself situated in the best possible place for a successful business. One was the proximity to a major center of tourism. I consider Santa Fe one of the preeminent centers of tourism in our country and it's often rated that way. Conde Nast or many other studies if you listen to our own chamber of commerce it's a great place for tourism. The other factor was views. I wanted a scenic place. I bought 130 acres. This is my view. I also wanted live water -- I had to give that up. I wasn't going to get all of that in one package. So I don't have a running creek through my property. But I do operate a B&B. I also host weddings. Some of them are at night. Some of them are in the late afternoon. Sunset is very popular for that. I also have an astronomer who is the former head of New Mexico night skies/dark skies program who is at my property three or more times a week at night hosting star parties. And light pollution, dust pollution -- that's why he's at my property. He can't operate that kind of business out of Eldorado or downtown Santa Fe but he can at the ranch.

There are probably about 300 people living up on this mesa where I am off of Goldmine and High Feather Ranch. We bought there for a reason and --

CHAIR DROBNIS: I'm sorry, we have come to the end of your time.

MS. HATTEN: Okay.

CHAIR DROBNIS: Thank you.

MS. HATTEN: Don't sell them the water.

CHAIR DROBNIS: Please go ahead.

MARGARET CUSHING: Hello. I am Margaret Cushing. I am under oath I live at 8 First Street in Cerrillos. I just want to second everything that has been said about the water rights and the pollution, dust pollution and chemical pollution, light pollution but I'd also like you to consider that human use is not necessarily the best use. In addition to the wildlife migration patterns and the affects on humans and larger animals. I'd also like you to consider the smaller life; rodents, insects and even smaller the vast microcosm of life that's on the mesa. Oh, yes, along with the rich plant life as described by previous speakers these animals have created and inhabited a magnificent habitat that we hold in awe.

Please reject this proposal out of hand to allow the centuries old non-human development and conservation to continue. Thank you.

CHAIR DROBNIS: Thank you.

DIANNE STRAUSS: Good evening. My name is Dianne Struass. I live at 104 Three Rock Road. I've been sworn in.

For your edification regarding public health, safety, welfare, dust is a public health and traffic safety hazard. Dust from basalt crushing is associated with lung disease. Studies find that lung disease those similar to asbestos and silica are current 27 percent of basalt mine crusher workers. The term is basalt and I'll spell it, P-N-E-U-M-O-C-O-N-I-O-S-I-S. Disturbed soil carries Valley Fever. Already one fatality has been reported in Madrid. Fungi resides in the soil, spores are swept into the air by disruption of soil.

In conclusion there are no conditions in the quote willing and able letter we were given, water to be used into perpetuity without analyzing could be viewed as illegal.

Also there is currently an official protest before the Office of the State Engineer for the transfer of water rights by Buena Vista LLC, the hearing is pending. Thank you.

CHAIR DROBNIS: Thank you. Please go ahead.

ERIC JOHNSON: My name is Eric Johnson. I live at 2843 Turquoise Trail in Madrid, New Mexico. And yeah, I was sworn in before the break. I've lived in New Mexico since 1973 and partly in Chicago also and in 1981 I was the youngest JD ever to become a licensed attorney in the State of New Mexico.

The reason I wanted to speak is that it seems to me this campaign to blow up La Bajada is a frontal assault on the power and authority of the County of Santa Fe to protect its national and historic monuments. And it's so much a matter of whether it's a good idea to have the mine but whether or not Santa Fe County takes every possible step to maintain its power and authority over the activity. A scenario that strikes me as most likely it would be dangerous but if the mine is sold to a foreign owner, the foreign owner would be actually immune to many of the regulations not only to the County but even from the State or perhaps from the federal government under NAFTA and other treaties of that kind. And, maybe even worse, if the folks here aren't doing such a back job but some other historic landmark in Santa Fe County is bought by a foreign mining company and they want to say, blow up Camel Rock or something, and they say, Well, you let those other guys blow up La Bajada, how they stop me from blowing up Camel Rock?

The only way we can protect the national monuments and historical monuments in Santa Fe County is to protect all of them. The first one. The last one and everyone in between.

And thanks a lot for letting me talk.

CHAIR DROBNIS: Thank you. Are there – is there anyone else who would like to speak on this subject? If not then this public hearing is closed. And, we can open discussion amongst the committee members. Are there any committee members who wish to speak?

Would the applicant like an opportunity to respond?

MR. SIEBERT: Mr. Chair, Committee members, I'll make a few short comments here.

[Audience complains that the applicant already spoke.]

CHAIR DROBNIS: Thank you for trying to keep us honest. But the fact is that the applicant gets as much time as he needs –

MR. SIEBERT: The top of La Bajada Mesa is owned by Buena Vista is about 11,060 acres. If you take the current zoning today you would be permitted one dwelling per 40 acres on the top of that mesa. That's 29. You'd have 29 dwelling units under the current County code and my understanding is that it will probably be the same under the SLDC. At .25 acre-feet per dwelling unit that 7.25 acre-feet. So if you take a look at what residential versus commercial material extraction would have, actually residential would be a larger consumer of water.

The other issue is we hear a lot about water trucks going through the Town of Cerrillos. The route would be to take I-25, there's no reason not to, take I-25 get off at the Cerrillos/Madrid exit. Go down Cerrillos and just turn around and reverse that route back to the site. They will not be going through Cerrillos – there's no sense to doing that.

And the other thing, if we can use the treated effluent water the route there would be I-25 to 599 to Airport Road. Airport Road is actually an industrial area and actually

from a truck route, you're probably right, it would probably be a more reasonable truck route. Thank you.

CHAIR DROBNIS: Are there any questions from the Committee? Discussion or motion? Mr. Katz.

COMMITTEE MEMBER KATZ: I have a question of staff as to whether this should be reviewed under Article 5 or Article 11? I thought that the point that was made that this is not just where you're scraping sand out of the arroyo or gravel out of the arroyo but blasting does seem a lot more like mining. Basalt does seem to be different from the items mentioned in the code there. Maybe the County Attorney can give us some wisdom on that.

MS. BROWN: Mr. Chair, Committee member Katz, there was consideration of which article this fell under and given that the code explicitly places sand and gravel operations under Article 5 and this is a gravel operation they do generally involve some blasting, it was determined that this was the appropriate code provision.

