

Petition to Stop La Bajada Mesa From Strip Mining

Dear Santa Fe County Development Review Committee members and Board of County Commissioners,

I urge you to vote to deny the Buena Vista Estates & Rockology Limited LLC application, which proposes to strip mine La Bajada Mesa and use the County's own potable water to accomplish that shameful feat.

There is no more important geographical landmark of our state, and none with more historical significance. As the County's own, newly adopted Sustainable Growth Management Plan recognizes, "Sustainability for Santa Fe County means meeting the needs of the present while preserving our land, our history, our resources and our communities for future generations."

Santa Fe County is not lacking in gravel and, in the midst of record-setting drought, it is unconscionable that the County would consider allowing our precious desert water to be used to lay waste to this historic landmark. Our history, open spaces, viewsheds and water resources need to be protected for the benefit of residents and visitors alike. I urge you to uphold your commitment to do what is best for Santa Fe County by denying this ill-conceived application.

Signature	Printed Name	Address (Street, City, State, Zip)	Phone	Email	Reg. Santa Fe County Voter?
Jo Hawkins	Jo Hawkins	PO Box 28754 SF	505-946-8195		No
N. Sperlich	N. Sperlich	72 A Old Gal. Way, SF	474-4354		yes
Water	Susan Waters	36 Country Rd SF			yes
Bridgette Kennedy	Bridgette Kennedy	2125 Paseo Arroyo Santa Fe, NM 87501			yes
Juliet Mathis	Juliet Mathis	30 Alley Ranch Trl. Santa Fe, NM 87501			yes
Ed Fasuh	Ed Fasuh	Box 830 Albuquerque			yes
Alex Bator	Julie Bator	Santa Fe	53		Not a voter
Linda Bunkas	Julie Bator	Santa Fe			yes
Devon Lang	Devon Lang	725 W Manhattan Ave Unit D	505-629-3970		yes
Juliane Hope	Juliane Hope	PO Box 8431	505-920-4800		yes
Sarah Johnson	Sarah Johnson	Alto St, Santa Fe, 87501	505-310-4444		No
Alston Lindgren	Alston Lindgren	101 LaPlancha Cir Santa Fe - 87505		alston@fundgrains.com	yes

Petition to Save La Bajada Mesa From Strip Mining

Dear Santa Fe County Development Review Committee members and Board of County Commissioners.

I urge you to vote to deny the Buena Vista Estates & Rockology Limited LLC application, which proposes to strip mine La Bajada Mesa and use the County's own potable water to accomplish that shameful feat.

There is no more important geographical landmark of our state, and none with more historical significance. As the County's own, newly adopted Sustainable Growth Management Plan recognizes, "Sustainability for Santa Fe County means meeting the needs of the present while preserving our land, our history, our resources and our communities for future generations."

Santa Fe County is not lacking in gravel and, in the midst of record-setting drought, it is unconscionable that the County would consider allowing our precious desert water to be used to lay waste to this historic landmark. Our history, open spaces, viewsheds and water resources need to be protected for the benefit of residents and visitors alike. I urge you to uphold your commitment to do what is best for Santa Fe County by denying this ill-conceived application.

Signature	Printed Name	Address (Street, City, State, Zip)	Phone	Email	Reg. Santa Fe County Voter?
<i>Steve Taylor</i>	Steve Taylor	197 Wagon Tr Conillos, NM	4246137		yes
<i>Sarah Allen</i>	Sarah Allen	909 Trail Cross Ct.	505-983-1873		yes.
<i>Todd Bailey</i>	Todd Bailey	123 Arkroyd Colobans AS			yes
<i>T.W. Watkins</i>	Todd Wertlein	2244 Espejo Pl.		jerry.todd.wertlein@comcast.net	yes
<i>Peggy Nye</i>	Peggy Nye	816 Hill Dr Taos, NM	575-737-5513	essy pcy@gmail	No
<i>J. Malcolm</i>	J. Malcolm	713 A Franklin Ave SF			No
<i>Rob Elliott</i>	Rob Elliott	302 Cadron St SF			yes
<i>Jim Creelman</i>	Jim Creelman	615 W. Alameda SF 87501			No
<i>Connie Arriola</i>	Connie Arriola	662 Alta Vista St. SF, NM			YES
<i>Suzanne</i>	Suzanne	SF, NM			yes
<i>Emily Deek</i>	Emily Deek	SF, NM			No

Petition to Save La Bajada Mesa From Strip Mining

Dear Santa Fe County Development Review Committee members and Board of County Commissioners,

I urge you to vote to deny the Buena Vista Estates & Rockology Limited LLC application, which proposes to strip mine La Bajada Mesa and use the County's own potable water to accomplish that shameful feat.

There is no more important geographical landmark of our state, and none with more historical significance. As the County's own, newly adopted Sustainable Growth Management Plan recognizes, "Sustainability for Santa Fe County means meeting the needs of the present while preserving our land, our history, our resources and our communities for future generations."

Santa Fe County is not lacking in gravel and, in the midst of record-setting drought, it is unconscionable that the County would consider allowing our precious desert water to be used to lay waste to this historic landmark. Our history, open spaces, viewsheds and water resources need to be protected for the benefit of residents and visitors alike. I urge you to uphold your commitment to do what is best for Santa Fe County by denying this ill-conceived application.

Signature	Printed Name	Address (Street, City, State, Zip)	Phone	Email	Reg. Santa Fe County Voter?
	Kim Murdock	9 Camino Del Cielo NE			NO
	Alan Verenden	1 Carstoborn, Santa Fe	87508		YES
	Isabel Kiziel	#1 Cam. Reguero	87501		YES
	Dawn Stokoe	182 west creek street	87501		yes
	Janet Rubenstein	1028 Red Vista	87501		yes
	Steve Thompson	1119 S. PLATA CIR	87501		yes
	FUSE ARENA		87506		yes
	Deborah Kirsch	46 Loring Dr.	87506		yes
	Beverly Powell	1714 Galisteo St.	87505		YES
	Ruby Rensh	56413 Hwy 141	87505		Yes
	ALEXANDRA MARX		87505		
	Ann Crouse	1349 San Juan Dr NW	87505		yes

Petition to Save La Bajada Mesa From Strip Mining

Dear Santa Fe County Development Review Committee members and Board of County Commissioners,

I urge you to vote to deny the Buena Vista Estates & Rockology Limited LLC application, which proposes to strip mine La Bajada Mesa and use the County's own potable water to accomplish that shameful feat.

There is no more important geographical landmark of our state, and none with more historical significance. As the County's own, newly adopted Sustainable Growth Management Plan recognizes, "Sustainability for Santa Fe County means meeting the needs of the present while preserving our land, our history, our resources and our communities for future generations."

Santa Fe County is not lacking in gravel and, in the midst of record-setting drought, it is unconscionable that the County would consider allowing our precious desert water to be used to lay waste to this historic landmark. Our history, open spaces, viewsheds and water resources need to be protected for the benefit of residents and visitors alike. I urge you to uphold your commitment to do what is best for Santa Fe County by denying this ill-conceived application.

Signature	Printed Name	Address (Street, City, State, Zip)	Phone	Email	Reg. Santa Fe County Voter?
	Katherine Nydes	130 Ridge Crest Santa Fe, NM 87505			
	Rosina E. Romero	2124 Rancho Springs Rd, Santa Fe, NM 87505			
	Sharon Chantel	1000 Jordave Place 4, Santa Fe, NM 87505			Yes
	Sara Permin	2084 Circle Canyon, Santa Fe, NM 87505			
	Anne O'Hara	1703 Purple Aster, Santa Fe, NM 87505			
	Kristin Kuester	1790 Front St., Long Island, NY 11551			
	Cindy Romero	1622 Paseo Conquistadora, Santa Fe, NM 87505			Yes
	P. Moore	#1 Camino Pequeño, SF 87507			yes
	M. Thorne	4 Calle Las Casas SF 87507			yes
	Curtis Fossil	PO Box 651 La Madrona, Santa Fe, NM			yes
	August	SF, NM			yes

Petition to Stop La Bajada Mesa From Strip Mining

Dear Santa Fe County Development Review Committee members and Board of County Commissioners,

I urge you to vote to deny the Buena Vista Estates & Rockology Limited LLC application, which proposes to strip mine La Bajada Mesa and use the County's own potable water to accomplish that shameful feat.

There is no more important geographical landmark of our state, and none with more historical significance. As the County's own, newly adopted Sustainable Growth Management Plan recognizes, "Sustainability for Santa Fe County means meeting the needs of the present while preserving our land, our history, our resources and our communities for future generations."

Santa Fe County is not lacking in gravel and, in the midst of record-setting drought, it is unconscionable that the County would consider allowing our precious desert water to be used to lay waste to this historic landmark. Our history, open spaces, viewsheds and water resources need to be protected for the benefit of residents and visitors alike. I urge you to uphold your commitment to do what is best for Santa Fe County by denying this ill-conceived application.

Signature	Printed Name	Address (Street, City, State, Zip)	Phone	Email	Reg. Santa Fe County Voter?
<i>Charles C. Canale</i>	Charles C. Canale	P.O. Box 261 - 2940 Manns Ranch Rd 501 Adelphi Santa Fe	41-970-476-3405 2-970-471-0223	14cristian@ymail.com	No
<i>Charles Yucelch</i>	Charles Yucelch	1811 Pasocdelta Cingulata Blvd SF, NM, 87501	505-203-2357	1cristian@ymail.com	Yes
<i>Rosemary Wagner</i>	Rosemary Wagner	SF, NM, 87504	505-866-3119	94000134@msn.com	Yes
<i>Gil Tocsis</i>	Gil Tocsis	1 Apache Tr. SF, NM	505-866-3119	94000134@msn.com	Yes
<i>Tim Hamling</i>	TIM HAMLING	6713 E 10th St, Uvalde, TX HC74 BOX 370 PECOS, NM (505) 87552	934-6656	ymh371@yahood.com	No
<i>Nicole Johnson</i>	Nicole Johnson	369 Montguma Ave #195	505-583-2281		No
<i>Ruben Rivera</i>	RUBEN RIVERA	3800 Ketchikan Fein St Santa Fe, NM	505-420-5557	marin@ketchikan.com	No
<i>Norton Jones</i>	Norton Jones	1203 Purple Bluffs			
<i>Willie Kells</i>	Willie Kells	135 Sereno Dr SW			
<i>Sarah Komakum</i>	Sarah Komakum	113 San Salvador SFE			Yes
<i>Juan Lee</i>	JUAN LEE	18 Granada Village Rd Santa Fe, NM 87505			Yes

Please return to the Rural Conservation Alliance, P.O. Box 245, Cerrillos, NM 87010

Petition to Save La Bajada Mesa From Strip Mining

Dear Santa Fe County Development Review Committee members and Board of County Commissioners,

I urge you to vote to deny the Buena Vista Estates & Rockology Limited LLC application, which proposes to strip mine La Bajada Mesa and use the County's own potable water to accomplish that shameful feat.

There is no more important geographical landmark of our state, and none with more historical significance. As the County's own, newly adopted Sustainable Growth Management Plan recognizes, "Sustainability for Santa Fe County means meeting the needs of the present while preserving our land, our history, our resources and our communities for future generations."

Santa Fe County is not lacking in gravel and, in the midst of record-setting drought, it is unconscionable that the County would consider allowing our precious desert water to be used to lay waste to this historic landmark. Our history, open spaces, viewsheds and water resources need to be protected for the benefit of residents and visitors alike. I urge you to uphold your commitment to do what is best for Santa Fe County by denying this ill-conceived application.

Signature	Printed Name	Address (Street, City, State, Zip)	Phone	Email	Reg. Santa Fe County Voter?
	Steven Wilson	PO Box 482 Dora NM	505-579-8771	stevewilson1501@windstream.net	no
	Ann Marie	PO 482 Dora 87527	na	-	no
	Puck Hogenboom	591 Dancin' Horse Espino Madrid	505 919 9966	Puck.hogenboom@humboldt.com	no
	Jennifer Burr	626 1/2 Alamo 87505	NA	NA	yes
	Joey Stephen	2003 Calle Primavera	310-9268	cruciojoe@ymail.com	NO
	Gabriel Rina	2250 Calle Oeste	NA	potentiallyabused@potentiallyabused.com	yes
	Erik Untel	37 Summit Rd Unit D SF 7506	NA	-	YES
	PAUL THACHER	PO Box 14 Tesuque NM	NA	-	YES
	DAVID GARDNER	1000 Cordoba Pl. #369 SF	NA	-	YES
	Nathan Larson	835 Rio Vista	NA	-	YES
	Maria Gracie	835 Rio Vista	NA	-	NO
	M. Lisa Garcia	316 Calle Espana	602-2332	NA	YES

Petition to Save La Bajada Mesa From Strip Mining

Dear Santa Fe County Development Review Committee members and Board of County Commissioners,

I urge you to vote to deny the Buena Vista Estates & Rockology Limited LLC application, which proposes to strip mine La Bajada Mesa and use the County's own potable water to accomplish that shameful feat.

There is no more important geographical landmark of our state, and none with more historical significance. As the County's own, newly adopted Sustainable Growth Management Plan recognizes, "Sustainability for Santa Fe County means meeting the needs of the present while preserving our land, our history, our resources and our communities for future generations."

Santa Fe County is not lacking in gravel and, in the midst of record-setting drought, it is unconscionable that the County would consider allowing our precious desert water to be used to lay waste to this historic landmark. Our history, open spaces, viewsheds and water resources need to be protected for the benefit of residents and visitors alike. I urge you to uphold your commitment to do what is best for Santa Fe County by denying this ill-conceived application.

Signature	Printed Name	Address (Street, City, State, Zip)	Phone	Email	Reg. Santa Fe County Voter?
<i>Susan Shellar</i>	Susan Shellar	1950 Osage Lane SF	505 982-6753		YES
<i>Susanne Miller</i>	Susanne Miller	PO Box 9638 SF			YES
<i>Zoe Haskell</i>	Zoe Haskell	1160 Camino Cruz Blanca 87505	984 6050	Zhaskell@sjc.edu	No
<i>D. Lanier</i>	D. Lanier	1200 Camino de Cruz Blanca			yes in Oregon
<i>Anderson</i>	Anderson	466 W 17th Ave Enstrom OR	541-870- 5627		X
<i>Daniel J Slaw</i>	Daniel J Slaw	125 Sahu St. Santa Fe NM 87501			Yes
<i>Jeff Danna</i>	Jeff Danna	In the Woods	0902		
<i>Karim Sobel</i>	Karim Sobel	67th St	505 463 6217		
<i>Mary MacDonald</i>	Mary MacDonald	167 Valle Duran Santa Fe NM	455-7733		Yes
<i>Marilyn Whitney</i>	Marilyn Whitney	1457 Seville Rd SF			YES
<i>Julie Malatier</i>	Julie Malatier	PO Box 2732 SF			NO

Petition to Save La Bajada Mesa From Strip Mining

Dear Santa Fe County Development Review Committee members and Board of County Commissioners,

I urge you to vote to deny the Buena Vista Estates & Rockology Limited LLC application, which proposes to strip mine La Bajada Mesa and use the County's own potable water to accomplish that shameful feat.

There is no more important geographical landmark of our state, and none with more historical significance. As the County's own, newly adopted Sustainable Growth Management Plan recognizes, "Sustainability for Santa Fe County means meeting the needs of the present while preserving our land, our history, our resources and our communities for future generations."

Santa Fe County is not lacking in gravel and, in the midst of record-setting drought, it is unconscionable that the County would consider allowing our precious desert water to be used to lay waste to this historic landmark. Our history, open spaces, viewsheds and water resources need to be protected for the benefit of residents and visitors alike. I urge you to uphold your commitment to do what is best for Santa Fe County by denying this ill-conceived application.

Signature	Printed Name	Address (Street, City, State, Zip)	Phone	Email	Reg. Santa Fe County Voter?
	J. Trindad Baca	P.O. Box 142 Santa Cruz, N.M. 87507	(605) 753-3617		No
	Sherie Lee	1501 MONTANO ST 87505			Yes
	Caroline Crosby	1124 S LUNA CIR 87501	470-555-1655		Yes
	John Rollins	PO Box 23415 Santa Fe 87502	443 752 3999		Yes
	STEVE ZEFFMAN	413 SARAZAR PL. 87501	952-8293		YES
	Joan Waggoner	PO Box 23534 NM 87502	984-8179		yes
	ADAM ALARID	14 Camino Cerro Lindo NM 87507	470-4799		yes
	Seth McMillan	435 La Soya Santa Fe, NM 87501			Yes
	DONNA CRYSTAL	235 IRVINE ST SAN JUAN FE, NM 87501	690-1961		YES
	Benji D'Flamingo	22 City Santa Fe			
	TODD WILLIAMS	2071 CALLE TIBBONS 87505			YES
	Luke Gatto	P.O. Box 9912 SFE NM 87504	87504		NO

Petition to Save La Bajada Mesa From Strip Mining

Dear Santa Fe County Development Review Committee members and Board of County Commissioners,

I urge you to vote to deny the Buena Vista Estates & Rockology Limited LLC application, which proposes to strip mine La Bajada Mesa and use the County's own potable water to accomplish that shameful feat.

There is no more important geographical landmark of our state, and none with more historical significance. As the County's own, newly adopted Sustainable Growth Management Plan recognizes, "Sustainability for Santa Fe County means meeting the needs of the present while preserving our land, our history, our resources and our communities for future generations."

Santa Fe County is not lacking in gravel and, in the midst of record-setting drought, it is unconscionable that the County would consider allowing our precious desert water to be used to lay waste to this historic landmark. Our history, open spaces, viewsheds and water resources need to be protected for the benefit of residents and visitors alike. I urge you to uphold your commitment to do what is best for Santa Fe County by denying this ill-conceived application.

Signature	Printed Name	Address (Street, City, State, Zip)	Phone	Email	Reg. Santa Fe County Voter?
	RICK STEVENS	31 SIERRA ROSA	(505) 204-8112	rickstevens	yes
	Karen Jones	5 Bisbee Court	867-324	art@mac.com	
	Edward L. Quiete	1103 Calle Quiete	471-5588	Karejanany@ms.com	yes
	PC	Santa Fe		Hawaii@qy.com	
	ARIN GOULD	911 Osage Ave			yes
	Andre Rollin	#3 County Rd 60 Verde	862-2109	evesfarm@ps.com	
	Tyler White	1027 Don Diego	505-577-5300	tylerwhite@design.com	yes
	Anthony Begg	825 Calle Mejia #402 Santa Fe, NM 87501	505-989-9297	tony.begg@datastructures.com	No
	CAROLYN RIMAN	545 Canyon Rd. S.F. NM			
	Caroline Cooper	16 corner prairie street			No
	CHRISTINA MONTES DE OCA	1613 Calle Torreon	505-986-9936	C-montes@co.com	yes

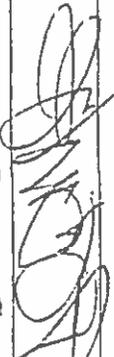
Petition to Save La Bajada Mesa From Strip Mining

Dear Santa Fe County Development Review Committee members and Board of County Commissioners,

I urge you to vote to deny the Buena Vista Estates & Rockology Limited LLC application, which proposes to strip mine La Bajada Mesa and use the County's own potable water to accomplish that shameful feat.

There is no more important geographical landmark of our state, and none with more historical significance. As the County's own, newly adopted Sustainable Growth Management Plan recognizes, "Sustainability for Santa Fe County means meeting the needs of the present while preserving our land, our history, our resources and our communities for future generations."

Santa Fe County is not lacking in gravel and, in the midst of record-setting drought, it is unconscionable that the County would consider allowing our precious desert water to be used to lay waste to this historic landmark. Our history, open spaces, viewsheds and water resources need to be protected for the benefit of residents and visitors alike. I urge you to uphold your commitment to do what is best for Santa Fe County by denying this ill-conceived application.

Signature	Printed Name	Address	Phone	Email	Reg. Voter?
	STEVE BRUCE	46 Camino Colorado	505-422-370		Yes
	Dan Moore	PO Box 100000	—	—	Yes
	Debra A Stup	61 Bonanza Trail	—	—	Yes
	Charles Stup	61 Bonanza Trail			Yes
	Rosemary Nibel GREENLEE	39 Crazy Rabbit Rd			no
	Deborah Stephens	86 Saranac Loop, SF NM			yes
	LAVERIE FRANZ	17800 DELAVACH ST NW	505		yes
	Bernadette PHELPS	17 Avila Rd.	—	—	
	PAM MCGEE	17 Lovisa Rd.	(505) 954-1054	Fred.ringer@comcast.com	YES
	JOEL NICHOLAS	41 Paseo Encinitas			Yes

Petition to Save La Bajada Mesa From Strip Mining

Dear Santa Fe County Development Review Committee members and Board of County Commissioners,

I urge you to vote to deny the Buena Vista Estates & Rockology Limited LLC application, which proposes to strip mine La Bajada Mesa and use the County's own potable water to accomplish that shameful feat.

There is no more important geographical landmark of our state, and none with more historical significance. As the County's own, newly adopted Sustainable Growth Management Plan recognizes, "Sustainability for Santa Fe County means meeting the needs of the present while preserving our land, our history, our resources and our communities for future generations."

Santa Fe County is not lacking in gravel and, in the midst of record-setting drought, it is unconscionable that the County would consider allowing our precious desert water to be used to lay waste to this historic landmark. Our history, open spaces, viewsheds and water resources need to be protected for the benefit of residents and visitors alike. I urge you to uphold your commitment to do what is best for Santa Fe County by denying this ill-conceived application.

Signature	Printed Name	Address	Phone	Email	Reg. Voter?
	Caroline C. Kline	2998 Calle del Arroyo Alto	505-471-7322	~	Yes
	Tina Reeves	7600 W. 18th Ave Tr. New	505-2598305	tinerevskyan@comcast.net	Yes
	Anthony Ruzick	Alongwaye NM 87120			yes
	Nicholas V. Astorff	4756 Alcega River Rd Santa Fe, NM			yes
	Michael Waddington	4776 S. 4th St Santa Fe, NM	(505) 984-1582	MWADDINGTON@GMAIL.COM	YES
	Raymond Lutz	1230 Turquoise Trail Corralitos	471-6709	RPLUTZ@Q.COM	YES
	Nancy C. Lutz	1230 Turquoise Tr. Corralitos	471-6709	n1utz451@gmail	yes
	Katherine Pesch	4000 LACARRA, Apt-E-11 Santa Fe, N.M. 87507	303-775-8436		yes
	Bettye Bobelk	11 Wagon Trail Rd. Corralitos, NM	318-773-4607		no
	SUE MALLY	128 W. Booth St., Santa Fe	505-660-7461		Yes

Petition to Save La Bajada Mesa From Strip Mining

Dear Santa Fe County Development Review Committee members and Board of County Commissioners,

I urge you to vote to deny the Buena Vista Estates & Rockology Limited LLC application, which proposes to strip mine La Bajada Mesa and use the County's own potable water to accomplish that shameful feat.

There is no more important geographical landmark of our state, and none with more historical significance. As the County's own, newly adopted Sustainable Growth Management Plan recognizes, "Sustainability for Santa Fe County means meeting the needs of the present while preserving our land, our history, our resources and our communities for future generations."

Santa Fe County is not lacking in gravel and, in the midst of record-setting drought, it is unconscionable that the County would consider allowing our precious desert water to be used to lay waste to this historic landmark. Our history, open spaces, viewsheds and water resources need to be protected for the benefit of residents and visitors alike. I urge you to uphold your commitment to do what is best for Santa Fe County by denying this ill-conceived application.

