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BOARD OF COUNTY COMMISSIONERS

SANTA FE, NEW MEXICO

SPECIAL MEETING

JUNE 15, 1999

**Paul Duran, Chairman
Joe Griñé, Commissioner
Javier Gonzales, Commissioner**

**Richard Anaya, Commissioner [ABSENT]
Marcos Trujillo, Commissioner [ABSENT]**

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June 15, 1999

This special meeting of the Santa Fe Board of County Commissioners was called to order at 5:30 p.m. by Chairman Paul Duran in the Santa Fe County Commission Chambers.

Roll Call indicated the presence of a quorum as follows:

Members Present

Commissioner Paul Duran, Chairman
Commissioner Joe Griñé
Commissioner Javier Gonzales

Members Absent

Commissioner Richard Anaya
Commissioner Marcos Trujillo

ROMAN ABEYTA (Review Specialist): Mr. Chairman, we just had a CDRC meeting in which an approval was granted to Mansal Gravel subject to the 19 conditions as listed in your staff report with some revisions to two of the conditions. I don't know if you want me to go through those revisions and just explain one by one what exactly the CDRC did.

CHAIRMAN DURAN: I'd like that.

MR. ABEYTA: The first condition that was amended was condition number 12, which had to do with east and west bound traffic on 344. The CDRC required that a copy, or an approval from the State Highway Department be submitted prior to project commencement. The condition originally read permit; the CDRC only required that a letter or some type of approval be granted by the Highway Department before operations take place.

Condition number 14 was also amended. Condition number 14 was actually revised to only, or was delayed until the next five-acre tract, or other --

ORALYNN GUERRERORTIZ (Subdivision Engineer): Correction, sorry. I was going to step right in and make a correction. Number 14 requires Oro Quay Road to be basecoursed immediately within the next thirty days and within a two-year period if the mining operations continue, they must pave.

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COMMISSIONER GRIÑÉ: Within two years?

MS. GUERRERORTIZ: Within two years they must pave and they must basecourse within 30 days.

MR. ABEYTA: Mr. Chairman, the committee also adopted four additional conditions that were submitted in a memo dated June 15, 1999 from the County Fire Department, which you have. The committee adopted a 24th condition which would require a bond be provided by the applicant to cover the reclamation costs of this five-acre tract. The committee added a 25th condition that would require the applicant submit a water budget and water availability study and be submitted for review and approval by the County Hydrologist prior to commencement. And a 26th condition was added by the committee that required that no explosive activities such as blasting would be allowed at any time during the mining of this five-acre tract.

Mr. Chairman, I'm going to turn it over to Orallynn.

MS. GUERRERORTIZ: Mr. Chairman and Commissioners, I'd just like to let you know for the record who's appealed and also their reasons, when they have stated it, and also let you know that because the Treasurer's Office closed, we did not collect any appeal fees. The County Attorney wanted me to put that on the record. So that was fine because we're all here anyway. But Tanya Hicks and Dennis Hicks have gone ahead. They were the first ones to sign the appeal. Also the San Pedro Neighborhood Association has requested an appeal. I can't actually read the writing here but maybe we can get some help from some of the applicants. They were concerned about the time limit applied to all operations. Trucks moving both directions and that they wanted Jake brakes to also be prohibited.

And then the applicant, the original applicant, who requested the mining approval has wanted to appeal the conditions number 9, 14, 24 and 25 and he's motioning that he wants to change that, maybe add something, but I guess we can get that on the record when he does come up.

CHAIRMAN DURAN: Okay, well let's approve the agenda. Let me cite the case that then we'll hear more from staff.

APPROVAL OF AGENDA

Commissioner Griñé moved to approve the agenda and Commissioner Gonzales seconded. The motion passed by unanimous voice vote.

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PUBLIC HEARING

- A. **CDRC Case #DP 99-5260. Mansal Gravel/San Pedro Rock LLC joint venture mining development plan. The Board of County Commissioners will hear any variance requests and/or any appeals of the County Development Review Committee's decision of the Mansal Gravel/San Pedro Rock LLC joint venture preliminary and final development plan for mining sand and gravel. The property is located off Oro Quay Road within sections 22 and 27, Township 12 North, Range 7 East**

MR. ABEYTA: Thank you, Mr. Chairman, members of the BCC. I would just add that there are no variance requests at this time. We are only hearing an appeal by both the applicant and adjacent property owners or concerned members of the public. I have my staff report dated June 15, 1999. It is similar to that which was read at the CDRC meeting. I don't know if the BCC would like me to read the entire report or if you'd like, Mr. Chairman, for me to just enter it into the record as written with the proposed or the approved changes from the CDRC as stated earlier.

CHAIRMAN DURAN: What's the pleasure of the Board? Go ahead and submit it for the record. [Exhibit 1]

MR. ABEYTA: That concludes staff's presentation. Thank you, Mr. Chairman.

CHAIRMAN DURAN: Are there any questions for Roman?

COMMISSIONER GONZALES: A couple of questions, Roman, and pardon me for trying to collect myself for reading your original report so I missed a lot of what you had indicated. So just to recap, there was a permit that was requested or not requested originally by the mining company.

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, this case originated due to a violation or what staff considered a violation. We went to District Court. The District Court ordered that Mansal Gravel submit an application to the County for a permit.

COMMISSIONER GONZALES: So we cited them and took them to court over the lack of a permit existing.

MR. ABEYTA: Yes, Mr. Chairman, Commissioner Gonzales.

COMMISSIONER GONZALES: So then did the court order them to request a permit? Is that correct?

MR. ABEYTA: The court ordered that they come into the County requesting a permit to extract the construction materials. The property is on BLM land so the court also stated that it is not subject to zoning approval. Therefore they can mine on this property but the CDRC and the BCC have discretion with regard to what kind of conditions we put on that operation.

COMMISSIONER GONZALES: Well, maybe for the record and for my own knowledge, Chris you can answer something like this. I understand that any private activity

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that's done on public lands is also subject to environmental review. Was the court talking about the environmental review when they were referring to conditions that the CDRC was allowed to implement on Mansal Gravel?

CHRIS GRAESER (Assistant County Attorney): Mr. Chairman, Commissioner Gonzales, the Supreme Court has addressed this issue and what they said is essentially what Roman said. You can impose environmental conditions and my interpretation of that -- it is quite broad. A lot of conditions for approval like you're going to see. I should let you know that this operation is currently under an injunction. The judge did issue a ruling last week that upon the continuation of the injunction, indicating that he's not willing to continue that injunction if the County imposes conditions other than conditions that are found in Article XI of the Code, which is the sand and gravel mining section of the Code.

My advice to the Commission is the same as it has been to Land Use and to the CDRC, which is that you should approach this as you would any other application in front of the committee.

COMMISSIONER GONZALES: So you're saying that the case law and the Supreme Court has indicated that local government jurisdiction can require environmental conditions to be attached to something like a mining operation on public lands.

MR. GRAESER: That is correct, Commissioner. And also bear in mind that a lot of this operation, a lot of the debate that I saw in the CDRC centered on off-site impacts which are not on federal lands, so anything like that would be an issue.

COMMISSIONER GONZALES: So in addressing issues on public lands, what is the discretion that's given to local jurisdictions as far as issuing those environmental conditions? Local jurisdictions, are they given the ability to deny?

MR. GRAESER: Mr. Chairman, Commissioner Gonzales, that's pretty much the one thing I would recommend this Commission cannot do, deny the permit or constructive denial, such as putting permit conditions on it that are so onerous as to entirely prevent any reasonable operation on it. Short of that, you have a lot of discretion.

COMMISSIONER GONZALES: That helps me establish one side of the parameters. We can't, through you're legal advice deny this or make it so onerous that they can't conduct operations that are allowed to them through their relationship with BLM. But you're saying that there is flexibility given on the conditions --

MR. GRAESER: Short of that, my advice is that you can put any other conditions you would like on there. From nothing up to just below anything that would prevent any economic use of the property.

COMMISSIONER GONZALES: And what you're indicating is that the court indicated that we're only allowed to issue conditions that are related to our sand and gravel portion of our Code?

MR. GRAESER: Judge Sanchez ruled on a continuation of the injunction that is currently prohibiting them from mining, which will expire, I believe in four days. And

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part of his ruling on the continuation of that injunction was that the applicant had to come in and make a submittal, make an application and that the County could not require submittals under anything other than Article XI. However, that was a ruling on that provisional remedy of the injunction. It was not a ruling on the merits of the case. That may be an indication, but I couldn't tell you what his ruling would be on the merits of the case. And I would remind you that any conditions that the committee puts on granting a permit, the proper form is to appeal your decision, your administrative decision, rather than the form we've discussed of last resort around the injunction.

COMMISSIONER GONZALES: So in the meeting concerning the CDRC this evening, the conditions that were applied by the CDRC, I'm assuming, it is true they were outside of the scope of the sand and gravel or did they all fall in conformance with that?

MR. GRAESER: Mr. Chairman, Commissioner, as you know, it's really kind of hard to tell from the Code because often Article XI will refer you to other articles and then the question is, is that out of the scope of Article XI or not. I think an argument can be made that some of those were outside of Article XI. Although a lot of them were within Article XI. And again, I don't think that the conditions being outside of Article XI is anything automatic. I think you should put whatever conditions you feel are appropriate on it, because regulations covering any operations in the County are found throughout the Code, not in any one particular article.

COMMISSIONER GONZALES: So the recommended conditions that the staff has indicated in our report, are they all the conditions that the CDRC -- again, I apologize Roman, you went through and read the report and I missed it but at this point I'd like to know which conditions were implemented and which weren't.

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, all 19 conditions were adopted by the CDRC, but two of those, condition 12 and condition 14 were amended. They also adopted four more conditions, which were recommended by the Santa Fe County Fire Department. A copy of those conditions was provided to the Board. They added a 24th condition regarding bonding for reclamation, a 25th condition requiring a water budget and water availability study being submitted, and a 26th condition prohibiting the use of explosives in this mining.

MR. GRAESER: Mr. Chairman, Commissioner Gonzales, maybe this would help answer what you were asking before which is -- I'm familiar with other, I've reviewed the conditions the CDRC placed on this operation, and I don't have a legal problem with any of those conditions. I think the body of the case law allows those conditions.

COMMISSIONER GONZALES: So in following the procedure, it's led to where we are right now at this point, the CDRC acted on this applicant and you're saying was it appealed by property owners or was it appealed by the applicant?

MR. GRAESER: Mr. Chairman, Commissioner Gonzales, it was appealed by a number of parties including property owners in the area and the applicant.

COMMISSIONER GONZALES: Okay, so did the applicant indicate whether

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they supported the conditions the CDRC had imposed on them at the CDRC meeting?

MR. GRAESER: Mr. Chairman, Commissioner, they support the majority of the conditions. I believe that staff has the list of the conditions that they appealed on, maybe four conditions that they do not support and are appealing on. However, the other party's appealing I know have problems with different conditions and also have issues they would like to see as conditions that were not put on there by the CDRC. I can turn it over to Mr. Abeyta to tell you what those conditions are.

COMMISSIONER GONZALES: So then the decision of this Commission tonight will be to either uphold the recommendations of the CDRC, or amend them. And either way but there's no denial, basically, in your legal advice of operations of the mining company. Is that right?

MR. GRAESER: Correct, Mr. Chairman, Commissioner. Obviously, I can't tell you what to do but my legal advice is not to deny this permit.

COMMISSIONER GONZALES: Thank you. Thank you, Mr. Chairman.

CHAIRMAN DURAN: Are there any questions of staff? Before we begin the meeting I would like to say a few things. I understand that at the CDRC meeting there was some disruptive behavior that took place. I just wanted you all to know that we're here to hear both sides of the case, of the those applying for the permit and the opposition, and I'm going to let everyone speak in an orderly fashion. If there's any outbreaks, if you're out of order, we've dispatched the Sheriff and we will remove you from the chambers. So please try and be civil about this. I'm sure this isn't the end of the road here. I think that whichever way it goes it's going to end up in court. So please be respectful of one another. Is the applicant here? Would you please come forward and address the Commission please?

[Duly sworn, Sam Bregman testified as follows:]

SAM BREGMAN: My name is Sam Bregman, Mr. Chairman and Commissioners, and I appreciate the fact that you are here on a special meeting and I thank you.

CHAIRMAN DURAN: How long do you think your presentation is going to take?

MR. BREGMAN: I believe my presentation, together, and I would like one other gentleman from the operation to speak. I think a total of maybe seven minutes.

CHAIRMAN DURAN: Okay.

MR. BREGMAN: And I would ask that we have a chance to rebut anything that is said. Thank you. Mr. Chairman, I'm here because this matter has been in court and this is obviously a court ordered hearing. Specifically, this is an operation on the Bureau of Land Management property in the San Pedro area and this operation was under the understanding that we've done everything that was necessary to do. As you heard the Santa Fe County, your Land Use Department felt you had jurisdiction over this issue, so you did file a motion for a temporary restraining order.

Since then, we've been in and out of court on this issue and I do want to point out

one part of this and that is the most recent order from the District Court Judge here in Santa Fe County. Specifically, 1.C states "The defendant is required to make submittals required by Article XI of the Santa Fe County Land Development Code and no other article of the Code. However the requirement of Article XI, Section 1.5, that the defendants submit an environmental impact statement was found to be too onerous and is hereby omitted from the submittal requirements as to this defendant."

After this hearing, and the judge basically said to the County that you will hear this in a reasonable manner so that we do not delay the operation of this on federal land because of the supremacy clause and because of the federal jurisdiction for an inordinate amount of time, we need to get this process rolling. So we submitted a proposal. You have the documents that we felt were necessary and it turns out I think the Land Use Department felt comfortable with the documents we submitted as well under the court's order.

Today, earlier, we were before the -- and I get the acronym wrong, but the County Development Review Committee. And for the vast majority of the conditions and recommendations and finding, we have no problem with. We did file an appeal because we have some problems with some specific ones and I was wondering if I might take that sheet of paper back. Specifically, Mr. Chairman, we have a problem with item number 25 and unfortunately, because of the quickness of these two hearings I wasn't able to document each one but I believe 25, finding number 25 was added as the water study and water availability study.

This is nowhere in Article XI. It's not required anywhere in Article XI specifically. We feel it is more of an Article III type request. Furthermore, this TRO, the judge is going to lift this presumably, in four days. At least it expires in four days., There is no way that we could be required, or we could fulfill that kind of requirement. That is far too onerous. It is also our position that it would be too expensive to do as well. This, I want to point this out. This is a very small little operation. It is not the kind of operation that some people have made it out to be.

CHAIRMAN DURAN: Excuse me, Sam. Could I, while you're discussing recommendation 25, could you, could staff tell us exactly what it says, or as close to exact as you can get.

MS. GUERRERORTIZ: Twenty-five is the water budget and water availability study --

CHAIRMAN DURAN: And that's a requirement that everybody has to fulfill. Isn't that correct?

MS. GUERRERORTIZ: Under normal conditions --

MR. BREGMAN: Mr. Chairman, it is our contention, and members of the Commission, that it is not a requirement of Article XI and it goes out of bounds. So for administrative purposes and exhausting administrative remedies we are appealing that issue and we think it's too onerous on us.

CHAIRMAN DURAN: So you're not in agreement with the recommendations

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that the CDRC has brought forward?

MR. BREGMAN: Not all of them. We are in agreement with the vast majority of them.

CHAIRMAN DURAN: Well, again, while we're on this, can you tell us why you don't think you should submit a water availability study?

MR. BREGMAN: We have permitted on that property, from the State Engineer, two wells, both for mining purposes in the amount of three acre-feet each. That's six acre-feet. That's all we have access to, and that's all we have. That's all we plan on using. In fact we don't even think we'll ever reach that capacity of six acre-feet in a year's time. But those wells are on Bureau of Land Management land and they are in fact part of this project and they were approved by the State Engineer. And one of the things and Commissioner Gonzales asked about it earlier is where we are in this process as far as County regulation.

One of the indications by the judge that specifically, he believes that you have a right to a permitting process. But you can't go beyond that right to a permitting process beyond what the state and federal government already take care of. And it's our contention that since we already do this, we've already done this. We were already required through the State Engineer to submit these requirements, but we've gotten that done. So that specifically on the water issue and it's also not part of Article XI. It's not a requirement under Article XI and the judge couldn't be more specific in his order.

CHAIRMAN DURAN: I understand what you're saying but do you understand the basis for that request? Water is one of our resources that we really need to protect and make sure that it's there for the future and I can understand why they would ask that. I can't see why you can't understand that.

MR. BREGMAN: Mr. Chairman, first of all, I can completely understand why anybody's concerned with water. We are all concerned with water in this community and this state. That's extremely important. And it's not just in this local but it's everywhere in the desert southwest. Specifically though we've fulfilled the requirements under the law necessary when it comes to water issues for this project and that was that we go to the State Engineer. I understand the CDRC's wish to do that, but first of all, it puts us in a position where the TRO is lifted and the judge said go through the permitting process, but we won't be able to get that done in the next four days. So it's onerous in that sense. There's no way we can do something like that.

Second of all, the expense of it. So that specifically as far as the water is what our position is on that.

COMMISSIONER GRINÉ: Mr. Chairman, Sam, why should we treat you any better than we have with the other mining companies that have already been before us?

MR. BREGMAN: Mr. Chairman, Commissioner, I am certainly not asking you to treat us any better or any worse than anyone else. But there is a federal supremacy clause involved here. The judge certainly recognized that there is a rule of law that we all

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have to follow and the rule of law says that this company, because of its stake and claim on this piece of property on federal land, on the Bureau of Land Management land, an area that has been mined for over 100 years, is entitled no matter and with all due respect, Mr. Chairman and the Commissioners, no matter what this County says, it is entitled to mine that area.

Federal law says you are allowed to do that. Now, taken to the next level, there is a Supreme Court case, and that's what's been argued back and forth in the courtroom, as to what you are entitled to do and what you're not entitled to do. It is our position that you're entitled, and it was the judge's position now that you're entitled, only to rule under Article XI, and Article XI doesn't have water issues in it like that.