COMMITTEE MEMBER KATZ: Thank you. Thank you, Mr. Chair.

CHAIR DROBNIS: Any one else from the Committee. Yes, Mr. Gonzales.

COMMITTEE MEMBER GONZALES: Addressing that issue regarding blasting. I understand that in the new Sustainable Land Development Code regarding mining and I may be wrong on this but it's going to – any mine that comes before in the future is going to be having to blast. They're not going to be able to mine in flood zones, arroyos, or close river ways and I think – I don't know if that's true. Maybe you guys can address that.

CHAIR DROBNIS: Can someone on the staff help out with that?

PENNY ELLIS-GREEN (Land Use Administrator): Mr. Chair, Committee members, originally that section of the code was written that if you were over 20 acres or included blasting you would be considered a DCI. We have not yet written the DCI section of the code. The DCI section has been changed now or was changed prior to adoption –

CHAIR DROBNIS: And what does DCI stand for?

MS. ELLIS-GREEN: A Development of Countywide Impact. So the other kinds of developments of Countywide Impacts are oil and gas, hard rock mining, junkyards, a feedlot, that kind of use. So the language under the DCI for sand and gravel is sand and gravel extraction that is of a scope and scale as determined by subsequent amendment to the SLDC that it merits regulation as a DCI pursuant to Section 11.3.6 which is the development of countywide impact section. So those standards were actually changed due to public comment and that is what is in the approved land development code or the SLDC. The SLDC does not go into effect, that's the Sustainable Land Development Code, so that will be the code that will replace the code that we're reviewing under now, that does not go into effect until the zoning map is approved. We are just getting ready to release the last draft of the zoning map and do public comments and the legal noticing for that. So we're hoping that that will be approved by the middle part of this year and that means that the Sustainable Land Development Code would come into effect. However, there are sections of the code that have yet to be written and the Development of Countywide Impact section is one of those.

COMMITTEE MEMBER GONZALES: And so this application is under the code as it exists today, correct?

MS. ELLIS-GREEN: Mr. Chair, Committee member Gonzales that's correct. It's under the current Land Development Code that was adopted in 1996.

COMMITTEE MEMBER GONZALES: And if the maps to the Sustainable Land Development Code are adopted because this application is under this purview sort of speak of this code, if it is – if it's adopted it's still going to be under the old code because the application is made now?

MS. ELLIS-GREEN: Mr. Chair, Committee member Gonzales, yes, I believe that is correct. The Sustainable Land Development Code Specifically talks about preliminary plats and master plans and allows them to continue through the process as long as they're done within a certain timeframe.

COMMITTEE MEMBER GONZALES: Thank you.

CHAIR DROBNIS: Mr. Katz.

COMMITTEE MEMBER KATZ: I have another question for staff. It concerns that Sustainable Growth Management Plan that is in effect now, is it not?

MS. ELLIS-GREEN: The SGMP has been approved. It was approved in 2010 and, yes, it is in effect.

COMMITTEE MEMBER KATZ: And to what extent does that inform the current statutory provision that no mining use activity will be permitted if it is determined that the use will have a significant adverse impact on general welfare of the County and its residents? Can we look to the kinds of standards they have in the plan as informative of what would be the general welfare of the County and its residents?

MS. ELLIS-GREEN: Mr. Chair, Committee member Katz, yes, it is the policy statement of the County. So the SGMP is the policy statement. The implementation will happen through the SLDC, the land development code. So it is the policy statement for the County. So the Growth Management Plan is the policy statement and the implementation will be through the Sustainable Land Development Code.

COMMITTEE MEMBER KATZ: Thank you.

COMMITTEE MEMBER ANAYA: Mr. Chair.

CHAIR DROBNIS: Mr. Anaya.

COMMITTEE MEMBER ANAYA: Along those same lines again. So are we to take – those provision and work on this today? Or are we just actually it's a moot issue because the policies have not been written.

MS. BROWN: Mr. Chair, Committee member Anaya, you are tasked with implementing the current code and this application is to be evaluated under the current code.

COMMITTEE MEMBER ANAYA: Thank you, ma'am.

CHAIR DROBNIS: Any other member of the committee? Ms. Martin.

COMMITTEE MEMBER MARTIN: I'd like to make a motion.

CHAIR DROBNIS: Please go ahead.

COMMITTEE MEMBER MARTIN: I so move that CDRC case ZMXT 13-5360 Buena Vista Estates Inc. and Rockology for a zoning request be denied.

CHAIR DROBNIS: Is there a second?

COMMITTEE MEMBER KATZ: Second.

CHAIR DROBNIS: Any discussion on the motion?

COMMITTEE MEMBER ANAYA: Mr. Chair.

CHAIR DROBNIS: Mr. Anaya.

COMMITTEE MEMBER ANAYA: Yeah, I have a discussion for that. I would – and I would have made a motion on this merely to table it so we could have received a little bit more information from the applicant based on a lot of the questions that have been arose – arised, such as water, oh, I mean I've got five pages of notes here. They brought up the gas line; what gas line are you talking about? Somebody brought up issues and I understand the water, the mining issues that I still am concerned about being blasted. I guess I'm just kind of uncertain of making a decision without being thoroughly knowledgeable about that particular section.

CHAIR DROBNIS: Mr. Anaya, I believe that the motion to table – is there a second to that motion?

COMMITTEE MEMBER KATZ: There's already a motion on the floor.

COMMITTEE MEMBER ANAYA: No, his motion was second already. I'm just –

CHAIR DROBNIS: A motion to table takes precedence. Is there a second to the motion to table?

COMMITTEE MEMBER GONZALES: I'll second that. Point of order, Mr. Chair. Can we do that? Wait, I'm going to ask the lawyer.

MS. BROWN: Mr. Chair, Committee members you can table in order to request additional information or for other reasons that you may want to articulate.

COMMITTEE MEMBER GONZALES: That wasn't –

MS. BROWN: And the motion to table does take precedence over –

CHAIR DROBNIS: According to Roberts Rules of Order it takes precedence and is non-debatable.

COMMITTEE MEMBER GONZALES: So the motion to deny was seconded and then Member Anaya made a motion to table and we can rule on the tabling; is that correct?