Signature	Printed Name	Address	Phone	Email	Reg. Voter?
<i>Sharon Patterson</i>	Sharon Patterson	2885 Calle de Pinos Altos	471-5193		Yes
<i>David Schneider</i>	David Schneider	PO Box 376	471-6219		Yes
<i>Ruth Center</i>	Ruth Center	PO Box 488 Cerrillos	424 505-331-		Yes
<i>Chad Spigg</i>	Chad Spigg	4524 Granite Ridge Dr.	4934		Yes
<i>Celeste C</i>	Celeste Cunico	#1 SHILO RD. SANTA FE	505 438-0878		—
<i>Edwina Brandt</i>	Edwina Brandt	95 Vista del Ojo Nuevo	Cerrillos 438-9081 New 87010		Yes
<i>John B. Cox</i>	John B. Cox	Box 253 Cohn Valley	918-31-9734		Yes
<i>Carol O'Keefe</i>	Carol O'Keefe	P.O. Box 494 4 Valverde Street, Cerrillos	471-0287		Yes
<i>W. B.</i>	Wolfgang Brandt	95 Vista del Ojo Nuevo	920-6018		Yes
<i>Sandra Koffle</i>	Sandra Koffle	PO Box in Cerrillos	602-2242		Yes

Petition to Save La Bajada Mesa From Strip Mining

Dear Santa Fe County Development Review Committee members and Board of County Commissioners,

I urge you to vote to deny the Buena Vista Estates & Rockology Limited LLC application, which proposes to strip mine La Bajada Mesa and use the County's own potable water to accomplish that shameful feat.

There is no more important geographical landmark of our state, and none with more historical significance. As the County's own, newly adopted Sustainable Growth Management Plan recognizes, "Sustainability for Santa Fe County means meeting the needs of the present while preserving our land, our history, our resources and our communities for future generations."

Santa Fe County is not lacking in gravel and, in the midst of record-setting drought, it is unconscionable that the County would consider allowing our precious desert water to be used to lay waste to this historic landmark. Our history, open spaces, viewsheds and water resources need to be protected for the benefit of residents and visitors alike. I urge you to uphold your commitment to do what is best for Santa Fe County by denying this ill-conceived application.

Signature	Printed Name	Address	Phone	Email	Reg. Voter?
<i>David Witte</i>	David Witte	57 E. Pine Ext. SF	310-4384	---	NO
<i>Robert Dwyer</i>	Robert Dwyer	7 Cedar Rd. A.F.	470-8498	---	No
<i>Lee M. Nix</i>	Lee M. Nix	266 W. Mann of Hwy. SF	800-1308	---	Yes
<i>Harry Fisher</i>	HARRY FISHER	37 Taylor Loop S.F.	505 474 0034	---	Yes
<i>Ruth Fisher</i>	Ruth FISHER	37 TAYLOR LOOP S.F.	474-8034	---	YES
<i>Gwen E.</i>	Gwen Kindermann	106 Hazous Rd, SF	231-5735	gwen.e.cms@net	YES
<i>Clifford W. Kitchens</i>	CLIFFORD W. KITCHENS	02 B FIREHOUSE Ln	438-9448	FIRE@DOCS.COM	YES
<i>Dorothy A. Hutto</i>	Dorothy A. Hutto	27 Admicholyn	231-3513	---	Yes
<i>Martha Benson</i>	Martha Benson	94 Hazous Rd	434-8709	---	Yes
<i>Boyd Christensen</i>	Boyd Christensen	1813 Coates Rd	216-526	---	Yes

Petition to Save La Bajada Mesa From Strip Mining

Dear Santa Fe County Development Review Committee members and Board of County Commissioners,

I urge you to vote to deny the Buena Vista Estates & Rockology Limited LLC application, which proposes to strip mine La Bajada Mesa and use the County's own potable water to accomplish that shameful feat.

There is no more important geographical landmark of our state, and none with more historical significance. As the County's own, newly adopted Sustainable Growth Management Plan recognizes, "Sustainability for Santa Fe County means meeting the needs of the present while preserving our land, our history, our resources and our communities for future generations."

Santa Fe County is not lacking in gravel and, in the midst of record-setting drought, it is unconscionable that the County would consider allowing our precious desert water to be used to lay waste to this historic landmark. Our history, open spaces, viewsheds and water resources need to be protected for the benefit of residents and visitors alike. I urge you to uphold your commitment to do what is best for Santa Fe County by denying this ill-conceived application.

Signature	Printed Name	Address	Phone	Email	Reg. Voter?
	Ed Johnson	19 Vallecito Rd Santa Fe	500-6068	edwinjohnson1234@gmail.com	yes
	DENNIS KARSON	36 LIME KILN RD.	466 1103	JENNIKARSON@HOTMAIL.COM	YES
	William Kennedy	1 San Marcos Road	473-9896	BillKen@earthlink.net	YES
	HARRY RICHARDS	1508 CALLE PRECIOSA	237-572-3252	SUPREMACED@EXPRESSMAIL.COM	YES
	JIM CAMPBELL	2055 47th St Los Alamos	505-670-4106		No
	Greg George	287 Granada Tijeras	471-3408	jrg2jmc@spectrum.com	YES
	Paul Hatch	2839 St Hwy 14 Madrid NM	505-570-0769		NO
	Armando B	Abq NM	505-254-3444		YES
	Jeff Menners	3209 Avenida de los Arboles	505-880-6904	jeffm@earthlink.net	NO
	Jeppan M	601 Avenida Dr Ariz	505-328-2121	Omnganday@gmail.com	YES

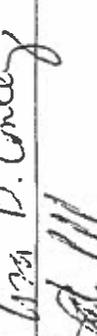
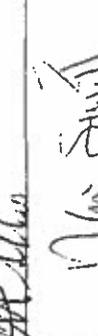
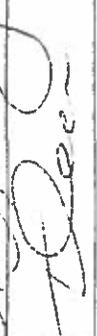
Petition to Save La Bajada Mesa From Strip Mining

Dear Santa Fe County Development Review Committee members and Board of County Commissioners,

I urge you to vote to deny the Buena Vista Estates & Rockology Limited LLC application, which proposes to strip mine La Bajada Mesa and use the County's own potable water to accomplish that shameful feat.

There is no more important geographical landmark of our state, and none with more historical significance. As the County's own, newly adopted Sustainable Growth Management Plan recognizes, "Sustainability for Santa Fe County means meeting the needs of the present while preserving our land, our history, our resources and our communities for future generations."

Santa Fe County is not lacking in gravel and, in the midst of record-setting drought, it is unconscionable that the County would consider allowing our precious desert water to be used to lay waste to this historic landmark. Our history, open spaces, viewsheds and water resources need to be protected for the benefit of residents and visitors alike. I urge you to uphold your commitment to do what is best for Santa Fe County by denying this ill-conceived application.

Signature	Printed Name	Address	Phone	Email	Reg. Voter?
	Rich Horvath	130 Hazens Rd SF	473-7444	rhovath@earthlink.net	YES
	Baxter Prings	130 Hazens Rd SF	473-7444	bprings@earthlink.net	YES
	Susan Macdonald	3877 State Rd 14	690-2480	---	YES
	HANCOCK, CHRIS WESLEY HANCOCK	50 Old San Marcos Trail 50 Old San Marcos Trail	438-7205 "	QUINBY@QUINBY.VET	YES NO
	LISA B CONLEY	Po Box 147 CERRILLOS 87010	473-4945	---	YES
	Robert Ashlock, MD	421 River St Cerrillos, NM 87010	(505) 260-0019	ashlock@earthlink.net ashlock@earthlink.net	NO
	NAOMI SMITH	3405 STATE RD 14 CERRILLOS	505-471-6214	ashlock@earthlink.net	YES
	LOREI LEVACY	3400 RD 55 CERRILLOS	473-2868	lorimus@earthlink.net	YES
	Tim Henderson	3877 STATE RD 14 SF NM	690-0739	---	YES

Petition to Save La Bajada Mesa From Strip Mining

Dear Santa Fe County Development Review Committee members and Board of County Commissioners,

I urge you to vote to deny the Buena Vista Estates & Rockology Limited LLC application, which proposes to strip mine La Bajada Mesa and use the County's own potable water to accomplish that shameful feat.

There is no more important geographical landmark of our state, and none with more historical significance. As the County's own, newly adopted Sustainable Growth Management Plan recognizes, "Sustainability for Santa Fe County means meeting the needs of the present while preserving our land, our history, our resources and our communities for future generations."

Santa Fe County is not lacking in gravel and, in the midst of record-setting drought, it is unconscionable that the County would consider allowing our precious desert water to be used to lay waste to this historic landmark. Our history, open spaces, viewsheds and water resources need to be protected for the benefit of residents and visitors alike. I urge you to uphold your commitment to do what is best for Santa Fe County by denying this ill-conceived application.

Signature	Printed Name	Address	Phone	Email	Reg. Voter?
	Terri Moore	6356 Jaguar Drive Santa Fe, NM	4718752	cat1390@comcast.net	YES
	Richard Norton	3082 JEWELL SANMATEO	5059678004	—	YES
	STEVEN HECHT	1303 RUFFALO LN #4 S.F.N.M	505-360-6204	—	Not Yet
Mark Richard	Mark Richard	115 Glenview D. Los Alamos NM	505-692-9626	greywolf@cs.net yahoo.com	YES
Howard Smith	HELEN SMITH	442 LOUISE A LAMM	505 500 225	ELIGIBLE TO VOTE	YES
Paul Cluff	ERIC CHRISTOFFERSON	PO BOX 29055 SANTA FE NM 87592	505 428 1231	ericchristofferson@state.nm.gov	YES
Rocky Windham	Rocky Windham	312 Los Arboles	690-2459	—	YES
Monica Windham	Monica Windham	312 Los Arboles	690-2273	—	YES
	Natalie Grube	4501 San Gabriel St	5778104	—	YES
	Gilbert Grube	4501 San Gabriel St	5774743	—	YES

Petition to Save La Bajada Mesa From Strip Mining

Dear Santa Fe County Development Review Committee members and Board of County Commissioners,

I urge you to vote to deny the Buena Vista Estates & Rockology Limited LLC application, which proposes to strip mine La Bajada Mesa and use the County's own potable water to accomplish that shameful feat.

There is no more important geographical landmark of our state, and none with more historical significance. As the County's own, newly adopted Sustainable Growth Management Plan recognizes, "Sustainability for Santa Fe County means meeting the needs of the present while preserving our land, our history, our resources and our communities for future generations."

Santa Fe County is not lacking in gravel and, in the midst of record-setting drought, it is unconscionable that the County would consider allowing our precious desert water to be used to lay waste to this historic landmark. Our history, open spaces, viewsheds and water resources need to be protected for the benefit of residents and visitors alike. I urge you to uphold your commitment to do what is best for Santa Fe County by denying this ill-conceived application.

Signature	Printed Name	Address	Phone	E-mail	Reg. Voter?
<i>Lloyd Carter</i>	Lloyd Carter	1167 Lozou SPd SF	505 424 2238	lloydcarter@cox.net	Yes
<i>Wendy Neighbour</i>	Wendy Neighbour	20 Via del	505 474		Yes
<i>Randy Macker</i>	Randy Macker	135 Hoopdr's Rd. Santa Fe	505-466 9253		Yes
<i>Jill Williams</i>	Jill Williams	150 HACIENDA ROAD SANTA FE	505-474 8912		Yes
<i>Pamela Brooks</i>	Pamela Brooks	608 WOLF RD	4389106		Yes
<i>John DeKalle</i>	John DeKalle	741 E. Chil. Line Rd STE 1	724-0000	JDI Coyote P. R. P. L. Co. Inc. msn.com	Yes
<i>Micue Bove</i>	Micue Bove	20 Reeds Peak	505 471 2028	Michelle.vandure	Yes
<i>Chad Breh</i>	Chad Breh	202 EL Viento	505 667 1316		Yes
<i>Randy Adams</i>	RANDY ADAMS	18 BESQUEVILLE	505 403-6794		Yes
<i>Elizabeth Mather</i>	Elizabeth Mather	18 Besqueville	505 429-2226		

Petition to Stop La Bajada Mesa From Strip Mining

Dear Santa Fe County Development Review Committee members and Board of County Commissioners,

I urge you to vote to deny the Buena Vista Estates & Rockology Limited LLC application, which proposes to strip mine La Bajada Mesa and use the County's own potable water to accomplish that shameful feat.

There is no more important geographical landmark of our state, and none with more historical significance. As the County's own, newly adopted Sustainable Growth Management Plan recognizes, "Sustainability for Santa Fe County means meeting the needs of the present while preserving our land, our history, our resources and our communities for future generations."

Santa Fe County is not lacking in gravel and, in the midst of record-setting drought, it is unconscionable that the County would consider allowing our precious desert water to be used to lay waste to this historic landmark. Our history, open spaces, viewsheds and water resources need to be protected for the benefit of residents and visitors alike. I urge you to uphold your commitment to do what is best for Santa Fe County by denying this ill-conceived application.

Signature	Printed Name	Address (Street, City, State, Zip)	Phone	Email	Reg. Santa Fe County Voter?
	JENNIFER TAYLOR	Rio Rancho			Yes
	WILLIAM PARVILL	17 AVILAR RD. SANTA FE, N.M. 87505		P. 505.255.2444	Yes
	ARTHUR LANN	29 CAMINO SAN CAYETANO			Yes
	BILL LENTZ	1501 AVILA DE SIDRO ST			Yes
	GARY MADARY	50 Camino Divercion			Yes
	JOHN MOTT	25 County Rd. 135			No
	JULIE LEE FELDT	76 MOYALOP S.E. N.M. 87508			No
	PHILLIP BACA	322 Calle de Molinos St.			Yes
	PHILLIP BACA	3 Saultpore Santa Fe			No
	SANDY YOUNG	279. Dulce Mine Rd. Santa Fe, NM 87501			Yes
	Tedd Yarnum	52 main Street, Corral Arbo			Yes
	FRANK YOUNG	2199 Oldmeyer Rd. Corral Arbo, NM 87501			Yes

Petition to Save La Bajada Mesa From Strip Mining

Dear Santa Fe County Development Review Committee members and Board of County Commissioners,

I urge you to vote to deny the Buena Vista Estates & Rockology Limited LLC application, which proposes to strip mine La Bajada Mesa and use the County's own potable water to accomplish that shameful feat.

There is no more important geographical landmark of our state, and none with more historical significance. As the County's own, newly adopted Sustainable Growth Management Plan recognizes, "Sustainability for Santa Fe County means meeting the needs of the present while preserving our land, our history, our resources and our communities for future generations."

Santa Fe County is not lacking in gravel and, in the midst of record-setting drought, it is unconscionable that the County would consider allowing our precious desert water to be used to lay waste to this historic landmark. Our history, open spaces, viewsheds and water resources need to be protected for the benefit of residents and visitors alike. I urge you to uphold your commitment to do what is best for Santa Fe County by denying this ill-conceived application.

Signature	Printed Name	Address (Street, City, State, Zip)	Phone	Email	Reg. Santa Fe County Voter?
<i>[Handwritten Signature]</i>	Susan Lee Bechtold	122 Camino Acet, Santa Fe NM 87508	466 4567	Sleebechtld@gmail.com	yes
<i>[Handwritten Signature]</i>	JAMES REFFERT	21 NARETOST RD, SANTA FE NM 87508	466-1479	SHASSYDOS@MISSION-CORP	YES
<i>[Handwritten Signature]</i>	INGER SEITZ	34 SOBARRA DORA JR			YES
<i>[Handwritten Signature]</i>	Lynn Brown	16 Barbosa Rd	920-3149		yes
<i>[Handwritten Signature]</i>	MELINDA BELL	63 MINTE ALTO RD SANTA FE NM 87508			yes
<i>[Handwritten Signature]</i>	George Wight	10 CloudWatch Fe Rd 87500	505 858 2226		yes
<i>[Handwritten Signature]</i>	LINDA GUNN MURPHY	1122 S PLATA CIRCLE SANTA FE NM 87501			yes
<i>[Handwritten Signature]</i>	Mary Finney	1124 S Plata Cir SF	983-8880		yes
<i>[Handwritten Signature]</i>	Sara C Sabo	213 Sombrio Dr	989-1961		yes
<i>[Handwritten Signature]</i>	Barbara L. Rucker	40 Ron's Road SF 87508	670-9907	blaytonrucker@comcast.net	yes
<i>[Handwritten Signature]</i>	Robert L. Rucker	40 Ron's Rd SF 87508	679-9123		yes

Petition to Save La Bajada Mesa From Strip Mining

Dear Santa Fe County Development Review Committee members and Board of County Commissioners,

I urge you to vote to deny the Buena Vista Estates & Rockology Limited LLC application, which proposes to strip mine La Bajada Mesa and use the County's own potable water to accomplish that shameful feat.

There is no more important geographical landmark of our state, and none with more historical significance. As the County's own, newly adopted Sustainable Growth Management Plan recognizes, "Sustainability for Santa Fe County means meeting the needs of the present while preserving our land, our history, our resources and our communities for future generations."

Santa Fe County is not lacking in gravel and, in the midst of record-setting drought, it is unconscionable that the County would consider allowing our precious desert water to be used to lay waste to this historic landmark. Our history, open spaces, viewsheds and water resources need to be protected for the benefit of residents and visitors alike. I urge you to uphold your commitment to do what is best for Santa Fe County by denying this ill-conceived application.

Signature	Printed Name	Address (Street, City, State, Zip)	Phone	Email	Reg. Santa Fe County Voter?
	Kristina Fisher	11600 Camino la Cañada, 87501	490-3237	kristinagrifishere@gmail.com	Yes
	Lynn L. Bucher	424 Kathryn Place, 87501	982-4075	lynnl23@qbarmedia.com	Yes
	Phil Carter	1608 Camino La Cañada, 87501	463-0125	philcarter@earthlink.net	Yes
	Rick Fisher	2017 Calle Lejano	985-9623	RFisher43@gmail.com	Yes
	Lisa Gray Fisher	2013 Calle Lejano	983-9623		Yes
	EUT Fisher	2013 Camino Lejano	505-690-0174	eliotfishere@gmail.com	Yes
	Rachel Winston	539 Juniper Dr S, NM 87501	505-401-4412	Rachewin@gmail.com	Yes
	Miriah Salas	1205 Copper NE, AUSA, NM 87106	505-450-5377	miriah23@gmail.com	No.

Graeser & McQueen, LLC
— ATTORNEYS AT LAW —

Tuesday, May 27, 2014

Jose Larranaga
102 Grant Ave
Santa Fe, NM 87501

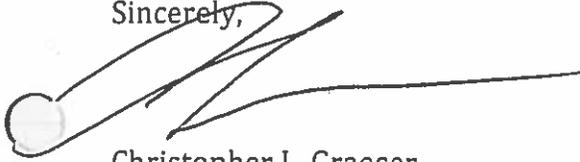
Re: Buena Vista Estates, Inc. and Rockology [Limited] LLC Case #ZMXT 13-5360

Dear Jose,

Enclosed please find our cover letter and printed documents that we request you include with the Commission's packet. You will also find these materials, as well as others, on the attached CD, all of which we request that you make a part of the record in this matter.

Thank you.

Sincerely,



Christopher L. Graeser

NBB - 1,077

Graeser & McQueen, LLC
— ATTORNEYS AT LAW —

Tuesday, May 27, 2014

Board of County Commissioners of Santa Fe County
102 Grant Ave
Santa Fe, NM 87501

Re: Buena Vista Estates, Inc. and Rockology [Limited] LLC Case #ZMXT 13-5360

Dear Board Members,

This firm represents the Rural Conservation Alliance, an unincorporated association of community organizations and individuals dedicated to the preservation and protection of the natural resources and rural character of the Galisteo Basin area of Santa Fe County.

The application in front of you is seriously deficient, does not meet Code requirements, and would result in an environmental, economic, health and aesthetic nightmare for the residents of Santa Fe County.

We firmly believe that a Commission decision denying the application is both just and necessary. We have prepared detailed proposed findings of fact and conclusions of law supporting the ultimate decision that we trust the Commission will make.

We thank you for your time and consideration in reviewing this important matter.

Sincerely,



Christopher L. Graeser



Matthew McQueen

Attachments: Proposed findings of fact and conclusions of law
Listing brochure for subject property ("5,200 acres of aggregate")
Letter requesting County Hydrologist review of the application
(no County Hydrologist review has been completed to date)
SGMP excerpts
2005 application draft staff memo
2008 application and staff memo
Relevant press clippings
Secretary of State information re: Buena Vista and Rockology
Economic analysis from Laird Graeser
Research from Kim Sorvig, including www.sandatlas.com excerpt
Buena Vista OSE application
CDRC description

Before the Santa Fe County Board of County Commissioners

**In the matter of Buena Vista Estates, Inc. and Rockology [Limited] LLC
Case #ZMXT 13-5360**

**Rural Conservation Alliance's
Proposed Findings of Fact and Conclusions of Law**

Applicants Buena Vista Estates, Inc. and Rockology, LLC seek approval under Santa Fe County Land Development Code Article XI to create a mining zone to allow the extraction of aggregate for use as a construction material. The proposed mine site is located south of Interstate 25 and west of Waldo Canyon Road at La Bajada Mesa.

The application is reviewed for compliance with the prescriptive requirements and performance standards of the Code. The Commission also exercises its discretionary review that includes consideration of how approval or denial of the application affects the public health, safety and welfare. It is within the Commission's sound discretion to deny a zoning request on that basis.

Review of the application indicates that no substantive changes to the nature of the proposed use have been made since staff recommended denial of similar applications in 2005 and 2008. However, now the owners are marketing the property as containing 5,200 acres of aggregate.

The record in front of the Commission contains substantial, compelling evidence of the, incompatibility of mining with other uses of the land, unsuitability of the proposed site for mining uses, net economic loss associated with approval of the mine, significant adverse impacts on the public health, safety and welfare and nonconforming water supply. The record lacks substantial evidence of demonstrated mineral resources or significant mining activity. The Applicants' reclamation plan is inadequate. Applicants failed to comply with Code requirements regarding mineral rights ownership. The traffic impact assessment submitted fails to adequately analyze the proposed use. Proposed lighting violates Code restrictions. An application like this should provide an Environmental Impact Statement, and the Commission cannot adequately review it until EIS regulations are adopted. The blasting impacts of the proposed mine cannot be determined from the submitted application. Finally, the application violates several important provisions of the Sustainable Growth Management Plan. This application constitutes a Development of Countywide Impact and should be reviewed as such.

The formal recommendation to the Commission by the County Development Review Committee was for denial, and that application should be upheld. The proposal is

deficient, not in compliance with the Code, and should be denied for the reasons described below.

The Applicants

1. Buena Vista Estates, Inc. (Buena Vista) is a New Mexico domestic profit corporation incorporated May 26, 1980 and located in Albuquerque, New Mexico, whose directors and officers include Jerry Geist, Peter Naumberg, Neida Naumberg, and Hugh Jack Graham.
2. Buena Vista Estates, Inc. owns the subject property.
3. Rockology Limited, LLC (Rockology) is a New Mexico domestic limited liability company organized November 29, 2007 and located in Albuquerque, New Mexico, organized by Steve Hooper and owned by Mr. Hooper and the owners of Buena Vista Estates, Inc.
4. Rockology proposes to operate the mine.

The Subject Property

5. The proposed mine site is located south of Interstate 25 and west of Waldo Canyon Road at La Bajada in Section 22, Township 15 North Range 7 East.
6. The subject property is currently zoned agricultural/residential and has been assessed as agricultural property.
7. The area to be mined consists of a 50-acre portion of a 1,359 acre parcel owned by Buena Vista Estates LLC.
8. Overall Applicants and related entities own over approximately 5,400 acres.

The Application

9. Applicants seek to create a mining zone under Code Art. XI and to operate an aggregate mine.
10. The operation is proposed to last 25 years, in three phases.
11. The hours of operation would be 7:00 AM to 5:00 PM on weekdays (starting at 9:00 in the winter) and 7:00 AM to 12:00 PM on Saturdays.
12. However, in times of higher demand the mine would operate for longer hours, including operating after dark with temporary lighting.
13. The operation would include three segments: pit operation, plant processing, and loading/distribution.
14. Pit operation includes removal and stockpiling of overburden, drilling, and blasting.
15. Blasting would occur 1-2 times per month, with 10,000 – 20,000 cubic yards at a time.

16. Applicants propose to ship 250,000 – 300,000 tons per year using a 500-ton per hour plant. In total they proposed to excavate 3.6 million cubic yards of material
17. Reclamation would follow completion of each phase of mining.