COMMISSIONER GRIÑÉ: Mr. Chairman, Chris, can you answer this, these two mines that Oralynn just mentioned, what lands are they on? Are they on private land or --

MR. GRAESER: Mr. Chairman, Commissioner Griñé, I believe those are on private lands, yes.

COMMISSIONER GRIÑÉ: Thank you.

COMMISSIONER GONZALES: Mr. Bregman, I understand your arguments here before the Commission that condition 25 could be onerous or expensive and the fact that you're talking about the supremacy of the federal law, we understand that very well because as we know also in the desert southwest there's lots of federal lands that impact communities and I think what our legal department has told us and through what I understand case law says is that the courts have indicated that when it comes to environmental issues, those surrounding communities' concerns need to be addressed by local jurisdictions. Maybe not for zoning. Maybe the Commission doesn't have the right to tell the applicant that they can mine on federal lands or not mine on it, but it seems to me that clearly, that there's been some leeway given to local jurisdiction to take in the health, safety and welfare of communities that are impacted by private activity on federal lands.

And I understand your point when you say things like we've followed a set of rules. We went to the State Engineers and we got our permit and we've got two wells and that gives us six acre-feet of water. If that were the case, I don't know if the courts would have given the local jurisdiction to go even farther and say, well, what we've done here at the County, is we've gone and we've limited that three acre-feet down to a quarter acre-foot and that could be challenged. But we think that there's a real health and safety issue and so when you see actions by the CDRC or communities that come forward and ask the applicant to be good neighbors, ask the applicant to understand health, safety and welfare issues of the surrounding community that's concerned as you say, we're all concerned about water issues.

When the applicant stands forward and says, well, no, wait a second, we've already followed our state and federal laws and we've got some concerns about following the additional requirement that you're asking us to do, I think there's a lot of concern that I share with some of the community that we would basically say, okay, well, you're right.

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You've met the state and federal laws without any regard to the impacts to local communities so I would just ask if you can address that point in why local communities and local jurisdictions cannot take it a step further to address health and safety issues of primary concern to communities.

MR. BREGMAN: I completely understand and in another life I sit in our position and completely understand the matter of local communities taking the issue of health and safety of the community into consideration. And I urge to always to do so just as any governing body would. I would respectfully submit to you that we are here today under a judge's order. We are here, you have heard us specially and not because we're great guys and not because the neighbors asked you, we're here because a judge ordered us to be here, all of us. And that same judge said that the parties are hereby ordered to submit a -- the defendant, which is us in this case, is required to make submittals under Article XI and no other article of the Code.

He specifically says, no other article of the Code and I understand your concern and it's a very unusual position, but that's what the judge is ordering us, and I would say collectively, to do. And I understand as an elected official --

COMMISSIONER GRINÉ: Also, Mr. Chairman, I'd like to state that if there is a disagreement on the outcome of the decision today, everyone has the right to appeal judges' decisions or Commission's decisions or governing bodies as you should well know, because we know who you are, so your argument is not going to be well taken.

CHAIRMAN DURAN: Let's just say that your objected to number 25 is noted.

MR. BREGMAN: Thank you. And that's what I'm doing here all along on this side. I certainly don't want in any way to make this contentious because it's not.

CHAIRMAN DURAN: So we've noted your objections to 25. Let's move on to the next.

MR. BREGMAN: Very well. Mr. Chairman, another problem we have specifically is -- another issue that we have, Mr. Chairman, is specifically number 9, because we don't believe that this body or anyone out there should be misled that the hours of operation of this will only be for six months of the year. The first sentence is absolutely fine with us. All crusher operations are subject to the conditions imposed by the Air Quality Bureau, dated 2/22/99, and that specifically may be what that equipment has on it but we don't need that second sentence. We would not want that second sentence on there because we think it might be misleading. So for that objection, if it would be noted.

CHAIRMAN DURAN: Well, I have one question. Maybe you can clarify this then. Why is there a restriction of six months per year?

MR. BREGMAN: That is specifically as part of the Air Quality permit from the State Engineer. It says this equipment will be used for the six months. We apply and go ahead and continue to get permits. I don't want this to be read into it thinking that somehow we're only limited to six months. So I think that the language is not appropriate

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there. So I would just ask that -- the first sentence, we're more than willing to abide by all the Air Quality permit of the state.

CHAIRMAN DURAN: So that's part of the other County restricts to five to eight --

MR. BREGMAN: That's correct. That whole sentence.

CHAIRMAN DURAN: And you would hope to get 5 1/2 --

MR. BREGMAN: It's the whole sentence of including the hours of operation of six hours per day, five days -- that whole sentence we don't believe needs to be put in there. Another issue --

COMMISSIONER GONZALES: Mr. Chairman, Mr. Bregman, excuse me, I was just going to ask the staff what their intentions in writing that, because it does seem that what Mr. Bregman is saying that the Air Quality Bureau basically sets the standards for operations and is indicating to us that the second sense basically contradicts what the Air Quality Bureau is basically outlining.

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, when staff put this condition together, we took off what that permit said, 2/22/99. That permit says that the hours of operation are six hours per day, five days per week, four weeks per month, six months per year. That's exactly what it says.

COMMISSIONER GONZALES: Right. So the intent of the staff was though that they follow the Air Quality Bureau.

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, that's correct. Should an updated permit be granted, we would want them to comply with the regular permit.

COMMISSIONER GONZALES: So the second line isn't really that much of an issue as long as they agree to following the Air Quality Bureau standards.

MR. ABEYTA: Yes, Mr. Chairman, Commissioner Gonzales.

MR. BREGMAN: Mr. Chairman, if I may continue on just with a couple --

CHAIRMAN DURAN: So Roman, how does the five days per week -- for the crusher, five and a half days?

MR. ABEYTA: Mr. Chairman, staff is just concerned that they comply with whatever conditions are imposed by the Air Quality Bureau. If they limit it to five days, then that's what they're limited to. If they increase it to five and a half days and they can show us proof by submitting a new permit from them, then that's fine with us.

CHAIRMAN DURAN: Crusher operations are just a part of what you're doing there?

MR. BREGMAN: That's correct. And we just want that last sentence eliminated because we don't want any ambiguity. Next, for the record, Mr. Chairman, we have a problem with item number 10, which states that trucks will be not allowed to travel on State Road 344 west of Oro Quay Road before 9:00 a.m. and after 3:00 p.m. during days of school bus operation. First of all, let me make it very clear. One of the operators of this

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operation has a child that will be traveling on that school bus and it is our intention to keep every one of these trucks off of the road while the school bus is in the area.

However, this is a little bit too much. It goes a little too far. We would respectfully submit that we could do this between the hours of 8:00 a.m. and 4:00 p.m. and that would make sure that we are not there during the school bus hours. Nine to three does limit us more and it limits our ability to operate the site. There is an opportunity cost associated with this kind of an operation. So we would ask that it be eight to four. We think that is extremely reasonable. And that would in fact make sure that trucks are not operating while the school buses are on the road.

Next is specifically number 24 and I'm going to have to ask what item number 24 was. Was that the bond? The CDRC has required us to post bond. The Bureau of Land Management specifically does not. Why? Because they do something even harsher than posting a bond. They make you reclaim concurrently while you're operating. They will not let you leave that five acres or do anything else unless you are concurrently reclaiming it. A bond simply adds added expense and I hope I can get the point across this is not a big mining company operation that we're talking about here. This is -- and they're here -- this is a family operated type business that's going to take place here.

So with that in mind, Mr. Chairman, a bond is onerous on this group. It costs a lot of money and they've asked -- we don't even know what that bond is going to be so that at this time we ask that we be allowed to do exactly what BLM forces us to do, which is reclaim as we go and as you know, that wasn't one of the original recommendations, a bond from the Land Use Department. That was one added on.

CHAIRMAN DURAN: So you're idea of reclaiming as you go, how much do you go before you start reclaiming?

MR. BREGMAN: As we're going, we're reclaiming.

CHAIRMAN DURAN: But is it every five acres?

MR. BREGMAN: This whole thing is limited to five acres. This entire project, this entire thing right now, under the way we're before you is five acres and that's it. It's not any more than five acres, this permit. It's my understanding that Land Use and that we would have to come back if we want to extend that any more and that is something we'll do. We will come back if we want to extend any of the five acres. But right now, all you are ruling on is five acres. We're going to reclaim that as we go because we're mandated to by the BLM.

CHAIRMAN DURAN: And what is your plan? Do your clients plan to ask for an extension, ask for more?

MR. BREGMAN: Not at this point.

CHAIRMAN DURAN: Are they going to stop at five acres.

MR. BREGMAN: Not at this point. They're saying they don't want to bite off more than they can chew. Right now, Mr. Chairman, the intention of this applicant is to try and get a small business up and running in this area under federal law.

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CHAIRMAN DURAN: How long does five acres last?

MR. BREGMAN: It depends on the demand and the supply. We are somewhat out in the middle of nowhere out there --

CHAIRMAN DURAN: Have you done any projections on that?

MR. BREGMAN: Excuse me one second. Mr. Chairman, this is John Betonte. He is one of the principles involved.

JOHN BETONTE: My name is John Betonte. B-E-T-O-N-T-E. I reside at 8706 Los Arboles Avenue, NE, Albuquerque, New Mexico, 87112. With respect to the production capabilities, and/or the term that is associated with the first five acres, we expect that to be reclaimed and mined out within a period of twelve to sixteen months. It will depend to a certain extent, on our recovery per gross tonnage. We expect that to be somewhere between 33% and 50%.

CHAIRMAN DURAN: So 16 months would take up the full five acres. Is that correct?

MR. BETONTE: That is correct.

CHAIRMAN DURAN: Then you probably would ask for additional acreage.

MR. BETONTE: At this time we don't know, but yes, if we wanted to move forward we would apply again for an additional five, which is consistent with the federal mining laws.

CHAIRMAN DURAN: Okay. It just seems a little unusual that you should stop after 16 months, go to so much trouble for 16 months of operation.

MR. BETONTE: Well, we're hoping to make a profit.

CHAIRMAN DURAN: Okay, well that's fine. Let me just continue some questions. Thank you very much. Oralynn, we have a mining application for a mining operation out in the Ortiz Mountains. I think it was Allied or something like that. The question is, did we require a bond for the reclamation aspect of their project?

MS. GUERRERORTIZ: Gosh, can I turn this over to the County Hydrologist? I think he knows better than I on that one.

JACK FROST (County Hydrologist): Chairman Duran, are you asking me if we required a bond of a sand and gravel operation recently, or a mining operation? In the Ortiz?

CHAIRMAN DURAN: There was one -- actually it was Waldo and Cerrillos. They were going to dig down to -- I think Cook was involved.

MR. FROST: Mr. Chairman, in both cases, bonding was required.

CHAIRMAN DURAN: For the reclamation?

MR. FROST: Yes, sir. Now, in both cases, reclamation would occur at the end of the operation in contrast to this concurrent reclamation requirement of the BLM.

MR. ABEYTA: Mr. Chairman, if I may add to that. Both those applications, or I should say neither of them were on BLM land. This application is on BLM land and I think staff and the Land Use Administrator felt comfortable that BLM, what conditions they

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imposed on this applicant was enough because they are requiring that they do reclaim concurrently, and they would not be granted a permit to move on to the next five acres from BLM unless the first five acres is reclaimed. And that's why we don't require a bond this time.

CHAIRMAN DURAN: So staff didn't require the bond. The CDRC felt it was necessary.

MR. ABEYTA: Yes, Mr. Chairman.

MR. BREGMAN: One more issue. I don't know -- the beneficiary of the bond would be the BLM perhaps? It causes a couple of problems, but be that as it may. Item number 14, Mr. Chairman, requires the upgrading and paving of Oro Quay Road and now there's new language and if I may defer to your department to read that new language I can then explain my problem with it.

MR. ABEYTA: Mr. Chairman, the modified language reads as follows: "Oro Quay Road shall be upgraded with basecourse within 30 days, plans to be approved by the County Public Works Director. Within two years, if mining continues, the road shall be paved."

MR. BREGMAN: Mr. Chairman and members --

CHAIRMAN DURAN: Why wouldn't it be paved to begin with?

MS. GUERRERORTIZ: Mr. Chairman, we'd love to speak to this issue, frankly. There's one condition that staff recommended it be paved immediately because of dust concerns and this is a County road and heavy truck traffic on this road will result in significant maintenance. The applicant suggested that he would maintain it but the concern is that we've got a liability issue involved because it's a County road so we will need to maintain it. So County staff would still support the original condition which is paving immediately.

If I can read it it said, "Plans for upgrading and paving of Oro Quay Road must be submitted and approved by the County Public Works Director prior to the issuance of a permit by the County." Both the Traffic Engineer and I think the Public Works Director is still in the room if you have any questions for that. But I think staff would at least like to see the original condition.

CHAIRMAN DURAN: What's the distance that you're talking about?

MS. GUERRERORTIZ: 0.8 miles, sir.

CHAIRMAN DURAN: And what's the cost?

COMMISSIONER GRINÉ: A mile is \$350,000, right Larry? So it would be about \$350,000.

TOM DOMINGUEZ (Traffic Engineer): Mr. Chairman, Commissioners, I'll address that if possible. At the CDRC meeting, the applicant did offer an estimate with them supplying the materials and having the contractor pave it and I believe the estimate was between \$140,000 and \$180,000.

MR. BREGMAN: Mr. Chairman, if I may respond. That is our

understanding at this point for a telephonic bid from a company for .8 miles. Now, the judge said specifically, and this is a really important point. The judge said -- Mr. Chairman, I know you don't want to hear from the judge. I know that. I understand that completely. But he said we weren't even required to submit an environmental impact under Article XI because it was going to cost us so much money. That money was \$40,000.

Mr. Chairman, members of this Commission, if you force us to pave that road, you are constructively prohibiting a mom and pop family operation from operating up there, period. And there's just no way that they can afford to do that for \$130,000, \$168,000. And that's why we are appealing that. It does not make any sense at all. But let me tell you what we are willing to do. We are willing to do everything short of paving it. We are willing to provide all the basecourse. We are willing to put in the culverts. We are willing to keep it watered. We are willing to grade it. We are willing to maintain it continually at our cost and as you know, the first recommendation is that this Land Use Department have the ability to go on site and check it out on a continual basis and make sure that we're doing everything right.

That is a County road. Now we are willing to maintain it. You are always going to have liability, whether or not it's a gravel road, whether or not it's a paved road, with fast cars going up and down it because it's paved now. The fact of the matter is County roads have County liability. But \$140,000 to \$168,000, our estimate, \$350,000 from you, Commissioner, your estimate. Mr. Chairman, there is no physical way that we can afford to do that and it is so onerous it is in fact taking away our ability to do that.

CHAIRMAN DURAN: One second.

MR. DOMINGUEZ: Mr. Chairman, I was just going to offer that condition 15 that they were willing to agree to said that they would maintain, as he's mentioned, that they would maintain it as many times as possible or as needed. Orallynn stated I believe she was the one that stated earlier that maintenance would ultimately rest within the County because it is County road. And I think you understand that. So an agreement would have to be written with "hold harmless" or something, some kind of clause and we could speak to that. What the other option would be, if we wanted to release maintenance to them and release maintenance of the road, which is the Board's prerogative.

COMMISSIONER GONZALES: Mr. Bregman, how many loads a day do you anticipate to haul out of the site on the road?

MR. BREGMAN: Mr. Chairman, Commissioner, one moment. Forty. Approximately 4-0.

COMMISSIONER GONZALES: And can you tell me how heavy your trucks are, loaded?

MR. BREGMAN: 82,000 pounds.

COMMISSIONER GONZALES: And the hours of operation are six hours?

MR. BREGMAN: We're asking for ten hours but right now they're at eight hours. I'm sorry, they're six, we're asking for eight hours.

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COMMISSIONER GONZALES: I guess I want to ask Larry a question, unless he feels Tom's capable of answering it. The impact to this particular road, which is Oro Quay Road and I'm not familiar with it. I can't recall if I've been on it. When you have 40 trips of an 82,000 pound truck on it daily, what we would anticipate to happen and if maintenance can in fact keep the road up to at least a reasonably safe road. We're talking about a different type of vehicle that a just regular car.

MR. DOMINGUEZ: Mr. Chairman, Commissioner Gonzales, I'll attempt to answer it and if Larry has some additional to speak to he may. There's an adjustment factor for big trucks that I probably don't feel real comfortable right now speaking to the exact amount other than to say that it is a big concern with Waldo and Cerrillos Gravel, it was a recommendation that Public Works made because of the maintenance of the increase of maintenance and the damage that a road sustains due to the heavy truck traffic.

We did make the same recommendation for both the other gravel pits there at Waldo and at Cerrillos and both of those roads were agreed to be paved. It's definitely a maintenance issue and if Larry would like to speak, I don't know.

COMMISSIONER GONZALES: So I guess, Mr. Bregman I would ask again, the whole issue of impacts to the local community. If you have 40 82,000 pound trucks that are driving on there daily, it's not just a dust issue, really. I mean as much as it can be, the wear and tear that these trucks are going to cause on that road, and I'm not an expert on Public Works but I've got to believe that this is going to be a significant impact on that .8 miles. I'm ma and pa operation too. I understand how important it is to break down barriers and create opportunities for the small people to make it but this has got to be a big issue or big concern to the community out there that's having to basically deal with the dust on a daily basis.

MR. BREGMAN: Mr. Chairman, Commissioner Gonzales, we're going to water and keep the dust down and we've made a commitment to the Land Use Department.

COMMISSIONER GONZALES: Right. So we had noted that you had offered to do it three time a month? Or is it a week? That you would do it every three weeks.