MS. BROWN: Mr. Chair, Committee members, I believe it is. And I will look at the rules –

COMMITTEE MEMBER GONZALES: Okay, so I seconded to table.

CHAIR DROBNIS: Yes, and we will vote immediately, on the motion to table. Those in favor of tabling Mr. Katz's motion or Ms. Martin's motion to deny. Those in favor of tabling that motion please raise your hands.

The motion to table failed by majority [2-5] vote with Members Anaya and Gonzales voting for the motion.

CHAIR DROBNIS: The motion fails and we will continue discussing the motion to deny. Mr. Katz.

COMMITTEE MEMBER KATZ: I'm in favor of the motion to deny because I would find that the proposed mining activity would have a significant adverse effect on the general welfare of the citizens of the area. And I base that on the policy of the County to not allow development near prominent landmarks, natural features, distinctive rocks and landforms and of that sort. And I think that really comes to the crux of what the problem with the proposal is. I absolutely agree we need construction

materials. I think that the applicant has done a somewhat thoughtful job on how mining occurs. This is just not the place to do it. It is just a – it's an incredibly prominent place that is seen. It's in everybody's backyard in this County and for that reason I think it's inappropriate to have a mine here. Dust does go up way more than 20 feet. It would be terribly visible. I don't think it's compatible with the transportation aspect of I-25 going right by it. I don't think it's an area that's suited for mining because of the visibility. The history of mining is not in that area. It's somewhat removed and that's history in its old mining and it's not modern mining with modern machinery. And I also feel that the water supply and would find that the way they want to obtain their water is simply not acceptable. And it's possible they could use non-potable water but that's not what they're asking for.

And, I would ask that those findings be included in the motion.

CHAIR DROBNIS: Any other discussion on the motion. Yes.

COMMITTEE MEMBER BOOTH: First of all, I want to thank everyone for coming. This is democracy in action and it's wonderful to see. I would also vote to deny this and I'm looking at Article 11 where it says, the land for mining is reasonably compatible with other uses in the area, not just on their property, affected by the mining use including but not limited to traditional patterns of land use and recreational uses. And I just really believe that when you look at all of the testimony and all of the data that this is truly a historic landscape, a cultural heritage, a scenic byway and that this is just not compatible for a mining use.

CHAIR DROBNIS: Any other discussion on the motion. Ms. Martin.

COMMITTEE MEMBER MARTIN: I just have a comment. I would like to thank the audience to for your generosity of information. And it was the League of Women Voters that said that they and Santa Fe County residents, the environmental community and many concerned citizens had worked very hard and very many years on the Sustainable Growth Management Plan and the Sustainable Land Development Code and the latter does require further implementation but this is a development of countywide impact and should not be approved in this manner.

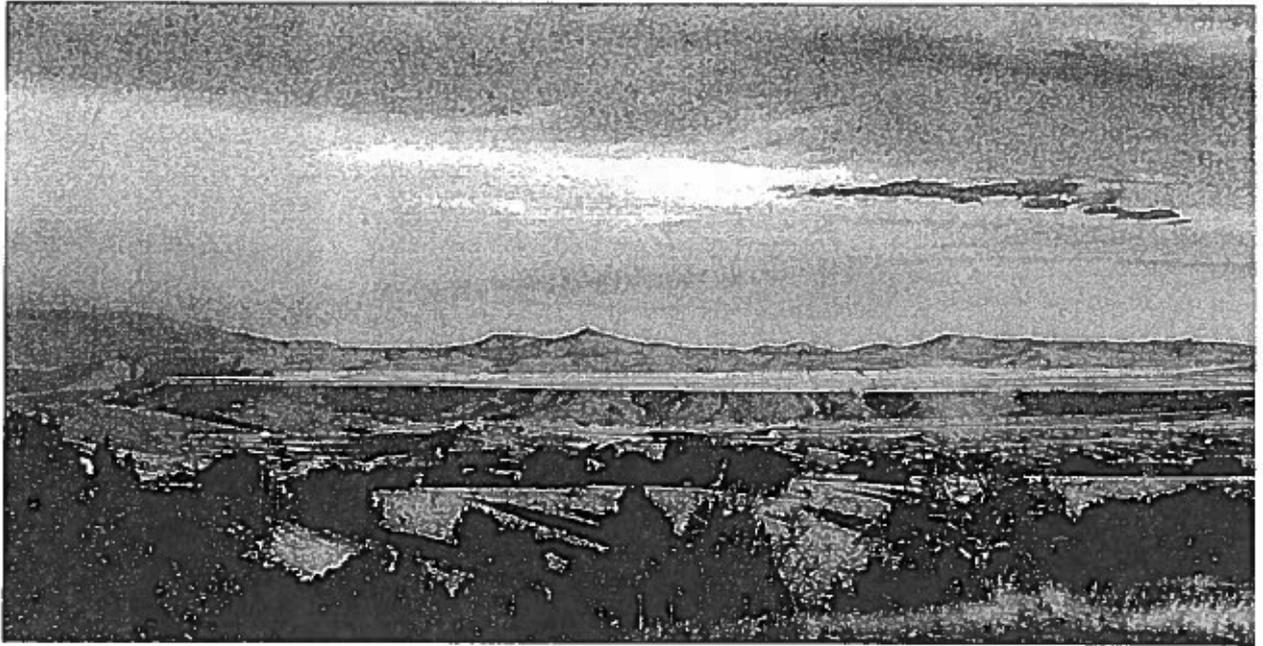
CHAIR DROBNIS: Any other discussion on the motion?

The motion passed by majority [5-2] voice vote with Members Roybal, Booth, Drobnis, Martin and Katz voting for and Members Gonzales and Anaya voting against.