Prior Applications

18. The present application is at least the third time the County has faced an application for the same mine, in the same location, from the same property owners.
19. In 2005 Rockology owner Steve Hooper filed an application for aggregate mining in the current location on a larger, "initial" 108-acre area.
20. After review, county staff drafted a memorandum advising "Staff's position is that this location is not compatible or suitable for mining" because the "1,060-acre tract . . . is too close to the county's Cerrillos Hills Historic Park [now Cerrillos Hills State Park] and to Buffalo Head Mountain" and "Staff is concerned about the potential impacts of this project on adjacent lands in this area... Also, Staff has major concerns regarding the applicant's water supply plan."
21. Therefore, the memorandum stated "Staff recommends denial on the application based on the reasons stated above."
22. The applicant withdrew the application prior to formal action by the CDRC or the Board of County Commissioners.
23. In 2008 Rockology made another application identical to the current 2013 application reduced to 50-acre initial area.
24. Staff again recommended denial, stating in a June 19, 2008 memorandum:

Due to the proposed project duration, the magnitude and impact of the proposed development, combined with the lack of water availability needed to support reclamation and create landscape buffers to reduce site visibility, compounded by the potential long term impacts to riparian habitat, archeological sites and historic land use in the area, along with the lack of proven market need for the product as required under Article XI, 1.5.1(f), staff believes that when considering these aspects of this operation, the Applicant has not adequately demonstrated that area designated is suitable for mining activity.

[W]hen considering the criteria set forth in Article XI, Section 1.2.2 the proposed location is not reasonably compatible with the area and is not particularly suitable for mining as required by Article XI, Section 1.2.4.

Staff does not support the creation of a Mining Zone... staff recommends denial of this request. (emphasis theirs)

25. The Applicant tabled the application, and never pursued it, rather than face denial by the Board.
26. It would also appear that Applicants have no intention of limiting the overall mining activity to 50 acres and thus future applications are likely if this one were to be approved. The 2005 application was for an "initial" 108 acres. The subsequent 2008 application and the current one were for 50 acres. However, the current real estate listing for the property states that the property "includes 5,200 +/- acres of rich aggregate deposits for possible mining."

Staff Recommendation

27. On this third nearly identical application county staff recommended to CDRC approval conditioned on the procedural requirement to record the master plan and the substantive condition to submit financial guaranty for completion of reclamation.
28. County staff analysis supporting the recommendation was:

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. *Id.*

29. There is no articulable basis on which to find that conditions have changed such that approval of the project is now compatible with the Code. Neither the salient features of the mining proposal nor the character of surrounding lands have changed since 2005 or 2008.
30. As is clear from the Applicant's asking for approval for a 50-acre mine site while simultaneously advertising the property as containing 5,200 acres of aggregate, there is no basis for stating that "the Application is comprehensive in establishing the scope of the project" and, in fact, that the Application purposefully obscures the intended scope of mining operations.

CDRC Recommendation

31. The application was submitted to the County Development Review Committee (CDRC) for review and recommendation at a hearing on March 20, 2014.
32. The CDRC is "responsible for attending monthly public hearings on the third Thursday of every month, where CDRC members listen to County staff recommendations, project application presentations and testimony from the public. The CDRC subsequently makes land development related decisions and recommendations to the Board of County Commissioners (BCC). Projects heard by this committee range from non-residential development plan requests to master plans for large subdivisions."
33. The CDRC is appointed by the Board of County Commissioners.
34. The CDRC meeting on the application lasted several hours, generating a transcript that ran to 50 pages.
35. After giving the Applicants a full opportunity to present the case, hearing staff's recommendation, comments from the public and having the opportunity to ask questions of all parties, the CDRC voted 5-2 to recommend denial.
36. No written order was issued, but several committee members made oral comments explaining their votes:

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.

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.

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.

37. The CDRC recommendation supersedes the staff memo, and therefore the formal recommendation going to the Board is for denial. In the absence of compelling evidence or legal imperative to the contrary, the Board is bound to uphold the determination of the CDRC.

***Creation of Mining Zones Under the Land Development Code
and Discretion of the Board of County Commissioners***

38. Code Art. XI controls zoning for extraction of construction materials.
39. New mining zones *may* be created by the Commission so long as the following location standards are met:

- 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, supra.

40. In addition to Code submittal requirements, the Code also contains a performance standard for mining (Art. XI, Sec. 1.6):

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.

41. Only if the application meets the location *and* performance standards may the Commission approve creation of a new mining zone and mining uses.
42. However, it is essential to note that even if the application does meet all location and performance standards, the Commission has the discretion to deny the application for prudential reasons, thus the Art XI, Sec. 1.2 language that the Commission “may” create new mining zones – not that it *shall* do so.
43. For instance, in *Hyde Park Co. v. Santa Fe City Council*, 226 F.3d 1207 (10th Cir. 2000) the application in question was reviewed by all relevant city departments and found to be in compliance with the city code, and the City of Santa Fe's Planning Commission granted final approval of the application. However, the City Council then reviewed that approval and reversed it. The 10th Circuit Court of Appeals upheld the federal district court finding that:

Without clearly defined limitations on the City Council's exercise of discretion to assist us in our construction of local law, we hesitate to infer such limits and involve this federal court in a land use regulation dispute which is purely a matter of local concern. Because the ordinances as written contain no standards governing the City Council's exercise of discretion, the ordinances simply do not impose significant substantive restrictions on the City Council's power of review. Accordingly, the district court properly concluded that Hyde Park has no protectible property interest on which to base its due process claims. *Id.* at 1213 (internal citations removed).

44. The Tenth Circuit Court of Appeals also considered when an applicant has a right to rezoning in *Jacobs v. City of Lawrence*, 9127 F.2d 1111 (1991), stating: “Appellants must therefore demonstrate that there is a set of conditions the fulfillment of which would give rise to a legitimate expectation to the rezoning of their property. Otherwise, the city's decision making lacks sufficient substantive limitations to invoke due process guarantees.” *Id.* at 1116.
45. In *Norton v. Village of Corrales*, 103 F.3d 928 (1996) the Tenth Circuit Court of Appeals was unable to find any substantive New Mexico law giving rise to such an expectation.
46. There is no legitimate expectation to have the subject property zoned for mining.
47. Similarly, in *Muslim Community Association v. Pittsfield*, 947 F.Supp.2d 752, 763 (E.D. MI 2013) the court found:

To have a property interest in a benefit, a person clearly must have more than an abstract need or desire for it. He must have more than a unilateral expectation of it. He must, instead, have a legitimate claim of entitlement to it. As such, a person cannot claim a protectable property interest in the receipt of a benefit

when the state's decision to award or withhold the benefit is wholly discretionary. It is only once the benefit is conferred that the person obtains a property interest. *Id.* at 763 (internal citations and punctuation omitted).

48. In short, Applicants have no legitimate claim of entitlement or right to approval of their zoning request. Rezoning rests in the sound discretion of the Commission, which may deny the zoning request on the basis of the record in front of it.

Art. XI, Sec. 1.2.1

Demonstrated Existence of Significant Mineral Resources

49. The Applicants base the existence of demonstrated significant aggregate on a test 20' deep backhoe excavation and the their own sampling.
50. The Applicant does not offer any evidence that the basalt it proposes to mine is itself suited to meet applicable requirements. In fact, the application states that the specific gravity the basalt they would be mining (2.69) to be less dense than typical ranges for basalt (2.8-3.0)
51. In the absence of more in depth analysis and research (*i.e.*, test bores, *etc.*) there is a real concern that the site may in fact lack the significant resources the Applicant claims, which would result in leaving a large scar in exchange for minimal benefit to either the Applicants or the community.

Art. XI, Sec. 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

52. Visibly intrusive, environmentally destructive, and unnecessary mining at the proposed site is diametrically opposed to and incompatible with historical, cultural, and recreational uses in the area.
53. In 2003, the New Mexico Heritage Preservation Alliance presciently ranked La Bajada Mesa as one of its most endangered places. A little over a decade later, NMHPA's concerns have been validated.
54. La Bajada Mesa is a New Mexico landscape that sustains artists, photographers, filmmakers and travelers. It is a frequent subject for artists and photographers alike. Movies are filmed on the mesa and at two closely adjacent "movie ranches" including "No Country for Old Men" with some evidence that "Butch Cassidy and the Sundance Kid" and "Easy Rider" may also have been filmed nearby.

55. La Bajada Mesa is also the primary gateway to both Santa Fe and to the Cerrillos Hills State Park, as recognized by historians and writers.
56. "La Bajada has been kept as 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 [land] 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." -- *John Pen LaFarge, President, Old Santa Fe Association, speaking at the CDRC meeting, March 20, 2014.*
57. "La Bajada Mesa in northern New Mexico contains cultural, historical, environmental, and scenic features of considerable significance, all worthy of permanent preservation." --*Marc Simmons, Ph.D. (U.N.M., ret.), July 4, 2012.*
58. "There is no more important geographical landmark of our state, and none with more historical significance." --*William Baxter, Sept. 4, 2005.*
59. "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, February 7, 2010.*
60. Because of its open landscapes, vast panoramas, and pronounced topography, the scenic quality of Santa Fe County as a whole is very vulnerable. Maintaining the integrity of viewsheds is a priority with regard to tourism, real estate, and the movie industry and all art-related workshops, visitation, and art markets. This means that if development is not carefully planned it could easily degrade the County's scenic beauty and economic vitality.
61. The "Potential Gateway Corridor" designated by the Sustainable Growth Management Plan (SGMP) completely encompasses the proposed mine site and all of the mesa that is currently for sale by Buena Vista. Recognition of this area as a gateway rather than a mine zone, is testimony to the wisdom of Santa Fe County, its staff, elected officials and residents.
62. A substantial portion of the mine would be visible from the Camino Real de Tierra Adentro National Historic Trail, part of the historic Spanish colonial route that linked Mexico City to Santa Fe and beyond.
63. One of the best-preserved remnants of this federally-designated National Historic Trail is located on land directly adjacent to the proposed mine site. Comprehensive analysis shows that a branch of this historic trail, the Juana Lopez segment, passes directly within view of the proposed 50-acre pit.
64. "A portion of the newly federal-designated Camino Real de Tierra Adentro National Historic Trail either passes directly over land within the mining project or over adjacent lands. The escarpment itself has a long history associated with early travel, and the massive earth removal, as proposed, threatens to seriously compromise not

- only the viewscape from Interstate 25, but also the cultural and natural integrity of the La Bajada feature." --*Historian, Marc Simmons, Ph.D, Nov. 12, 2002.*
65. County staff's analysis confirms that "the site will be visible on I-25 going west/headed towards Albuquerque" and "the site will be visible on County Rd. 57 at the entrance to the site."
 66. The SGMP displays Conceptual Major Wildlife Corridors showing the area of Applicant's site surrounded by such corridors. The proposed mine site is located right in the middle of two areas of high habitat value according to a map produced by the Galisteo Watershed Conservation Initiative, as well as in line with a potential cougar corridor.
 67. Wildlife Network lists the Upper Rio Grande Watershed (including La Bajada) as one of the twenty priority wildlife corridors in all of North America. Other resources confirm the importance of this specific part of the mesa to be crucial to local ecology and wildlife.
 68. Finally, once a mining zone is created, that zoning allows "Industrial, manufacturing and related office uses not related to mining." Code Art. XI, Sec. 1.1.1.
 69. For these reasons, the application is not reasonably compatible with other uses in the area.

Art. XI, Sec. 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)

70. The parenthetical of Article XI, Section 1.2.3 (above) makes no sense, as it occurs in a section entitled "Creation of New Mining Zones." Moreover, the first and second clauses appear contradictory, unless it means that *if* there is a history of mining, it must be a significant one but that no such history is necessary, which is not a logical rendition of the regulation. A correct grammatical reading of the provision is that "A history of significant mining activity in the area" is a requirement, and that "if mining has been conducted in the area" is not relevant for creation of new mining zones.
71. Applicants have not shown a history of *significant* mining activity on the La Bajada Mesa at all.
72. Rather, the application references non-specific historic small-scale metal mining in the historic period in the Cerrillos Hills adjacent to the La Bajada Mesa. There is no demonstrated history of mining and of the size and impact of the proposed use.
73. Applicants must expand the term "area" to encompass locations that do not present the same visual and environmental impacts in the location proposed to be able to show significant mining activity.

74. The historic 1880s "Cerrillos Mining District" was placed on the State Register of Cultural Properties in 1973, due to its association with a historic precedent of the California Gold rush. It is not an active mining zone and has no legal status as such.

Art. XI, Sec. 1.2.4

The area designated is particularly suited for mining uses,
in comparison with other areas of the County

75. Applicants claim, without substantiation, that the "quality of the aggregate pits in the Santa Fe area generally does not meet the requirements for these types of construction projects."

76. However, conforming basaltic material is being extracted elsewhere in Santa Fe County already.

77. In particular, the Caja Del Rio mine currently operated by Delhur Industries already produces basalt gravel within the County. That quarry uses piped (not truck-hauled) effluent water, is well-situated near the county landfill, and its mining cavity might later be filled with county refuse. According to its manager, this quarry contains approximately 3.5 million cubic yards of basalt or a projected ten-year supply.

78. Basalt is, according to any major geology text, the most common type of rock on this planet; basalt mines are equally common throughout most of the world.

79. There is no need for additional production of gravel. Figures from the New Mexico Department of Energy, Minerals Natural Resources show that Santa Fe County alone produced an oversupply of more than 107,000 tons of gravel and base course over the past five years. It is worth noting that these over-production figures do not include the additional production and stockpiles at the Caja del Rio quarry.

80. In fact, the application contains no analysis of any substance regarding the comparative resources located in other areas in the County, as required by the Code.

Art. XI, Sec. 1.5.1(f)

An estimate of the annual average payroll, ad valorem taxes, gross receipts
and other economic benefits from the proposed mining uses

81. Applicants make a minimal showing of net positive impact to offset the significant environmental and social cost of the proposed mine. However, even that estimate lacks credibility in the face of qualified analysis.

82. Economic analysis indicates that the Applicants' estimate is deficient because:

- The expected annual production of the proposed La Bajada mine exceeds the *total demand* for the product in the Santa Fe market by perhaps as much as 80,000 tons.
- The produced material – construction aggregates – would be largely non-taxable, since the vast bulk of the production would be sold to licensed contractors, to the State or County governments, or for manufacturing cement.
- The most likely effect for at least the first five years would be a *DECREASE* in gross receipts tax collections attributed to sales within Santa Fe County, since volume demanded would be approximately fixed and the price per ton would be lower because of economies of scale of this mine.
- The 100,000 tons annually displaced from other producers in the Santa Fe area would cause a reduction of 12 to 15 production jobs and three to four transportation jobs. Since the Applicant asserts that no more than seven jobs would be created (a figure also without substantiating detail), the net employment impact would be a loss of three to seven jobs in the Santa Fe economy.

83. Moreover, the potential economic detriment of the project must be considered.

84. SGMP 5.3.1.3 (Visual Resources) identifies I-25 coming up La Bajada as a “scenic vista” and states:

Siting a mine in as prominent a location as La Bajada Mesa threatens the local tourist industry and the Cerrillos Hills State Park. The “Cerrillos Hills/Galisteo Basin State Parks Feasibility Study”, 2006, indicates that “the best access [to the Cerrillos Hills State Park] would be from the I-25 corridor”, i.e. via Waldo Canyon Road. This new and growing sustainable parkland resource needs to be protected and nourished, not burdened with a strip mine on its gateway access road.

85. In addition, the arts economy, film-making, and the property value and tax base derived from quality real-estate with clear air and vistas are essential parts of the Santa Fe economy which would be diminished by a large mining operation on this major gateway.

86. Recreation impacts are also important to our economy. Visitors to New Mexico national parks and monuments spend millions of dollars, both in the parks and surrounding communities and this revenue supports a thousand jobs in the state.

87. The Cerrillos Hills State Park was recently listed in *The Guardian*, US as one of New Mexico's top 10 national and state parks. This type of recognition can be expected to dry up in the face of ongoing, intrusive mining activity right on its access road.

Art XI, Sec. 1.6

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

88. Impacts of the mine can be expected to include:

- Dust and diesel fumes generated on the haul road to and from the mine.
- Fugitive dust blowing from the uncovered or partially covered dump trucks.
- Fugitive dust from poorly monitored crushers and out-of-compliance operations. Increased traffic (highways) . . . with a concomitant increase in air pollution from more vehicles (highways and rural roads) and more disturbed land (building construction).
- Increased air pollution from some sand and gravel mines *after* they are abandoned and until natural re-vegetation stabilizes the surface soil. Areas of bedrock exposed by blasting are generally exempted from reclamation requirements, but can contribute to dust and wind turbulence affecting surrounding areas.

89. "Each of the impacts listed above produces real-world effects that are difficult to measure." --*Steve Blodgett, M.S.*

90. As noted under "reclamation" below, there are also substantial problems associated with fugitive dust from improperly "stockpiled" topsoil.

91. Dust from disturbed soil was recently implicated in the traffic deaths of seven people in southern New Mexico. The proposed mine is only 1/2 mile from Interstate 25, so blowing dust is a potential highway safety issue.

92. The Cerrillos Hills State Park and villages of Cerrillos and Madrid are seasonally downwind from this proposed site with La Cienega just to the north also subject to downwind conditions at times. Basalt dust has been shown to cause pneumoconiosis, similar to asbestos inhalation, in basalt mine crusher workers. Dust from soil disturbances in desert regions is known to spread Valley Fever, a potentially fatal disease. The County has an obligation to do everything in its power to protect the health and welfare of its residents. One way to do that is to deny this application for another unneeded mine that would only exacerbate the air quality issues and endanger residents.

93. The application proposes to mitigate night lighting impacts on County Road 57 by angling the lights southward. However, this exacerbates the problem for those residents south of the mine site, and potentially for travelers on I-25.

94. The Applicant's submitted plans show "silt fence for dust control" (sheet 11, SWPPP plan for Phase II.) Silt fence is the 18"-tall black tarp-like material seen around construction sites, designed to filter silt from water runoff when installed on the ground. It is completely ineffective and unsuitable for the control of airborne dust.

95. The grading and stormwater drainage plans submitted by the Applicant are highly questionable (sheet 9). They appear to show identical calculations for all three Phases of operation, despite the fact that the area of exposed blasted bedrock will expand during each Phase. They appear to use the same "coefficient of runoff" for undisturbed soil and for exposed basaltic bedrock. (The coefficient of runoff is the percentage of rainfall that is not absorbed into a surface and thus runs off. A completely impervious surface has a runoff coefficient of 1.0, or 100% runoff.) The applicants appear to claim that native soil has an 82% runoff rate, and that the bedrock exposed by mining has only an 84% rate. Exposing bedrock is more comparable to completely paving the mine site, with the potential of 100% runoff. If the Applicant's calculations are indeed skewed, it could result in the entire operation being non-compliant with NPDES stormwater management requirements. Failure to control mine runoff would result in such runoff ultimately entering the Rio Grande and the deep aquifers beneath the river, which supply water to more than 50% of New Mexico's population. The public health and safety impacts are potentially grave.
96. There are sufficient concerns with the Applicants' submittal that the Commission cannot accept their engineering assertions and assumptions. In the absence of an independent third-party engineering review,
97. Other impacts discussed herein are equally applicable to this general health, safety and welfare analysis.

Art. XI, Sec. 1.7

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 Stream Commission of the State of New Mexico

98. The Applicants have amended their application to use treated effluent purchased from the City of Santa Fe water treatment plant.
99. Code Art. XI, Sec. 1.7.2(e) requires compliance with Art. VII, Sec. 6 (Water Supply).
100. Art VII, Sec. 6 in (Table 7.4) in turn requires:
- water availability assessment (Art VII, Sec. 6.4)
 - submittal of a water conservation report (Art VII, Sec. 6.6)
 - fire protection plan and requirement improvements (Art VII, Sec. 6.7)
101. Of these mandatory requirements, none have been met, except a rudimentary fire-protection diagram (sheet 8 of the submittal).
102. It appears that the Applicants might be relying on the exception "if the mining use... will utilize permitted water rights for its water supply." Art. XI, Sec. 1.7.2(e). However, this exception does not apply.

103. Code Art. III, Sec. 10.1.1 (Water Policies Governing Lot Sizes Where the Development will Utilize Permitted Water Rights) makes it clear that the term "permitted water rights" refers specifically to those water rights "recognized and permitted" by the Director of the Water Rights Division.
104. The applicant has not submitted evidence of permitted water rights or that the treated effluent meets such a definition.
105. Moreover, the water supply proposed is clearly inadequate as County staff previously analyzed the Applicant's proposed source of water and found it unacceptable.
106. The August 18, 2005 draft staff report recommending denial of a prior application states:

The applicant proposes to utilize non-potable water from the City of Santa Fe Water Treatment Plant for dust control purposes. Water will be hauled by truck from City of Santa Fe Sewer Treatment Plant located at Airport Road, to the site...

The County Hydrologist has reviewed this application, and commented that even though the applicant states that the proposed project is to utilize City effluent; no letter of commitment from the City was included with the submittal. The County Hydrologist states that for the applicant to meet the water availability requirements, the applicant must provide documentation from the City committing to supplying water to this project for the time period they expect to run this operation. Also the water budget did not reflect whether any water would be needed in the utilization of the crusher and conveyor sprays.

107. Applicants have amended the current application to use the same City of Santa Fe treated effluent previously rejected by the County Hydrologist, and still lacks any commitment from the City of Santa Fe to supply adequate water for the life of the project.
108. The County Hydrologist has not reviewed the current application, although it is unclear why not. Given the prior County Hydrologist opinion, it would be arbitrary and capricious to approve the current application in the absence of County Hydrologist review.
109. Just as in 2005, Applicants have failed to meet the Code requirements and the application is deficient.
110. The 2008 application similarly relied on hauled-in water. In that case, staff wrote:

Staff does not support the use of trucked in water... The reclamation needs associated with a project of this magnitude, landscaping needed to buffer the

visibility of the project, and water required for long-term dust control requires a sustainable supply which can not be maintained under the Applicant's proposal. A geohydrology study must be prepared to prove water availability sufficient to accommodate the long term needs of the proposed development.

Further, this Application does not meet the criteria established in Article VII, Section 6 (Exhibit "O", Water Supply).

111. The Applicants' water budget also appears deficient. The water budget has water for dust control but not for "sand and gravel washing" as stated in Buena Vista's application with the State Engineer to move water rights to the site.
112. Applicants provide no support for their calculation that 2.19 acre feet per year would be sufficient for dust suppression.
113. Mining Engineer Jim Kuipers writes "Under moderate duty approximately 20 gpm would be consumed per crusher and associated drop points (e.g., conveyor transfer points). Depending on the spray system, material properties, wind, shrouding and other factors this can be as low as 10 gpm and as high as 50 gpm or more." In dry, windy conditions this could be even more, and the mesa top is notoriously windy. The application's statement of 5 crushers and 4 screeners implies that two systems would be in operation. Assuming they are used 40 hours per week, this amounts to as much as 12,480,000 gallons per year, or 38 acre feet.
114. In addition, there is no estimate for other ancillary needs for water. For example, dust control of dry, disturbed soil at the mine site, or the water required to establish vegetation to reclaim a wind-scoured and deeply pitted mesa. The applicant's estimates are merely the water requirements for the crushing equipment alone.

Other Code Requirements

Reclamation Plan

115. The amount of topsoil needed for reclamation is not addressed. There is no assessment of what amount might be sufficient for reseeding. But in any estimation, the small amount of topsoil put aside seems woefully insufficient to the task at hand and draws into question the probable success of reclaiming a 60' deep mine site.
116. Best practices in the landscape construction industry discourage soil stockpiling for more than one month; piles must be no deeper than four feet, covered, and kept moist. Soil is a living material, and the microbes that give it the ability to support vegetation and retain water and nutrients die if these guidelines are not followed. The application does not take any of these issues into account. It is highly unlikely

that the applicant would follow these guidelines, nor could do so without additional water and other investments. As such, stockpiling is offered as a gesture, but would fail to protect the site. In fact, it would increase dust problems when incorrectly attempted as is described.

Mineral Rights

117. Code Art XI, Sec. 1.5.1(i) requires "Submission of an affidavit of ownership of mineral rights in a form supplied by the Code Administrator."
118. Applicants have not submitted an affidavit identifying the mineral rights owners as required.
119. Instead, what the applicants have submitted is an affidavit stating that they do not own the mineral rights, and an argument attempting to misdirect the Commission by stating that aggregate is not subject to mineral rights. They have also submitted a legal opinion partially describing who owned those rights at one point in time, but they have not done the work to determine current ownership as required by the Code.
120. The essential step Applicants have not done is to connect the dots to ensure that the mineral rights owners are on notice that the Applicants intend to excavate to sixty (60) feet. This is more than the surface estate, and could easily impact mineral rights owners without their knowledge. This is exactly why the County requires information about rights owners.
121. The Application is deficient in not identifying the mineral rights owners.