MR. BREGMAN: No, that we would keep it upgraded every three weeks. That we would do whatever necessary as what is required. That's their language. Their language is every three weeks. We would respectfully submit that we will keep it so that there will not be dust coming off that road in any substantial manner other than what would be normal. We're not going to allow for dust clouds to emanate from that area. We are going to make sure that we water it and we keep the dust down. That is a major concern, we know in the neighborhood and the community and I will say this, that there is -- I think tonight it has been told that there are three homes off that road, off that specific vicinity, and then there's 100 within two miles. We are going to keep that dust down.

But Mr. Chairman, Commissioners, \$350,000 to \$135,000 is very onerous, especially to try and do that in the first two years of operation. And we want your County road to be

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upgraded more than anybody because in fact the majority of the use of it will be by this project and we're not going to be able to have any trucking company, for that matter, come in if the road is not maintained well. It's just not going to happen. So we have a vested interest in making sure this road is upkept as well. And I don't mind a provision that says that if the road is not being upkept that they do what they do. They come in and they say you've got a problem with your permit. Your road's not being upkept. We don't have a problem with any monitoring because we're confident we're going to be able to do what we're saying we're going to do when it comes to maintaining that road.

COMMISSIONER GONZALES: So you basically indicated that there's only three homes on that .8 mile that would be affected by this?

MR. BREGMAN: My understanding is that on that road there are only three homes on that .8 mile. Only three homes.

COMMISSIONER GONZALES: Just the impact to one --

MR. BREGMAN: I understand one, but we're not talking about driving through a subdivision on a not well maintained road.

COMMISSIONER GONZALES: I guess Mr. Velasquez, Mr. Chairman, had a comment.

CHAIRMAN DURAN: There's one thing I'd like to say. You're going to be watering these roads, probably using water from the well. That reinforces the concern. How do you [inaudible]

MR. BREGMAN: Sir, the federal mine laws and the state requirements of the State Engineers on these wells do recognize the mining purpose for these wells and recognize it as a beneficial use for this. So we're very consistent with federal and state laws on both of that.

LARRY VELASQUEZ (Public Works Director): Mr. Chairman, Commissioners, I just want to give you kind of a frame of reference so you can get an idea of what something like this might be. We're doing the landfill closure at the old Agua Fria landfill right now. We're trucking in material from the new Caja del Rio Road. We're running down the back road, the back Caja del Rio Road, down County Road 62 to the landfill. It's about two miles. We're running ten trucks a day, probably making between 80 to 100 trips a day. Our contractor is running a blade and a water wagon about every 30 minutes on that road. So just to give you a comparison. Just to keep the dust down and even after about every 30 minutes it just dries up and it's a plume of dust, but he runs the blade probably twice a day and the water wagon about every 30 minutes.

CHAIRMAN DURAN: And how many trucks a day?

MR. VELASQUEZ: It's ten trucks but they're making between 80 to 100 trips a day. Just to give you an idea.

MS. GUERRERORTIZ: I also want to make a correction. It was stated that there'd be about 40 trucks a day, about 82,000 pounds. I did get a call today from Miguel Gabaldon of the State Highway Department. They're going to post one direction because

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of wooden culverts on to a 13-ton maximum. That will limit trucks at 26,000 and the other direction will be limited to 15 tons maximum. That will be 30,000 maximum in that direction. So if they really still want to get that same amount of tonnage out each day, they're going to be looking at more like 120 trucks a day.

Now, that's not what they've actually -- their application into this before you would allow up to 25,000 cubic yards a month. If they did actually pull out that maximum amount of 25,000 cubic yards a month, you're looking at more like 300 trucks a day. So I think more realistically, if you need the 40 trucks at 82,000, it's a minimum of 120 trucks a day to meet that kind of commitment. And if they go for the maximum amount of pullage, based on what they've said today, that would be about 300 trucks a day.

CHAIRMAN DURAN: And your comment was that you got a call from the State?

MS. GUERRERORTIZ: From Miguel Gabaldon and he said it should be posted fairly soon. I think within the week. And it's because there are wooden culverts in one direction. They can't handle the weight more than 13 tons. I'm not sure what the other problem is in the other direction but I think it was a bridge and I've got the note somewhere. I think he said it was the San Marcos Bridge will have a limit of 15 tons.

CHAIRMAN DURAN: And the weight of the truck is how much?

MS. GUERRERORTIZ: Well, he said 82,000 pounds and that would be equal to 41 tons. So we won't be able to pull out 41-ton trucks down either direction. Either east or west. So that's not realistic. He's going to be looking at smaller trucks. The maximum will be 13 tons in one direction and 15 in the other, so he won't be able to use a 41-ton truck.

MR. BREGMAN: Mr. Chairman, members of the Commission, we are running five trucks. Five. That's all the trucks we're going to run to start this operation, is five trucks. Number one. Number two, what she is referring to is eastbound and we are not going to be headed eastbound out of this; we're going to be going westbound out of this and up 14. We've had conversations, with all due respect, Mr. Chairman, we had conversations with the Highway Department as well and we're not going to do anything that they don't allow us to do.

Let me submit to this Commission that we are in no way going to violate any law and if the Highway Department post any direction a certain amount we are not going to go over that amount, number one. Number two, we have had conversations with the Highway Department as well, and heading westbound is a route that we can take under all circumstances. We've spent a lot of time on this whole issue and we know the numbers very well. We are going to run five trucks right now, is what our understanding is, and that is it as we start this project.

CHAIRMAN DURAN: -- you can't exceed 12. Can you address that?

MR. BREGMAN: Sure. I'd be happy to. Number one, I am not aware, after recent discussions with the Highway Department as well from our group that we are

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going to have any trouble going westbound on 344. To the contrary. We do understand there is an issue going eastbound. We're not going to go eastbound as far as a route is concerned leaving there. We're going to come down 344 to 14. We're going to go south on 14. We're not going to go 344 west. That's just not going to happen.

There is not an issue, in our discussions with the Highway Department, they've informed us there is not an issue going eastbound with any bridges or any culverts. This is all brand new coming out of your Land Use Department because we have had conversations with them up until yesterday and there was none of that.

Mr. Chairman, I hope that I can represent to you that this group is not going to ever violate any tonnage on any bridge. We're talking about the safety of people here too. We're talking about people who drive those trucks and they're not going to do anything to jeopardize the safety of people. The State Highway Department, if they say we can't do it, we can't do it. But they don't say that right now. We say we can do it. We can do it going east. And that's what our intentions are.

COMMISSIONER GONZALES: So you'll have five loads that are running 40 loads a day?

MR. BETONTE: If I can just do the technical -- what we're saying is we're going to employ five trucks on a rotational basis. It will be making up to 40 loads, but that would be one load per hour per truck. Over an eight-hour period of time that would be forty loads.

COMMISSIONER GONZALES: So again, so the 82,000 pounds that you indicated earlier is not going to be an issue on the per truck.

MR. BETONTE: No. According to the Highway Department, westbound on 344 is fine. That would be down Heartbreak Hill. It's eastbound, there's a box culvert between mile markers, I believe it's 12 and 13. And that is a rated overpass and we're not going to be going that way.

COMMISSIONER GONZALES: Okay, so westbound you're in compliance -

MR. BETONTE: Westbound is clean.

COMMISSIONER GONZALES: On the 82,000 pound, you're okay?

MR. BETONTE: That is correct. That's what they told us. Actually, we have an interdepartmental memo to that effect.

COMMISSIONER GONZALES: So you anticipate running at least one truck every hour.

MR. BETONTE: Five trucks in a rotation making one trip per hour.

CHAIRMAN DURAN: Could you provide us with a copy of that letter?

MR. BETONTE: Yes, absolutely.

CHAIRMAN DURAN: Okay.

MR. BREGMAN: Could I conclude?

CHAIRMAN DURAN: Go ahead.

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MR. BREGMAN: Thank you, Mr. Chairman, Commissioners. In conclusion, we agree with the vast majority of the conditions and findings of recommendations that were put forth by the review committee. We do appeal items number 25, 24, 14, 9 and 10. And we do so for the reasons already stated. I want to again ask for a little bit of rebuttal time for anything that is said that I can rebut, and also answer any questions. But I do want to thank you all, because I know this is a special meeting. Once again, thank you.

COMMISSIONER GRINÉ: Mr. Chairman, what was those conditions that you're objecting to?

MR. BREGMAN: I'm objecting to 25, 24, 14, 9 and 10. And as you can see, item number 12, the issue we just dealt with, we have to get written approval by the State Highway Department as part of your permit condition. We don't have a problem with that, getting some type of approval.

COMMISSIONER GRINÉ: Okay. Thank you.

CHAIRMAN DURAN: Just for information, 25 is the water budget, 24 is the bonding, right?

MR. BREGMAN: Correct.

CHAIRMAN DURAN: Okay. Thank you, Mr. Bregman.

MR. BREGMAN: Thank you.

MS. GUERRERORTIZ: Thank you, sir. I just want to correct from my notes. The call I had today was at 3:30 from Miguel Gabaldon. He said that New Mexico State Road 14, which has a 13 ton limit at the San Marcos Bridge. He said 344 at milepost 14.1 and milepost 13 would have a 15 ton limit.

CHAIRMAN DURAN: Orallynn, why don't we do this? Why don't you get a letter from whoever called you and why don't you make sure that we have that in writing and why don't you compare it to the letter the applicant has. And make sure that no violations take place. The applicant just said that he would in no way violate that so just make sure he doesn't.

COMMISSIONER GONZALES: Mr. Chairman and Orallynn, can I just ask a quick question on these reference points on 14. Mr. Bregman indicated that they would be heading south off 344, right? On 14, towards Albuquerque, basically, as opposed to Santa Fe? You'd be going to Albuquerque? So that's south. So those reference points that Mr. Gabaldon talked about, are they north of the turn-off, Orallynn?

MS. GUERRERORTIZ: Mr. Chairman, I believe that the San Marcos Bridge would be to the north, but if I could just make one further comment. Statements are being made that don't necessarily agree with statements that were made to staff prior. Staff was told prior that if there were any contracts in the area, if there were any needs for somebody to provide material at a different location in the county then they would be going east or north or whatever direction to serve those contracts. They have an existing contract that's out towards Albuquerque and that's where they know their traffic is going to go but they did

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indicate to us that they would be going different directions depending on where they're serving material.

CHAIRMAN DURAN: Do we have a problem with that?

MS. GUERRERORTIZ: Mr. Chairman, Commissioners, not if they go ahead and get all the approvals that they need from the State Highway Department. If the Highway Department finds that they -- that it's fine for them to use the State Highway Department roads we're okay.

CHAIRMAN DURAN: We're not telling them they can't come to Santa Fe, right?

MS. GUERRERORTIZ: No, Mr. Chairman. Not at all.

CHAIRMAN DURAN: Okay. This is a public hearing. Could I have a show of hands as to -- Oralynn.

MS. GUERRERORTIZ: I'm sorry, sir. I just wanted to let you know that probably all the applicants who actually filed appeals have a right to speak first because there actually are applicants tonight. That included the gentleman who just spoke but it also included Beth German, who represents the San Pedro Neighborhood Association and there were two other folks, I believe their last name was Hicks. Mr. Hicks said he turned over his time to Beth German, but I haven't heard from Tanya Hicks. She's also an applicant that has applied for this appeal.

CHAIRMAN DURAN: Is there anyone out there that wants to speak in favor of this, of the application? And that you're not an applicant. Well, then before you come up I want to again set some rules here. I'd like to know first, I'd like a show of hands of those that are going to speak. I'd like for you all to, when you address the Commission that you stay focused on the issues that are before us and try not to be repetitive and again respect one another and let's just try and find a solution to the problem. Okay, this first speaker that's in favor of -- I'm going to let those that are in favor and then those that are opposed to it.

[Duly sworn, Rita Horton testified as follows:]

RITA HORTON: My name is Rita Horton. My address is 294 Broken Arrow Trail, Edgewood, New Mexico. I speak for the construction industry and the development of southern Santa Fe County as well as on water subjects. I'll keep it short. Forty-five years in the construction industry I know the gravel of close to where it will be used. Looking at the drawings of the subdivisions in that area, I seriously doubt that Santa Fe County will ever assume the cost of maintaining those roads. Those people are going to have to have their own road group and buy their own gravel.

All over southern Santa Fe County people are having to do the same thing, buy gravel for roads that are not County roads. When it comes to water, a lot of wells will go dry this summer unless we get more snow and rain. The six acre-feet which they are requesting, the land, the gravel, where it is sitting today is a preferred way of returning water to the aquifer. Wells will go dry and when you look at that picture there and look at

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the Estancia Basin in southern Santa Fe County, we've got a problem because their wells are running downhill towards that basin the same as mine. I would appreciate being reappointed to the Estancia Basin Water Planning Committee. Thank you gentlemen.

CHAIRMAN DURAN: Thank you, Ms. Horton. Next speaker please. Could you come up and give us your name and address for the record.

[Duly sworn, Beth German testified as follows:]

BETH GERMAN: Commissioners, my name is Beth German. I am a resident of San Pedro and I am president of the San Pedro Neighborhood Association and also the lawyer for the San Pedro Neighborhood Association. I know it's late. I know this is a special meeting, but I assure you this issue is the most important issue facing our neighborhood. I will try to be succinct but I do ask you to allow me to address several concerns. The San Pedro Neighborhood Association requests that you uphold the conditions placed on this operation by the CDRC, but we also ask that you place some additional conditions on this operation.

The first being that the limitation on the hours of operation apply not only to crushing but to the entire operation, the screening, the loading, the truck traffic. I believe this is in keeping with the terms of the Air Quality permit, which says all operations are limited for six hours a day, six months a year. For a variety of reasons -- I do have a copy of the Air Quality permit with all of the conditions included. I'll provide that to you. But I ask that these conditions be not just tied into the Air Quality permit. The only way we can save our quiet, rural neighborhood is if you limit the trucks and secure our safety. We don't want to have to contend with trucks, beeper noises from loaders backing up, gravel crushing, screening and all of those things.

We hear everything in our valley. There is a children's camp. I hear the children singing from my house. I hear neighbors' tractors. I don't want to have to hear crushing. I understand that this Commission is in a very unusual situation. The court has ordered you to go beyond what I believe the United States Supreme Court requires in a granite rock case. And the court has tied your hands, at least at this stage, unless the County chooses to appeal the court's order.

I understand that Judge Sanchez has ruled that you must permit this operation. But I disagree with Mr. Bregman's interpretation of Mr. Sanchez' ruling and also with Mr. Bregman's interpretation of the United States Supreme Court decision on this point. I have a copy of that decision for any Commissioners who would like to read it.

I believe the United States Supreme Court has made it clear that in the face of this situation, such as a claim held under the 1872 Mining Act, which is back of the genre of the Homestead Act. That's before anyone even heard of gravel crushers or trucks that have 82,000 tons [sic] on them. Even now, an owner of a right to mine under the 1872 act has the right, perhaps to conduct mining operations. This Commission has the authority under the law to regulate the health, safety and well being of our community. That includes regulating truck traffic, noise of the operation, water use, bonding, anything else within this

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Commission's jurisdiction.

As I said, I disagree with Mr. Bregman's interpretation of the law and of Mr. Sanchez' decision. I disagree with parts of Judge Sanchez' decision, but I submit that some of those issues can be decided on appeal, if need be and in the interim I would request this Commission to do everything it can to protect our neighborhood. You have the unique opportunity of being one of the first Commissions in the country probably to try and figure out how do you mesh the 1872 mining laws with larger communities. There is a map there and I have a copy for each of you. [Exhibit 2]

Our neighborhood lies north and south of Highway 344 between Highway 14 and approximately to County Road 26 to the south. There are a little over 100 homes in this community. More than 100 residents of our community have signed a petition and asked this Commission to either deny the permit outright or to impose serious restrictions on its application, including a limitation of all operations from nine to three. And I would ask Mr. Clancy to provide the Commissioners with the signatures on that petition. [Exhibit 3] We also have letters from numerous landowners who were not in town this weekend to sign the petition. [Including in packet as Exhibit 3]

Going back to the map, there's been some discussion about truck traffic heading west on 344. If the trucks head west on 344 they will go down what is known in our neighborhood as Heartbreak Hill. The Highway Department, Miguel Gabaldon and Phil Gallegos describe this as the steepest, most narrow, winding, curving road in the state. There's a cliff on one side, a mountain on the other and no shoulders on either side. It is impossible for a long truck to negotiate through the curves without crossing the center line. Thus, if a large truck is going down Heartbreak Hill when another vehicle is coming up the hill, there will be an accident. There is nowhere for any vehicle to go. There is absolutely no room for movement. [Photos of road attached as Exhibit 3b]

CHAIRMAN DURAN: Excuse me. Is it the plan to go in that direction?

MS. GERMAN: Yes, based on all the testimony that was given just a moment ago, the plan is for the trucks to go down that hill. That is the same hill the school buses go down and then go up to Golden to pick up children, go down and into the San Pedro Creek Estates to pick up children, back up, head east on 344 towards Edgewood.

COMMISSIONER GONZALES: Mr. Chairman, you can make the call on how you'd like us to proceed with the questions, but there are some issues that you brought up on the hours of operation. I know you've proceeded to the issue of the roads. And I'm assuming you're tying it into the school bus routes because that's why you're arguing the issue of the road hours, I mean the hours of operation.

MS. GERMAN: I'm arguing the hours of operation for several reasons. One, of course is the truck traffic and the safety regarding school buses on this hill, but another, I am asking this Commission to limit operations from nine to three, five days a week so that we can have a little bit of peace and quiet in our neighborhood, in the mornings, in the afternoons, and on the weekends.

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COMMISSIONER GONZALES: So what you're submitting that even if the Air Quality Bureau creates some parameters by which mining operations can occur that the Commission has the ability to take that even further in limiting hours or adjusting the hours of operation to what they should be?

MS. GERMAN: Yes, I am. I am suggesting that that is one way, it is the only way I've thought of so far in which this Commission can try to accommodate the desires of our resident and the fact that these individuals assert they have a right to mine.