~~C. CDRC CASE # V 14-5020 Dennis & Lynne Comeau Variance: Dennis and Lynne Comeau, Applicants, request a variance of Article VII, Section 3.4.1.c.1.c.i (No-Build areas) of the Land Development Code, to allow 30% slope disturbance for an existing driveway to access a buildable area on a 66.52-acre parcel. The property is located at 191 County Road 74 in the vicinity of Tesuque, within Section 20, Township 18 North, Range 11 East, (Commission District 1)~~

~~John Lovato presented the case update as follows:~~

~~“On February 20, 2014, the CDRC met and acted on this case. The CDRC recommended tabling of the case to allow the Applicant to meet with the adjacent~~



Materials Opposing The Strip Mine Application on La Bajada Mesa

Binder Contents

- Presentation
- Paper Petition Signatures
- Online Petition Signatures from NM
- Online Petition Signatures from outside NM

La Bajada Mesa

Summary of Concerns on the Proposed Strip Mine

Compiled by the Rural Conservation Alliance

March 2004

View of La Bajada Mesa from
Camino Carro Chato, March 2004



La Bajada Mesa

Concerns Regarding Proposed Strip Mine

NBB-19C

This summary will cover three major areas of concern:

1. The application fails to meet several different Code requirements.
2. The application is riddled with inaccuracies and misrepresentations.
3. Even if adjustments were made to bring the application into compliance with County Code, **denial would still be warranted** for a variety of other factors over which the County has jurisdiction and authority.

La Bajada Mesa

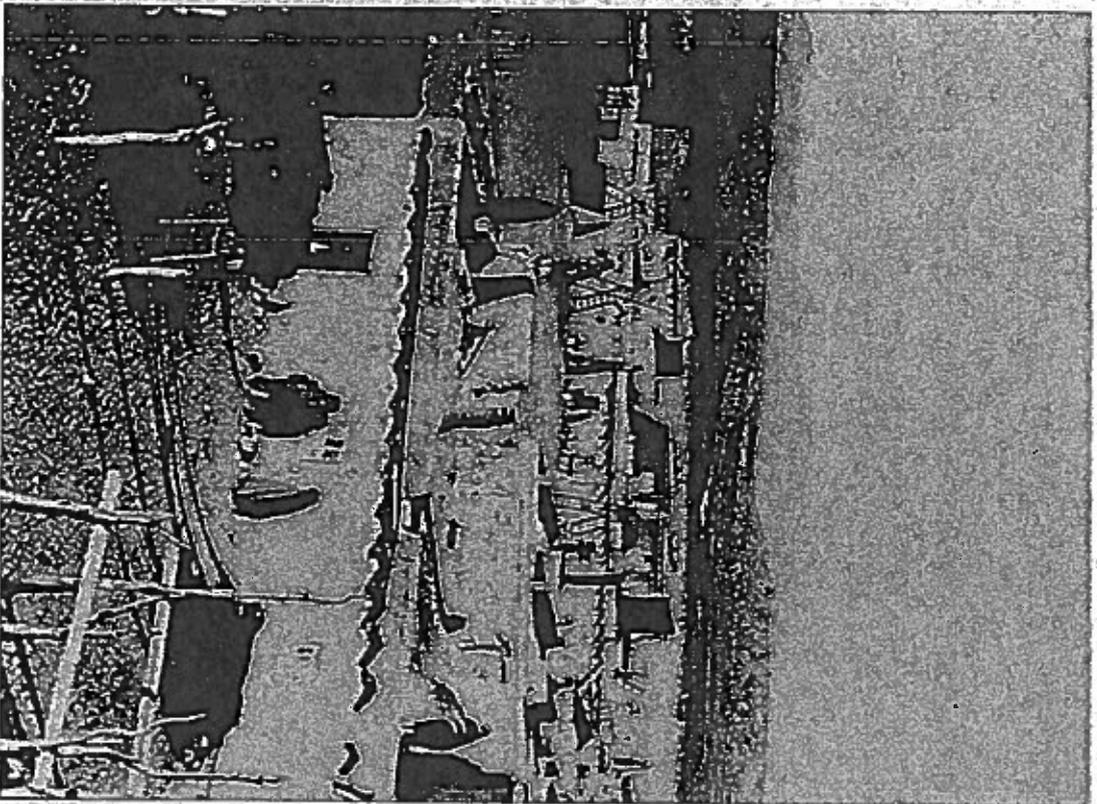
A Historic Cultural Landscape

Diane Senior, RCA member

View of La Bajada Mesa
Camino Cerro

La Bajada Mesa

A Historic Cultural Landscape



The significance of what we today call La Bajada begins with the Puebloan people.

The escarpment was a landmark, a challenge, an inspiration and a connection between the Galisteo Basin and Pajarito Plateau.

Many sites on La Bajada remain culturally important to the modern Pueblos.

La Bajada Mesa

A Historic Cultural Landscape



La Bajada Escarpment divided New Spain into Río Abajo, "the lower river," and Río Arriba, "upper river." The name is from the Spanish word bajada, meaning "descent."

The large, sprawling mesa top is called La Majada, "sheepfold," or "place where shepherds keep their flocks," but because the road from Santa Fe to the Río Abajo descended from the mesa here, the escarpment took the name La Bajada, "the descent."

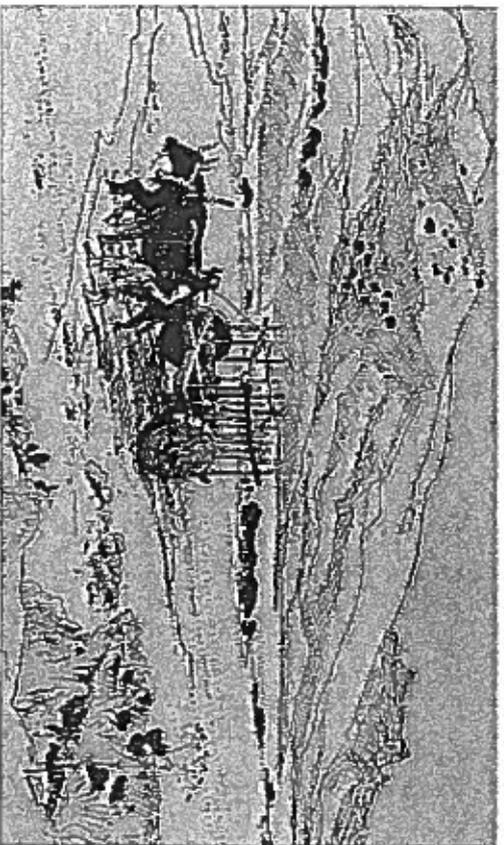
~ NM Office of the State Historian



La Bajada Mesa

A Historic Cultural Landscape

NBB-2c



La Bajada Hill was the last challenge before reaching Santa Fe on the *Camino Real de Tierra Adentro*, the road from Mexico City.