Traffic

122. The Code requires submission of a traffic generation report. Art. XI, Sec. 1.5.1.c.7.
123. Applicants submitted a Traffic Impact Assessment (TIA) by Jorge Gonzales, P.E.
124. The TIA asserts that the ITE Trip Generation Manual "does not have a category that accurately reflects traffic generated by a sand and gravel operation."
125. Therefore the TIA apparently estimated trip generation based on information from Rockolgy itself for a "similar sand and gravel operation."
126. There is no indication of the specific size, employment, production capacity or any other salient characteristics of the comparison mine that might indicate whether the estimate is reasonably accurate. Moreover, there is no indication of when the counts were done (if in fact actual counts were done) and whether the comparison mine was producing in relation to its actual capacity.
127. The TIA does not include traffic generated by water hauling trucks.

128. In 2008 at a public meeting held in La Cienega, applicants estimated that the truckloads per day were thought to be up to "100 to 150 a day."
129. The Commission uses the traffic generation report to assess levels of service on roads, but it is also important evidence to consider when analyzing the impact of the operation on the community. Without an accurate report, the Commission is unable to accurately assess that impact.
130. The application is deficient in meeting the requirement for an accurate traffic generation report.

Lighting

131. Art III, Sec. 4.4.4.h (Outdoor Lighting) contains standards applicable to all development in the County, without exceptions applicable to this application.
132. Art III, Sec. 4.4.4.h.4 specifies the type of cut-off luminaires required, and states that light sources shall not be directly visible from "any adjacent lot or public roadway" and also contains significant restrictions on light spillover.
133. The temporary construction lights specified by Applicant do not comply with the Code's lighting restrictions.
134. Similarly, the New Mexico Night Sky Protection Act, NMSA 1978, Section 74-12-1 *et. seq.*, prohibits unshielded outdoor lighting fixtures. The exemption for worker safety, 74-12-7(A)(4) does not apply to equipment security, and is unnecessary if the operator does not choose to operate at night in any case.

Environmental Impact Statement

135. Code Art. XI, Sec. 1.5.1.j states: "the Board of County Commissioners may require that the applicant provide an environmental impact statement for the proposed mining use."
136. Given the high potential for environmental impacts of the proposal, an EIS is an essential submittal to permit the Commission to adequately review the impacts of the proposal.
137. However, "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." *Id.*
138. Therefore, this application should not be considered until the Board adopts specific regulations regarding the EIS process (which may be incorporated into the Sustainable Land Development Code), and the Applicant submits a conforming EIS for Board review.
139. There are several aspects of this Application that present serious and troubling environmental impact potential that must be considered in a mandatory EIS.

140. Fugitive dust is a particular issue in the proposed area but no mitigation plan has been presented.
141. Various rock and mining dusts are well-known public health hazards. Basalt crusher dust has been shown to pose similar hazards for exposed workers as silica and asbestos, which are classified as human lung carcinogens that result in disabling and potentially fatal lung disease, and increase susceptibility to other pulmonary diseases such as tuberculosis.. Such lung diseases are generally incurable.
142. Dust production in this dry, windy, exposed location is a public health hazard and the County has an obligation to mitigate those impacts to protect the health of its residents.
143. The application lacks any site-specific study on blasting but simply includes a brochure from the blasting subcontractor. There is no consideration or analysis of site-specific impacts of blasting and other noise upon neighboring uses or wildlife, for whom this area is an important migration corridor. See above concerning the site's location with major wildlife corridors. This impact study should also include consideration of the detrimental effects that noise pollution and dust would have on tourism and park visitation
144. The inclusion of night lighting suggests that the applicants intend to operate at night, raising an entirely new level of potential impacts that are ignored in the application, as well as further underestimating the water use calculations above.

Sustainable Growth Management Plan

145. The County adopted the Sustainable Growth Management Plan (SGMP) as its general comprehensive plan in November 2010. The SGMP constitutes the County's statutorily adopted master plan. "The regulations and restrictions of the county or municipal zoning authority are to be in accordance with a comprehensive plan." Section 3-21-5.
146. A primary Code purpose is "to implement the policies of the Santa Fe County General Plan" Art. I, Sec. 5 and there is a general requirement that "The Code shall be liberally interpreted to carry out the objectives of the County General Plan." Art. I, Sec. 6.
147. Several SGMP provisions directly impact the proposed mine.
148. SGMP Principle 1.4.1.1.12 (Environmental Responsibility/How we Conserve and Protect) is to "Enhance gateways and corridors."
149. Visibility from Waldo Canyon Road, the Turquoise Trail National Scenic Byway, and locations to the south of the mesa must be assessed along with views from I-25, the Railrunner, and the Southeast branch of the Camino Real de Tierra Adentro. Each of these, except Waldo, is a major gateway for any of the thousands of

Albuquerque airline passengers annually who visit Santa Fe, as well as motorists not arriving by air. Waldo Canyon Road is designated to be the gateway to the acclaimed Cerrillos Hills State Park and the Galisteo Parklands.

150. Opponents submitted a comprehensive viewshed analysis employing a digital elevation model showing that at a vertical offset of 1.5 meters (representing eye-level for an average height hiker) a substantial portion of the mine would be visible from the Camino Real de Tierra Adentro.
151. No similarly comprehensive visual impact analyses have been provided to assess the impact on other major corridors of concern, such as Interstate 25, the Turquoise Trail National Scenic Byway, the Railrunner, or Waldo Canyon Rd.
152. What the application calls "vacant" land is a profound panoramic open space with the proposed mine zone visible from portions of I-25, the I-25 frontage road, Waldo Canyon Rd (CR 57), the Turquoise Trail National Scenic Byway (NM 14), and many roads and homes to the south.
153. SGMP 2.1.1.8 (Land Use Element/Key Issues) states, "Mining, quarrying or extraction activities impact communities, roadways and scenic landscapes. Locations for resource extractive developments should not adversely impact existing communities, infrastructure and tourist economy."
154. As described above, the mining would directly and irreversibly affect both the community and the tourist/arts economy.
155. SGMP 2.1.2.12 (Keys to Sustainability): "Mining and other natural resource development areas impact the County and should be regulated through an overlay district mechanism." See also SGMP Goal 5, Policy 5.2.
156. In addition to the need for an appropriate overlay, one of the fundamental aspects of the SGMP is the concept of Developments of Countywide Impact (DCI's) that "have a potential for far-reaching effects on the community." DCI's include "mining, quarrying, and excavation of soil or gravel products for commercial use." SGMP 2.2.6 explains:

DCI's should be regulated generally to: protect the health, safety and welfare of the citizens, residents and businesses of Santa Fe County from the harmful or hazardous adverse impacts or effects of, or nuisances resulting from, mineral, ore, rock, sand, gravel, limestone, bedrock, landfill, mining, quarrying, excavation or fill activities.

157. County staff confirmed at the CDRC meeting that "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."

158. The application is a DCI that should be considered under the SLDC's DCI provisions. Allowing it to slip "under the wire" and be approved under the Land Development Code dishonors the SGMP, the SLDC and the county staff and residents who worked so hard on them.
159. SGMP 5.1.1.8 (Resource Conservation Element) contains "key issues" affecting the County, including "Lack of emphasis on gateways."
160. The application is to locate a mine directly in the most important and popular gateway to Santa Fe.
161. SGMP 5.3.1.3 (Visual Resources) identifies I-25 coming up La Bajada as a "scenic vista" and states:

Because of its open landscapes, vast panoramas, and pronounced topography, the scenic quality of Santa Fe County as a whole is very vulnerable. Maintaining the integrity of view sheds is a priority with regard to tourism and the movie industry. This means that if development is not carefully planned it could easily degrade the County's scenic beauty and economic vitality.

162. SGMP 5.3.1.4 (Historic Road Network, Scenic Roads and Byways) identifies Santa Fe County as being "deeply rooted" in the early transportation network including the Camino Real de Tierra Adentro, from which the mine site is clearly visible.
163. Steve Blodgett, M.S., a mining engineer and author of "Environmental Impacts of Aggregate and Stone Mining in New Mexico" writes about the Cumulative and Associated Environmental Impacts of such mining as proposed in this mesa vicinity.
164. After having walked over the Mesa, in a letter to Ross Lockridge (Aug. 15, 2005), Mr. Blodgett wrote, "Even though the crusher will be out of sight in the bottom of one of the cells once the mine is developed, there will always be a dust plume emerging from this property, especially during the spring winds." Adding, "Again, you won't have to see the actual mine to know it's there because there will be a dust plume marking its location."
165. In addition to the ever-enlarging pit itself, would be all the structures mentioned on page 10 of the application, including several trailers, screening and several pieces of crushing equipment with belt conveyor systems, water and fuel tanks, several dozers, pole-mounted lights, portable toilets, storage piles and the trucks. Although crusher equipment would be placed in the pit in Phases II and III, most other equipment listed would remain on the mesa-top surface, at the southwest corner of the proposed mining site, throughout the projected 25-year operation.
166. The evidence is clear and inescapable that the proposed mine would stand in stark contrast to the protections sought in the SGMP.

All of these cumulative impacts must be considered by the Commission in exercising its review obligations under the Code. The Application fails to meet numerous required standards. It runs counter to the essential performance standard. It violates the SGMP. A zoning application seeks discretionary approval from the Commission, which is under no obligation to grant such approval. Rather, here the Commission is under an obligation to protect the public health, safety and welfare by denying the application. In accordance with the substantial, compelling evidence and the recommendation of the CDRC, the Commission must deny the request.



LA BAJADA

Santa Fe County, New Mexico

CBRE
CB RICHARD ELLIS

www.cbre.com/LoBajada

Mike Schiffer
First Vice President
505.837.4913
michaelschiffer@cbre.com

Trevor Hatchell
First Vice President
505.837.4922
trevorhatchell@cbre.com

Amanda Velarde
Client Services Specialist
505.837.4920
amandavelarde@cbre.com

Property Overview

CB Richard Ellis Land Services Group has been engaged as the exclusive listing representative for the sale of La Bajada. The property consists of approximately 5,421 +/- acres of vacant land of which includes 5,200 +/- acres of rich aggregate deposits for possible mining. (See Buildology correspondence).

La Bajada is the largest privately owned parcel of land located on Interstate 25 between Albuquerque and Santa Fe in New Mexico. It features over 10,000 feet of Interstate 25 frontage with two major north and south interchanges into the site. Exit 264 (State Highway 16) located at the northwest corner of the property connects to the Cochiti Indian Reservation and Santo Domingo Pueblo. Exit 267 (County Road 57) is at the northeast corner of the La Bajada property and connects Highway 14 to the Madrid/Cerrillos Mountains. La Bajada is approximately 35 minutes from the Albuquerque International Support and 15 minutes from Santa Fe Plaza.

This exceptional property has tremendous development potential, both in terms of a residential master plan and as an aggregate resource. La Bajada is uniquely situated between Albuquerque, New Mexico's largest metro area with a population of over 850,000, and the exclusive Santa Fe market. With an elevation of over 6,100 feet, La Bajada's terrain is rich and has varied scenic views from within the heart of the property, including views of Santa Fe National Forest, Cerrillos Mountains, Jemez Mountains, Sangre de Cristo Mountains, Sandia Mountains and the Ortiz Mountains.

The general area is recognized for its mining and railroad history. Existing mines within the area include Rosario and older mining towns of Waldo, Cerrillos and Madrid all adding to the ambiance of the area. Even today, the main rail line to northern New Mexico and Colorado runs through the heart of the land with plans to have the new Rail Runner spur come directly off the main line within the site. The light rail commuter train is due to be in service in late 2008.

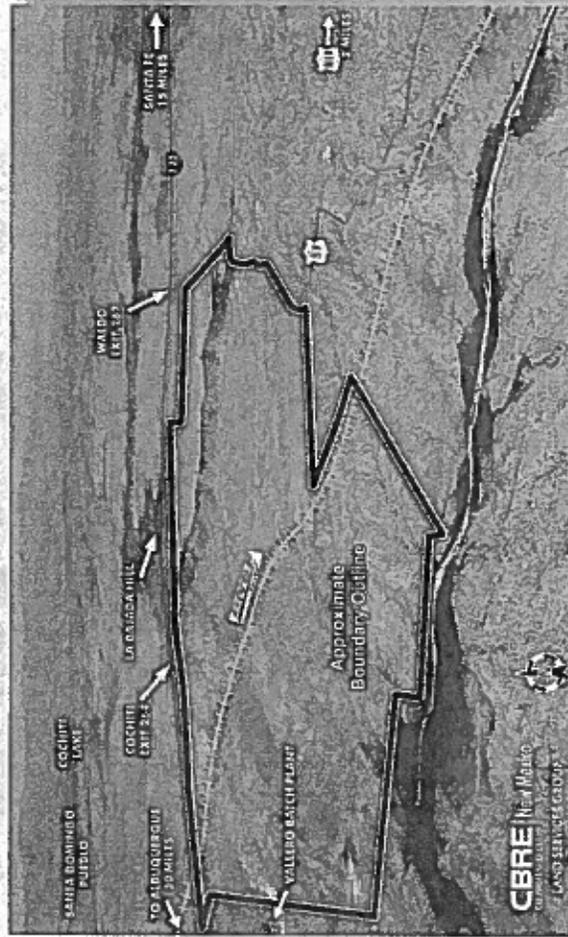
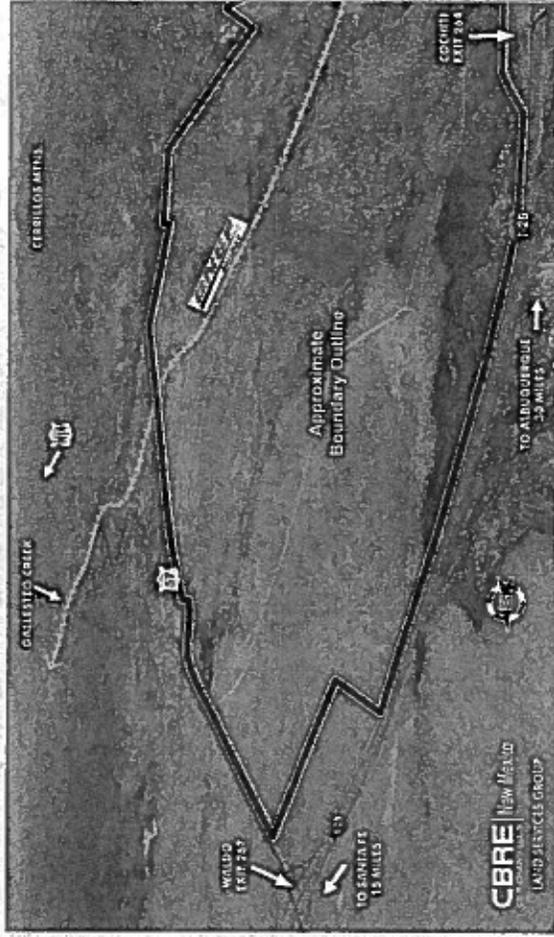
INVESTMENT SUMMARY

Price: \$65,052,000 (\$12,000/acre)

Site Area: Approx. 5,421 +/- Acres.

Property Description: The improvements consist of existing cell towers which are not part of offering, existing main line rail, and 5,200 +/- Acres of Aggregate

Legal Description: Tract A, B, & C La Bajada



Graeser & McQueen, LLC
— ATTORNEYS AT LAW —

Friday, May 23, 2014

Penny Ellis-Green
Director, Growth Management Administration
pengreen@santafecountynm.gov

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

Dear Penny,

This firm represents Rural Conservation Alliance in opposition to this application. We have become concerned about the combined effect of two apparent procedural irregularities in this application.

First, there is no review from the County Hydrologist – or any hydrology review at all. This is unusual, particularly with respect to a land use application in which water supply has become such a significant issue. We do not know if this is a result of the County Hydrologist's opinion not being sought, or whether the County Hydrologist did not offer an opinion. However, because the Land Use Code requires a review of water supply, it is imperative that the review be done by a qualified professional.

The lack of any real review and analysis of water supply is all the more relevant in light of the applicant's apparent decision to modify the application to use City of Santa Fe treated effluent as a water source. In 2005 Rockology principal Steve Hooper, on behalf of Buildology, submitted an application for a functionally identical mine on the same property, again using City of Santa Fe treated effluent as a water source. At that time the County Hydrologist's opinion was that the water supply as submitted was inadequate due to the lack of a commitment to supply the necessary water for the length of the project. The very same absence exists in the current application.

Taken in combination, we are faced with an application that was previously reviewed by the County Hydrologist and rejected, now resubmitted without hydrologist review and a staff recommendation of approval. You can understand our concern.

By this letter Rural Conservation Alliance requests that the County Hydrologist review the application and render an opinion. We further request that the County Hydrologist be present at the County Commission meeting on June 11 so that we have the opportunity to ask questions regarding compliance of the proposed water supply with Code requirements. Having other County staff without the same training and experience in hydrology to address the hydrology questions is neither appropriate nor helpful to the Commission.

Thank you for your assistance. Please feel free to contact me should you have any questions.

Thank you,



Christopher L. Graeser

Santa Fe County Sustainable Growth Management Plan (SGMP)



Santa Fe County General Plan
Adopted by the Board of County Commissioners
by Resolutions 2010-210 and 2010-225

1.4 Principles for the Sustainable Growth Management Plan

1.4.1 Environmental Responsibility

1.4.1.1 HOW WE DESIGN AND BUILD

1. Design and build energy efficient structures that incorporate site sensitive planning, green building standards, operate efficiently, economically and are low maintenance. (Chapter 2)
2. Design compact, mixed use places in priority growth areas to maximize open space, create service efficiencies, support walkability and establish multi-modal transportation opportunities. (Chapter 2)
3. Direct growth to prioritized Sustainable Development Areas most efficiently served by adequate facilities and services. (Chapter 2)
4. Allow higher densities in designated priority growth areas to efficiently expand centralized water and wastewater systems. (Chapter 2)
5. Use studies, reports and assessments to provide a solid basis for development review decisions. (Chapter 2)
6. Allow mixed-uses in existing and new communities. (Chapter 2)
7. Support a more balanced mix of residential and non-residential development. (Chapter 3)
8. Focus intensive development including manufacturing and light industry in Activity Centers as appropriate. (Chapter 2)
9. Promote energy conservation, efficiency and renewable energy applications. (Chapter 7)
10. Utilize local building materials and methods of construction for residential and nonresidential development. (Chapter 8)
11. Utilize drought resistant native vegetation, xeriscaping for landscaping, building shading and permeable paving surfaces. (Chapter 8)
12. Utilize and enhance GIS data for environmental suitability to include, wildlife habitat, and archaeology reviews to enhance County decision making (Chapter 5).

1.4.1.1 HOW WE CONSERVE AND PROTECT

1. Minimize unsustainable residential development patterns. (Chapter 2)
2. Protect important open spaces and range areas that include archaeological and cultural resources by limiting growth and development in environmentally sensitive areas. (Chapter 5)
3. Protect archaeological, historic and cultural resources. (chapter 5)
4. Support agriculture and ranching activities. (Chapter 4)
5. Maintain acequia sustainability and include acequias in long-term planning in appropriate areas. (Chapter 4)
6. Conserve and protect our water sources by reducing reliance on groundwater consumption. (Chapter 11)

7. Ensure a long term, sustainable water supply, plan for droughts, water emergencies and other potential disasters. (Chapter 8)
8. Maintain GIS mapping to monitor the cumulative impacts of development and use quantifiable data to guide decision-making. (Chapter 2)
9. Avoid and mitigate pollution from storm water run-off, industrial contaminants and malfunctioning septic systems. (Chapter 11)
10. Prevent further fragmentation of natural areas, eco-systems and eco-regions. (Chapter 5)
11. Identify and protect important wildlife habitats, wildlife corridors and migratory routes, natural resources and ecosystems. (Chapter 5)
12. Enhance gateways and corridors. (Chapter 5)

1.4.1.2 HOW WE CONSUME

1. Support community based agriculture and ranching, individual small gardening, and other farming and ranching preservation activities. (Chapter 4)
2. Reduce solid waste output and increase recycling and composting opportunities. (Chapter 8)
3. Reduce our carbon footprint through energy conservation and efficiency and use of renewable energy sources. (Chapter 7)
4. Produce more food locally. (Chapter 4)
5. Promote local agricultural products and markets. (Chapter 4)
6. Conserve and recycle water. (Chapter 11)

1.4.1.3 HOW WE RESTORE

1. Protect natural and environmental resources and encourage restoration activities. (Chapter 5)
2. Support programs that restore waterways and riparian areas. (Chapter 5)
3. Allow sensitive infill development in appropriate areas. (Chapter 2)
4. Prepare for potential climate and environmental changes. (Chapter 7)
5. Support the development of renewable energy infrastructure and generation. (Chapter 7)
6. Promote recycling and composting to minimize landfill use. (Chapter 8)

CHAPTER 2: LAND USE ELEMENT

The Land Use Element provides direction for future growth and sustainable development to include protection of groundwater resources, reduction of land consumption while maintaining quality of life, economic opportunities and environmental protection. Land Use is an important element of the SGMP and provides a bridge to connect the principles and key directives for each Plan Element as part of the County's overall growth management strategy.

2.1.1 KEY ISSUES

1. **Population growth and increasing competition for diminishing natural resources.** Santa Fe County is reaching a critical point with regard to population growth and land consumption and there is a need to direct future growth to appropriate areas which can be served in a sustainable manner.
2. **Existing communities need to be sustainable.** Certain existing patterns of development result in poorly defined places and a lack of sustainability. The County needs to assist communities, both existing and new, to become more sustainable in accordance with the SGMP's principles of sustainability. While many existing communities are not primary growth areas, some communities have certain infrastructure which may accommodate limited infill development according to the community's identified needs.
3. **Primary growth areas where infrastructure and services will be provided need to be identified to accommodate future growth.** These identified areas should be the focus of development initiatives with adequate facilities and services.
4. **Unsustainable development patterns negatively impact the environment.** Large lot, low-density residential development is often resource intensive, expensive to serve, overly consumptive of land, and often results in excessive vehicle miles traveled. These impacts are exacerbated by overly consumptive land development that consumes forests, water resources, wildlife, open spaces and agricultural and ranching lands.
5. **Climate change results in negative environmental impacts and resource scarcity.** Many individuals, groups and communities are vulnerable to the impacts of environmental, economic and social problems.
6. **Existing hydrologic zoning has created sprawling development patterns and inefficient lot sizes throughout the County and allowed development to occur in environmentally sensitive and inappropriate locations.** There is a need for a more comprehensive zoning system.
7. **Facility and service deficiencies exist in many parts of the County due to unplanned and unsustainable development patterns and limited financial resources.**
8. **Mining, quarrying or extraction activities impact communities, roadways and scenic landscapes.** Locations for resource extractive developments should not adversely impact existing communities, infrastructure and tourist economy.
9. **Lack of understanding about the relationship between land development regulations, private property rights, and community concerns.**
10. **Development options for large property owners are not well defined.** As large ranches and large properties break up, there needs to be options for sustainable development including the establishment and continuation of smaller agricultural activities along with a mix of other uses.

11. **Lack of coordinated regional land use planning.** There is no forum or established organization for veritable regional land use planning. There are seven adjacent counties that share or experience many of the same land use problems. The counties working together could address many of the issues and create solutions.
12. **Lack of coordination between new developments and existing communities.**
13. **Lack of understanding and misconceptions about cluster development and higher density development.** There is a need to inform the public of the positive outcomes of more compact development forms that result in open space, affordable housing, environmental protection, more efficient services, and a mix of uses.