COMMISSIONER GONZALES: Okay, and what I would ask you, just to help keep us focused on the issue here, because really it is we're talking about the environmental conditions, the health, safety and welfare of this community. And what I'm trying to understand is you're going to argue these operations and why they should be limited and how that is going to protect the health and safety of this community. And I guess what I need help understanding is federal rules allow them to operate for six hours a day. Is that right, Mr. Bregman? And you're asking for eight hours a day?

MS. GERMAN: I believe the applicant petitioned for eleven and a half hours a day.

COMMISSIONER GONZALES: Let me ask Mr. Bregman -- Just the equipment, operation of the crusher. So not the operation of the loading and the transport of trucks. Let me ask you this real quick though. Does the Air Quality Bureau mandate what those hours of operation can be, or is it just basically unlimited? So the trucks could virtually run at night if they wanted to. Is that correct?

[Mr. Bregman responds away from the microphone system.]

COMMISSIONER GONZALES: So, I'm sorry, ma'am. Could you please tell me what your name is.

MS. GERMAN: Beth German.

COMMISSIONER GONZALES: So Ms. German, what you're asking the Commission to do is limit the entire operation of the hours, basically?

MS. GERMAN: Yes.

COMMISSIONER GONZALES: So we're going from what the federal law allows them to do, basically, to the Commission or local jurisdiction exercising something more stringent when it comes to operation hours.

MS. GERMAN: That's correct, Commissioner. The federal law says that these individuals have the right to mine. But the federal says that those rights are subject to state regulations. Unfortunately they're silent as to County regulation. But it's clear from the Granite Rock case of the United States Supreme Court that local authorities may regulate for the health, safety and environment.

COMMISSIONER GONZALES: Thank you. And now I want you to argue the point though on this issue of the hours of why we have the right to limit those operational hours and how that will protect the health and safety of the community.

MS. GERMAN: Safety is an issue addressed by the traffic. As I mentioned,

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there is no way a school bus and a truck can sit on that hill at the same time. I also don't think a large pick-up truck and a gravel truck could safely pass on that hill. Environmentally, I think limiting the hours of operation is worthwhile because it will not only keep the dust down but also allow this Commission to limit to a certain extent the water which is required on this site.

I would like to correct something Mr. Bregman said and then I'll go back to this point. He said it's only the crushing that's limited. The Air Quality permit lists two loaders, a feeder, two screens, a crusher, 12 conveyors, another crusher and a screen, all of which are subject to the six hours. First I would ask this Commission to require, at least require the applicant to follow the Air Quality permit. But then I would also ask the Commission to go beyond that and limit hours of operation even if the permit is expanded. And I would like to point out this permit was not issued for this site. It was issued for a site in Valencia County and transferred without public hearing or evaluation of our geography to our site.

The Air Quality permit limits processing to 100 tons per hour as well as limiting six hours a day, six months a year.

CHAIRMAN DURAN: Excuse me Beth. Actually, I have a question for staff. Has there been a traffic study done on this?

MS. GERMAN: There has not been a traffic study done. Are you talking about Heartbreak Hill?

CHAIRMAN DURAN: Yes.

MS. GERMAN: Staff has had their conversations with Miguel Gabaldon. I have also spoken with him. He is the District 5 traffic engineer and he has told me the same thing that he has told Ms. Guerrerortiz regarding weight limits.

CHAIRMAN DURAN: Because I heard you say in your opinion a dump truck and -- would not be able to pass at the same time, and I would like to ask staff, can we ask for traffic studies? Isn't this an issue that should have been brought up as a recommendation?

MS. GUERRERORTIZ: A standard request, definitely would have been a traffic impact analysis. Those generally take some time to repair. We were limited by the time that the courts allowed us to review this project, getting an answer to them basically in 45 days. To cover ourselves on that issue, we've requested that the State Highway Department their using state roads, 344 both going east and west. So we figure if the State Highway Department wants a traffic analysis then they'll request one and get one presumably before they grant approval.

COMMISSIONER GONZALES: I have a question for Ms. German and probably for Chris so if he can listen to this question. You had brought up the issue that -- are you looking at an Air Quality -- actually what you stated was that the Air Quality Bureau permit that applicant submitted was a permit from Valencia County. But that's not the same issue as the BLM. The BLM permit is site-specific, correct?

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MS. GERMAN: The BLM permit is site-specific. That's correct.

COMMISSIONER GONZALES: So the applicant has agreed to all the conditions that have been imposed by the Air Quality Bureau. I'm assuming there's a whole list of conditions that you said were required. So whether there's a permit that was issued in Valencia County, it would still be subject to conditions that have been issued by the Air Quality Bureau, right?

MS. GERMAN: That's correct. We're asking this Commission to enforce those. The reason for the nine to three houses is first, because of the school buses, in addition to our concern for quiet. The director of transportation for the Moriarty schools was here earlier today and spoke in support of the restrictions from nine to three, and not only is it the school buses themselves an issue, there are children standing all along the highway waiting to be picked up to go to school and we don't want them to interfere with trucks or trucks interfere with them, or to be hit by traffic or flying gravel.

Some of these children, as one mother testified earlier have to cross the road in order to get on or off the school bus. In addition, Land Use staff read a letter into the record earlier today from the Albuquerque Public School's director of transportation expressing her support for the nine to three operation. Schools to the east of the mine site are in the Moriarty district. Schools to the west are within APS. The trucks, which will go down Heartbreak Hill and head south on Highway 14, and Highway 14 goes with your map, those trucks will go right past San Antonito Elementary school where children are being loaded and unloaded and dropped off. It's very congested.

I spoke with the company that runs the school buses. School buses start at 6:40 in the morning and stop at 9:00 in the morning and then start up again at approximately 2:40 in the morning and go until approximately 5:00. In our neighborhood, there's a pick-up at 7:30, another one at 7:50. The first drop-off I believe is at 3:15, at least for the middle school in Moriarty. That's why we're requesting those specific hours and then in addition, of course in the winter, we'd like the trucks to only be operating in the daylight for safety concerns.

Going back to Chairman Duran's comment regarding a traffic impact analysis, Phil Gallegos of the State Highway Department is the one who advised me there is no way a truck can negotiate that hill without crossing the center line.

CHAIRMAN DURAN: Did he give that to you in writing?

MS. GERMAN: No, he did not.

CHAIRMAN DURAN: That's just hearsay then.

MS. GERMAN: But there's been a lot of hearsay here today, so I thought -

CHAIRMAN DURAN: I'm sure there'll be a lot more.

MS. GERMAN: With regard to the conditions imposed by the CDRC, we would also ask this Commission to go along with the original recommendation of staff and require paving of Oro Quay Road. I believe the Commission obtained a lot of information

about that, but I would also like to point out that paving is one thing that will allow the gravel operator to limit water use. The Air Quality permit requires spraying of the crushing operation itself, all emissions and all access roads, which includes the .8 mile of Oro Quay as well as the access road to this site. 1653567

If that road is paved, that's one way to conserve a little water. The State Engineer's well application approval, in addition to requiring a meter, which we request that the Commission establishes there. When we had a mine site there was not a working well. The State Engineer's terms of approval also require that water conservation efforts be undertaken. And I believe that requiring paving of the road is one thing that can be done to accomplish that.

Now in the law suit that's going on about this issue, the applicant has submitted that they will be receiving \$6 per ton for gravel. Their application permit is for 25,000, or their state mine application is for 25,000 tons per month. So presumably, in a month or at most, a month and a half of operations, they will pay back their paving. I submit that that is a small price to pay in the context of the dust and water use to the environment.

One thing I would like to mention about our community is that several people commute to Albuquerque, several commute to Santa Fe and many people have home businesses or stay home and take care of children. So contrary to statements that have been made in other proceedings regarding this matter, many people will be affected in the neighborhood by this operation even during the day.

Regarding the applicant's objection to a bond. We ask that this Commission do require a reclamation bond. San Lazarus Gulch has a very long history of being mine by people who disappear and never reclaim it. Mr. Bregman suggests that that's outside this Commission's authority. I disagree with him. But I believe that even if a bond is required, that issue can be appealed and with luck will be upheld. But I do ask this Commission to at least try and obtain a bond.

This is not a small operation. It is not a mom and pop operation. Extracting 25,000 tons of gravel, with how many hundreds of trucks a day Orallynn said that was. The total acreage involved is 80 acres with the intent to mine five acres at a time.

I believe that those are my comments. But our primary concern [inaudible] that you do uphold the conditions imposed by the CDRC and that you impose additional conditions [inaudible] We request you prohibit the use of Jake brakes. [inaudible] We ask that permit condition number 9, instead of saying crusher operations be subject to six hours per day, five days per week, six months a year, that that be changed to read all operations.

That number ten, instead of stating trucks will not be allowed to travel west of Oro Quay before nine and after three, that that be changed to provide east or west. If the trucks head east during those areas they'll pass two elementary schools and lots of children standing on the highway.

Finally we ask that the Commission uphold staff's initial recommendation regarding paving. Thank you.

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CHAIRMAN DURAN: Thank you, Ms. German. For the rest of you that are coming up to speak, Ms. German said a lot and I would like for you when you come up here that you say something. Don't be repetitive. If you are repetitive, I will ask you to sit down. And try to keep it to about three minutes per individual unless you really have something new for us to consider.

[Duly sworn, Moises Gonzales testified as follows:]

MOISES GONZALES: My name is Moises Gonzales. I'm a representative with the Concilio de San Pedro. We are an organization that essentially is kind of like a neighborhood association. We represent the landowners that own parcels within the historic land grant and also work on land grant issues. Some of the issues that I'm going to touch on are related to historic and cultural preservation. Those issues haven't been brought up.

CHAIRMAN DURAN: Excuse me, Mr. Gonzales.

COMMISSIONER GRINÉ: Mr. Gonzales, I'd like to ask you, do you live adjacent to these roads?

MR. GONZALES: My property, we have trust lands. The Concilio de San Pedro have a camposanto.

COMMISSIONER GRINÉ: Do you live there?

MR. GONZALES: Not right now.

CHAIRMAN DURAN: Remember the time constraints that you're under, Mr. Gonzales.

MR. GONZALES: I would ask this Commission, if I could just get through this.

CHAIRMAN DURAN: Again, you have some time constraints so when I think it's time I'm going to have to say. So go ahead please.

MR. GONZALES: Okay. Some of the issues that we have concerns are is that a bond do be placed because there is a history of that land that there hasn't been reclamation.

CHAIRMAN DURAN: Mr. Gonzales, that has been mentioned by Beth German just before you.

MR. GONZALES: It has not been related to historic and cultural preservation though. That is my point. Mr. Chairman and members of the Commission, I am elected by my land grant council and if you came before our land grant council, I would afford you the time to present the issue that you brought before our board. So ask you --

CHAIRMAN DURAN: And I understand that. All I'm trying to say is that I don't want you to be repetitive, because we have heard it. I don't need to hear it three times for me to understand it. Go ahead.

MR. GONZALES: The issue is also related to historic preservation related to San Lázaro where the area is, where the proposed site is. You do have an ordinance which has not been brought up. You have an ordinance that is related to historical preservation. Within that site there was a sanctuary, a santuario and also a historic

community within that site. This site, to the best of my knowledge, this has not been brought up as one of the concerns by County staff related to historic preservation. Therefore we would like for this issue to be amended with the recommendation made by that, based on that, the article regarding historical preservation of cultural sites be added to that.

The BLM has overrid two federal policies. Section 6 on the Historic Preservation Act and the Land Management Act of 1976 which is supposed to not negatively impact cultural sites and they relate to historical communities. Therefore I would like for that to be placed also as a contingency within, by the County.

CHAIRMAN DURAN: That would be requirement number 26? Is that what you're asking?

MR. GONZALES: Yes.

CHAIRMAN DURAN: Okay. One more time for the record, could you cite -- I think that's a reasonable request.

MR. GONZALES: We would just like the County overlook and also look into the historic townsite of San Lázaro as it relates to historic sites within that area. We do know that there were cultural sites. We've only got the BLM archaeologist out there two weeks ago was the first time he actually stood on that land. Thank you.

CHAIRMAN DURAN: Well, that wasn't too much. Next speaker, please.

[Duly sworn, Bob Clancy testified as follows:]

BOB CLANCY: Good evening. My name is Bob Clancy. I'm a resident of San Pedro. My address is 11 Blue Crow and that's Sandia Park. That's where our post office is. I'm a resident of San Pedro. I'm also vice president of the neighborhood association. There are two items I'd like to briefly address.

What I've given you is a couple pages from the San Pedro website. That's in conjunction with the San Pedro community planning. We're designated a contemporary community and in the process of that the County sent out a survey to all known landowners, both the people that live there and absentee landowners to find out just what it is that they value about San Pedro and what direction the community plan should go. The question that I've excerpted here is what is the quality about San Pedro you most want to preserve? Those items, those responses that specifically mention peace, quiet or tranquility I've put a circle around and you can see there's quite a few of them. And if you read the other responses you'll find that they're along the same vein. [Exhibit 4: San Pedro Survey]

We have really a strong commitment in our community to preserving the peace and quiet and that's why people moved out there. I just wanted to emphasize that this is really important to all the folks that live out there.

The second item I'd like to address is that when we first heard about this operation, which was about two years after it had been initiated, we started finding out what it was going to entail. At first we were told that there would be no crushing, there would only be screening, just a few trucks. We've heard the trucks will go east. We've heard the trucks will go west. We've heard they'll go both ways and tonight we hear there might be a truck

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an hour. What we have to go by, and I think what the traffic impact should be judged on, is what we had in the submittal in writing. And what we have there, and this is the quote, "Production schedule is subject to market demand or other conditions and equipment production capabilities." That's from the BLM plan of operations.

In the state mine registration, the production capabilities are 25,000 tons per month. And I know the applicant may have great intentions but this is what we consider to be facts. And 25,000 tons per month, that comes out to one loaded truck every fifteen minutes or counting the empties returning, that's one truck every eight minutes.

The way the CDRC decision went, they could start up the screens, the conveyors, the loaders, everything but the crusher, at 6:00 in the morning and these trucks every eight minutes could start rolling at 6:00 in the morning. That is why we are asking for a reasonable limit on the hours of operation. Thank you.

CHAIRMAN DURAN: That's about the time the birds wake up too, isn't it? Next speaker, please.

[Duly sworn, Max Chavez testified as follows:]

MAX CHAVEZ: Thanks for giving me the opportunity to be here. My name is Max Chavez and I'm the nearest neighbor to the operation. In fact I live right next to it and they'll be driving through my property. A few years ago, the last operation to operate in the canyon there, they were there approximately four years ago, the same company that's applied for the permit to operate again, was the last company to operate in the area.

CHAIRMAN DURAN: It was what?

MR. CHAVEZ: Mansal Gravel, who has applied for the permit for this current operation, were the last mining operation in the canyon there. And I'm in the mining business myself. I leased them some equipment, they just disappeared after shutting up and scratched on payments to myself and my family, and of course they didn't do any reclamation. And here they are planning again.

What I would like from you all is to please make them post a bond because the last time they were there, they didn't do anything to fix up the land and they're back again to start up a new operation. I know I've been there, I've lived there. I've gone through there every day. I've been there for 25 years so that's what I would like you to do is please recommend the bond for reclamation.

COMMISSIONER GRIÑÉ: Have you been up there, Abeyta --

MR. ABEYTA: Mr. Chairman, Commissioner Griñé, there has been -- there needs to be a lot of clean up work out there, yes. It was mined, Mr. Chairman.

COMMISSIONER GRIÑÉ: We're up here in the heat, not you.

CHAIRMAN DURAN: Roman, was it the same company that left that?

MR. CHAVEZ: No. There have been three companies that have started mining operations -- they started in 1996 -- and the first operation created most of the damage. The second company came in after the first company declared bankruptcy and left the area and left it like it is now. The second company came in and did a little bit of work.

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And then they declared bankruptcy and left. And then the applicants tonight were the last ones to actually work that area in any kind of a commercially viable way and they were the last ones. This was about four years ago.

CHAIRMAN DURAN: This is your chance, write it down. Mr. Chavez, when was the last time the property was used for mining?

MR. CHAVEZ: I believe it was '94, '95.

CHAIRMAN DURAN: And were there more trucks than what is being proposed tonight?

MR. CHAVEZ: No. The last operation was more or less -- they didn't mine very much. They actually dug up there looking for oil. I think it was one of the -- combination blaster operation, and so I think they initially started it up. That's when they came to us to lease our equipment and for whatever reason they left it as it was.

CHAIRMAN DURAN: So your comment is that again, a bond.

MR. CHAVEZ: I'd like to see a bond, yes. I'd like to collect my money too and I haven't through the time I've been around here, thousands and thousands.

CHAIRMAN DURAN: So we've heard that the community wants the bond.

MR. CHAVEZ: Yes, if only [inaudible] put up a bond.

CHAIRMAN DURAN: I know. It's the third time I've heard that the community wants a bond. All I'm trying to say is that for the next person that comes up, we've heard that you want the bond.

MR. CHAVEZ: Yes. Thank you very much.

[Duly sworn, Stanley Waldron testified as follows:]

STANLEY WALDRON: My name is Stanley Waldron. I live at 25 Avenida del Monte, County Road 112. The mailing address is Sandia Park. I've lived for 23 years in the San Pedro neighborhood. [Exhibit 5: Stan Waldron's letter]

CHAIRMAN DURAN: Mr. Waldron, would you like for us -- would you like to enter this into the record, or would you like for us to take a few minutes to read it?

MR. WALDRON: I'd be happy if it was introduced into the record and I would just like to make a few statements.

CHAIRMAN DURAN: We'll go ahead and enter it into the record and you can --

MR. WALDRON: I just call your attention to the fact that I've included in this certain segments of NEPA, the National Environmental Protection Act of Congress. I state that because even though the applicants through their attorney have stated that while this land is BLM land the Land Use Supremacy Act precludes anything that you can do contrary to that, which is not true. All of the agencies of the federal government are both responsible to adhere to the act of Congress under the 1978 act, which includes mining as well as other activities. I would just like to make a few statements that though it's on BLM land, BLM land does not prevent either the state or the county to apply certain regulations.