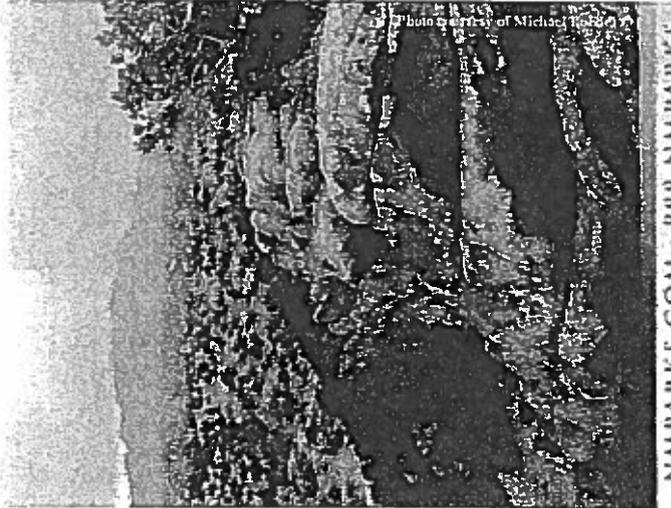
Later, it was a famous and fearsome stretch of old **Route 66.**

La Bajada Mesa A Historic Cultural Landscape



CERRILLOS HILLS STATE PARK

37 Main Street • PO Box 460
Cerrillos, NM 87010
505.474.0196



The Cerrillos Hills State Parke is an example of how this historic cultural landscape still contributes to our community today.

Since becoming a state park in 2010, visitorship has grown at approximately 8% per year.

This increasingly important part of our local economy has designated Waldo Canyon Road – cutting across wide open grasslands of the mesa top and winding down its impressive escarpment – as the Park’s future gateway entrance.

La Bajada Mesa

A Historic Cultural Landscape

NBB-1

“La Bajada Hill . . . is still one of those approaches, those arrivals, that seems mythical, impossibly grand . . . a place that could change not only one’s external life but also one’s inner, spiritual life . . . ‘You will never be the same again.’”

~ Henry Shukman, *The New York Times*, Feb 7, 2010



NEW MEXICO HERITAGE PRESERVATION ALLIANCE

New Mexico's Ten Most Endangered Places, 2003

- *La Bajada Mesa & Escarpment*
 - Chaco Canyon
 - St. Virgin Mill, Mora County

La Bajada Mesa Strip Mine

Application Fails to Meet Code Requirements

Matthew McQueen, Attorney at Law

*View of La Bajada Mesa from
Camino Cerro Chato, Me*

NBB-5

La Bajada Mesa Strip Mine Application

Article XI, Sec. 1.2.1 Requirements Unmet

NBB-11

Article XI, Section 1.2 requires that the application meet ALL of three location standards and suggests a fourth. This application meets NONE of the requirements and should therefore be denied.

Section 1.2.1 requires “Evidence of significant mineral resources”

County Staff itself recognized that the application failed to demonstrate this (NBB-184.) **The volumes, sales and operation time figures prove that there is insufficient material for the duration of the project.**

886,000 cubic yards produced x 1.4 tons/cu.yd. = 1,240,400 tons for sale
1,240,400 tons for sale ÷ 250,000 tons/year = 5 years **NOT 25 years**

This demonstrates either:

- 1) Intent to expand the mine size to 5 times what they are now permitting, or
- 2) A grossly overstated estimated economic benefit based on sales of 250,000 tons per year

Failure to provide the required evidence is sufficient to deny the application.

La Bajada Mesa Strip Mine Application Article XI, Sec. 1.2.2 Requirements Unmet

Article XI, Section 1.2.2 requires that “Mining use is reasonably compatible with existing uses.” However, mining use is incompatible with existing uses of this land.

- Gateway to both Santa Fe and to the Galisteo Basin parklands
- An historically significant landmark
- A Priority Wildlife Corridor
- Part of the Galisteo Watershed
- Waldo Canyon Road is designated at the gateway access point for the Cerrillos Hills State Park and its rapidly growing visitorship
- Nearby businesses including an artist retreat center, and businesses along the Turquoise Trail National Scenic Byway
- Preservation of the Camino Real de Tierra Adentro, passing nearby the proposed mine site

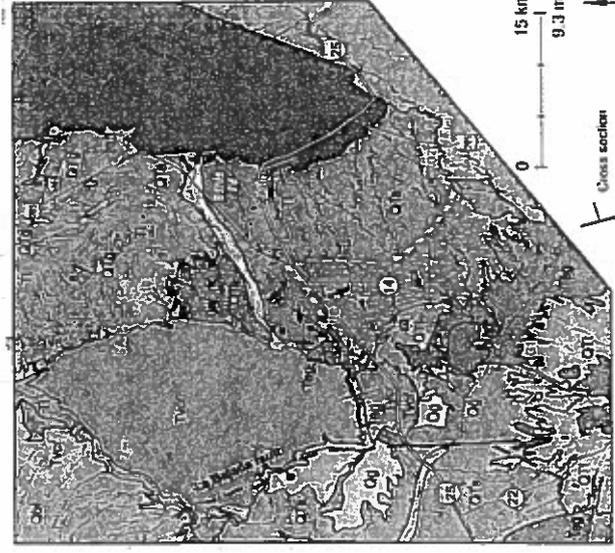
Incompatibility with neighboring uses is sufficient to deny this application. The 2005 and 2008 rationales for denial remain unchanged today.

La Bajada Mesa Strip Mine Application Article XI, Sec. 1.2.4 Requirements Unmet

1.2.4 requires that the site be “Particularly suited for mining uses compared to other areas “

- Many areas in the County are far more suitable for mining basalt.
- The Caja Del Rio quarry is an example.
 - Well-situated near the county landfill
 - Uses piped effluent water rather than truck-hauled potable water
 - Mining cavity can be used for refuse
- The Cerros del Rio volcanic field (Tvcr, pink) is a vast lava flow offering ample basalt elsewhere in the County. There is no need to sacrifice La Bajada Mesa to gravel mining.