2.1.2 KEYS TO SUSTAINABILITY

1. **Plan for Sustainability.** Create a framework of goals, policies and strategies to ensure green development design and improvement standards, fiscal balance, commercial development, water quantity and quality, adequate facilities and services, environmental, land use, transportation and energy sustainability.
2. **Assure that land and resources are used in a fully sustainable manner in accordance with the Principles for the SGMP.**
3. **Communities should be supported in their efforts to enhance their quality of life through community participation and planning.**
4. **Better water and land management is necessary to ensure the integrity of the environment, the viability of agriculture, and the ability to sustain on-going community development.**
5. **Planning and development regulations must be comprehensive, and take into account the cumulative impacts of individual development projects, family transfers, lot line adjustments and parcel divisions that are exempted by statute from subdivision review but not zoning processes.**
6. **Plan for coordinated growth management.** Direct a growth management program based upon compact, mixed use development patterns in priority growth areas.
7. **Direct growth to specific areas most efficiently served by adequate facilities and services.** Development should provide adequate facilities and services at adopted levels of service.
8. **Allow higher densities in primary growth areas where infrastructure and services can be efficiently provided.**
9. **Focus on compact development for residential and mixed uses, and establish Activity Centers to allow for community, regional and opportunity centers for nonresidential uses.**
10. **Assure that all new discretionary development applications prepare appropriate studies and reports including fiscal impact, transportation impact, fire, sheriff and emergency response and adequate public facility studies, to establish that the development will produce a positive fiscal impact at build out and meet the standards for adequate facilities.**
11. **Require that all development proposals demonstrate private or public utility water supply availability, or demonstrate that the use of wells will provide adequate water for the development with limited groundwater use.**
12. **Mining and other natural resource development areas impact the County and should be regulated through an overlay district mechanism.**
13. **Develop incentives and other mechanisms for density transfers to allow large property/ranch owners to transfer density for preferred development patterns.**

2.2.6 DEVELOPMENTS OF COUNTYWIDE IMPACT (“DCI’S”)

Developments of Countywide Impact (DCI’s) are those that have potential for far-reaching effects on the community. DCIs are developments that would place major demands on Adequate Public Facilities; that would have a major impact on the capital Improvements planning and budget; and/or that have potential to affect the environment, the public health, safety, and welfare beyond impacts on immediately neighboring properties. Types of developments regulated as DCI’s will be established in the SLDC and may include, but are not limited to:

- oil and gas drilling and associated activities as established in existing Oil and Gas Ordinance;
- mining, quarrying, and excavation of soil or gravel products for commercial use;
- major reshaping of land surfaces;
- feedlots and factory farms
- solar and wind farms.

Regulation of DCI’s are necessary to protect the health, safety and welfare of the citizens, residents and businesses of Santa Fe County from the harmful or hazardous adverse impacts or effects of, or nuisances resulting from, mineral, ore, rock, sand, gravel, limestone, bedrock, landfill, mining, quarrying, excavation or fill activities; regulation of DCIs is also necessary to preserve the quality and sustainability of life, the economy, infrastructure, environment, natural resources and natural landscapes consistent with the SGMP, any Area or Community Plan, the CIP and the Official Map.

DCI’s should be regulated in order to protect degradation of air, surface and groundwater, soils, environmentally sensitive lands and visual and scenic qualities. DCIs have the potential to expand greenhouse gas emissions and aggravate global warming; and create adverse noise, light, odor and vibration; explosive hazards; and adverse traffic congestion.

Developments of Countywide Impact require special regulation and application processes to ensure: short and long-term compatibility both on and off-site through an environmental impact review; an adequate public facilities and services assessment; a fiscal impact analysis; an analysis to ensure preservation of archaeological, historic and cultural resources; an analysis to ensure protection of the quantity and quality of surface water, streams, rivers, acequias, aquifers and groundwater; and an analysis geared to preventing nuisances or adverse impacts and effects upon adjacent properties and neighborhoods.

Regulation of DCI’s is also important for the protection of the scenic vistas of Santa Fe County, its natural landscapes, environment, flora habitats, wildlife corridors and habitats, environmentally sensitive areas, hillsides, wetlands, rivers and streams, flood hazard areas, archaeological, historical and cultural resources. Regulation of DCIs will protect these resources from public nuisances and will protect the long term usefulness of adjacent properties.

DCIs should be regulated generally to: protect the health, safety and welfare of the citizens, residents and businesses of Santa Fe County from the harmful or hazardous adverse impacts or effects of, or nuisances resulting from, mineral, ore, rock, sand, gravel, limestone, bedrock, landfill, mining, quarrying, excavation or fill activities. DCIs should be required to fully mitigate all adverse land use impacts and effects. Regulation is also necessary to preserve the quality and sustainability of life, the economy, infrastructure, environment, natural resources and natural landscapes consistent with the SGMP, any Area, Specific or Community Plan, the CIP and the Official Map.

2.2.6.1 OIL AND GAS

The County’s existing Oil and Gas Element is incorporated into the SGMP by reference and will be recognized in the SLDC as a Development of Countywide Impact. The Oil and Gas ordinance will be incorporated into the SLDC without substantial changes, although it is expected that some aspects of the oil and gas ordinance will apply to other types and kinds of development and not just be limited to oil and gas development.

2.2.6.2 MINING

The County's existing mining ordinance will be incorporated into the SLDC and will be recognized as a Development of Countywide Impact. The mining ordinance should be incorporated into the SLDC without substantial changes, although it is expected that some aspects of the oil and gas ordinance may also be made applicable to mining. Sand and gravel is a local material that is used for domestic and commercial construction, road building and landscaping among other uses. Sand and gravel mining will be recognized as a DCI and subject to the requirements of the existing mining ordinance and SLDC.

2.2.6.3 RESOURCE EXTRACTION.

Resource extraction includes activities designed to mine, extract, quarry or remove minerals, ore, rock, sand, gravel, limestone, bedrock or landfill for commercial purposes; or any excavation activity that utilizes a crusher. Resource Extraction that destroys highly productive soils and valuable crop land should be strictly limited.

2.2.6.4 SUBSTANTIAL LAND ALTERATION ("LAND ALTERATION").

Substantial land alteration removes substantial amounts of primarily earth with mineral, ore, rock, sand, gravel, limestone, or bedrock material.

2.2.6.5 OTHER POTENTIAL DCI'S:

Junkyards and Automobile Graveyards. Junkyards and automobile graveyards should be regulated as DCIs. At such facilities are collected junk, articles, or materials, including junked, wrecked, or inoperable vehicles. These vehicles contain hazardous materials such as oils, greases, solvents, gasoline, lead, and acid, as well as less hazardous materials like steel, rubber, glass, aluminum, plastics and other materials.

Solid Waste Facilities. Solid waste facilities should be regulated as DCIs. These facilities include sanitary landfills regulated by the New Mexico Environment Department, solid waste convenience centers, transfer stations, recycling centers, and the like. Such facilities contain many hazardous or dangerous substances, and can in many cases be considered a public nuisance from the perspective of adjoining properties. They feature dust, vapors, odors, methane gas, and undesirable traffic. These facilities must be strictly regulated as DCIs to prevent deleterious impacts on surrounding property, erosion for property values, and creation of public nuisances. Such facilities can also create environmental hazards that must be carefully studied and for which all available information must be developed for good decision making.

Other potential DCI's may include feedlots and factory farms and large scale solar and wind farms. Potential DCIs may be identified and regulated through the SLDC in order to protect degradation of air, surface and groundwater; soils, environmentally sensitive lands; and visual and scenic qualities.

2.2.7 MINOR LAND ALTERATION

Minor land alteration is a development activity that removes primarily earth with insignificant amounts of mineral, ore, rock, sand, gravel, limestone, or bedrock material or land disturbing activities removing primarily earth, with only insignificant amounts of mineral, ore, rock, sand, gravel, limestone, or bedrock. Minor land alteration should not be regulated as a DCI.

Goal 4: The County will use the Sustainable Development Areas Map, Future Land Use Map, Official Map, and Capital Improvement Plan to guide land use, development review and infrastructure provision.

Policy 4.1: The Santa Fe County Official Map, which may be shown as a series of maps, should be used to ensure the coordination and connectivity by identifying the location of lands which the County has identified as necessary for future public facilities.

Strategy 4.1.1: Create and maintain an Official Map to include up to date and accurate information on the following:

- i. Existing and Proposed ROW (streets, widenings, extensions, openings or closings);
- ii. Bikeway routes (trails and along existing roads);
- iii. Proposed public parks, playgrounds, and open space reservations;
- iv. Pedestrian ways and easements;
- v. Railroad and transit rights-of-way and easements (including those that may be vacated or abandoned and have potential use as trails);
- vi. Environmentally critical areas (such as unique and scenic areas, or endangered habitats);
- vii. Flood control basins, floodways, and areas prone to flooding external of the FEMA floodplain;
- viii. Stormwater management areas and drainage easements;
- ix. Potential public well sites or groundwater resources areas;
- x. Historical and archaeologically significant areas;
- xi. County Utility Service Area; and
- xii. Sites planned for public facilities (such as County buildings, law enforcement and fire stations, libraries, community centers, and schools)

Policy 4.2: The County should ensure that the Official Map is regularly updated to reflect any changes in development patterns or infrastructure and service provision, and, prior to amendment ensure consistency with SGMP goals, objectives, policies and priorities in the County.

Policy 4.3: The County should create a Capital Improvement Program which is regularly updated to identify areas where infrastructure and services will be provided.

Goal 5: Clarify zoning regulations and streamline the development review process.

Policy 5.1: Ensure that oil and gas, and mining ordinances are incorporated into SLDC.

Strategy 5.1.1: Incorporate oil and gas ordinance in SLDC.

Strategy 5.1.2: Incorporate existing mining ordinance to include sand and gravel mining into SLDC.

Policy 5.2: Create a new class of Overlay Zoning District Classifications required for application of Developments of Countywide Impact (“DCIs”) including but not limited to oil and gas drilling, mineral excavation, rock, shale, limestone, gravel and sand quarrying, landfills and major land excavations.

Strategy 5.2.1: Establish DCI process for development projects where significant impacts beyond the immediate vicinity of the project are anticipated, including environmental, public facility, land use compatibility, and economic impacts, in order to minimize or mitigate these impacts.

Policy 5.3: Establish a hearing officer process for DCI applications and for beneficial use determinations to avoid potential takings claims.

Policy 5.4: Provide for financing and regulatory mechanisms including adequate public facilities review to determine whether development applications should be approved, denied or conditionally approved through the use of development agreement financing or timing and phasing.

CHAPTER 5: RESOURCE CONSERVATION ELEMENT

The Santa Fe County landscape is endowed with a myriad of natural resources creating an environment of historic value, ecologic diversity, spectacular topography and scenic beauty. The early settlement patterns of the region are reflected in the abundant historic and cultural sites, archaeological sites, scenic corridors, trails and byways. The physical environment is ecologically as diverse reflected by the numerous eco-regions that contain a variety of geologic formations, soils, vegetation, wildlife and hydrologic resources. Collectively, the historic and cultural resources and the attributes of the physical environment form a landscape of natural beauty and of great economic value. Protection and conservation of the County's natural resources is key in maintaining the integrity of the environment. The overall goals are to protect the archaeological, historic and cultural resources, species, habitat and biodiversity, scenic beauty and environmentally sensitive lands. Preserving and supporting the conservation of these resources will enhance the character and function of communities, neighborhoods and rural areas.

5.1.1 KEY ISSUES

1. **Irreplaceable archaeological and historic sites are threatened.** The Galisteo Basin and other areas of the County contain a vast number of archaeological, cultural and historic resources and sites that are being threatened by erosion and other natural causes, development, vandalism, and uncontrolled excavations.
2. **Archaeological, historic and cultural sites are not well-documented.** Only a fraction of the known sites in the County have been mapped and documented, and any significant development has the likelihood to impact important sites and artifacts.
3. **The integrity of historic and traditional villages is eroding.** Communities in the County with unique histories, cultures, and traditions may be threatened by incompatible land uses and new development. The fabric and character of the communities is losing connection to its cultural attributes and agrarian patterns.
4. **Loss of community character.** New development at inappropriate locations, densities or intensities; poor impact mitigation; inadequate public facilities or services; inadequate buffering or performance standards; or other characteristics can create land use incompatibilities that threaten the character or viability of existing land uses, including agricultural or rural residential.
5. **Conflict exists between industrial resource extraction** including gravel mines, and new residential and traditional communities desire for more sustainable land use such as tourism, community based eco / cultural-tourism and recreation.
6. **The scenic quality of Santa Fe County as a whole is very vulnerable.** Open landscapes, vast panoramas, and pronounced topography that contribute to the scenic quality of Santa Fe County are being threatened by uncontrolled development patterns.
7. **Lack of County staffing and expertise regarding historic and cultural resources.** There is a lack of information and documentation on acequias and important historic sites in traditional communities.
8. **Lack of emphasis on gateways, rural highways, scenic routes and corridors.** Gateways and corridors are extremely important to the first impression of a place. If the character of these areas is eroded by poorly planned development, the County may become less attractive to residents and as a tourist destination. These negative impacts on the counties Scenic and National Scenic Byways should be prevented to ensure a strong tourist trade and economic vitality in this area of the county.
9. **Maintaining the integrity of view sheds and scenic byways as a resource,** is a priority with regard to tourism, the arts, and the movie industry. Heavy industrial traffic and through truck traffic should be routed away from scenic byways.
10. **Environmentally sensitive lands are not well documented.** Detailed information and mapping of environmentally sensitive land is inconsistent and may not be documented on a local scale.

5.3.1.2 NATIONAL HERITAGE AREA

A "national heritage area" is a place designated by the United States Congress where natural, cultural, historic and recreational resources combine to form a cohesive, nationally-distinctive landscape arising from patterns of human activity shaped by geography. These areas tell nationally important stories about our nation and are representative of the national experience through both the physical features that remain and the traditions that have evolved within them. It encompasses a mosaic of cultures and history, including eight Pueblos and the descendants of Spanish ancestors who settled in the area as early as 1598. The Northern Rio Grande National Heritage Area authorized by Congress, October 12, 2006 (Citation: Public Law 109-338, 120 Stat. 1783), stretches from Santa Fe to Taos, and includes the counties of Santa Fe, Rio Arriba and Taos.

Within the boundaries of Santa Fe County, there are many significant historic sites and a cultural landscape that reflects long settlement of the region. Planning staff from the County are participating in the management/environmental assessment of the three County areas that will eventually lead towards the creation of a cultural resource management plan.

5.3.1.3 VISUAL RESOURCES

Santa Fe County is filled with a variety of visual resources, ranging from small, definable places to vast, almost limitless plains and vistas. Some of the County's most significant resources are the views from the National Turquoise Trail Scenic Byway (State Highway 14). This highway offers a wonderful view of the basin for motorists who travel to and from Santa Fe and Albuquerque and make stops at local communities and tourist attractions (see Map 5-1 for visual resources).

The Santa Fe County Visual Resources Inventory and Analysis, October 1995 report presented the following findings:

Scenic places valued by the public. Major landforms such as the Sangre de Cristo, Ortiz, South and San Pedro Mountains; less well-known scenic areas, such as Diablo Canyon, Lamy train station and village, and Devil's throne near Waldo.

Scenic Vistas. Important scenic points, such as those from Galisteo toward Ortiz and San Pedro Mountains, From 1-25 coming north up La Bajada looking toward Santa Fe and the Sangre de Cristo Mountains, and the 360-degree views from Tetilla peak near La Bajada.

Scenic roads and trails. Scenic roads and trails, such as the El Camino Real, Hyde Park, Turquoise Trail (Highway 14), segments of Highway 285, 41, and I-25, and trails along Rio Medio and Rio Frijoles.

Because of its open landscapes, vast panoramas, and pronounced topography, the scenic quality of Santa Fe County as a whole is very vulnerable. Maintaining the integrity of view sheds is a priority with regard to tourism and the movie industry. This means that if development is not carefully planned it could easily degrade the County's scenic beauty and economic vitality.

5.3.1.4 HISTORIC ROAD NETWORK, SCENIC ROADS AND BYWAYS

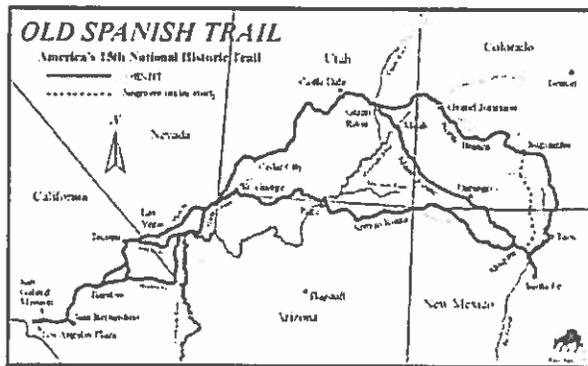
Santa Fe County is deeply rooted in an early transportation network that includes the Camino Real de Adentro, the Old Spanish Trail, and the Old Santa Fe Trail. In more contemporary times, Route 66 traversed across the County. Currently there are several scenic byway designations inclusive of the historic trails and state roads. Collectively these historic trails and road systems provide a view of the early transportation systems that have evolved into the modern network of National, State and local roads. Scenic Byways in Santa Fe County include the Turquoise Trail National Scenic Byway, Santa Fe National Forest Scenic Byway, El Camino Real National Scenic Byway, and the Santa Fe Trail National Scenic Byway.

The Camino Real de Tierra Adentro. The Camino Real de Tierra Adentro is a 404-mile route from El Paso, Texas, to San Juan Pueblo, New Mexico. International significance of the entire route extends from Mexico City to New Mexico's respective Spanish colonial capitals at San Juan Pueblo (1598-1600), San Gabriel (1600-1609), and Santa Fe (1609-1821). During that period, the road formed part of a network of royal roads throughout Mexico that ran from Spanish capital to Spanish capital. When Mexican independence was achieved, El Camino Real ceased to be a royal road, because the Spanish crown had been ousted. However, the route continued in use during the Mexican National Period, as Mexican and Indian travelers, traders, settlers, soldiers, clergymen, and Anglo-American merchants continued their activities along it. Significance has also been found for succeeding periods, including the Mexican National Period (1821-1848), and part of the U. S. Territorial Period of New Mexico (1848-1882).



El Camino Real de Tierra Adentro Map (NPS)

The Old Spanish Trail. The Old Spanish Trail was established during the Mexican time period in New Mexico, when in 1829 Antonio Armijo was the first person to go all the way to California and back in a single round trip. Initially this was a pack mule trail, not a wagon route, and carried woolen goods from NM to California and brought back horses and mules to NM. The mule caravan's last Mexican village was Abiquiu at which point the trail headed northward, not crossing into Mexican territory until reaching the San Gabriel Mission in California. These early traders carried up to 60,000 pounds of goods in a single trip and brought back thousands of horses and mules at a time. The Old Santa Fe trail was in use until the middle 1850's. Today the trail goes through 6 states and is about 1200 miles in length.



Old Spanish Trail Map (Old Spanish Trail Association)

There are about 400 miles of Spanish Trail in NM with three routes: the Armijo Route, the Main Route, and the north branch of the Main Route starting in Santa Fe County. In 2002 the Old Spanish Trail was designated a National Historic Trail and the Old Spanish Trail National Association continues to be an active group working to identify, preserve and educate folks about this most important part of our collective history and heritage.

MEMORANDUM

DATE: August 18, 2005

TO: County Development Review Committee

FROM: Dominic T. Gonzales, Development Review Specialist II
Dominic T. Gonzales

VIA: Vicki Lucero, Zoning Review Division Director
Charlie D. Gonzales, Permits and Inspections Division Director
Dolores I. Vigil, Land Use Administrator

FILE REF: CDRC CASE # MIS 05-5230 Buena Vista Mine

ISSUE:

Buildology, Inc. (Steve Hooper), applicant, James Siebert, agent, requests approval for the creation of a mine zone to allow the extraction of aggregates for construction materials, to be used in ready-mix concrete, asphalt, landscaping, and base course, on 108.5 acres, as set forth in Article XI of the Land Development Code.

The property is located east of Interstate 25 & south of Waldo Canyon, North of the Village of Cerrillos, within Section 22,26,27, Township 15North, Range 7 East, (Commission District 3).

SUMMARY:

The applicant is requesting approval to create a mine zone for the extraction of aggregates for construction materials on 108.5-acres within a 1,060-acre tract.

The applicant estimates that it will take approximately 15 to 20 years to complete the mining process, which will be conducted in three phases. The mining for each cell phase will occur over an approximate five-year period, with each cell phase to be reclaimed and revegetated after the mining of the cell phase is complete.

The applicant states that during the warmer months (April to September) the site will operate from 7:00am to 5:00pm on weekdays, with Saturday operations to be from 7:00am to 12:00pm.

Acres?

Are Quartz Pans?

From October till March the hours of operation will be from 9:00am to 4:00pm, with no weekend hours anticipated.

The applicant states that no permanent structures will be constructed on-site, and that the project will utilize temporary and portable structures, to include a tool trailer, administrative trailer, screening and crushing equipment and associated belt conveyor systems, water and fuel storage tanks, and a weigh scale. The structures will be relocated at next phase once the previous phase has been completed.

Phasing

The proposed mine is designed for a 15-year life expectancy to be completed in three 34.5 to 36.9-acre phases.

Phase I of the mining operations will start on a 34.5-acre cell located at the west of the property. Phase II, a 36.9-acre cell, will be located between Phase I and III, and Phase III will be on a 36.8-acre cell located at the east of the property.

The processing and handling of materials for each of the three phases will be done in three sub-phases; Pit Operations, Plant Processing and Product Loading and Distribution:

Pit Operations

Pit operations will consist of the preparation of each cell with the removal of natural soils (overburden). A track dozer will be used to expose the basaltic rock formations. The overburden will be stock piled outside the excavation cell and will be used as topsoil in the reclamation of the site following the completion of each phase. Rock drilling will follow the removal of the overburden, drilled in accordance with the written and approved blasting plan. The applicant states that blast operations will be conducted in compliance with Santa Fe County and Federal ATF regulations, and blasting will only take place during daytime hours. Blasting materials will not be stored on site.

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 applicant states that the crusher will be located in the excavated cell, with limited visibility of public view. Unusable material will be returned to the excavation area for use in reclamation.

Product Loading and Distribution

A front-end loader will place 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. The applicant states that all loads will be weighed to ensure that the trucks are within legal weight limits, and properly covered to secure the load.

Existing Development

The property is currently vacant. The co-applicants own the vacant properties surrounding the proposed project.

Public Concerns/Issues

The Land Use Department has received numerous telephone calls in opposition of the proposed project. No letters of support have been received. (Exhibit "T").

Access

Access to the property is from County Road 57 (Waldo Canyon Road). The site will have a single driveway, located to the south of the property.

The proposed haul route for aggregate hauling from the site will be northward for approximately one mile along County Road 57 to the I-25/Waldo Interchange. County Road 57 is currently paved from the I-25/Waldo Interchange to the driveway turn off this project will be utilizing.

The Public Works Department has reviewed this application and recommends that a 40' paved apron at the intersection of the proposed driveway and CR57 be constructed. (Refer to "Exhibit-B " reviewing agency responses)

Water

The applicant proposes to utilize non-potable water from the City of Santa Fe Water Treatment Plant for dust control purposes. Water will be hauled by truck from City of Santa Fe Sewer Treatment Plant located at Airport Road, to the site. The applicant states that the water will be stored in a 10,000-gallon tank located onsite. The applicant also states that truck will shuttle water during off peak hours. Drinking water will be purchased in twenty-gallon containers for daily use. (Exhibit "J").

The County Hydrologist has reviewed this application, and commented that even though the applicant states that the proposed project is to utilize City effluent, no letter of commitment from the City was included with the submittal. The County Hydrologist states that for the applicant to meet the water availability requirements, the applicant must provide documentation from the City committing to supplying water to this project for the time period the expect to run this operation. Also the water budget did not reflect whether any water would be needed in the utilization of the crusher and conveyor sprays.

The Office of the State Engineer deferred its review to the County.

Liquid and Solid Waste

The applicant states that portable toilets will be brought onsite for the sanitary purposes of the employees, and a specified maintenance period will be included in the contract for service of the portable toilets.

The Environment Department is currently reviewing this application.

Common trash, generated by employees, will be collected in a solid waste container and periodically hauled off site by the applicant for disposal at the Buildology Offices located in Albuquerque. The solid waste container shall be screened on all four sides and top.

~~Terrain Management~~

The proposed project is relatively flat, with no slopes exceeding 20%. Water retention ponds are being proposed capture storm water run-off from the site, and will be located thought each phase of the project.

A Storm Water Pollution Prevention Plan, as required by the E.P.A will be prepared prior to the issuance of a building permit.