For example, they have to get a license from the State Engineer in order to use the

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water and related to the water there are a number of free basin water rights in the immediate area and I would ask you as Commissioners to raise the question as to whether there was proper advertising and proper proof presented to the State Engineer at the use of this water would not impair the senior water rights of others in the community.

I would also, for your information state that a licensed surveyor took a reading of the Magellan satellite and Heartbreak Hill is not 5% grade. It's 14.65% grade, and this gives you an idea of the horror, the potential horror that exists of heavy trucks going up and down that grade. I've been for years a water researcher-analyst and I understand the position of the County requiring a 100-year supply of water. You as Commissioners need to address this issue and purposely some of the things I've stated in my presentation are something for you to give serious consideration of in order to protect the future of our water for this county. And I thank you.

CHAIRMAN DURAN: Thank you, sir. Next speaker please.

[Duly sworn, Richard Prosapio testified as follows:]

RICHARD PROSAPIO: Richard Prosapio. I live in San Pedro, 66 Snowy Owl. I just want to say quickly that a friend of ours dropped down from Colorado yesterday and has fought an issue like this in Golden, Colorado. He said, don't be emotional; be pragmatic because those guys aren't going to listen to anything that's emotional. But I have to say that the only pragmatic thing you have in front of you are the people who live in this neighborhood of San Pedro. I wish that before you rule on anything, that you would come to that community, look at Heartbreak Hill. Take a drive up the thing. See what it's like for you. See what it would feel like to come up opposite an ore truck coming down at you at no matter how many miles an hour. It's enough to pass a school bus on that hill. It's though.

But I can't give you a picture of it unless you go see it and this issue is worth your taking a trip to see, because it's a big issue for us. I know it's a big issue for them too. But we're the people in the community who live there every day and are going to have to deal with this. Take a trip down 344, head from north 14 all the way down to Edgewood and see where kids will stand waiting for buses at before 8:00 in the morning and about 3:00 in the afternoon and picture those kids standing there as those trucks go hurtling by and 40, 50, 60 miles an hour. If you've been passed by ore trucks like that you know what it's like.

CHAIRMAN DURAN: Let me ask one question of staff, Richard. So will the judge be upset if we table this?

MR. GRAESER: Mr. Chairman, I don't think the judge would be upset. I think we might be upset with the judge's ruling, if we do table it.

COMMISSIONER GRINÉ: Richard, I just want you to know I'm well aware of that community because me and Commissioner Gonzales pretty much split the constituency in this area and I spend a lot of time out there. I've even gone almost practically door to door in most of those areas. So I just want you to know that I'm quite aware of this community and I've traveled it quite a bit because Edgewood is one of my

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biggest constituencies and I've really passed through your community. So I just want you to know I'm really well aware of what we're up against.

MR. PROSAPIO: I appreciate that you know something about it. I think it's important. I think it's also important to note that today -- now this is not the first time we've heard this -- that the statements made by the people that represent this mining operation have changed and flip-flopped over the past two months that we've heard about this, innumerable time. And today was the latest flip-flop. Now the trucks are not going to go east. That's the newest piece of information that we've had because we never heard that one before.

Now they're just going to go west. Whoopee. West is that hill. West is that hell hill and east is a bridge they can't cross over. So what are we to believe? When do we start hearing some honest responses from these people that are consistent? Consistent? So far, not one. Thank you.

CHAIRMAN DURAN: Thank you, sir. Next speaker please.

[Duly sworn, Terry Shelton testified as follows:]

TERRY SHELTON: Mr. Chairman, Commissioners, my name is Terry Shelton. I live in San Pedro. My family has been in this state for well over 100 years and for all those hundred years we've known there's been issues with water. We're trying to have a community out there, a residential community where families can live. We're also tied into 14 which the state is trying to turn into a tourist situation. And we have a lot of people up and down that road and I don't think it's advantageous for the state, for the County, or for anyone to let these people run trucks up and down this road.

I personally live within a mile of that place. I measured my well last year. I was 250 feet. I measured it this year and I'm down to 80 feet. That's without anybody spraying water in the air for eight hours a day. If you all do allow these people to mine there, I wish that you would make them put in this road to keep the dirt down as well as keep our water in the ground. We moved out there because it's the most pristine place between Albuquerque and Santa Fe. It is a growing community. There's going to be change. Campbell Ranch is coming in and my guess is the reason all these trucks are going down 14 is so they can service them in their subdivision.

So I ask that you please consider the water issues, the road issues, tourist issues, and your issues. I'm sure that you have some that we probably haven't even thought of. All I can ask is that you be honest and truthful in your decisions. Thank you.

CHAIRMAN DURAN: Thank you, sir. Next speaker please. If there's no more speakers we're going to take a five minute break.

[The Commission recessed from 7:20 to 7:40, reconvening with Chairman Duran, Commissioner Griñé and Commissioner Gonzales present.]

MR. BREGMAN: Mr. Chairman, first of all, and members of the

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Commission, again, thank you for the opportunity and the way in which you've heard this. The timing and everything I know is not easy on your schedules but we certainly appreciate that. First of all, just to mention, there was a talk about archaeological issues. The BLM has conducted a thorough archaeological study. The BLM has been out there before two weeks ago, long before two weeks ago determining the archaeological issues, and they have signed a clean bill of health when it comes to the archaeological issues with this site.

Second of all, a lot of people have tried to portray this as some kind of big, huge operations that can afford all kinds of things including perhaps a \$350,000 road. Let me break down the economics very briefly to you because I think it's important for you all to understand that we're not talking about a huge money-maker here. When the \$6 fee was mentioned as far as what we're going to be receiving for the product. Trucking \$3.25, processing is \$1.75, royalty payment to an entity is \$.70 leaving \$.30. Thirty cents on that kind of tonnage if we're maxed out to what we're saying at 25,000 is \$7,500 a month. \$7,500 has to go to paying payroll, paying taxes to the state and federal government, paying insurance, paying for all kinds of other policies and everything else that is necessary.

We're not talking about a lot of money here. \$7,500 a month, with whatever's left after all those other expenses, no way comes close to adding up to \$139,000 or \$350,000 for the type of road. So those are the very specific and straightforward economics on this.

As you heard, the neighborhood association, they don't want us to go east and they don't want us to go west. The federal government, and I know you don't hear about the judge, says we're entitled to mine. You can't completely stop us from doing it. We're going to do it completely according to State Highway permitting authority and everything else as far as that's concerned. We're not going to go over any bridges we're not allowed to. We're not going to do anything of the sort.

When we talk about school children at schools, we're talking about miles down the road here, about a school on the side of 14. I know because I used to live in that area in Sandoval County, San Antonito Elementary School. I don't think you can hold this operation responsible for every possible school that these trucks may go by on the way to Albuquerque. I don't think that's being fair. In the immediate area, though, we are going to do our very best. In fact a commitment has been made that we will not have the buses on at the time of operation. And very briefly, the school bus operations, bus 28 is 7:20, bus 10 is 6:15 in the morning. Those are the two times. Bus 10 is 6:55 and 7:55 when they're loaded. When it comes to going back in the afternoon it's 4:15 and 4:20. So I think our hours of eight to four would be very reasonable.

Finally, there was mention about this company not cleaning up a prior project. This company and this entity was not involved in any such prior project. We have to by the BLM, by the BLM, their requirements concurrently reclaim this property. And when you talk about a bond, again I'm going to ask that you consider not making that requirement. Who is the entity that's going to be the beneficiary of this bond? The federal government says we don't have to do it. So I think there's a real consideration there that needs to take

place and how much money that's going to cost when they are already requiring us to do something.

Finally, the hours of operation. As I said earlier, and you know, under the judge's order, you can't stop us from mining. And in fact if you reduce our hours of operation so much that we can't have a viable operating business, who can operate a business at six hours a day? Not very many people no matter what kind of business you're in. I would respectfully submit that would be a constructive taking of our ability to operate. We want to be a very important part of this community in a positive way as well. And regardless of what you heard tonight, I think that in the months coming, this neighborhood and this area will see that we are going to be a positive influence on the community and with that said, I would like to again thank you all. I'd be happy to answer any questions.

CHAIRMAN DURAN: Are there any questions of Mr. Bregman?

COMMISSIONER GONZALES: I have a question, Mr. Chairman. Mr. Bregman, can you explain to me how the BLM assures that the five acres will be reclaimed?

MR. BREGMAN: The BLM assures that the five acres will be reclaimed by if we don't reclaim it, there is no further permitting in any way, shape or form. They also, obviously being the Bureau of Land Management, monitor the operations on an ongoing basis. If we're simply digging up holes and not doing anything about it, and leaving the place any worse, the fact of the matter is, this was left in a lousy condition. We're going to improve it. There's piles of rocks out there that we're going to clean up and not leave in the kind of condition that it is right now.

The BLM is going to continue to monitor us. They have to. We are there anyways because they say we can be there. And if we don't abide by the permit, we don't get to be there anymore.

COMMISSIONER GONZALES: Let me ask this question. So you indicated that the BLM monitors you by the fact that if you want to mine more, they will not let you mine more unless you reclaim the property?

MR. BREGMAN: That's one way. That's one part of it. That's down the road. Currently, they go out and monitor us, just like your Land Use Department will monitor us to make sure we're abiding by the permit. And if your Land Use Department sees that we're not abiding by the permit, they'll do the same thing they did originally, and they'll put a stop-work permit on it. The BLM will do the same thing.

COMMISSIONER GONZALES: You need to help me understand this issue of the BLM because I'm not familiar with it. From what I understand, our Land Use Department requires a bond to be issued on private lands where there's mining activity, so that if in the event that reclamation doesn't occur by that private entity, the County can basically use the bonds to reclaim it for the community. Basically. Now, for the BLM, if the BLM is just monitoring you for whatever reason, let's say an unfortunate thing happens and your client has to shut down operations and you're into it and they've basically mined four acres of the property. And they have to leave or they have to file bankruptcy as other

companies have done. How does the BLM assure to the community that that property will be reclaimed if there's no financial guarantees?

MR. BREGMAN: Mr. Chairman, can I just have Mr. Betonte explain? I think he can probably do that better than me.

MR. BETONTE: The reclamation plan is approved by the Bureau of Land Management as submitted, copies of which were also submitted to CDRC or Land Use. It calls for concurrent reclamation, which doesn't mean we mine out five acres and then reclaim it, we are if you will marching down a football field reclaiming the land behind us as we go. So there is at no point in time, while we're mining, anything greater than three to five days worth of unreclaimed mined area, which would be relatively small by nature. So we're not doing a large area and then coming back in and reclaiming it.

COMMISSIONER GONZALES: So you're saying basically, if you had to close down your shop and leave, that there'd only be about three to five days --

MR. BETONTE: Worth of work at the worst case that would be unreclaimed.

COMMISSIONER GONZALES: So how does the BLM assure that that --

MR. BETONTE: A week's worth of work? They're required under the Mining Code to come out and monitor our mining activities on an interim basis. Do we have an appointment with them every week? No. Are they charged with monitoring? Yes. All of the other things that we've submitted in addition to the work that we've done with the BLM, is driven towards their assurance that we're going to do what we're supposed to do. We have an enormous investment in this land. I think you can understand that. This is five acres of a very large tract that a very large amount of money was put up to buy. So we have a lot to lose by not reclaiming it. They won't let us mine what we spent a great deal of money to buy.

COMMISSIONER GONZALES: So you bought this from BLM?

MR. BETONTE: Yes. Well, you don't buy it from the BLM. It was purchased as an unpatented mining claim from a prior owner.

COMMISSIONER GONZALES: Let me ask you this. Does the BLM ever require bonding on their lands that are being mined?

MR. BETONTE: I can't answer that. I don't know. Not under the mining statutes that we're being required to comply with.

COMMISSIONER GONZALES: So in all the years that you've been mining, you don't know if the BLM requires bonding at all?

MR. BETONTE: Not under, as I said, under the mining laws and regulations that we're being complied with.

COMMISSIONER GONZALES: And outside of the mining laws and regulations, do they ever require bonding to occur on mining lands?

MR. BETONTE: I would imagine on private mining lands, yes.

COMMISSIONER GONZALES: I'm talking about BLM property.

MR. BETONTE: Not to my knowledge. And the issue of the beneficiary of any bond that would be placed normally goes to the landowner. In this case, the landowner is the federal government. The federal government is not requiring us to post a bond.

COMMISSIONER GONZALES: Right. But I'm asking, does the federal government, in the form of the BLM agency, ever require bonding to take place on BLM lands that are being mined? You've told me right now that five acres they don't have to, obviously. You don't have to post a bond. How many potential acres do you know of that the BLM has out in this area so that if you're successful in your first five-acre attempt, you've indicated tonight you would like to continue on, how many total acres will you be able to continue in this vicinity to mine and to reclaim?

MR. BETONTE: Part of a notice level operation is that it doesn't exceed five acres at any one time.

COMMISSIONER GONZALES: Okay. Do you know how much BLM land is surrounding your five-acre parcel that would be eligible for you to submit and request a permit for?

MR. BETONTE: Right. They would not require us to bond reclamation on it. No.

COMMISSIONER GONZALES: Let me ask you this question again. You have five acres of BLM land. You've indicated tonight that if you're successful in mining your five acres, that you will go back and seek another permit from BLM to continue to mine, and I'm assuming it's in the same area.

MR. BETONTE: Correct.

COMMISSIONER GONZALES: How much BLM property is in this area that you would be eligible to continue to mine if you are successful.

MR. BETONTE: One hundred and eighty acres.

COMMISSIONER GONZALES: Okay, 180 acres are out there. So as far as you know, there's no requirements by the BLM. If you came in today and did a feasibility analysis and found that in fact there is a need for the amount of gravel that you'll be able to pull out of there, that you have the financial backing to support the operations to be able to extract that gravel. That if you went in and applied to BLM and asked them for the full 180 acres as a mining site, that they would not require you to bond at all?

MR. BETONTE: Different deal. They would require it. If we exceed five acres in any one application for a permit, they will require that we file a reclamation bond. So in other words, if I try and create a mining plan for the remaining portion of the land, they would require that we bond the reclamation.

COMMISSIONER GONZALES: Okay, so then go back to my question. Then you do know that there is, you're saying that anything more than five acres, if you had applied for it, you would have required a bond.

MR. BETONTE: That is potentially true, yes. I'm not the BLM and I don't interpret their laws.

COMMISSIONER GONZALES: Is this the only BLM property that you've ever mined on?

MR. BETONTE: Myself, yes.

COMMISSIONER GONZALES: Mr. Bregman, do you know the BLM laws and how they would be interpreted. And again, understand where I'm coming from. You're going into this and you're making the investment on the assumption you're going to be successful. I don't think anyone would make the investment or try and recognize that \$7,500 a month pre-tax, pre-employee expenses and everything else, if you didn't feel that over the long term that this would be a beneficial mining operation for your company. And so my question is, would BLM require you to bond this property if you had more than five acres?

MR. BREGMAN: Let me see if I can respond to that. Yes they may. I don't know. I don't know.

COMMISSIONER GONZALES: There's nothing that says, the BLM says that if you're going to come in for more than five acres we'll require a bond?

MR. BREGMAN: Not that I know of. That's not to say I've recently done a conferral. I do know this. At this size of an operation, that it's not required because that's what they do. They require the concurrent reclamation.

COMMISSIONER GONZALES: Mr. Bregman, I'm trying to understand this size but what I'm hearing tonight is that there is a potential 180 acres that can be mined out there that if successful, it will be mined. That's entirely the federal government's right to decide whether they would like for you to continue to mine it or not.

MR. BREGMAN: Mr. Chairman, and with all due respect to you, Commissioner Gonzales, what you are here to consider is this five acres and I don't know what BLM could do in the future. They may very well put a bond if we went in for that size of a permit. That would be a very different thing than going at five acres at a time, because the five acres at a time triggers the concurrent reclamation at the exact same time. And that's why they do it the way they do, because they have to go out and monitor it. This is a small operation. It's not 180 acres. If it is, obviously we have to deal with that.

At this point, because it's only five acres, the money isn't there to do the big bonds.

COMMISSIONER GRINÉ: If he's successful in these five acres and he comes again for another five acres, is BLM going to require to reclaim the first five acres?

MR. BREGMAN: In fact, Mr. Chairman, Commissioner, he can't even get the permit for the second five acres until they completely sign off on the first five acres, and they're going to be doing that almost every month because they're going to be coming out checking periodically to make sure that we're never a week ahead of reclamation. So the point there is we'll never be in front of you for a second permit on a second five acres unless absolutely that five acres is taken care of. And BLM will never issue it unless it's taken care of.

COMMISSIONER GONZALES: There's still an issue that if he doesn't complete the five acres, there could be an unreclaimed amount of land out there. You

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mentioned three to five days. Mr. Bregman, can you understand when the community comes out there. You've seen the pile of crap that's sitting there that they live with on a daily basis. You're saying you're going to come and clean it out. They've got a five-acre parcel that's right next to them and your applicant is saying, don't worry, I promise you, I plan on being able to pursue this as far as I can and making sure that the five acres are mined and if they're mined I'm going to have to reclaim them before I can go and do anything else.

But what I've heard tonight is, what happens is if he decides to leave or if he can't stay in, by us not requiring a bond, and there's that whole legal side. How can we require the bond and exercise it, because this is the federal government. But can you understand the concern of the community when you come up and say, well, before we can apply for any other five-acre permit we have to reclaim this but there's that whole other side that says there could be another crap site, excuse my language, that they get left with. And I think they're tired of having to come up and fight these little five-acre operations and continue to have to live with what they've been living with.