Since the area is not “particularly suited for mining compared to other areas”, **the application should be denied on the basis of this consideration alone.**



NBB-1

La Bajada Mesa Strip Mine Application

Article XI, Sec. 1.6 Requirements Unmet

2 - 13 NB

Requirements for Article XI, Section 1.6, Performance Standard, have not been met

The proposed operation has the potential to adversely affect the health, safety and general welfare of the County and its residents.

Health: Exposure to fine particulates from mining can result in respiratory diseases including silicosis and basalt pneumoconiosis. Soil disturbance on fifty acres of windy mesa top would increase the risk Valley Fever for area residents.

General welfare:

- Negative impacts to a local economy reliant on tourism
- Increased dust and noise pollution, scarring of the landscape, and competition with industrial interests when securing household water.
- County residents rely on this very same supply of potable for basic survival needs. Interference with this constitutes a threat to their welfare, health, and in certain instances, safety.

La Bajada Mesa Strip Mine Application Article XI, Sec. 1.7 Requirements Unmet

Requirements for Article XI, Section 1.7, Reviews for Mining Uses, have not been met

- Code requires that the “applicant shall submit evidence that the applicant has obtained an adequate water supply as evidenced by appropriate permits issued by the State Engineer’s Office/Interstate State Stream Commission of the State of New Mexico.”
- The applicants have not provided this permit. Instead, they have provided a letter from the County Utilities Department stating that they may purchase water from the County.
- The code does not allow for this alternative provision.

The application should be denied for failure to produce the required permit.

La Bajada Mesa Strip Mine

Inaccuracies and Mis-representations



Brian Hastings photography

Matthew McQueen, Attorney at Law

View of La Bajada Mesa from Waldo Canyon Road

La Bajada Mesa Strip Mine Application Inaccuracies and Mis-representations

The Claim	The Truth
<p>Table 3 is described as "Annual Use of Non-potable water."</p> <p>Implication that three separate areas will be mined and reclaimed over the course of operations.</p>	<p>The water to be used is potable as noted in the December 20 letter from Paul Casaus.</p>
<p>Estimates 25 years of operation and 250,000 tons of material sold per year.</p>	<p>In fact, each phase overlaps the former, digging successively deeper while creeping a few acres southward. Reclamation between phases is simply the few acres of narrow slope left behind.</p>
<p>710,000 gallons of water per year for dust control.</p>	<p>886,000 cubic yards of material produced for sale equals only a five year supply of material at the projected sales rates not the 25 years stated.</p>
	<p>Water for dust control is underestimated by at least a half million gallons per year, and possibly by as much as eleven million gallons.</p>

La Bajada Mesa Strip Mine Application Inaccuracies and Mis-representations (cont.)

The Claim	The Truth
<p>Application omits water budget for gravel washing.</p>	<p>OSE application notes both gravel washing and dust control.</p>
<p>"The shortage of permitted quality aggregate sources in the area necessitates material to be hauled in from outlying sources to meet market demand."</p>	<p>From 2008-2012, Santa Fe County's permitted aggregate operations produced 210,000 tons more aggregate than they sold, excluding the additional production and stockpiles at the Caja de Rio quarry.</p>
<p>3.36 million cubic yards of material excavated, 1.26 million cubic yards of material processed through the crusher.</p>	<p>2.1 million cu. yds. – over 60% of the excavated total – is unaccounted for. If waste, this seems a high percentage given applicants' assertion that "the basaltic material was relatively constant for the entire depth of 20 feet."</p>

La Bajada Mesa

Strip-Mine Impact on Public Health, Safety & Welfare

Kim Sorvig, Research Assoc Professor, UNM School of Architecture & Planning

View of La Bajada Mesa from Camino Cerro

La Bajada Mesa Strip Mine Application

Submissions Ignore Impacts on Public Health, Safety & Welfare

DUST is a public health and traffic safety hazard

- **Dust from basalt crushing is associated with lung disease**
 - *One study Occup Med (Lond) (1985) 35 (4): 131-133 found "basalt pneumoconiosis," a lung disease similar to those caused by asbestos or silica, in 27% of basalt mine crusher workers.*

- **Disturbed soil in New Mexico can carry Valley Fever**

- *Already one fatality in Madrid; common in Southern NM*
- *Coccidioides immitis fungus resides in the soil*
- *Spores are swept into the air by disruption of soil*

- **Soil dust increases impact of diesel exhaust particulate pollution**

- *Crushers, gravel trucks, and water tank trucks will all be diesel*

SF County regularly experiences high winds

La Bajada Mesa is very exposed.

Dust from the proposed mine would impact everyone downwind.

La Bajada Mesa Strip Mine Application

Submissions Ignore Impacts on Public Health, Safety & Welfare

DUST is a public health and traffic safety hazard

- **Applicants' Topsoil stockpiling plan fails to follow best practices**

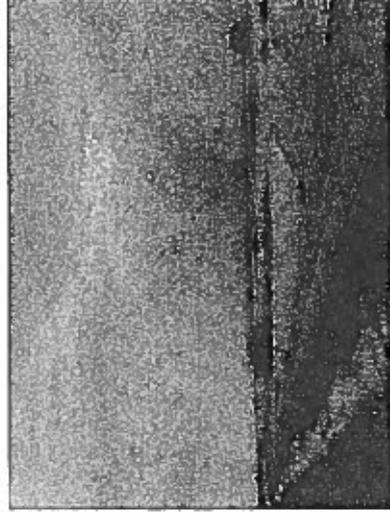
To keep soil micro-organisms alive:

Pile not more than 4 ft high, keep moist, respread within 1 month.

- **Applicant's plans show up to 17,000 tons of topsoil in a single pile**

Water budget does not clearly include enough to moisten

One pile per phase = approximately 8 years = dead soil



- **Result:**

*Entire stockpile will become dust: enough to cover 500+ acres, ½" deep
Revegetation plan (already minimal) will fail, generating more dust.*

La Bajada Mesa Strip Mine Application

Submissions Ignore Impacts on Public Health, Safety & Welfare

Erosion, Pollution, & Sedimentation are Public Health Hazards

- Applicants' Storm Water Pollution Prevention Plan does not add up
 - Calculations are only for Phase One – when least rock is exposed
 - Larger areas of exposed rock (Phase 2 & 3) generate more runoff
 - Cn (% rainfall that runs off) appears wrong for non-absorbent rock surface
 - If so, retention pond is undersized, possibly by 30%
 - Culverts dump onto mesa top near edge; flow to rivers?