Air Quality

A permit from the New Mexico Environmental Department has been issued for a crusher that was previously located at another location. An updated permit or a Relocation permit from NMED will be required prior to the issuance of a Development Permit.

Fire Protection

The applicant states that the 10,000-gallon water tank will be available on site as fire water supply. All mobile equipment and scale house/office will be equipped with fire extinguishers.

The Fire Marshall is currently reviewing this project.

Archeological

The applicant states that prior to the issuance of a Development Permit that an archeological report will be submitted for the proposed project.

This application has been reviewed by the State Office of Cultural Affairs Historic Preservation Division (Exhibit-"B "). The Historic Preservation Office concurs that an archeological survey is needed.

The New Mexico Heritage and Preservation Alliance recently recognized Buffalo Mountain as one of New Mexico's most endangered places.

Article VI, Section 3.3 (Location of Historic or Cultural Sites, Landmarks and Archaeological Districts) lists the Cerrillos Mining District as a Historic or Cultural Site or Landmark (Exhibit "F").

Location/Performance Standards

Article XI of the Land Development Code requires that locational criteria be met for the creation of a mine zone (Exhibit E). Article XI, Section 1.2 requires the demonstration of the existence of resources, that the mining use be compatible with other uses in the area and that the area is suited for mining uses in comparison with other areas of the County.

The applicant addresses Significant Mineral Resource, Mining Use Compatibility, History of Significant Mining Activity in the Area, and Area Suitable for Mining Uses. (Refer to applicant's Report "Exhibit- "C"). The applicant states that a soils investigation of the site was conducted using an excavator to determine the type and depth of the material.

Basaltic material was found at approximately 20 feet, and the basaltic material was relatively constant for the entire depth.

During the construction of I-25, a mine construction site was located directly east of the subject proposed development, which was used for the purpose of loading aggregate ballast materials to be used for the making of base course and asphalt aggregates for the interstate highway construction. A gypsum mining plant was located on Santo Domingo Pueblo property, located to the south and west of the proposed development. The aggregate ballast material was used for the bedding of the railway located to the south and west of this proposed project.

Article XI, Section 1.6 (Performance Standards) of the Land Development states "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."

Reclamation

The applicant states that reclamation will take place upon the completion of each phase of the operation. The sides of the excavation will be cut at a ratio not to exceed 3:1, which will allow for the revegetation of the disturbed sites. The stock piled overburden will be returned to the site and will be used as the base for reseeding. The applicant also states that where the terrain contours are susceptible to erosion, furrows will be created to prevent soil erosion.

REQUIRED ACTION:

The CDRC should review the attached material and consider the recommendation of staff; take action to approve, deny, approve with conditions or table for further analysis of this request.

RECOMMENDATION:

Staff's position is that this location is not compatible or suitable for mining. The cultural significance of the Los Cerrillos Mining District, and without a Archeological Report to address the potential of any significant archaeological sites, ~~the~~ Buffalo Mountain ^{has} recently being ~~being~~ recognized as one of New Mexico's most endangered places, ^{THIS} demonstrates the cultural significance and importance of protecting this area.

Handwritten notes:
K1 TH
THE
ABSOLUTE
OF AN
DUE TO
PLEASE NOTE THAT BUFFALO ~~HAD~~

Staff is concerned about the potential impacts of this project on adjacent lands in this area. There is a Public Open Space Park and residential developments in close proximity to the proposed mine. Also, Staff has major concerns regarding the applicant's water supply plan. Staff recommends denial on the application based on the reasons stated above.

If the application is approved, staff recommends the following conditions:

1. The applicant shall return to the CDRC and BCC for approvals of future phases, if applicable. The proposed phasing plan for Phases I, II, and III shall be complied with.
2. All water for dust control and irrigation shall be treated effluent unless the applicant amends this application for the use of a well and provides proof of water right and availability; any such amendments shall be reviewed by the CDRC and BCC.
3. If at any time sufficient treated effluent is not available and an amendment for the use of a well has not been approved, all mining shall cease. If mining operations cease for a period of 6 months, the applicant shall reclaim the disturbed areas or the County file a demand on the letter of credit.
4. Compliance with applicable review comments from the following:
 - a) State Engineer
 - b) State Environment Department
 - c) Soil & Water District
 - d) State Department of Transportation
 - e) County Hydrologist
 - f) Zoning Review Director
 - g) County Fire Marshal
 - h) County Public Works
 - i) State Historic Preservation Office
 - j) County Technical Review Division
5. The applicant shall submit for an updated Air Quality permit, and shall be in compliance with the condition of the Air Quality Permit, Relocation Permit and sitting permit.
6. The applicant shall submit a cost estimate and financial surety for completion of required improvements as approved by staff.
7. Compliance with minimum standards for outside lighting, and submit cut sheet prior to the issuance of a Development Permit. All outside lighting shall be shielded.
8. The applicant shall address all staff redlines comments, original redlines shall be returned.
9. All trucks shall have tarps completely covering and securing their loads as they leave the loading area.
10. The Final Plan will be recorded with the County Clerk's Office.

11. The applicant shall submit a financial guarantee for all regarding, revegetation and cost of treated effluent prior to mining of each phase. The financial guarantee will be held until successful revegetation has been accepted by staff, for a minimum of one year, after reseeding.
12. Development Permits for mining and reclamation will be required for each phase. A final closure inspection will be required by the Permits and Inspections Director, upon completion of reclamation of each phase.
13. Each phasing area shall be defined by a licensed Land Surveyor, highly visible (PVC pipe) markers will be set to define the permitted areas. All future mining and operations shall be confined to the working areas permitted in this application.
14. Buildology/ Buena Vista shall grant enforcement/inspection access to the County throughout the duration of this operation.
15. A pre-construction conference shall be held with County Staff prior to any field activity and prior to issuance of a development permit.
16. Buildology/ Buena Vista will keep the access road and mine operations area watered to control dust as needed.

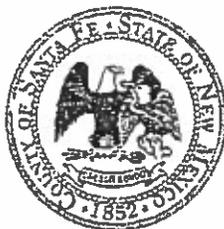
ATTACHMENTS:

- Exhibit "A" – Applicant's Letter of Request
- Exhibit "B" – Reviewing Agencies Responses
- Exhibit "C" - Applicant's Report
- Exhibit "D" - Applicant's Plans
- Exhibit "E" – Article XI of the Land Development Code
- Exhibit "F" – Article VI, Section 3.3 of the Land Development Code
- Exhibit "G" – Article VII, Section 3.4.1.c.1.1 and Section 3.4.1.c.1.c of the Code
- Exhibit "I" – Public Concerns/Issues
- Exhibit "J" - Vicinity Map

Harry B. Montoya
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Michael D. Anaya
Commissioner, District 3



Paul Campos
Commissioner, District 4

Jack Sullivan
Commissioner, District 5

Roman Abeyta
County Manager

2008
Summary
only, P 1 + 5, 6

MEMORANDUM

DATE: June 19, 2008

TO: County Development Review Committee

FROM: Jose E. Larrañaga, Development Review Specialist II *jeel*

VIA: Jack Kolkmeyer, Land Use Administrator
Shelley Cobau, Development Review Manager *SC*

FILE REF: CDRC Case # MP 08-5030 Rockology LLC

ISSUE:

Rockology LLC, Applicant, James Siebert and Associates, Agent, request approval to create a Mining Zone for extraction of ballast on a fifty (50) acre tract within a one thousand three hundred fifty eight (1358) acre parcel. The Applicant proposes to supply material from Phase I of the site for the construction of the Rail Runner. Subsequent phases of the mining operation would supply construction material for other projects.

The property is located south of Interstate 25 and west of Waldo Canyon Road (County Road 57), within Section 22, Township 15 North, Range 7 East, (District 3).

SUMMARY

The Applicant is requesting approval to create a Mining Zone for the extraction of construction materials as set forth in Article XI, of the Land Development Code. The Applicant states that material from Phase I of the site will be used for ballast material and other aggregate for the construction of the Rail Runner project. Subsequent to the Rail Runner project, the mine will supply the same type of material for other construction projects in the area. The Applicant goes on to state that this material will serve as a base for road construction and large scale commercial projects throughout the area.

Additionally, an onsite source of water is not proposed, rather the Applicant is proposing to truck in water for dust control. As required by Article XI, Section 1.7.2 and Article VII Section 6, 100-year water availability has not been adequately demonstrated and staff does not support the use of trucked in water (Exhibit "P"). It is important to note that the Applicant states that Phase I of the proposed mine will supply material for the construction of the Rail Runner. The contract the Applicant provided for water needed for dust control and reclamation was reviewed and approved by the State Engineer. This contract is exclusive for the Rail Runner project. Any use of this water other than for the Rail Runner project will void the contract, so project viability has clearly not been demonstrated. The reclamation needs associated with a project of this magnitude, landscaping needed to buffer the visibility of the project, and water required for long-term dust control requires a sustainable water supply which can not be maintained under the Applicant's proposal. A geohydrology study must be prepared to prove water availability sufficient to accommodate the long term needs of the proposed development.

Due to the proposed project duration, the magnitude and impact of the proposed development, combined with the lack of water availability needed to support reclamation and create landscape buffers to reduce site visibility, compounded by the potential long term impacts to riparian habitat, archeological sites and historic land use in the area, along with the lack of proven market need for the product as required under Article XI, 1.5.1(f), staff believes that when considering these aspects of this operation, the Applicant has not adequately demonstrated that area designated is suitable for mining activity.

REQUIRED ACTION:

The CDRC should review the attached material and consider the recommendation of staff; take action to approve, deny, approve with conditions, or table for further analysis of this request.

RECOMMENDATION:

Article XI, Section 1.2 (Location Standards for Creation of New Mining Zones) allows for the creation of new mining zones, provided certain location standards are satisfied as noted herein. Additionally, as noted in Article XI, Section 1.7.2 (Environmental Review) this Application must adhere to the criteria set forth in Article VII of the Code (Exhibit "N", Environmental Requirements).

Final Construction Improvement Plans are required per Article XI, Section 1.5.1 and the information as provided by the Applicant is conceptual in nature, similar to plans submitted under Article III of the Code for Master Plan, therefore more detailed

Improvement Plans would be required prior to final approval of a Mining Zone and permit issuance for this operation. Further, this Application does not meet the criteria established in Article VII, Section 6 (Exhibit "O", Water Supply) and when considering the criteria set forth in Article XI, Section 1.2.2 the proposed location is not reasonably compatible with the area and is not particularly suitable for mining as required by Article XI, Section 1.2.4.

Staff does not support the creation of a Mining Zone, as requested by Rockology, Inc., on a fifty (50) acre tract within 1358 acre parcel located in Section 22, Township 15 North, Range 7 East. Therefore, staff recommends denial of this request.

ATTACHMENTS:

- Exhibit "A" – Applicants Report
- Exhibit "B" – Vicinity Map
- Exhibit "C" – Site Plan
- Exhibit "D" – Article XI, Zoning for Extraction of Construction Materials
- Exhibit "E" – Review from N.M. State Engineer
- Exhibit "F" – Santa Fe County Fire Department Review
- Exhibit "G" – Santa Fe County Engineering Technician Review
- Exhibit "H" – Letters from Reviewing Agencies
- Exhibit "I" – Comments of Opposition
- Exhibit "J" – Summary of Community Meetings
- Exhibit "K" – Mine Site and Mining Use-Definition
- Exhibit "L" – Letter from Applicant on Water Supply
- Exhibit "M" – GIS Aerial-Visibility
- Exhibit "N" - Article VII, Environmental Requirements
- Exhibit "O" - Article VII, Section 6, Water Supply
- Exhibit "P" – Memo from County Natural Resources Services

late Tuesday night, according to court documents.

Fernando Jacquez suffered multiple fractures to his face, sternum and ribs and was "bleeding heavily" when two state police officers found him in the arroyo, according to documents filed in Santa Fe County Magistrate Court.

Police were first called to a residence in Arroyo Seco at about 10



Andre Topaum

the documents.

Martinez said she opened the door and told Topaum to leave, but he pushed open the door and began fight-

home when her ex-boyfriend, Andre Topaum of Arroyo Seco, showed up and began beating on the door, according to

documents. She said she picked up Fernando and drag him into the arroyo north of her residence," according to the documents.

Martinez ran across the highway to a gas station to call police.

When she returned to the arroyo, Topaum "was still in the arroyo attacking Fernando," the documents state.

"She said she told Andre to stop and he ran after her and told her he

"I dare stopped pursuing her and said he was going to finish the job he started and left," according to the documents.

Police located Topaum in another arroyo east of U.S. 84/285 trying to pull his Suzuki Samurai out of an embankment in which it was stuck. Officers saw a pair of tan work boots and a pair

Please see **ATTACK**, Page C-3

From New Mexican
Sept. 23, 2005

LA BAJADA



HARVE GULLEN/The New Mexican

Cerrillos residents Ann Murray, left, and Ross Lockridge stand at the La Bajada mesa site of a proposed mine. An Albuquerque company wants to mine gravel from the mesa off Waldo Canyon Road, also known as County Road 57.

Rock mine proposed

Opponents argue for historical value of mesa

By Julie Ann Grimm
The New Mexican

To the photographer's eye, La Bajada mesa is primordial paradise.

The escarpment that forms a gateway to Northern New Mexico is also recognized by preservationists for its historical significance and is part of the backdrop for a Santa Fe County park.

But the private property south of Santa Fe has long been in the sights of mining companies that want to extract its valuable rock for construction materials.

Although an Albuquerque company is proposing to

mine about 108 acres of the mesa's basalt surface over the next 15 to 20 years, some who live nearby are hoping the efforts will be obstructed.

Buildology Inc.'s application for permission to begin operations has already hit roadblocks. Santa Fe County Land Use Department officials gave the proposed mine a negative recommendation based on the company's initial application. The case has been tabled several times by the County Development Review Committee this summer, but could be heard at the next meeting, scheduled for Oct. 20.

Please see **MINING**, Page C-3



Judgeship panel to meet Monday

The Rio Arriba Magistrate Advisory Panel, which must interview candidates for the open magistrate judgeship in Rio Arriba County — will meet Monday.

The panel will interview candidates at Northern New Mexico College, 921 Pasco de Oñate in Española. The interviews start at 8:30 a.m. and last until 5:40 p.m.

Gov. Bill Richardson created the three-member panel last month. It is made up of Susan Herrera, executive director of Los Alamos National Laboratory Foundation, Sigfredo Macias, past president of Northern New Mexico Community College and Manuel Valdez, superintendent of Chama Valley Schools. The group must submit its recommendations to the governor by Oct. 1.

Dial 2-1-1 for social services

Starting today, people in Santa Fe can call 2-1-1 for information on where to find resources for health care, food, shelter, employment and other everyday needs.

2-1-1 Santa Fe, operated by the United Way, is a nonemergency help line that links people to community resources. Specialists who speak Spanish and English will answer calls and give advice.

When someone calls 2-1-1, a specialist will ask a series of questions to assess his or her needs. Then the specialist will refer that person to the right program or organization in Santa Fe.

Two charged in robbery case

A 21-year-old Santa Fe man threatened two men with a

transformed the Yuma station into the nation's busiest for migrant apprehensions. Bonner said there also has been increased traffic in the area around Deming.

He acknowledged that the number

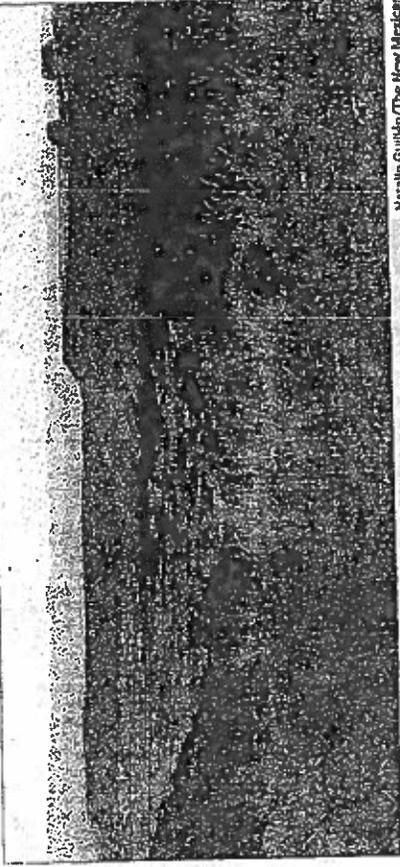
been even greater if not for increased air surveillance and an increase in rescues by Border Patrol paramedics.

"The very best way to reduce deaths in the desert is to strengthen control of the border," Bonner said.

year.

Another 530 agents also were added to the Border Patrol's Tucson and Yuma sectors this year over the first phase of the Arizona Border Control Initiative last year, he said.

Mining: Water use is also a concern for opponents



Marlene Guiblin/The New Mexican

An Albuquerque company wants to mine gravel from La Bajada mesa off Waldo Canyon Road, but Cerrillos residents worry the historically significant mesa would be ruined.

Murray opposes the Buena Vista proposal for several reasons, chief among them that the area is trying to cultivate a park-based economy that would be ruined by a proliferation of modern mining. "Look behind you. It's beautiful," she said while standing on Waldo Canyon Road in sight of the mesa and opposite the dark, serrated peaks of the Ortiz Mountains. "It's the entrance water to control dust from the proposed drilling and rock-crushing operation. Marie Flaring, who runs Synergia Ranch Retreat Center near the Cerrillos Hills, said she hopes the city has a better vision for its water.

"The people in Santa Fe need water more than a mine that will be just serving the interests of whoever might be in that Division to buy nonpotable water to control dust from the proposed drilling and rock-crushing operation. Marie Flaring, who runs Synergia Ranch Retreat Center near the Cerrillos Hills, said she hopes the city has a better vision for its water.

According to county files, Buena Vista has a letter of commitment from the city of Santa Fe's Sangre de Cristo Water

company or family," Harding said.

The county has already received more than a half-dozen letters of protest to the proposed mine, including one from photographer Patrick Allen Molit, who said the mesa inspires a deep sense of awe.

"Looking at it, you feel as if you have stepped back millions of years in time," he wrote.

Crushed rock and gravel mines such as the one proposed on La Bajada mesa are not regulated by the state, but are governed by each county. Those products made up about 58 percent of the state's stone commodities in 2003 and as much as 70 percent in recent years, according to the state Department of Energy, Minerals and Natural Resources.

Neither Naumburg or Graham, who own the land proposed for the mine, returned phone messages from The New Mexican for comment.

Contact Julie Ann

Grimm at 986-3017 or

grimm@sfianewmexican.com

DELIVERY

For home-delivery

call 984-0363

1-800-873-3372

(toll free outside Santa Fe)

THE SANTA FE
NEW-MEXICAN
Get the whole story

LAS VEGAS, NEV.

Cops: Driver intentionally hit crowd

The pedestrian who died was a 52-year-old man. Seven of the injured remained in hospitals Thursday, five in critical condition, spokeswoman said.

Rialto police Detective Sgt. Reinhard Burkholder said Thursday that Kessa was wanted for questioning in

by emergency personnel as stunned tourists looked on. Traffic on the Las Vegas Strip was stopped for almost five hours.

Kessa was unhurt and was arrested at the scene by an off-duty officer, police said. Kessa was held Thursday

been sought by his hometown police in a near-fatal assault Monday on his mother, who owned the car Kessa w



The Associated Press

LAS VEGAS, Nev. — A driver intentionally steered his car onto a sidewalk on the crowded Las Vegas Strip and then accelerated in a deadly scene resembling "Jumanji

LOCAL NEWS



A dog's day

Party will celebrate recovery of wounded stray dog. Page C-3

25, 2008

MARCH 23, 2008 THE NEW MEXICAN

of Mesa mining plan resurfaces

LA BARRA

Rockology LLC attempted to open facility three years ago; new application filed in January

By Phaedra Hayward
The New Mexican

It's déjà vu all over again for a proposed mining project on La Bajada Mesa south of Santa Fe. The same people who sought to mine basalt there three years ago — but gave up before gaining approval

— have filed another application. Some of the same local residents who opposed the mining in 2005 are organizing against it again. And Santa Fe County land-use staff, who had reservations about the project the first time, have raised some of the same concerns. Rockology LLC filed an applica-

tion with Santa Fe County in January requesting master plan approval for the creation of a mining zone and mineral extraction permit on a 50-acre tract south of the Waldo Canyon exit of Interstate 25. Steve Hooper, managing partner of Rockology LLC, said basalt mined on the site would be used under the rail bed of the Rail Runner Express commuter train, which is set to run just southeast of the mine site on its way to Santa Fe.

But nearby residents say that's just a political ploy to push the project through. "They want to give the impression that they are it, this has to go, and by gosh if they don't get this operation going, the Rail Runner is going to fall behind, and that just is not the case," said Ross Lockridge, an artist and activist who has lived in the Cerrillos area for more than 30 years. Lockridge, who opposed the plan. Please see **MINING**, Page C-5

sign
nda
ign of
ouse
Santa
t 4 p.m.
chain-
h several
ects said
as too
ly con-
a Fe.
led for
: about
against
at Alameda

Mining: Cerrillos Hills park near proposed site of mine

Continued from Page C-1

in 2005, said he and others have been scrambling to respond since learning about the application last week. They created a Web site, savelabajadamesa.blogspot.com, to inform the public about an upcoming public meeting on the project and are gathering signatures on a petition opposing the mining.

Lockridge said the area Rockology wants to mine is right next to one of the entrances to the Cerrillos Hills Historic Park, which is set to become a state park soon. He said it would create a blight on the scenic mesa and nearby Buffalo Head Mountain, both of which have been recognized by the New Mexico Heritage Preservation Alliance as being among the state's most endangered places.

"It would be pretty much the end of this beautiful site," said Lockridge. "It would financially benefit a few New Mexicans, but for eternity it would be lost."

According to county documents, the 50-acre tract is in the middle of an approximately 1,300-acre lot owned by Buena Vista LLC, a land-investment company owned by Peter Naumburg and Hugh Graham. Naumburg didn't return a phone call seeking comment.

A sign on Interstate 25 near the site advertises about 5,000 acres of land for sale in the area. Trevor Hatchell, a broker who said he represents the people selling the 5,000-plus acres, said he couldn't comment on the ownership of the property or whether the land listed for sale is the same land proposed for the mine.

Hooper said the proposed mine site is part of the land that is being advertised for sale along I-25. He said if the mining application, which seeks mining rights for about 15 years, is granted and the property is later sold, the owners would likely retain ownership of the 50-acre mine site.

Hooper is also a managing partner



Alexander Usatine/The New Mexican

in Buildology, a company that sought approval to mine the area in 2005. He said he backed off then because he was busy with other projects but is interested in reviving the project to provide materials for the Rail Runner.

But county spokesman Stephen Ulibarri said Monday that county staff has no evidence that the materials mined on the mesa would be used in the train project. "In the opening statement of the application, they list ... that they want to provide ballast for the rail runner to go through there," Ulibarri said. "But they provide no confirmation they actually have a contract to provide that."

Hooper said his company has an agreement with one of the companies contracted to provide materials for the train project, but a formal agreement is pending Rockology's extraction permit.

Rockology will host a public meeting about the proposed mining at 6 p.m. April 7 at Turquoise Trail Elementary School.

The company's application is set to be heard by the Community Development Review Committee on April 17.

Ulibarri said county staff will recommend denial of the permit based on a "cadre" of issues, including impacts on water, wildlife habitat and historical and archeological resources. "It's outside the mining district, and we aren't interested in creating any new mining districts," Ulibarri said.

Alb. Journal
March 25
2008

Bajada Mining Plans Opposed

Site Would Provide Materials for Rail

Journal Staff Report

A citizens group is organizing to oppose plans to mine a 50-acre site near La Bajada south of Santa Fe for extraction of sand and gravel that would be used for construction of the Rail Runner commuter rail line.

Also, a Santa Fe County government spokesman said Monday that the county staff is recommending that the county's Development Review Committee deny the application for the mining operation.

Rockology Inc. of Albuquerque submitted the application in January. It is slated for review by the committee April 17.

Steve Hooper of Rockology said the Santa Fe area doesn't have a source of construction aggregate material — the sand or rock used to make concrete — that is generally suitable for work like the Rail Runner project.

"We selected a site that would be almost impossible to see from the interstate," Hooper said.