MR. BREGMAN: Mr. Chairman, Commissioner Gonzales, I completely understand when you hear the community come up and ask for these things. I would respectfully submit to you, if we do not go in and do what we're going to do, that pile of - stays there right now. We, in fact with the oversight of the BLM are going to come in and be forced to reclaim that area and that five acres. Because if we don't, we're done.

CHAIRMAN DURAN: If you're going to be reclaiming, you're only going to be two weeks out, what's wrong with a bond for just that portion? Are you concerned that we're asking for a bond for the entire five acres? If you're going to be reclaiming on an ongoing basis, what's wrong with a bond for that portion and you calculate what the cost is and you bond for that. And it's an ongoing process just as you say your reclamation process is going to be.

MR. BREGMAN: Mr. Chairman and members of the Commission, I think there's two issues that come to mind as far as the bond.

CHAIRMAN DURAN: Isn't that a reasonable approach to it?

MR. BREGMAN: One is obviously a financial issue. And I don't know what numbers we're talking about here and I have no idea. I mean if we're talking about a \$200,000 bond, we've got problems. If we're talking about a \$2,500 bond, I don't know if we have problems. I don't think that's a problem. If we're talking about \$2,500, I have no idea what is being suggested. That's number one. Number two is --

CHAIRMAN DURAN: On that point, if you're objecting to the bond, you're objecting without any knowledge of what the cost of the bond would be for five acres?

MR. BREGMAN: No idea whatsoever, Mr. Chairman. It's never been discussed with us from the Land Use Department.

CHAIRMAN DURAN: Do we know what that would be?

MR. BREGMAN: Because they didn't suggest it either.

CHAIRMAN DURAN: Okay. And you're second point?

MR. BREGMAN: My second point is the beneficiary issue. The BLM, the federal government is the owner of the land. And how do you structure a bond, and I want to know what kind of structure we're going to set up when the beneficiary would be the federal government and the federal government is not requiring such a bond and not wanting such a bond because they have the concurrent reclamation. That's my second issue. There's two issues there.

CHAIRMAN DURAN: Isn't the beneficiary the people of our state? Aren't they the ones that are really going to be affected? Who cares what they think about in Washington? We're talking about here in our community.

MR. BREGMAN: Mr. Chairman, I personally have said that a lot myself, but I have to tell you, I have to say we obviously are all representing various interests and you as the governing body has to represent the people as well, but in this specific instance we're talking about a mining operation on a specific piece of property and obviously we need to figure out -- you can't name a beneficiary "the people." You can't do that. I don't think that works anyway. I don't know what we're bonding then. So there's two thoughts. One is the legality of it and second is the money.

COMMISSIONER GONZALES: Mr. Bregman, and that's starting with the questioning that I was asking your client. I've got to believe the BLM, I mean this whole 1872 law, I believe that was it, was done so that they could attract people out to the west and the whole mining thing. And grated, this area, I know in representing with Commissioner Griñé was a mining district long before a lot of people moved out there. That's the history and many times the culture of what that area is. But I've got to believe that with the vast amount of mining operations that are occurring on BLM lands that they have set up a process to bond for activity by companies that could potentially be fly-by-night or not fulfil their promise to reclaim lands and I can see the quagmire that you're presented on this five acres because we know for a fact, BLM won't require it for five acres.

But you haven't been able to tell me that they may. They may not have for a ten-acre site of a twenty-acre site. So there's got to be a process by which a bond would work or benefit the community if this property wasn't reclaimed.

MR. BREGMAN: Maybe I -- and I am never one to ask the governing body any questions, but I don't know what kind of money we're talking about here and I'm kind of at a disadvantage because I don't want to take an inordinate amount of your time, that if in fact it is only \$2,500 that could be addressed --

COMMISSIONER GONZALES: And I guess, and I'm not trying to go up to an issue, or to a dollar amount, I'm just wanting to get -- you're standing up here and I believe you 100% when you tell me my client is not going to fly. But that's not enough to go out and convince a community that they're not going to be left with the same-old, same-old. It's a difficult situation you're asking us to be in here by not requiring a bond, even if the law doesn't require it, to require a bond for reclamation and in an area where there hasn't been a lot of reclamation that's occurred. Your client is putting us in a very difficult

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position in having to represent the health and safety of a community that has been lied to continuously by mining companies.

MR. BREGMAN: And I can't speak for the previously mining companies, obviously, and I completely understand your concern and it's obviously been an issue. I would submit to you that the experts that you rely on, your Land Use Department has originally looked at this issue up and down. They spent a lot of time on it. And they were of the opinion that the reclamation required by the BLM is quite frankly, it's a lot better than simply a bond. Because a bond, you can wait to the end before you do it. This reclamation though requires that it be done actually as you're doing it.

And they didn't believe initially, since the CDRC or whatever. I understand your point. What I'm trying to make sure from my client's sake and our perspective is, you can't make such a requirement that's so onerous that we can't operate. We're talking about a real thin margin. I hope I laid out the economics of this. There's not a lot of margin there on this five acres.

CHAIRMAN DURAN: Maybe you're at the wrong place. Three other people have gone bankrupt.

MR. BREGMAN: Well, I believe in my clients' ability as business people. They're successful in other areas of business and I think they're going to do an excellent job here. I don't think they're in the wrong area here. I think they're entitled under every law that there is to be here and do it and do the best they can.

CHAIRMAN DURAN: Mr. Bregman, I have a question for you. What does it cost to reclaim an acre of land? You guys are going to have to do it. I'm sure you must know how much it is.

MR. BREGMAN: Mr. Chairman, members of the Commission, I'm sorry I didn't have that answer right away. My understanding from someone who's very familiar with the field is about \$500 if we're looking at three to five days total.

CHAIRMAN DURAN: Per acre. What I'm trying to do is find out -- what about this? What if -- and I'm just going to throw this out. We don't need to discuss it. Actually what I'm going to throw out for the Commission to consider is that if the bond is imposed that it's done in some sort of orderly fashion based on what need to still be reclaimed. Let's look at it that way.

MR. BREGMAN: Talking about an acre -- if Mr. Betonte could just respond to that.

MR. BETONTE: I've been doing some quick math based on the way we intend to mine the property and our costs. We've got 42,560 square feet in an acre, plus or minus. At fifty cents per acre, that would be our gross operating cost. If 10% of that 50 cents per ground foot were attributed to reclamation it would be about \$2,128 for an acre.

CHAIRMAN DURAN: Okay, thank you very much.

MS. GUERRERORTIZ: Staff would love to give you an idea of what we would imagine.

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CHAIRMAN DURAN: Let's don't imagine. That's what happens with a recommendation. You guys could all work it out.

MR. GRAESER: Mr. Chairman, Commissioners, just as a procedural issue, you've been talking about the beneficiary of the bond. First of all, we usually like to see a letter of credit rather than a bond. Or maybe if we just word it as a financial guarantee. Second, the beneficiary would be Santa Fe County or the Public Works Department of Santa Fe County. And we should have language in that condition that allows the County entry on to the applicant's mining claim to reclaim if we had to.

MR. BREGMAN: With all due respect, I think he'd have to get that from the federal government.

CHAIRMAN DURAN: Thank you very much, Mr. Bregman. I'd just like to say before I turn it over to the Commissioners to make a decision is I really think that it's time for the BLM, the County, the state, all government officials to try to work together and try to build partnerships on these kind of land use issues so that people who are impacted the most, which are the residents of the area, that the safety, health and welfare issues that they have some concern about are dealt with. I just think it's time that we start building these partnerships with these entities and to go forward. And for the judge, in all due respect to the judge, for the judge to say that we don't have the right to consider the public's concern or their well being, I understand that there's a law for that, but that's why we change those laws. What's the pleasure of the Board?

COMMISSIONER GONZALES: Mr. Chairman, before I make my motion, let me just say that I always get concerned on what potentially could be preemption issues by the federal government and Mr. Bregman eloquently stated tonight the supremacy of the federal government in this area. I know, Mr. Bregman, when you sit on our side of the seat you've got a different hat as you indicated tonight you have to wear. But preemption to me is probably the most sour taste in my mouth when the federal government and the state basically preempts local government's right to be able to make decisions for the health, safety and welfare of its community. And it happens continuously and it's just a reality that we live in.

But until local jurisdictions begin to make decisions that fly in the face of preemption, that begin to stand up for communities that cannot voice concerns or have a participation in the process such as mining on federal lands, we need to do something. We need to do something to actually stand up and stand beside these communities so at least at some point they have a voice. And certainly the courts have indicated that when it comes to environmental conditions that local jurisdictions do have that voice. And I think it's incumbent on us whenever we have the opportunity to rule on these environmental conditions that every condition that's in place is there to protect the health, safety and welfare of the community that has to live with the private activity on those public lands, whether it's dealing with traffic issues, whether it's dealing with water issues, or whether it's done for the safety of children.

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So that with Mr. Chairman, I'd like to move for approval of the permit with the conditions that the CDRC has implemented earlier this evening, with some changes. Particularly, I want to eliminate the word "crusher" on condition nine. And eliminate the second sentence on condition nine so that it reads: "All operations are subject to the conditions imposed by the Air Quality Bureau dated 2-22-99."

CHAIRMAN DURAN: Commissioner Gonzales, but does that Air Quality Bureau only deal with the crusher?

COMMISSIONER GONZALES: It actually does, it indicates tonight with all the operations of the machinery. So basically, we're leaving it to the Air Quality Bureau to decide the operations and what can be used, basically for their standards. We would eliminate condition fourteen. And that for condition 15, we would replace it with, or actually we would add some additional language so it would read, "The applicant must maintain Oro Quay Road every three weeks or as often as County Public Works may require" and add to that that "The applicant shall provide a financial guarantee in an amount determined by the Land Use Administrator to be sufficient to pay for paving Oro Quay Road to the site entrance, and if the applicant fails to adequately maintain the road surface and/or fails to exercise adequate dust control measures, a financial guarantee shall be forfeited to the Public Works Department to use for paving the road."

I believe the applicant when they say they're concerned about the air quality and about the dust, so we're going to rely on you to go out there and make sure that you protect that and it doesn't become dusty, but we're just asking you for a financial guarantee so that if you walk from that obligation, that we could go in and exercise that guarantee to protect the communities that are going to have to live with that dust.

I'd also like to, as relates to condition 24, bonding, it would state that we would place language and replace it with "The applicant shall post a financial guarantee in an amount determined by the Land Use Administrator in consultation with the BLM to be sufficient to reclaim basically an adjusted amount, or an adjusted site as to what the BLM feels would be left unreclaimed." So as Commissioner Duran indicated tonight, if we feel that it's five days worth of work that you may potentially leave unreclaimed, and that comes up to half an acre or one acre, that at least you talk with our Land Use Department so that if you do decide to leave, that we'll have a financial guarantee to reclaim that. That the applicant shall grant the County the right to enter and reclaim the site, should the applicant fail to reclaim the site. As Mr. Bergman indicated, it's going to have to be in consultation with BLM. Now we're moving in some much harder territory here and I'm not sure how the judge is going to react to this or how the BLM is but I've got to believe we've got to try to some degree to address these concerns of this community. The other thing that I would note also in this motion is that we have found that the permit, that all the permit conditions that we've just indicated are permissible under and contained in Article XI of the Code.

COMMISSIONER GRINÉ: I'll second that motion.

CHAIRMAN DURAN: What about 25? Twenty-five stays?

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COMMISSIONER GONZALES: Twenty-five stays.

CHAIRMAN DURAN: Okay, there's a motion and there's a second. Any further discussion?

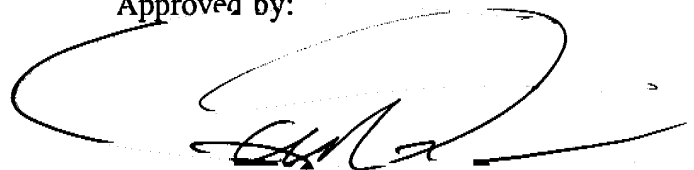
The motion carries with Commissioners Gonzales and Grine voting in the affirmative.

CHAIRMAN DURAN: Thank you very much. Thanks for being respectful of one another.

ADJOURNMENT

Chairman Duran declared this meeting adjourned at approximately 8:15 p.m.

Approved by:

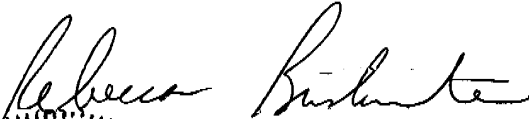


Board of County Commissioners
Paul Duran, Chairman

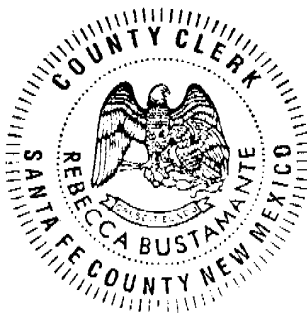
Respectfully submitted:


Karen Farrell, Commission Reporter

ATTEST TO:

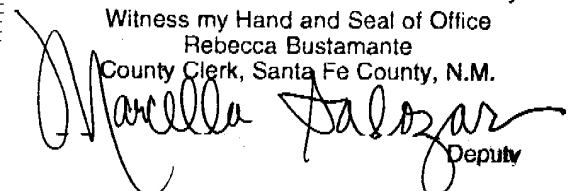


REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK



1082186
COUNTY OF SANTA FE)SS
STATE OF NEW MEXICO)
I hereby certify that this instrument was filed
for record on the 14 day of July A.D.
19 99, at 8:06 o'clock a.m.
and was duly recorded in book 1663
page 567 of the records of
Santa Fe County.

Witness my Hand and Seal of Office
Rebecca Bustamante
County Clerk, Santa Fe County, N.M.


Deputy

12 modified, Applicant must submit State Highway Dept approval for ~~the~~ traffic on 344 prior to commencing operations. Further, Land Use Staff ¹⁶⁶³⁵⁶⁷ is to send a letter of concern to the Hwy Dept raising issues presented by the public at the public hearing.

14. Modified. Oro Quay Road shall be upgraded with base course ^{within 30 days}. Plans to be approved by the County Public Works Director. Within 2 years, if mining continues, the road shall be paved.

New Conditions

20, 21, 22, + 23 are from the Fire Marshal's $\approx$ 6/15/99 letter attached.

24. ~~There shall be a guaranty~~ ^{WBM} A Bond shall be provided sufficient to reclaim this portion of the mining operation. And liberally enter site

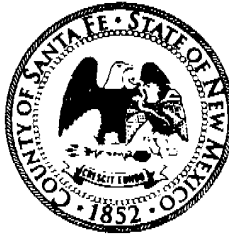
25. Water budget and water reclamation availability study to be ~~approved~~ ^{to be reviewed and approved by the County Hydrologist prior to starting mining operations.} Submitted by the applicant

26. No blasting shall occur on site, now or in the future.

Marcos P. Trujillo
Commissioner, District 1

Paul Duran
Commissioner, District 2

Javier M. Gonzales
Commissioner, District 3



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Richard D. Anaya
Commissioner, District 4

Joe S. Grñé, Jr.
Commissioner, District 5

David Wolf
County Manager

Santa Fe County Fire Department

Fire Prevention Division

Planning/Development Review Unit

June 15, 1999

Roman Abeyta, Case Manager
Santa Fe County Land Use Department
P.O. Box 276
Santa Fe, New Mexico 87505-0276

Re: San Pedro Rock (ED)

Dear Roman;

The Fire Prevention Division of the Santa Fe County Fire Department has reviewed the above mentioned project and has no objections to its approval with the following conditions applied:

- All present and future commercial structures on the site shall comply with the applicable requirements of 1997 UFC, NFPA and the NFPA 101, Life Safety Code, as listed for the type of occupancy.
- Fire Department accessibility details to the 2,000-gallon water tank listed within the submittal shall be established with the Edgewood Fire District prior to the final inspection by this office.
- Vehicular access roads shall meet minimum county standards as directed by the Santa Fe County Traffic Engineering Division, but not less than as required by the 1997 Uniform Fire Code, Section 902.
- The developer shall call for and submit to a final inspection by this office to confirm compliance with the above requirements prior to opening for business, and prior to any additions or changes to this project.

06/15/99

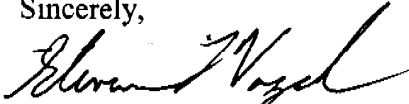
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San Pedro Rock continued

page two

Should you have any further questions, please do not hesitate to contact this office at 424-2075.

Sincerely,



Steve Vogel, Captain

Cc: Hank Blackwell, Fire Marshal/Asst. Chief
Edgewood District Chief
Facsimile Eddy Mauzy, Developer

File: Steve/ Landuse/ San Pedro Rock/ Review

06/15/99

SANTA FE BOARD OF COUNTY COMMISSIONERS

COMMISSION CHAMBERS

COUNTY ADMINISTRATION BUILDING

SPECIAL MEETING

June 15, 1999 - 5:15 P.M.