Plan as submitted fails to address risks.

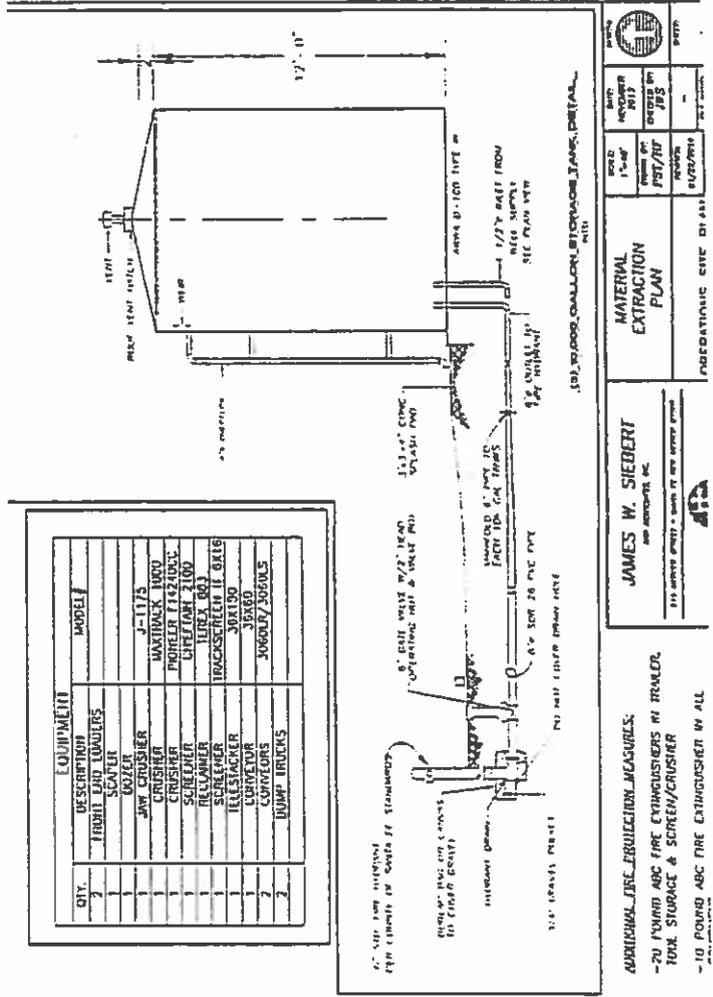
Minimal compliance (if at all) with NPDES (Federal Clean Water Act program)

La Bajada Mesa Strip Mine Application

Submissions Ignore Impacts on Public Health, Safety & Welfare

Emergency preparedness is minimal:

- **Blasting will occur regularly**
- **Despite this, the emergency plan is:**
 - *3 fire extinguishers plus*
 - *one large tank of water connected to a single hydrant.*



NRB-1

La Bajada Mesa Strip Mine Application

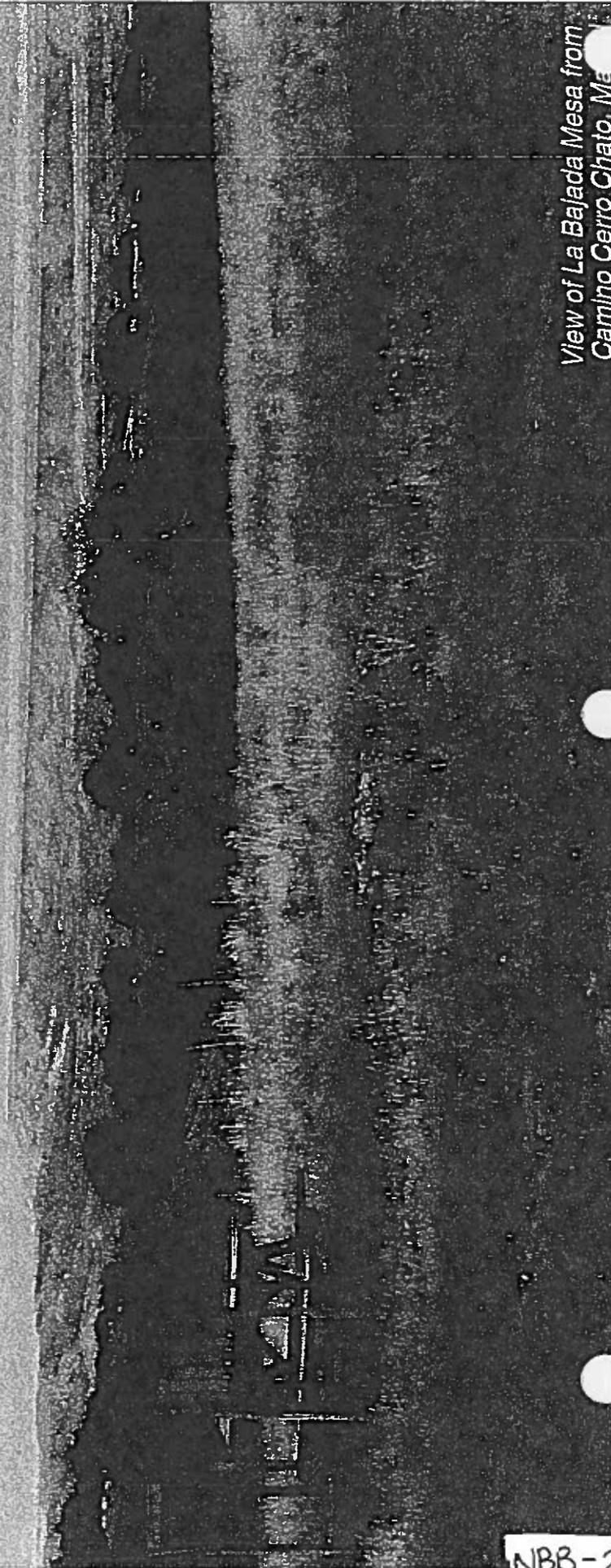
Submissions Ignore Impacts on Public Health, Safety & Welfare