Plans for a similar operation closer to Cerrillos a few years ago were withdrawn after resi-

See MINING on PAGE 2



KATHARINE KIMBALL/JOURNAL

during an eighth-grade phys-

Green



Mining Application Faces Opposition

from PAGE 1

dents objected.

Concerned Citizens of Cerrillos has established a Web site, saveabadamesa.org, to oppose the new proposal.

"The Railrunner is being used as an excuse to re-zone and start strip-mining scenic La Bajada Mesa," the Web site states.

The site is south of Interstate 25 and west of County Road 57, also known as Waldo Canyon Road.

Group spokeswoman Dianna Elise Strauss noted that the mesa has been listed as one of New Mexico's "most endangered places" by the New Mexico Heritage Preservation Alliance. She said the area is part of the "most pristine desert in the world" and "should never be endangered."

Opponents also contend that the proposal could lead to more mining and additional development — including home building — in the La Bajada area.

The proposal "threatens a large scheme of development to extract what's below the surface and build houses across the surface for as far as the eye can see," Strauss said.

The owners of the mining site include Peter Naumburg and Hugh Graham. Hooper said the owners have thousands of acres in the area and "obviously have things in mind," but he wasn't aware of any connection between the aggregate extraction plan and any other development ideas.

On the Web site of the international real estate company CB Richard Ellis, about 5,421 acres in the area is for sale for \$65 million, or \$12,000 an acre.

"This exceptional property has tremendous development potential, both in terms of a residential master plan and as an aggregate resource," the offering states.

Hooper said he hadn't seen the Web site opposing the sand and gravel extraction plan but said that "strip-mining is not

something that anyone in the aggregate business does."

He said the proposal calls for removing about 20 feet of material and "quite a bit of reclamation," including terracing and reseeded, afterward.

Rockport's proposal to the county said that mining would continue after the Rail Runner is built. The company said it has a subcontract with a supplier for the builders of the Rail Runner.

The application said there has been a history of mining in the area, including during construction of I-25.

"The area in general is unpopulated and the land has been used historically for cattle grazing," the application states.

During maximum operation "it is estimated that 60 trucks will haul materials from the site on a daily basis," the application says. The Rail Runner contract calls for hauling most of the material at night, Rockology said.

County spokesman Steve Ulibarri provided a statement saying the county staff was recommending denial of the proposal because it is outside of the county's existing mining district, "and we don't want to create a new one"; potential adverse impacts on water, habitat and historic and cultural resources; "high visibility" from I-25; and the site lies within the Galisteo Basin area being planned for growth management.

The Santa Fe County Commission, in response to plans by Texas-based Tecton Energy to drill for oil or gas, has instituted a moratorium on drilling in the Galisteo Basin for at least a year while the growth management plan is developed.

Hooper said archaeological studies have already been done on the site, and he wasn't aware of any historic or cultural resources on the property.

Rockology will hold a public meeting on the proposal at 6 p.m. April 7 at Turquoise Trail Elementary School.

From Traffic Stop

iii. The application indicates that all of the production is "new" production. In Santa Fe, demand sets the market. While price is an important variable that will determine from which supplier a contractor will buy construction aggregates, the price variable for construction aggregates will have an insignificant impact on housing or commercial demand. There may be a second-order effect on demand for road building, but that, too, will be a displacement, not net new volume. The most likely effect for at least the first five years will be a **DECREASE** in gross receipts tax collections attributed to sales within Santa Fe County, since volume demanded will be approximately fixed and the price per ton will be lower because of economies of scale of this mine. The net gross receipts to the County (including the exported production), will be approximately zero (\$22 annually in the table to the right). The state may gain a very small amount of net gross receipts tax because of the transportation to other Counties. This conclusion is far different from the implicit promise made in the application that the County would share in \$122,500 in **ADDITIONAL** gross receipts tax collections.

iv. The economies of scale will also show up as a loss of jobs in the Santa Fe area economy. The application indicates seven workers will be able to produce 250,000 tons of construction aggregates annually. An additional five jobs will be created in transporting product from mine mouth to a storage or use location. As indicated above, approximately 60% of the production of the mine will be trucked south to Sandoval or Bernalillo Counties and should not be considered as a benefit to Santa Fe County. The 100,000 tons annually displaced from other producers in the Santa Fe area will cause a reduction of 12 to 15 production jobs and three to four transportation jobs. The net employment impact will be a loss of three to seven jobs in the Santa Fe economy.

v. There are five principal markets for construction aggregates produced by the proposed La Bajada mine: (1) sales to licensed contractors for road building use; (2) sales to licensed contractors for direct use in residential or commercial construction; (3) sales to a manufacturer for manufacturing concrete; (4) sales to State and County governments for road building use; and (5) sales to an unlicensed contractor or homeowner for commercial or residential landscaping or construction materials. The first and second uses create a gross receipts tax deduction, as the contractor presents a type 6 non-taxable transaction certificate (NTTC) to the mine operator. The third use creates a gross receipts tax deduction, as the manufacturer presents a type 2 NTTC to the mine operator. The fourth use creates an exemption from reporting or paying the gross receipts tax. The fifth use creates a taxable transaction at the location of the business – thus Santa Fe County remainder rate of 6.875%. Note: construction is taxed to the location of the construction project when the material is purchased by a contractor. The gross receipts tax will be paid when the project, including the construction aggregates (either as concrete or plaster sand or landscaping material or road building materials), are paid for. Rather than 50% of the total production taxable as reported in the application, it will be closer to 10%

70,000	Tons remaining to other producers
\$19.00	Current price per ton
\$14.00	Expected equilibrium price per ton
-\$350,000	Reduction in total gross receipts
10%	Taxable
5.125%	State rate
1.750%	County remainder rate
-\$1,794	State GRT loss
-\$613	County GRT loss
100,000	Tons displaced from other producers
\$19.00	Current price per ton
\$9.00	Expected equilibrium price per ton
\$5.00	Transportation costs incl grt
-\$500,000	Total gross receipts reduction based on delivered price
10%	Taxable
5.125%	State rate
1.750%	County remainder rate
-\$2,563	State GRT loss
-\$875	County GRT loss
150,000	Tons exported out of county
\$9.00	Expected equilibrium price
\$5.00	Transportation costs incl grt
\$1,350,000	Total gross receipts on out-of-County sales exc. Transp
5%	Taxable (landscape and homeowners)
5.125%	State rate
1.750%	County remainder rate
\$5,381	State GRT incl transp on taxable
\$1,509	County GRT
\$281	Other county GRT
\$1,025	Net State GRT
\$22	Net County GRT assum. 50% of trans GRT flows back to SFC
\$281	Other County GRT (50% of trans)

taxable, and it will be taxable at the Santa Fe County remainder rate. The portion of total production that is exported to Sandoval or Bernalillo Counties will be even more non-taxable – perhaps 95% non-taxable and 5% taxable.

- vi. In the case of Santa Fe County construction, any gross receipts tax collections are shared between the State and the County in the ratio of 5.125% to the State and 1.75% to the County (or roughly 75% to the State and 25% to the County).
- 2. No mention was made in the application of resource excise taxes or hard mineral severance taxes. Although sand and gravel production is subject to these taxes, no portion of these taxes are shared directly with the County. In any event, the severance tax rate is 1/8% of the value at the mine mouth. The resources excise tax rate on gravel is .75% of the value.
- 3. Based on 2013 Taxation and Revenue Department (TRD) statistics (adjusted by an income ratio for Santa Fe County compared to the rest of the state, the current demand/use of all aggregates in Santa Fe County for landscaping, construction, road building and all other uses is estimated at 174,000 tons. The average firm reports 32% of total gross receipts are taxable. The NAICS category 21232 – “Sand, Gravel, Clay, and Ceramic and Refractory Minerals Mining and Quarrying” probably includes all of the activity and sales included in the EMNRD reports. There is a substantial discrepancy between the demand as estimated from 2013 TRD data and the averages for 2008-2012 from EMNRD. The discrepancy might well be reporting from integrated concrete manufacturers that operate an aggregates facility and a concrete batch plant in one operation. This is not true for Santa Fe County, but TRD does not provide separate analysis for Santa Fe County or for Santa Fe County remainder. Thus, the TRD data should be indicative, but not dispositive.
- 4. Actual production and sales data from NM EMNRD shows the following:

Aggregate Production/Sales/\$Value - Santa Fe County, 2008-2012
(as reported by operators)

Aggregate Type	Amount Sold	Amount Produced	Production Value	Price per Ton
	Short Tons	Short Tons	\$	\$/Short Ton
Base Course Total	516,283	550,797	\$10,585,457	\$19.22
Crushed Rock Total	79,595	80,626	\$249,800	\$3.10
Fill Dirt Total	45,344	47,319	\$297,626	\$6.29
Gravel Total	348,262	420,973	\$11,364,937	\$27.00
Other Total	37,543	21,999	\$749,020	\$34.05
Riprap Total	65,778	65,778	\$1,217,715	\$18.51
Sand Total	71,450	71,450	\$402,250	\$5.63
Scoria Total	131,748	247,265	\$2,210,070	\$8.94
Adjusted Total – 50% of base course	855,289	1,046,261	19,866,556	\$18.99
Adjusted Total Annual	171,058	209,252	3,973,311	\$18.99
Excess Supply Annual		38,194		
Total annual, all products	259,200	301,242	5,415,375	\$17.98

- 5. These data were provided by John Pfeil, geologist for EMNRD. Because of confidentiality restrictions, it is not certain exactly what is being reported. There are 16 lines of data for Base Course, 14 lines of data for Gravel and 7 lines for Crushed Rock and Fill Dirt. Is each line from a pit and represents annual data? Another uncertainty is whether the categories – base course, crushed rock, gravel, etc. are completely comparable between producers. What one producer would call “scoria”, another might call “gravel”. Thus, we should be somewhat reluctant to exclude any of the listed production from this analysis. We are equally uncertain exactly what product will be produced and sold from the La Bajada mine. From the application, the product will be used for road building (asphalt aggregate) and for the manufacture of concrete for residential and commercial construction and for road building and maintenance purposes. The products as listed by NM EMNRD do not include “crushed basalt.” However, we assume that the totals for riprap, sand and fill dirt will certainly not be produced from the La Bajada pit. The analysis concludes two estimates: (1) the total volume sold throughout the county of base course, crushed rock, gravel, other and scoria has averaged about 220,000 tons annually for the entire period, of which about 170,000 tons could be supplied from the proposed La Bajada Mesa mine; (2) for the same five-year period, excess production has averaged almost 38,000 tons annually.
- 6. Santa Fe is a lucrative commodity market for these products. Data at the county level and commodity is difficult to obtain and difficult to interpret. Comparing statewide averages for the same group of products (including those products excluded in 3) yields the following approximate estimates:

Santa Fe – Apportioned	Santa Fe 2008-2012	Statewide Approx- imation	SF % of State
Base course and crushed rock -- overproduction (sales - production_short tons)	35,545		6.0%
Base course and crushed rock -- production (short tons)	631,423	25,948,524	2.4%
Base course and crushed rock -- value (\$)	\$10,835,256	\$172,413,690	6.3%
Base course and crushed rock-- price per ton (\$)	\$17.16	\$6.64	258.3%
Fill Dirt -- overproduction (sales - production_short tons)	1,978		4.4%
Fill Dirt -- production (short tons)	47,319	2,717,619	1.7%
Fill Dirt -- value (\$)	\$297,626	\$6,130,547	4.9%
Fill dirt -- price per ton (\$)	\$6.29	\$2.26	278.8%
Gravel -- overproduction (sales - production_short tons)	72,711		20.9%
Gravel -- production (short tons)	420,973	16,319,452	2.6%
Gravel -- value (\$)	\$11,364,937	\$101,403,825	11.2%
Gravel -- price per ton (\$)	\$27.00	\$6.21	434.5%
Other -- overproduction (sales - production_short tons)	-15,544		-41.4%
Other -- production (short tons)	21,999	3,268,010	0.7%
Other -- value (\$)	\$749,020	\$21,541,954	3.5%
Other -- price per ton (\$)	\$34.05	\$6.59	516.5%
Riprap -- overproduction (sales - production_short tons)	0		0.0%
Riprap -- production (short tons)	65,778	750,759	8.8%
Riprap -- value (\$)	\$1,217,715	\$13,066,313	9.3%
Riprap -- price per ton (\$)	\$18.51	\$17.40	106.4%
Sand -- overproduction (sales - production_short tons)	0		0.0%
Sand -- production (short tons)	71,450	4,808,290	1.5%
Sand -- value (\$)	\$402,250	\$43,374,184	0.9%
Sand -- price per ton (\$)	\$5.63	\$9.02	62.4%
Scoria -- overproduction (sales - production_short tons)	115,517		87.7%
Scoria -- production (short tons)	247,265	1,018,466	24.3%
Scoria -- value (\$)	\$2,210,070	\$7,181,063	30.8%
Scoria -- price per ton (\$)	\$8.94	\$7.05	126.8%
All listed aggregate -- overproduction	210,207		16.2%
All listed aggregate -- production (short tons)	1,506,208	59,387,664	2.5%
All listed aggregate -- value (\$)	27,076,875	\$440,229,020	6.2%
All listed aggregate -- price per ton	\$17.98	\$7.41	242.5%

7. Per the application, there are six existing permitted gravel operations in Santa Fe area, of which, three produce construction-grade aggregates. Per confirming data from NM EMNRD, there are six permitted gravel operations in the Santa Fe area, all six of which produce construction-grade aggregates: Aviation Mine, Cerrito Pelado Mine, La Cienega Mine, San Lazarus Gulch Mine, Santa Fe River Pit and Waldo Quarry.
8. The application claims that the mine will produce and sell 250,000 tons annually. If that comes to pass, then the mine would displace all three (or six) of the existing competitors and sell more than 1/3rd of its production outside the county. In fact, since competition will be strong and the existing competing operations have been in business in the county for a long time, the likelihood is that the majority of the production from the proposed mine will be trucked to the Albuquerque market. The major variable is price. Construction aggregate is highly inelastic in economic terms, since there is only minor variation in quality. This is the conventional example for inelastic commodities.
9. If the zoning change is approved and the mine begins production, there will be cutthroat competition for a while. In the application, the expected mine-mouth price for construction aggregates is expected to be \$9 per ton. The existing price in the Santa Fe market is approximately two times higher (\$19 per ton). The new mine will be able to

make a profit at \$9 a ton because of economies of scale. The new operation will capture the majority of this market, leaving other products – such as sand, fill dirt, flagstone and other landscaping material as the leavings for the other aggregates operations in the county. Without sales to contractors for residential and commercial construction, these smaller operations will have to scale back employment and some will probably move into the category of “stand-by” operations. Depending on other economic factors, some of the six existing operations may become uneconomic or even bankrupt. After this displacement period, if the only supplier for construction aggregates is the new La Bajada mine, then prices will rise as the monopoly takes over the entire market. Prices will then return to the previous levels or even higher.

10. New Mexico Taxation and Revenue Department publishes monthly aggregate and detailed statistics in the Report-80 (RP 80). One version details monthly reports based on self-declared 6-digit NAICS codes. The following is a summary of an extract of 12 monthly RP-80s from October 2012 through September 2013 for NAICS 212320 - SAND, GRAVEL, CLAY

Averages	Monthly Per Firm	Annual Total, Per Firm	Annual Total, All Firms
Gross Receipts @ \$9/ton	\$43,669	\$524,031	\$16,157,631
Taxable Gross Receipts	\$13,955	\$167,457	\$5,163,246
% Taxable to Mine location			32%
Total Tax	\$888	\$10,654	\$328,485
State Tax	\$715	\$8,582	\$264,616
City and County Tax	\$173	\$2,071	\$63,869

Note that the average firm reports \$524,000 in total gross receipts, \$167,000 in taxable gross receipts and \$10,654 in total taxes paid. At \$9 per ton, this corresponds to 58,000 tons of gravel produced annually. Total statewide annual production, again using the \$9 per ton value, is 1.8 million tons. This is enough, using the 38,000 tons of aggregate per one mile of four-lane highway estimate contained in the application, to construct 47.6 miles of highway or to construct 315 homes, each using 400 tons of aggregates.

11. While the 38,000 tons of aggregate per one mile of four-lane highway, 400 tons of aggregate to construct an average modern house and 11 tons of aggregate per person per year may be averages derived from national industry groups, they seem to bear only a remote connection to New Mexico experience. New Mexico’s average is likely to be closer to 1,727 pounds per person per year than to 11 tons.
12. Related note: on page 7, near the bottom of the page, the “Bulk Specific Gravity” is reported a “2.64%”. This must be 2.64 without a % sign. Bulk specific gravity is the ratio between a volume of the material and the same volume of water.
13. Collateral Calculation: 140,000 gallons per month will be approximately 6,000 gallons per working day. Assuming a tank truck of 2,000 gallons is used, this will be 3 trips per working day, and the filling of the tank will take approximately 40 minutes.

http://geoinfo.nmt.edu/publications/minerals/mmq/nm_mmq/NM_mines_mills_quarries.pdf
 Santa Fe County Mines as of 2001

CERRITO PELADO MINE ▲ 1

Scoria
 Santa Fe Mining Company
 USGS Quad: Montoso Peak
 Location: NE/SE Sec 36 T17N R7E

EDGEWOOD QUARRY ▲ 2

Base Course/Crushed Rock/Rip Rap (Gabion)
 Western Mobile New Mexico, Inc./LaFarge Corp.
 USGS Quad: Edgewood

GALISTEO RIVER SAND AND GRAVEL ▲ 3

Base Course/Fill Dirt

Galisteo River Sand And Gravel
USGS Quad: Galisteo
Location: SW/NW Sec 35 T10N R7E
Location: Sec T15N R10E

LA CIENEGA MINE/CRUSHER ▲4
Scoria
CSR/Hydro Conduit Corp. D/B/A Crego Block Co.
USGS Quad: Tetilla Peak
Location: Sec 18 T16N R8E

LEEDER PIT ▲5
Crushed Rock/Base Course
R. L. Leeder Co.
USGS Quad: Agua Fria
Location: Sec 1 T16N R8E

SUN AND SOIL PIT ▲6
Base Course/Fill Dirt/Top Soil
Sun and Soil, Inc.
USGS Quad: Edgewood
Location: NW Sec 24 T10N R7E

TOTAVI GRAVEL PIT ▲7
Sand/Rip Rap (Gabion)/Base Course/Other
Paul Parker Construction
USGS Quad: Puye, NM16
Location: Sec 7 T19N R8E

W. AIRPORT ROAD PIT ▲8
Base Course/Gravel/Fill Dirt
Western Mobile New Mexico, Inc./LaFarge Corp.
USGS Quad: Agua Fria
Location: Sec 10 T16N R8E

May 27, 2014

Ms. Penny Ellis-Green
Growth Administrator, Santa Fe County
102 Grant Street
Santa Fe, New Mexico 87501

RE: Mining Application of Buena Vista Estates/Rockology, LTD.LLC

Dear Ms. Ellis-Perry:

As a constituent in District 3, I am writing you today to discuss the pending application of another District 3 property owner, Buena Vista Estates/Rockology LTD, LLC. The application of this land owner is to mine the property located on Waldo Canyon Road adjacent to the East side of IH 25 for road surface materials. Of course, I actually live and work in this district and am located about 3.5 miles from the applicant's property and site of the proposed mining activity.

I understand that this is the third application submitted by this party for mining activity since 2005. Moreover, I trust that you already know that this property has been listed for sale in both domestic and international real estate markets since 2007. Mining of the site is a major feature of the marketing literature of this owner. I find it very disingenuous of the applicant to pursue this application to mine this site, when they certainly have no intention to do so, but only to have you approve the activity to enhance the sale value of their property. Also, as county commissioner considering this application, I would think that you would find it disturbing that this owner would market this property under such false pretense.

I would think that many of my fellow constituents in District three have written to you to request your vote to deny this application on many grounds; most importantly of which is the glaring fact that the materials to be extracted are not of any strategic importance to the county, state or nation. Many, of course, wish to rightfully preserve the beauty of this scenic and historic area and not have this mesa pummeled away.

Perhaps, you should also consider the non-availability of a sufficient water supply for this operation, as the county and state face ever-decreasing water resources.

The Country Community Development Review Board has already wisely denied approval of this application once again in the past several weeks.

I hereby ask that you also realize the multi-layered deleterious impact that such an operation would have on the health and well-being of my fellow constituents throughout the county. Please vote against approval of this application.

Very truly yours,

Raymond J. McQueen CPCU ARM
45 Bonanza Trail
Santa Fe, NM 87508

NBB-1078

Jose Larranaga

From: Marie Harding <mharding@synergiaranch.com>
Sent: Tuesday, May 27, 2014 3:47 PM
To: Robert A. Anaya; Daniel Mayfield; Miguel Chavez; Kathy S. Holian; Liz Stefanics; Jose Larranaga; Penny Ellis-Green; Stephen C. Ross; SaveLaBajada@gmail.com
Cc: Jose Larranaga; Penny Ellis-Green; Stephen C. Ross; SaveLaBajada@gmail.com
Subject: Re: CDRC Case Buena Vista Estates & Rockology Limited LLC,

From: Marie Harding
26 Synergia Road
Santa Fe, NM 87508

Dear County Commissioners,

I do not support a mining zone on La Bajada Mesa. La Bajada Mesa is listed by the New Mexico Heritage Preservation Alliance as a Most Endangered Place, mining the Mesa presents imminent endangerment. As the gateway to the city of Santa Fe it should be dedicated and preserved as a Gateway Landmark Monument.

As an environmentally destructive and unsustainable enterprise, (needing to import water among other things) it would destroy the grandeur of the Mesa which no "restoration project" could replace.

The present zoning of agricultural/residential zoning on the La Bajada Mesa should not be altered for the profit of Buena Vista whose use of the land would be contradictory to present day tourism income and the quiet enjoyment of residents. This is not an ongoing established business in the location, it has no standing in the community, and the possibility of such a destructive business on the Mesa causes local citizens much upset, time and money to fight.

Historically, the wider area may have had some mining, but the region has long since changed its character to residential, agricultural, tourism and recreational uses. Another unnecessary gravel mine in the midst of these present uses is contradictory, unsustainable, against the principles of ecology, and an insult to the grandeur of the Mesa.

Moreover, the property is for sale on the international market and is marketing the entire property of approximately 5217 acres. It's clear that Buena Vista wishes to up the value of the land by including the mining of basalt and other minerals as permitted. Why would this be allowed when there's no benefit to the County and State to permit the destruction of this key landmark in the Land of Enchantment!

The State Park has now become a reality offering a sustainable tourism resource, and it's just east and downwind from the proposed mine site. So many visitors have made expensive travel plans to visit our unique state. If dust, noise and an unattractive ruined landmark entry to Santa Fe is what they experience it's counterproductive, and the word will spread. It's contradictory to the scenic reputation of New Mexico. The local residential communities will experience the same debilitating environment.

In the past (2005 & 2008) the County recommended denial of the permit based on many sensible rationales, including the threat to historical and archeological resources and deep understanding that a new mining zone is not appropriate to the area. I sincerely hope this proposal will be denied.

Yours truly,

Marie Harding

Synergia Ranch
26 Synergia Road
Santa Fe, NM 87508
Tel: 505 471 2573

Jose Larranaga

From: Ross Lockridge <murlock@raintreecounty.com>
Sent: Tuesday, May 27, 2014 3:52 PM
To: Robert A. Anaya; Daniel Mayfield; Miguel Chavez; Kathy S. Holian; Liz Stefanics
Cc: Jose Larranaga; Penny Ellis-Green; Robin Gurule
Subject: CDRC Case Buena Vista Estates & Rockology Limited LLC

Dear County Commissioners,

I am opposed to the creation of a new mining zone at La Bajada Mesa. Below is an analysis: "Article XI & Buena Vista /Rockology Compliance".

On the 7th of January, I contacted the Caja Del Rio Quarry manager for Delhur, who said that the quarry has around 3 1/2 million cubic yards of basalt. He said that was a 10 year supply. He said they are having no trouble filling orders and keeping up with demand. They will custom crush to meet DOT standards and they provide to everyone private and governmental. They use piped non-potable water. Their materials are delivered all over and he mentioned as far as Rio Rancho.

This demonstrates that supplies are plentiful and another basalt mine zone is not needed, especially one that would degrade the iconic western landmark, La Bajada Mesa. Below I have incorporated this information along with other observations related to Article XI and in particular, the Location Standards, 1.2 for Creation of New Mining Zones.