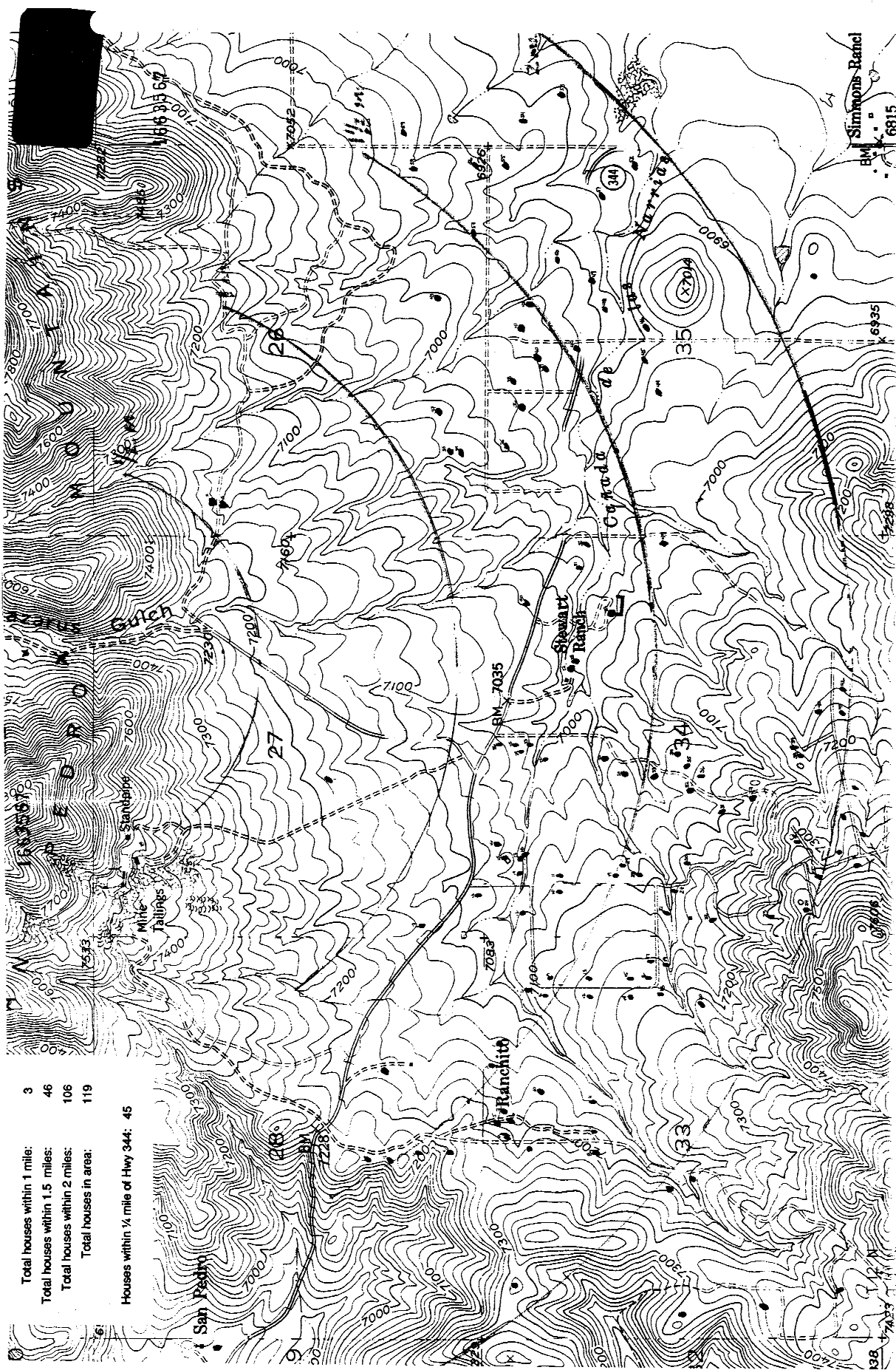
Agenda

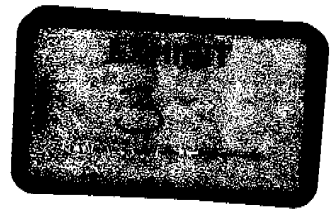
- I. Call to Order**
- II. Roll Call**
- III. Approval of Agenda**
- IV. Public Hearing**
 - A. CDRC Case #DP 99-5260. Mansal Gravel/San Pedro Rock LLC Joint Venture Mining Development Plan. The Board of County Commissioners will hear any variance requests and/or any appeals of the County Development Review Committee's decision of the Mansal Gravel/San Pedro Rock LLC Joint Venture preliminary and final development plan for mining sand and gravel. The property is located off Oro Quay Road, within Sections 22 and 27, Township 12 North, Range 7 East (Commission District 3). Roman Abeyta**
- V. Adjournment**

The County of Santa Fe makes every practical effort to assure that its meetings and programs are accessible to the physically challenged. Physically challenged individuals should contact Santa Fe County in advance to discuss any special needs (e.g., interpreters for the hearing impaired or readers for the sight impaired).

Total houses within 1 mile: 3
 Total houses within 1.5 miles: 46
 Total houses within 2 miles: 106
 Total houses in area: 119

Houses within 1/4 mile of Hwy 344: 45





PETITION IN OPPOSITION
TO
PROPOSED MANSAL GRAVEL/SAN PEDRO ROCK & GRAVEL OPERATION
IN SAN PEDRO

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We the undersigned residents of the community of San Pedro, Santa Fe County are opposed to the gravel screening, crushing & hauling operation proposed by Mansal Gravel/San Pedro Rock & Gravel. We ask that the CDRC and Santa Fe County Commission deny the permit application. In the alternative, we ask that the CDRC and County Commission impose conditions to severely limit noise and air pollution, assure minimal amounts of water are used and prohibit truck traffic before 9:00 a.m. and after 3:00 p.m. We also ask that if permitted, the County monitor this mine to assure that all conditions imposed by the BLM and Air Quality Division are satisfied.

NAME	ADDRESS	SIGNATURE
SAM NELSON	1530 S.H. 344	Sam Nelson duplicate signature from copy
MARTHA ANSPACH	47 CAMINO DEL CORAZON	Martha Anspach
NEAL T. DRAGO	47 CAMINO DEL CORAZON	Neil T. Drago
Jennifer H Lee	San Pedro New Mexico 87047	J H Lee
Chuck Wilke	126A Avenida Del Monte	Chuck Wilke
Edward M. Black	1032 ANN AVE SW ALB. N.M.	Edward M Black
Delfino H Chavez	120 ORIO RD	Delfino H Chavez
Max Chavez	920 Rio Quay Rd Sandia Park, NM 87047	Max Chavez
Elizabeth K Chavez	120 Rio Quay Rd Sandia Park, NM 87047	Elizabeth K Chavez
Roger Payne	34 Ave. Del Monte Sandia Park, NM 87047	Roger Payne
Margaret T. Wilke	126A Avenida Del Monte Sandia Park, NM 87047	Margaret T Wilke

PETITION IN OPPOSITION
TO
PROPOSED MANSAL GRAVEL/SAN PEDRO ROCK & GRAVEL OPERATION
IN SAN PEDRO

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NAME	ADDRESS	SIGNATURE
Olia Holly	66 SNOWY OWL	<i>[Signature]</i>
Richard Proszio	66 SNOWY OWL	<i>[Signature]</i>
Elizabeth Proszio	66 SNOWY OWL	<i>[Signature]</i>
James Buszkiewicz	27 SNOWY OWL	<i>[Signature]</i>
Deena Boykiewicz	27 SNOWY OWL	<i>[Signature]</i>

1663567

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NAME

ADDRESS

SIGNATURE

STUART VANSTROM	50 RANCHITOS RD.	<i>Stuart Vanstrom</i>
PRISCILLA WIGGINS / Von (Schneck)	150 Ranchitos Rd	<i>Priscilla Wiggins</i>
Priscilla Wiggins	Ranchitos Rd	<i>Priscilla Wiggins</i>
Catherine Blum	45A Ranchitos Rd	<i>Catherine Blum</i>
Elizabeth Morgan	45A Ranchitos	<i>Elizabeth Morgan</i>
Richard Tudor	101 Ranchitos Rd	<i>Richard Tudor</i>
David Cunningham	1689 ^{State Rd} Rd 344	<i>David Cunningham</i>
<i>[Signature]</i>	25 HAMATE WAY	<i>[Signature]</i>
HELEN I. ANDREWS	28 ORD QUAY RD	<i>Helen I. Andrews</i>
Scott Crushman	1501 St. Rd. 344	<i>Scott Crushman</i>

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NAME	ADDRESS	SIGNATURE
ROBERT PETROWICKS	41 BLUE CROWN L.	Robert Petrowicks
M. M. IVERSON	1429 STATE ROAD 344	M. M. Iverson
E.A. IVERSON	1429 STATE ROAD 344	Elizabeth A. Iverson
Thomas B Walters	44 Ranchitos Rd	Thomas B Walters
JANE L. WALTERS	44 RANCHITOS	Jane L. Walters
MARY LYN MAICHEN	43 RANCHITOS	Mary Lyn Maichen
CHRIS MAICHEN	43 Ranchitos	Chris Maichen
Bobbie Shelton	62 Calle De San	Bobbie Shelton
ELISA NELSON	1530 S.R. 344	Elisa Nelson
Helen K Crotty	1366 SR 344	Helen K. Crotty
Jay Crotty	1366 SR 344	Jay Crotty
Elizabeth German	1368 SR 344	Elizabeth German
Kate Rogers	1359 SR 344	Kate D. Rogers
Wolfgang Michel	1359 RT 344	Wolfgang Michel
Matti Bischof	1323 SR 344	Matti Bischof

1663567

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NAME

ADDRESS

SIGNATURE

Kathy Risacher	1323 ST. Rd 344	Kathy Risacher
Carla Daugherty	13 Calle del Pinon	Carla Daugherty
Jeff Hunter	71 Calle del Pinon	Jeff Hunter
ROY MATTSON	32 CALLE DEL PINON	Roy E. Mattson
Robyn M. Smith	121 Av Avenida Del Monte	Robyn M. Smith
Linda L. Helen Smith	121 Avenida del Monte	Linda L. Helen Smith
Carol Baldwin	P.O. Box 313 38 Avenida del Monte	Carol Baldwin
George Thum	116 Avenida del Monte	George Thum
Doneta Arnold	116 AVENIDA DEL MONTE	Doneta Arnold
Stan Waldron	25 Avenida del Monte	Stan Waldron
Mabel Waldron	" "	Mabel Waldron
Dave Waldron	25 AVENIDA DEL MONTE	Dave Waldron
Jerry M. Simmons	1463 A State Rd 344	Jerry M. Simmons
Linda Simmons	1463A State Rd. 344	Linda Simmons
S.L. Lindsey	1567 Hwy 344	S.L. Lindsey
MARY AL LINDSEY	1567 Hwy 344	Mary Al Lindsey

1663567

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NAME	ADDRESS	SIGNATURE
JULIE HUNZE	P.O. Box 264/Sandia Park 87047	Julie Hunze
MARK NAWYOK	#14 Camino Corto	Mark Nawyok
Joshua Herrera	#14 camino corto	Joshua Herrera
MARGARET NAWYOK	14 CAMINO CORTO SANDIA PARK	Margaret Nawyok
Tammy Nawyok	P.O. Box 312/Sandia Park	Tammy Nawyok
J. JOHANSEN	P.O. Box 821 Sandia Park	J. JOHANSEN
Soni Rydecki	P.O. Box 821 Sandia Park	Soni Rydecki
Robert Clancy	11 Blue Crow, S. Park	Robert Clancy
Manuel Gonzales	17 CAMINO CORTO	Manuel Gonzales
Ileana Gonzales	17 Camino Corto	Ileana Gonzales
J. J. Brody	15 BLUE CROW LN. S. PARK	J. J. Brody
(DOROTHY) JEAN BRODY	15 BLUE CROW LN SANDIA PARK	(Dorothy) Jean Brody
Jeff Brody	11A BLUE CROW LN	Jeff Brody
LINDA BRODY	11-A BLUE CROW LN	Linda Brody
Jane Clancy	11-B Blue Crow Ln	Jane Clancy

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NAME	ADDRESS	SIGNATURE
Daryl M. Graham	55 Calle del Pinon	D.M. Graham
Charles Amy	57 Calle del Pinon	Charles Amy
JERRIE E. MERICLE	CALLE DEL PINON/DEL MONTE 1310 DELTA CARLSBAD	Jerry E. Mericle
LARRY JONES	51 Calle del Pinon	Larry Jones
Jess Mericle	CALLE DEL PINON/ CARLSBAD 1310 Delta	Jess Mericle
Carol J. Jones	51 Calle del Pinon	Carol J. Jones
Ferry Shett	62 Calle del Pinon	Ferry Shett
Elgabith Walden	Avenida Del Monte	Elgabith Walden
Maria Graham	55 Calle del Pinon	Maria Graham
(Jesse) KELSH	1314 STATE Rd 344	(Eric) Kelsh
Eric W Kelsh	1314 State Rd 344 #1314	Eric W Kelsh

To the Board of County Commissioners of Santa Fe County.

June 15, 1999.

1663567

CDRC CASE # DP99-5260.

RE: Mansel Gravel/San Pedro Rock LLC Joint Venture.

From: Stanley Waldron, 25 Avenida del Monte, (County road 112),
Sandia Park, N.M. 87047 (San Pedro Community

I am opposed to the application of the above parties on the proposed site for the following reasons and environmental concerns:

1. The proposed activity and site area both directly and indirectly will increase and accelerate the loss of irreplaceable permeable soils due to sediment migration down gradient. This has the indirect effect of increasing the loss of usable offsite, private properties, causing eventual devaluation and financial loss to tax paying residents in the downslope communities. Sediment laden flood water, rushing downslope through private lands, causes deepening and widening of drainage arroyos, with the resultant loss of private property. Destabilization on mountain fronts and canyon floors adds to ever-increasing erosion problems, at the source and on downslope properties. Who is to compensate for this irreplaceable loss?

2. The topographical features of the canyon, known as San Lazaras Gulch (an inappropriate name), with the elevated slopes forming an exceptional watershed source has a tremendous, overriding value as essential recharge for the upper quadrant of the Estancia Basin, lying within the boundaries of Santa Fe County. Both the San Pedros and the Greater South Mountain group provide the principle recharge potential to this depleting resource within our County boundary. Further destabilization of this critical recharge area translates into permanent loss of vitally needed recharge to the Estancia Basin. Our mountain fronts are our most productive recharge potential, because more precipitation occurs at these elevations.

3. Both the surface and underground waters flow south and eastward to the Canada de las Narrias through the San Pedro Neighborhood, emptying into the valley area at the King Land and Cattle Ranch, down slope of the mountains. Therefore it is of utmost concern that further destabilization of the San Pedros be prevented. We cannot be assured of a 100 year supply of groundwater if we indiscriminately destabilize our mountain slopes and canyons. Loss of recharge to the Fringe Aquifer will occur as will the Upper Estancia Basin.

4. Further unwarranted mining activity in this area of the San Pedro Mountains has the potential to affect and disturb the toxic

-2-

flooded mine workings, known as the century-old flooded Carnahan mine. This massive body of water, filled the stopes from mining activity and lies within the Madera group limestones, the principle aquifer in this area. Disturbance of this area has the potential to release a deadly TDS soup into intimately connected, surrounding aquifer bodies. (I have made an independent study of The Hydrologic Connection of these mountains and The Estancia Basin and would be glad to sit down with the County Hydrologist to discuss some serious concerns.)

5. The proposed site is on Public Lands, administrated by the Bureau of Land Management under the Department of the Interior. However, there has never been an EA or an EIS done on the negative effects of mining activity over the years. It is high time that such a requirement be recommended by you as our representatives, and required of the BLM. The Purpose and Policy of The National Environmental Policy Act of 1970 and 1978 both calls for this and provides the mechanism and funding. I quote from it:

"The NEPA Process is intended to help public officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore, and enhance the environment."

"Federal agencies(BLM) shall to the fullest extent possible: implement procedures to make the NEPA process more useful to decision makers and the public"..and to emphasize real environmental issues and alternatives."

"encourage and facilitate public involvement in decisions which affect the quality of the human environment."

I pray that you as our Commissioners take the proper steps to require a full and intensive EIS on the entire San Pedro Mountains before you give any further consideration to either Hard Rock Underground mining, surface or sub-surface mining, or Gravel mining, including any related activity, until the Department of the Interior through its agency, The Bureau of Land Management receives a recommendation and request for an indepth study.

With due respect to our courts and their essential function, the NEPA process calls for the courts as well to recognize its purpose and federal powers, as ordered by act of Congress to safeguard our environment.

I further request and recommend that adequate reclamation plans be required and submitted that will both correct and mitigate the existing devastation that has occurred in this valuable recharge

1663567

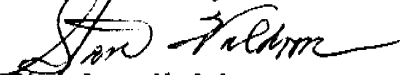
-3-

resource canyon. Unless this is first accomplished, before any additional activity is permitted, a major storm event may well result in the extensive loss of residential property and taxable land, even lives. The potential is in that canyon now, waiting to happen! (I could also share with you the vast tonnage volume that occurs in a major storm event, both of runoff floodwater and massive movement of sediment down gradient.)

Irresponsible disregard of such unwarranted loss is a sad commentary on our failure to protect our environment for our children and theirs. We owe this to our posterity, and we are answerable to God for the care of this, His world. He created it for our enjoyment; not its abuse.

Thank you for this opportunity to both protest, and hopefully contribute to the consideration of this application.

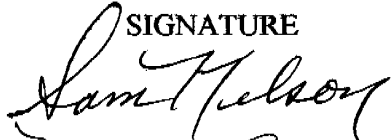
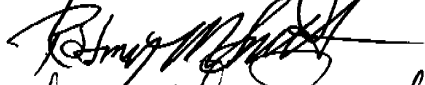
Respectfully,


Stanley Waldron.