Denial Of Access To Potable Water is a Public Health Threat

- **Many County residents rely on County Utility to supply potable water.**
Any interference with their ability to obtain such water constitutes a threat to their welfare, health, and in certain instances, safety.
- **Applicants state they will use 710,000 gal/yr – nearly 2,000 gal per day.**
 - *Time to fill 2000 gal = 8 homeowners filling 250-gal tanks.*
 - *Our evidence: applicant under-represents annual use by a factor of 10.*
 - *Time to fill 20,000 gallons could tie up the County water connection all day.*
 - *Equivalent to dozens of residents with ordinary-sized tanks.*
- **Seriously impacts resident's ability to obtain essential water to which they have pre-existing rights under County agreements.**
- **No guarantee mine usage would not trump residents during drought.**
 - *County's "willing and able" form letter does not include any conditions.*
 - *During drought, denying water to residents would constitute a severe threat to health, welfare, and safety.*

La Bajada Mesa Strip Mine

Denial Warranted Beyond Art. XI Deficiencies



View of La Bajada Mesa from
Camino Cerro Chato, ME

NBB-2

La Bajada Mesa Strip Mine

Questionable Economics

Don Van Doren, MBA

View of La Bajada Mesa from
Camino Cerro Chato, Madrid

La Bajada Mesa Strip Mine

Questionable Economics

Don Van Doren, MBA

NBB-5

La Bajada Mesa Strip Mine

Questionable Economics

Don Van Doren, MBA

Background

- **Fact:** 210,207 tons more production than demand for aggregate in Santa Fe County in 2008-2012
(source: New Mexico Energy, Minerals, and Natural Resources Dept.)
- **Implication:**
 - New production facilities will not increase total demand
 - Sales from a new mine would reduce sales from existing mines on a one-for-one basis
- **Fact:** An efficient new mine could enable lower prices
- **Implication:** Profit pressure on existing mining operations

Production Calculations Don't Add Up

NBB-227

- **Claim:** Will sell 250,000 tons/year for 25 years (Economic Benefits – p2 NBB-14)
- **Claim:** Over 25 years, 886,000 cubic yards of gravel will be sold (Volumetric Calculations – p15 NB-27)
- **Fact:**
 - 1 cubic yard of basalt gravel = 1.4 tons
 - 886,000 cubic yards = 1,240,440 tons
- **Implication:** 5 years' production, not 25 (1,240,440 / 250,000)
- **Conclusion:**
 - Far fewer benefits than claimed, and/or
 - Applicants would need to expand mining zone dramatically

Claim of Lower Transportation Costs

- **Claim:** Reduced cost because of lower transportation cost than material hauled from Albuquerque.
- **Fact:**
 - Yes, but **price** governs sales, not cost.
 - Production economics are a key factor in what can be charged and still make a profit
- **Observation:** Albuquerque companies, with economies of scale, may be able to sell a lower price, even with higher transportation component. There are many out-of-County purchases for in-County projects.

No Additional Gross Receipts Taxes (GRT)

NDR-

- **Claim:** Will generate \$122,500 per year for 25 years based on selling 250,000 tons/year at \$9/ton and 50% of sales qualifying for GRT
- **Issues:**
 - 250,000 tons/year depletes the claimed aggregate available in 5 years, therefore one-fifth the benefit implied. However, it's worse...
 - County only receives ~25% of the 7% GRT, not the implied 100%
 - Few aggregate sales are at the mine; most trucked elsewhere
 - Taxes are collected where aggregate is used in construction
 - Therefore, aggregate sold for use in the County would displace existing sales by other quarries. *There are no new tax receipts.*
 - \$9/ton is lower than current market. Price reduction reduces GRT
- **Conclusion:** Little or negative GRT impact to the County

Employment – Job Losses, Not Gains

- **Claim:** 7 full-time employees
- **Reality:**
 - Overall quantity of aggregate sold is not affected by this mine
 - No net new jobs in the County, but displaced workers
 - More efficient new mine would reduce labor content
 - Reducing output from existing operations results in more job loss than job gain
- **Implication:** This mine would result in a net loss of jobs in total.
- **Claim:** 6 independent truckers...same issues about net new jobs

Purchase of Water, but Many Issues

- **Claim:** Benefit to County from water purchases
- **Issues:**
 - A horrific use for potable water in a drought condition
 - Establishes a precedent for other industrial uses
 - If the sale price is below what it costs others, it's a subsidy
- **Claim:** 710,000 gallons of water per year
- **Issues:**
 - One-tenth the amount used by other operations
 - Estimated two+ hours/day at pump assuming 710,000 gallons
 - Does not seem to include gravel washing, road/overburden dust control, reclamation and reseedling

Less I-25 Traffic; More Local Traffic & Dust

- **Claim:** Reduce truck traffic by winning contracts over Albuquerque operations; therefore less transport on I-25
- **Analysis:** Perhaps, but instead...
 - Truck traffic on local roads
 - **New** local truck traffic hauling water
- **Conclusion:**
 - Increased local road congestion
 - More road deterioration and dust
 - More water usage for dust control

More Utilization of Local Vendors?

- **Claim:** Will purchase local goods and services
- **Fact:**
 - For in-County benefits, no net gain because this mine is displacing existing quarries
 - Marginal impact, if mine takes business from Albuquerque quarries
- **Conclusion:** Any benefit is offset if there are fewer workers in total because of increased efficiency

Significantly Better Economic Opportunities Exist

- Tourism, as one example
 - **Study:** Visitors to NM parks and monuments add \$67million and 1000 jobs in the State (National Park Service, 2012)
 - **Study:** NM visitor spending: \$67mil. in 2012 to \$81mil in 2013 (National Park Service 2014)
 - **Study:** The National Monument designation for *Rio Grande del Norte* was estimated to increase visitor spending and direct and indirect job growth each by nearly 90% (BBC Research & Consulting)
 - **Analysis:** Extensions of these analyses show comparable results at La Bajada
- Combine with the acclaimed Cerrillos Hills State Park to create a destination experience
- Consistent with the vision in the County's Sustainable Growth Management Plan