Sincerely,

Ann Murray, POB 22, Cerrillos, NM 87010
ps. **Mr. Larrañaga**, please include this in the packet for the BCC.

Article XI & Buena Vista /Rockology Compliance

ZONING FOR EXTRACTION OF CONSTRUCTION MATERIALS, Ordinance 1996-10 (LDC 1996)
Article XI, Section 1.2

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."

Note that the language "provided the following location standards are satisfied" is that of inclusion - all of the standards must be met. There is no balancing test whereby if one standard is really strong (i.e., history of mining) then you can ignore others (i.e., suitability for mining uses). Under 1.2. Buena Vista is on very shaky legal footing.

"SATISFIED" or QUESTIONABLE?

ITEMS FROM ARTICLE XI FOR REFERENCE:

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, supra.

REGARDING:

1.2.2 "Use of the land for mining uses is reasonably compatible...." A mine site here would be *in*-compatible with other uses. Traditional patterns of land use of the Mesa is agriculture. Any land used by mining here would be useless for agriculture during and after mining. Perhaps more importantly, this site is at the gateway to both the Cerrillos Hills State Park and the Galisteo Basin parklands from I-25 as well as the City of Santa Fe. The Galisteo Basin Archeological Protection Sites Act attests to the cultural value of the area. Other parklands accessed from Waldo Canyon Road are the Ortiz Mountain Preserve and Petroglyph Hill (a county open space) and the San Marcos Pueblo. The Galisteo Basin is one of the richest archeological areas in the nation. Businesses in the area are tourist oriented. The BLM plan for lands in the area under their control is for recreational uses and would include the visual importance of this cultural landscape. Mining here and its industrial activities would impair the view-scape both during mining and post mining and impact future recreational development of the area.

1.2.3 "A history of significant mining activity...."

The Mesa has no mining history and the applicant doesn't attempt to make that claim. A history of mining is in an adjacent historic Cultural Property, the Cerrillos Mining District, apart from the Mesa in the Cerrillos Hills. The other mining site noted by applicants was a borrow area off and below the Mesa to the east.

1.2.4 "The area designated is particularly suited for mining uses, in comparison

with other areas of the County...." The applicants fail to list (page 1) an important basalt mine. Concerning basalt mining, the Caja Del Rio Quarry of Santa Fe claims 3 1/2 million cubic yards of basalt, estimated to be a ten year supply that is retrievable from 17 acres. They custom crush the basalt to NMDOT standards and provide to all, governmental or private. Trucks departing the Caja Del Rio Quarry serve from Santa Fe to Rio Rancho. They pass by the applicant's site on I-25 and of course do not add congestion by merging from Waldo Canyon Road.

The Caja Del Rio uses piped non-potable water and requires no on-the-road heavy tanker trucks, impacting our roads and atmosphere and adding to traffic congestion, and risk of accident.

In considering 1.2.4, there is little comparison when it comes to suitability. The Caja Del Rio site is a basalt mine particularly suited for such mining uses.

Further, along I-25, there are other, if not better, sources of gravel. Again unmentioned in the applicant's list is one from Santa Domingo. The applicant does however include the Waldo Quarry (anthracite) in the adjacent Cerrillos Hills. Buena Vista would, if allowed, add to the traffic load, merging at the intersection of CR57 and I-25. The applicant does acknowledge that there are other aggregate operations. Thus, sources of crushed aggregate are readily available. Buena Vista and Rockology have not proven that there is significant additional demand for the product.

Lack of supply is not established, and another gravel mine along I-25 in this valued cultural landscape is not supportable.

Jose Larranaga

From: Don Van Doren <dvandoren@vanguard.net>
Sent: Tuesday, May 27, 2014 4:41 PM
To: Robert A. Anaya; Daniel Mayfield; Miguel Chavez; Kathy S. Holian; Liz Stefanics
Cc: Jose Larranaga; Penny Ellis-Green; Stephen C. Ross
Subject: La Bajada Mesa - Buena Vista Estates & Rockology Limited LLC
Attachments: Van Doren Letter to BCC.docx

Don Van Doren
317B Camino Cerro Chato
Cerrillos, NM 87010
March 27, 2014

Commissioner Anaya, Commissioner Chavez, Commissioner Holian, Commissioner Mayfield, Commissioner Stefanics,

You have read hundreds of pages of letters, documents, and analyses going into the many issues why we believe the application to allow a mining zone on the top of La Bajada mesa should be denied.

The summary, though, is simple. As Commissioners, you have the responsibility, obligation, and the authority to make a decision based on whether or not this proposal is a good idea for the entire community. Article XI Section 1.2 of the Land Development Code states that "...County Commissioners may create new mining zones...", not that it *shall* do so if stipulated requirements are met. Discretion and judgment are critical components of this decision. There is no obligation to change the zoning to the benefit of the Applicants and to the detriment of the rest of us.

Overwhelming evidence has been presented about why this application, if approved and implemented, would cause irreparable harm to Santa Fe County, its citizens, and its visitors. Such a decision would run counter to years of work enshrined in our policies, our Codes, and in our documents such as the Sustainable Growth Management Plan. Please honor that work.

As Committee Member Katz summarized at the CDRC meeting in March:

"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... This is just not the place to do it. It is just a – it's an incredibly prominent place that is... in everybody's backyard in this County and for that reason I think it's inappropriate to have a mine here."

Please deny this application.

Sincerely,



Jose Larranaga

From: Jennifer LaBar-Jaramillo
Sent: Tuesday, May 27, 2014 5:13 PM
To: Pat Farr
Subject: RE: Santa Fe County Public Comment Form

Thank you for taking the time to contact us. I have forwarded your comments to our Growth Management Department so your comments can be included in the case file.

Jennifer

Jennifer LaBar
Santa Fe County Manager's Office
Office Manager
(505) 986-6293
www.santafecountynm.gov

-----Original Message-----

From: Pat Farr [<mailto:pfarr@cybermesa.com>]
Sent: Tuesday, May 27, 2014 4:57 PM
To: Kristine Mihelcic; Jennifer LaBar-Jaramillo
Subject: Santa Fe County Public Comment Form

Web form results:

Pat Farr
2940 Plaza Blanca
Santa Fe, NM 87507
Email: pfarr@cybermesa.com
Phone: 505-438-4448

Comments:

Both the natural pristine nature and strange beauty of La Bajada and its skyline view do not deserve to be put in jeopardy over the acquisition of private capital by a small group of individuals. We already have ample access to gravel from other companies -- and WATER is too precious a commodity to dispense for such a project. Please vote to not support the, I suspect, well paid project lawyers.

Thanks,
Pat Farr

Diane Senior
317-B Camino Cerro Chato
Madrid, NM 87010
May 27, 2014

Board of County Commissioners
Santa Fe County
POB 276
Santa Fe, NM 87504

Re: CDRC CASE # ZMIN 13-5360, Buena Vista Estates, Inc. and Rockology LLC

Dear Commissioner Anaya, Commissioner Chavez, Commissioner Holian, Commissioner Mayfield and Commissioner Stefanics,

The following letter was originally submitted to the County Development Review Committee on March 19, 2014. Due to its late arrival, I am uncertain whether this letter was received into the record, so I am resubmitting it for your consideration now. Minor modifications have been made to reflect developments since the CDRC hearing. All page references in this letter refer to paginations in the CDRC hearing packet and may differ from those of the BCC packet.

After review of the packet materials for the upcoming hearing of the above referenced case, I am writing to register my concerns on two points. 1) The application fails to meet several County Code requirements, and 2) the information provided in the application itself contains significant errors.

Application does not meet Code requirements

1) Location Standards for Article XI, Section 1.2 Have Not Been Met

Article XI, Section 1.2 requires that the application meet ALL of three criteria and suggests a fourth. This application meets none of the requirements and should therefore be denied.

a) 1.2.1 requires "Evidence of significant mineral resources."

County Staff itself recognized that the application failed to meet this requirement. In a letter dated December 12, 2013 (NBB-184), Mr. Larranaga deemed the application to be incomplete until several items were addressed, including "Provide information (proof) that the material being mined on the site is sufficient for the duration of the mining period. (Have samples of the material been obtained at different depths to prove availability?)" The applicants have not provided this information. What the applicants have provided is a materials analysis confirming the presence of basalt and a statement that basalt was found to a depth of approximately 20 feet. They have provided no evidence that basalt is present to the 61 foot depth they propose to mine, nor have they provided evidence that there is sufficient material for the duration of the mining period, which they estimate on p. 12 of the application (NBB-24) to be 25 years.

In fact, the applicants' own figures clearly demonstrate that there is insufficient material available for the duration of this project.

- i) Under Economic Benefits (p.2, NBB-14), item 2 assumes sales of 250,000 tons per year.
- ii) Under Volumetric Calculations (p.15, NBB-27) "it is estimated that 886 thousand cubic yards will be exported from the site and sold on the open market."
- iii) A cubic yard of basalt gravel weighs approximately 1.4 tons¹
- iv) 886,000 cubic yards x 1.4 tons/cu.yd. = 1,240,400 tons of material available for sale
- v) 1,240,400 tons of material for sale ÷ 250,000 tons per year = 5 years, **NOT 25 years.**

Apparently, the applicants either 1) intend to expand the size of the mine to 5 times the size they are permitting, or 2) the estimated economic benefit based on sales of 250,000 tons per year is grossly overstated.

Given that the property is currently up for sale, with marketing material describing this historic landmark as "5,200 +/- Acres of Aggregate" (attached), the intent to expand seems clear.

Regardless, the applicants have failed to provide proof that "material being mined on the site is sufficient for the duration of the mining period." Failure to provide the required evidence is, itself, sufficient to deny the application.

2) Article XI, Section 1.2.2 requires that "Mining use is reasonably compatible with existing uses"

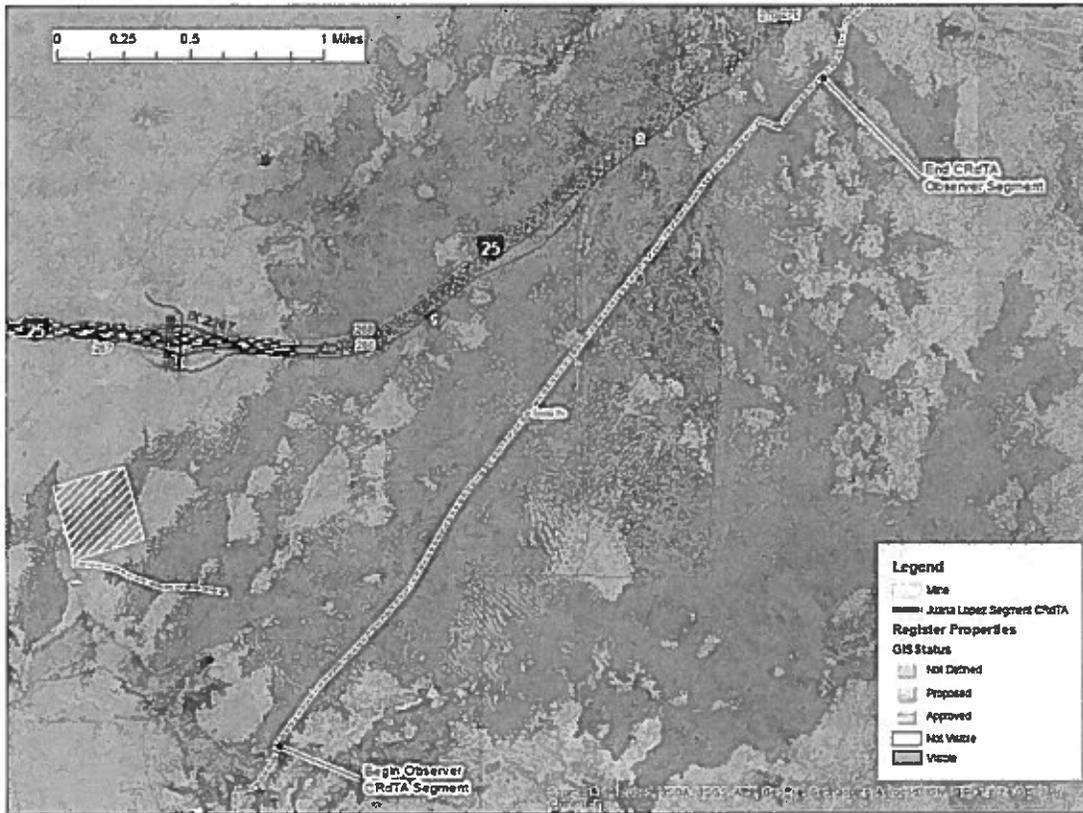
The applicants have not shown that mining use is reasonably compatible with existing uses. What the applicants call "vacant land" is, in fact, the gateway to both Santa Fe and to the Galisteo Basin parklands, an historically significant landmark, a Priority Wildlife Corridor, and part of the Galisteo Watershed, whose protection should be paramount in these times of persistent drought.

Mining is incompatible with a host of neighboring uses. The Cerrillos Hills State Park, downwind of the dust and noise of the proposed mine site, has designated Waldo Canyon Road as the gateway access point for its rapidly growing visitorship.

Mining is incompatible with the many nearby businesses that depend on the open landscape and quiet places that draw visitors. A small sampling of those include a nearby artist education retreat center on Rogersville Rd, the lodging providers that house those guests, the restaurants that feed them, and the many other businesses dependent on tourism along the Turquoise Trail National Scenic Byway, with La Bajada Mesa a prominent part of the "Scenic" in "Byway."

¹ Source: Caja del Rio quarry manager, and confirmed by Doug Bland, NM Bureau of Geology & Mineral Resources May 27, 2014 BCC: Buena Vista/Rockology Letter of Concern from Diane Senior

Mining is also incompatible with the Camino Real de Tierra Adentro, whose Juana Lopez segment passes less than a mile from the proposed mine site. Although SHPO did conduct simple line of sight analysis from two points along trail, a more appropriate approach would have been to assess multiple points along the trail, as Rick Wessel (who works for NMDOT Environmental Development Section) did, finding significant visual impact along that historic trail.



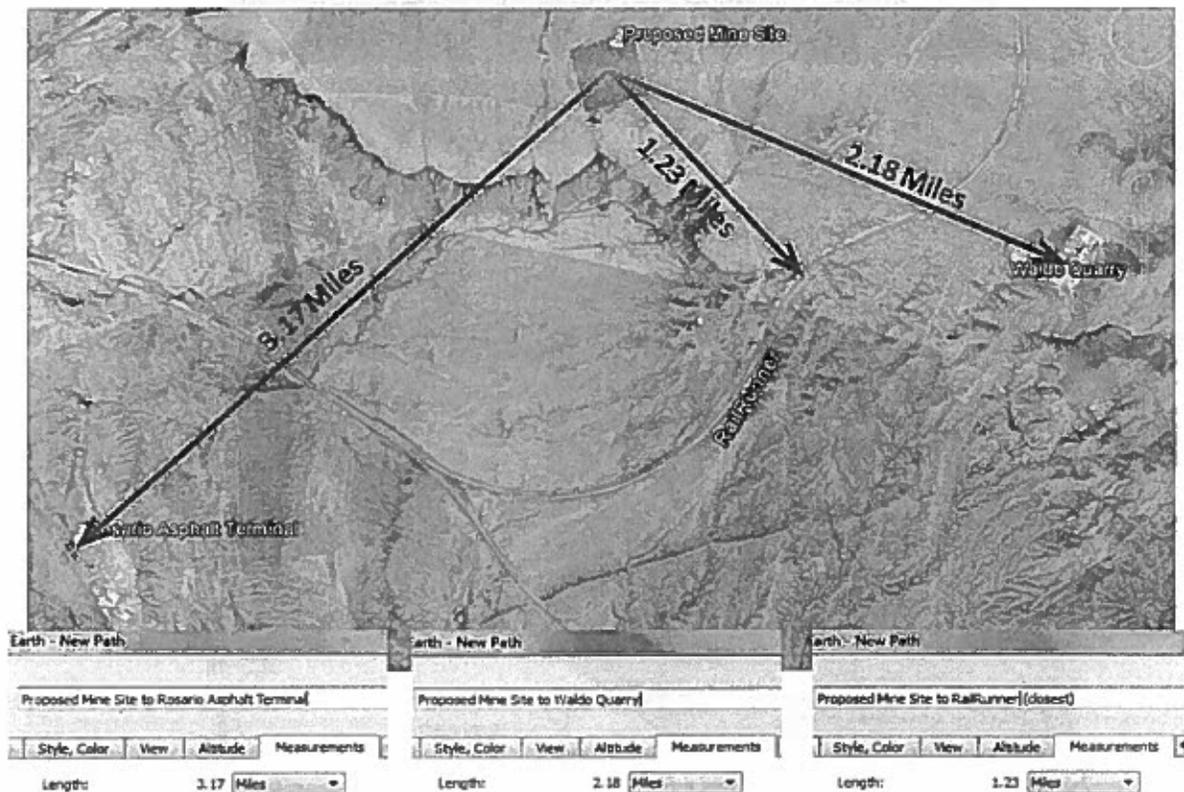
Viewshed from Juana Lopez Road Segment of Camin Real de Tierra Adentro and Buena Vista & Rockology Mining Site

In response to a request that SHPO re-evaluate their findings, the State Historic Preservation Officer himself acknowledged that “there are points along segments of the Camino Real Adentro (CRdTA) where the proposed gravel pit will be visible” and that “there are other significant cultural features in the area that have the potential to be affected because the gravel pit will compromise the setting of the area.” Yet he feels his review authority limited. Please see the attached letters from Mr. Wessel and Dr. Pappas for detailed information into these concerns.

Further, no analysis has been done to consider the auditory impact to hikers on this trail or others, including hikers in the nearby Cerrillos Hills State Park. All would be subject to a cacophony of blasting, crushing and heavy machinery noise. Arguably, hikers might avert their eyes from an objectionable sight, but the noise intrusion would be impossible to avoid.

As shown on the following Google Earth map, there is no significant mining within approximately two miles of the proposed site.

Distance from Proposed Mine Site to Other Points of Interest



4) **1.2.4 requires that the proposed site be “Particularly suited for mining uses compared to other areas “**

The area is not particularly suited for mining compared to other areas. There are many areas in the County that are far more suitable for mining basalt aggregate. The Caja Del Rio quarry, which also produces basalt gravel within the County, is an example of a location that *is* particularly suited to mining. It is less visually intrusive, well-situated near the county landfill, uses piped effluent water rather than truck-hauled potable water, and its mining cavity can later be filled with county refuse.

Further, as shown by the geological resources map below, basalt is abundant in the Cerros del Rio volcanic field (Tvcr, pink, below), of which La Bajada Mesa is but a small piece of the southern-most edge of a vast lava flow. There is simply no need to sacrifice a place with the historic, cultural and scenic value of La Bajada Mesa to gravel operations.

over-allocated supply of reclaimed water. Since Code requires that construction operations use treated effluent, this would place home builders and other small construction firms in direct competition with this industrial mine for the water resources they need to run their businesses. As important contributors to the local economy and job market, small businesses deserve better. In addition, since the applicants have not relinquished a previously secured right to purchase potable from the County for dust control, they are also in a position to compete with County residents for the water they need to live. Many residents rely on that very same supply of potable for basic survival needs. Any interference with their ability to obtain such water constitutes a threat to their welfare, health, and in certain instances, safety. Degradation to quality of life of area residents would also include increased dust (and its associate health and safety hazards), increased noise, and permanent scarring of the landscape. These are substantial welfare concerns that must be considered when evaluating the adverse affect a re-zoning would have on the general welfare of County residents.

- b) **Requirements for Article XI, Section 1.7, Reviews for Mining Uses, have not been met**
- i) 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 done this. Instead, they have provided a form letter from the County Utilities Department stating that they may purchase water from the County. The letter does not include details on intended use, duration of nor restrictions such The code does not allow for this alternative provision.

The application is riddled with inaccuracies and misrepresentations

A sampling of the most egregious are these:

What the Application Says	The Truth
<p>The <i>List of Figures</i> (NBB-12) describes <i>Table 3</i> as “Annual Use of Non-potable water.”</p>	<p>At the time of the application, the water to be used was potable. The only reference to this fact is in a letter from the Santa Fe County Utilities Department (NBB-106), provided to validate the <i>Ready, Willing and Able</i> letter shown in <i>Appendix E</i> of the application. But this validating letter, which also notes that the water is potable, was conspicuously absent from the application and from Appendix E, where one would expect to find it. Neither the Water Budget section of the application (NBB-31) nor County Staff’s memorandum (NBB-1-8) corrected the misrepresentation of the type of water. Since that time, the applicants have also secured a non-guaranteed supply of treated effluent water. They have not, however, terminated their agreement to purchase potable water, so it is impossible to say with certainty what type of water would be used in this operation.</p>
What the Application Says	The Truth
<p><i>Time Frame</i> (NBB-24) references, “each of three pits.” <i>Pit Operations</i>, on the same page, refers to “three cells” and the “reclamation of the site following completion of mining for each phase,” implying that three separate areas will be mined and reclaimed over the course of operations.</p>	<p>Careful review of both <i>Table 1, Volumetric Calculations</i> (NBB-28) and the <i>Material Extraction Plan – Grading Plan Phase III</i> (sheet 15) tell a different story. Rather than three separate and fully reclaimed cells, each phase overlaps the former, digging successively deeper while creeping a few acres southward. The reclamation between phases would simply be the few acres of narrow slope left behind.</p>
What the Application Says	The Truth
<p>As previously discussed, the applicants’ estimate 25 years of operation and 250,000 tons of material sold per year.(NBB-24, 27)</p>	<p>The 886,000 cubic yards of material that the application states will be produced for sale over its 25 years (NBB-27) equates to only a five year supply of material at the projected sales rates.</p>

NRR-1090

What the Application Says	The Truth
<p>The application states that the operation will use 710,000 gallons of water per year for dust control .(Table 3, NBB-31)</p>	<p>As shown in RCA’s letter dated March 12, 2014 (NBB-331), the applicants have underestimated the water required for dust control by at least a half million gallons per year, and possibly by as much as eleven million gallons. Further, the Traffic Impact analysis does not appear to address water truck traffic at all, estimating traffic only the applicants’ stated experience in another operation, which may not have included hauled water.</p>
<p>What the Application Says</p>	<p>The Truth</p>
<p>The application omits any reference to water budgeted for gravel washing.</p>	<p>Gravel washing is a normal and water-intensive process in gravel mining operations. Paragraph 4 in the still-active OSE application (attached) shows that the “applicants further propose to commence the use of said 3.0 afa consumptive use water right...for sand and gravel washing and dust control purposes.” Yet these water requirements for gravel washing are omitted from the re-zoning application. The re-zoning application’s proposed water budget for is for dust control only (NBB-31.)</p>
<p>What the Application Says</p>	<p>The Truth</p>
<p>The application claims, without substantiation, that the “shortage of permitted quality aggregate sources in the area necessitates material to be hauled in from outlying sources to meet market demand.” (NBB-14)</p>	<p>Statistics from the New Mexico Department of Mines and Minerals show that, from 2008-2012 (the most current data available), Santa Fe County’s permitted aggregate operations produced 210,000 tons more aggregate than they sold. It is worth noting that these over-production figures do not include the additional production and stockpiles at the Caja de Rio quarry.</p>
<p>What the Application Says</p>	<p>The Truth</p>
<p>3.36 million cubic yards of material will be excavated and 1.26 million cubic yards of material will be processed through the crusher (NBB-27)</p>	<p>That means 2.1 million cubic yards – more than 60% of the excavated total – is missing. No information whatsoever is provided to account for it or how it would be stored. Further, the percentage of unusable material seems surprisingly high given the applicants’ mineral resources analysis assertion: “the basaltic material was relatively constant for the entire depth of 20 feet.” (NBB-22)</p>

Even if one is inclined to give maximum latitude to the applicants and attribute all of these concerns to careless mistake, the question I put to the County is this: **Can you, in good conscience, entrust the future of this important landmark – as well as the lives and livelihoods of County residents – to a firm that demonstrates such inattention to detail?**

I am simply grateful that any damage is currently limited to paper. I urge you to keep it that way by denying this application.

Sincerely,

Diane Senior

A handwritten signature in black ink, appearing to be 'Diane Senior', written in a cursive style.