1663567

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NAME	ADDRESS	SIGNATURE
SAM NELSON	1530 S.H. 344	
MARTHA ANSPACH	47 CAMINO del CORAZON	
NEAL T. DRAGO	47 CAMINO DEL CORAZON	
RODNEY M. SMITH	121 AVENIDA DEL MONTE	
Linda L. Smith	121 Avenida del Monte	

1663567

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NAME

ADDRESS

SIGNATURE

HILLARY ARMSTRONG

1689 S.R. 344, SAN PEDRO

Hillary M. Armstrong

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NAME

ADDRESS

SIGNATURE

DENNIS E. HICKS

04 CAMINO DEL CORAZON



TANYA L. HICKS

04 CAMINO DEL CORAZON



68 Camino Del Corazon



William L. Baker

68 Camino Del Corazon



SALLY C. DOUGLAS 51 CAMINO DEL CORAZON



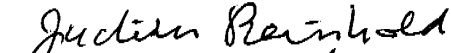
PAUL MARTIN

14 B CAMINO DEL CORAZON



Judith Reinhold

14A Camino Del Corazon



Theresa Martin

14B Camino Del Corazon



Bill Addington

Box 2021 Edgewood



KAY ADDINGTON

P.O. Box 2021 Edgewood



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NAME	ADDRESS	SIGNATURE
Rickey Richardson	99 Ranchitos Rd	Rickey Richardson
Michael V. Hinton	50 Ranchitos RP	Michael V. Hinton
Sue Hinton	50 Ranchitos	Sue Hinton
LLOYD NELSON	PO BOX 11222	Lloyd Nelson
R. Moran	49A Ranchitos	R. Moran
Robert Dewley	57 Ranchitos	Robert Dewley

1663567

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NAME	ADDRESS	SIGNATURE
JULEA W. LEE	24 CAMINO DEL CORAZON	Julea W. Lee
Robert L. Andrews	28 Oro Quay	Robert L. Andrews Sr.
ROBERT BALISH	40 CAMINO DEL CORAZON	Robt J. Balish

1663567

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NAME

ADDRESS

SIGNATURE

Gary Iverson

SR 344/1440 Sandia Park ^{NM} 87047

Gary Iverson

Irene Sanchez Iverson

"

Irene Sanchez Iverson

MICHAEL MUCHER

SR 344/1429 SANDIA PK.

Michael Mucher

JEANINE MUCHER

"

JEANINE MUCHER

**ALBUQUERQUE PUBLIC SCHOOLS
STUDENT TRANSPORTATION SERVICES**

5200 Cutler Avenue, NE
Albuquerque, New Mexico 87110-4075
Phone: (505) 880-3888 Fax: (505) 880-3884

1663567

BRADFORD ALLISON, Ph.D.
SUPERINTENDENT

J. PATRICK GARCIA, Ph.D.
DIRECTOR

June 15, 1999

Ramon Abeyta
Santa Fe County Land Use Division
102 Grant
Box 276
Santa Fe, NM 87504

Dear Mr. Abeyta:

Albuquerque Public Schools Student Transportation Services (STS) was recently informed of the possibility of having approximately 50 or 60 large trucks hauling gravel traveling south on North Highway 14 during school bus route times.

School buses in this area are picking up students in the morning to take them to Manzano High School, Roosevelt Middle School and A. Montoya and San Antonito Elementary Schools. Some of the stops are on the highway and some are off the traveled portion of the road. The stops begin at approximately 6:50 and continue to 9:00 a.m. when the last bus load of children are delivered to San Antonito Elementary School.

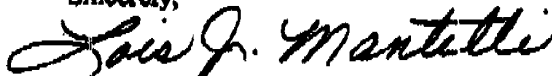
In the afternoons students are delivered home from these schools between 2:45 p.m. and 4:00 p.m. using the same school bus stops.

Our concern is one of safety:

- children will be waiting for school buses along side the road with additional traffic from the heavy trucks,
- the buses will need to merge back into traffic with the trucks after making an off-the-road stop,
- gravel trucks will have to stop for the school bus lights when an on-the-road stop needs to be made.

STS would like to request that travel for these gravel trucks be limited at school bus route times. Any consideration you give to our request will be greatly appreciated.

Sincerely,



Lois J. Mantelli
Transportation Specialist

C: Dr. J. Patrick Garcia
Beth German

June 14, 1999

1663567

FACSIMILE # 995-2740

Santa Fe County Commission
102 Grant Avenue
PO Box 276
Santa Fe, New Mexico 87504

Re: Mansal Gravel/San Pedro Rock, LLC Permit Application

Dear Commissioners,

Although I am currently living in Angel Fire as the Village Manager, my home is in the community of San Pedro. I have grave concerns regarding the gravel mining operations proposed to be conducted in San Pedro by Mansal Gravel/San Pedro Rock LLC.

The proposed operations endanger the safety and wellbeing of this community. There has been a history in this area of mining operations which become insolvent and leave the area unreclaimed. None of the prior operations are of the size and scope of the operations proposed by Mansal San Pedro Rock.

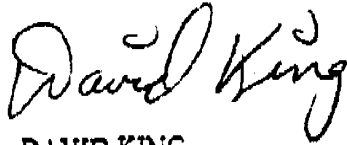
Our roads are not built to withstand this type of truck traffic. There are no passing lanes and no shoulders. Our residents strive to protect the quiet, rural nature of this community. Gravel crushing, screening and hauling and the concomitant use of diesel generators and other heavy equipment will destroy the rural environment we strive so hard to protect.

Water use is a serious concern in San Pedro. I am sure the Commission is acutely aware of all the controversy surrounding water rights in the Estancia Basin. The community well for one community in the Basin, Tajique, has recently gone dry. The residents are currently receiving water from the National Guard. It seems a particularly unwise use of water to permit a gravel operation with its need for frequent spraying of the crushing and screening emissions and access roads.

I understand that the Court has so far indicated that the mine must be permitted as it is on BLM land; however, I request that the Commission make every effort to regulate this operation to the extent feasible. This includes limiting hours of operation, number

and size of trucks, and stringent enforcement of all reclamation and other conditions imposed on the operator by the BLM and the Air Quality division.

Sincerely,

A handwritten signature in cursive script that reads "David King".

DAVID KING

1663567

cc Santa Fe County Land Use Department

6-15-99

TO Whom it May Concern,

I am the Executive Director of 1663567
Christman Singing Hills Youth Camp. Our camp
has been at 1441 State Rd. 344 for over
30 yrs. now. We have made tremendous
impact on ^(10's of thousands) young people's lives over these
past years. And our plan is to continue
this effort to reach out & give young
people a place where they can get away
from it all in order to get things straight
in their lives. We believe this will make
them more productive citizens in our state
& our nation.

I've been informed about a Rock &
Gravel company that is trying to begin a
business about 1 mile from our camp.
This greatly concerns me as we look at
safety factors for these many kids that will
come to camp year round.

I am sorry that I could not be
present today - I'm in the middle of a
camp week working w/ young people.

Please note that Singing Hills Camp
is opposed to any Gravel Company that would
endanger its campers physical & mental well
being. We do not wish the environment
& atmosphere that exists & has existed to
change. Thank you

Bill Christman
Director

JAY and HELEN CROTTY

1366 State Road 344 • Sandia Park, New Mexico 87047 • Telephone (505) 281-2136

June 13, 1999

1663567

Board of County Commissioners
County of Santa Fe
P.O. Box 276
Santa Fe, NM 87504-0276

Honorable Members of the Board of County Commissioners:

Because of prior commitments, we are unable to attend the public hearing on the San Pedro Rock & Gravel/Mansal Gravel Company request to operate a gravel mine north of the fire station in our neighborhood. We are therefore communicating our concerns by letter.

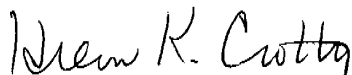
We are deeply concerned about the effect of the mining operation on the health and safety of the residents of our community. Heavy truck traffic on narrow State Road 344 that winds through our community would pose unacceptable risks to residents attempting to enter the roadway from side roads and driveways, not to mention the hazards of meeting heavy trucks on the steep grade known locally as "Heartbreak Hill." This certainly constitutes a danger to the health and welfare of everyone who must use this road.

We believe that the health and welfare of the citizens of this County should be the primary concern of its elected and appointed officials. Regardless of the ownership of the property to be mined, Santa Fe County residents and taxpayers will be adversely affected by the proposed mining operation, and we feel that our rights have been insufficiently protected in this hasty hearing. We beg you to consider carefully every detail of the plan, paying particular attention to the omissions and discrepancies in the application as pointed out in Elizabeth German's letter of June 9 to Raymond Abeyta. Under normal circumstances, we feel that these matters would have been raised by land use staff prior to commencement of operations.

Sincerely yours,



Jay C. Crotty



Helen K. Crotty

1663567

JAY and HELEN CROTTY

1366 State Road 344 • Sandia Park, New Mexico 87047 • Telephone (505) 281-2136

June 13, 1999

County Development Review Committee
County of Santa Fe
P.O. Box 276
Santa Fe, NM 87504-0276

Dear Committee Members:

Because of prior commitments, we are unable to attend the public hearing on the San Pedro Rock & Gravel/Mansal Gravel Company request to operate a gravel mine north of the fire station in our neighborhood. We are therefore communicating our concerns by letter.

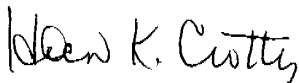
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We believe that the health and welfare of the citizens of this County should be the primary concern of its elected and appointed officials. Regardless of the ownership of the property to be mined, Santa Fe County residents and taxpayers will be adversely affected by the proposed mining operation, and we feel that our rights have been insufficiently protected in this hasty hearing. We beg you to consider carefully every detail of the plan, paying particular attention to the omissions and discrepancies in the application as pointed out in Elizabeth German's letter of June 9 to Raymond Abeyta. Under normal circumstances, we feel that these matters would have been raised by land use staff prior to commencement of operations.

Sincerely yours,



Jay C. Crotty



Helen K. Crotty

kinko's
Express Yourself1663567
fax cover sheet

2706 Central SE • Albuquerque, NM • Telephone: (505) 255-9673 • Fax: (505) 260-1339 • E-mail: usa0413@kinkos.com

Date 15 JUNE 1999Number of pages 2 (including cover page)to: Name BETH GERMAN
(PASS TO: SANTA FE CDRC) from:Name DAVID + JEANNE DETTMANNCompany -Company Retired Federal Gov'tTelephone 505-286-2234Telephone 505-266-0262Fax 505-281-7979

Comments

For German, SPNA and Santa Fe County Development
Review Committee

More than 900 locations worldwide. For the location nearest you, call 1-800-2-KINKOS. Visit our Web site at www.kinkos.com.

15 JUNE 1999

601 SOLANO DRIVE, SE
ALBUQUERQUE, NM 87108

1663567

TO: BETH GERMAN (PASS TO SANTA FE CORC)

RE: GRAVEL MINE

WE OWN PROPERTY IMMEDIATELY SOUTH
OF THE AREA REQUESTED BY THE SAN
PEDRO ROCK AND GRAVEL/MANSAL GRAVEL
COMPANY TO BE USED IN A GRAVEL MINE
OPERATION.

WE BOTH VIGOROUSLY OPPOSE ANY MINING
ACTIVITY IN THIS AREA AND WILL SUPPORT
ACTION TO PRECLUDE SUCH ACTIVITY.

THANK YOU FOR YOUR ATTENTION AND
CONSIDERATION IN THIS MATTER.

SINCERELY -

David B. DeHann, Jr.
Joanne C. DeHann

POWER SOURCE LIFE CREATIONS

1663567

LAURIE MEYERER
4017 NORMA DRIVE NW
ALBUQUERQUE NM. 87109

PHONE 505 896-4497

EMAIL LMEYERER@AOL.COM

June 13th 1999

To whom it may concern;

As a property owner and member of The South Mountain Landowners Association, I am writing to let you know of my strong opposition to granting permits for sand and gravel removal to the Mansal Gravel Company who is requesting permit rights in San Lazarus Canyon.

This proposed operation is directly across from a residential area where I have been a property owner for 24 years. The proposed mining of huge amounts of gravel and trucking them out along Highway 344 would be devastating to a community which was established primarily to maintain a quiet rural atmosphere.

The mining noise, air pollution, and trucking noise, the hazard large trucks would cause on a school bus route on an illegal grade hill where many semi-type trucks have already crashed would be a destruction of what this community and its residents try to preserve.

Yours Truly, Laurie Meyer

To whom it may concern

1663567

As a Landowner in the San Pedro's for the last ten years and Resident in the San Pedro's for the last 17 years I would like to voice my concerns about the proposed gravel operation. It is my observation + should be acknowledged by the County that this community has worked tirelessly socially + physically to close the Chapter on mining + regain Reclamation. To provide a balanced environment for the animals, plants, and families of this area. In the present we are working on ^{community} planning to support Rural living and quality for the environment.

It seems a project of this magnitude works adversely to the goals of this community.

1. peace + quiet would be interrupted for all about wildlife + humans.
2. air quality would change for all affected by winds + roads.
3. the area has already had years of abuse
4. the roads are not wide enough + large trucks have often created dangers for us as drivers when they are in the area
5. Roads gather ^{up} dust + with a small amount of moisture can cause slippery dangerous driving situations - (12) South 14 had several accidents at bottom by gravel operation when there a light rains
6. inappropriate in a Residential area
7. pollution from diesel machines run all day long affecting plants animals + humans
8. commercial project using very precious

1663567

water for this area.

~~But~~ I am apposed + feel this
to be unappropriate for this
Residential area

Sincerely
Jennifer H. Lee

John, Yolanda Kastelic
55 Avenida Del Norte
Sandia Park, NM 87047

June 10, 1999

1663567

To Whom It May Concern:

We strongly OPPOSE and PROTEST any operations of Mr. Ed mousy of Placer Gold Mining and Sand & Gravel in San Lazarus Canyon in the San Pedro Mountains.

As residents and Members of the San Pedro Neighborhood Association, we oppose any activities associated with the Mining Activities at this site. The added noise, air and water pollution would adversely affect the quality of life in this area.

The additional truck traffic that would be required for this activity would bring damage to our roads, increase traffic accidents, and increase road hazards on roads that are too steep and were not built for this type of activity. Not to mention the value of our property if no environmental efforts are made.

In this day and age of the nineties, if environmental controls are not enforced by the State, projects like this one that just destroy should not be allowed to happen. Reclamation of the land should be assured for the sake of our children and all future generations to enjoy our area as we do today.

Please make note of our protest to all involved in the decision making process.

Sincerely,

John and Yolanda Kastelic

Handwritten signatures of John and Yolanda Kastelic. The signature for John is written above the signature for Yolanda.



10675 East N.W. Highway, Suite 1655-688, Dallas, Texas 75238
Tel: 214-553-5330 - Fax: 214-553-5226

1663567

June 11, 1999

TO: Santa Fe County
Planning Dept.

RE: Proposed mining operations -- Lazareth Canyon

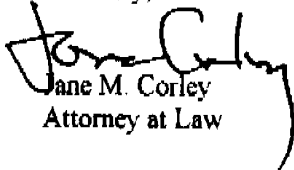
To Whom it May Concern:

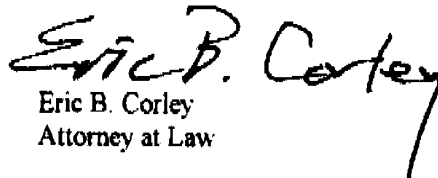
Please accept this letter as a memorialization of our strident opposition to any further mining activities as proposed by Placer Gold, Sand & Gravel in and about Lazareth Canyon and the surrounding area near San Pedro. As residents of the area and members of the San Pedro Neighborhood Association, we chose this property in particular for its natural beauty and quietude. Placer's proposed activities are entirely inconsistent with such qualities; specifically, we are most concerned about the heavy truck traffic that will be caused by Pacer trucks on State Highway 344 and the ensuing air pollution that will inevitably be caused by the operation.

Further, I am sure you are aware that this is not the first battle SPNA has lodged against proposed mining activities in the San Pedro area. We will join with them strongly and indefinitely to oppose any mining activities proposed for the area.

If you have any questions regarding this matter, do not hesitate to call.

Sincerely,


Jane M. Corley
Attorney at Law


Eric B. Corley
Attorney at Law

1663567

Steven Knudsen
1205 State Road 344
Stanley, NM 87056

To whom it may concern:

I would like to comment on the production of sand and gravel currently under consideration in the San Pedro Mountains. Let me first state that I understand the need to sand and gravel so that roads may be built and repaired and new houses and other structures built. There are however a number of concerns that must be taken into account during the production and transport of these materials, these concerns are outlined below

1. State Road 344 is currently in poor repair from Cedar Grove to its endpoint at Highway 14
2. State Road 344 is narrow and has no shoulder for much of its length
3. State road 344 is a heavily used bicycle route
4. State road 344 is a school bus route.
5. The San Pedro area is a quiet residential area. Noise control from all parts of any proposed operation is very important.
6. The control of dust from production and transport must be controlled to minimize dust affects on plant and animal life

I think that it is only prudent that the regulating bodies involved in this matter consider the impact of the point outlined above in any decision. I personally would hope that the permits issued for sand and gravel would:

1. Very clearly state the sensitive ecological nature of the extraction and transport of sand and gravel product.
2. Limit the number of trucks on 344 to not more than 2 per hour
3. Require the operator to practice aggressive dust control methods in the pit as well as on all roadways
4. Require that the operator not have trucks on 344 when school busses are in operation.
5. Require that the operator follow aggressive noise abatement procedures.

I would also ask the enforcement authorities to:

1. Strictly enforce any agreements which are in place with the operator
2. Strictly enforce speed limits and other regulations regarding truck safety
3. Make a determination if this transport operation falls under the jurisdiction of US DOT and enforce DOT rules as appropriate.
4. Monitor dust and noise pollution, and be prepared to stop sand and gravel operations if operation does not meet the standards.
5. Allow a yearly review of the operation, with the ability to cancel further removal of sand and gravel.

If there are any questions regarding this letter please feel free to contact me at the address given above.

Steve Knudsen



Robert and Kristin Thacher
127 Avenida del Monte
P.O. Box 310
Sandia Park, NM 87047

1663567

Santa Fe County Development Review Committee
Santa Fe County Board of Commissioners
Santa Fe, NM

To whom it may concern:

We are writing to ask that you deny any variances or approvals of the proposed mining and gravel operation, Case #DP99-5260, by Mansel Gravel/San Pedro Rock LLC Joint Venture at the site off Oro Quay Road within Sections 22 and 27, Township 12 North, Range 7 East in Santa Fe County. We have lived within 2 miles of this site for almost 20 years. Mansel Gravel proposes to operate-12 hours a day, 6 days a week-in what has become a peaceful, rural neighborhood that is presently going through the Community Development process encouraged by Santa Fe County. Mr. Mansel, who has no ties to this community and will not employ or benefit anyone living here, will destroy the peace and quiet and the clear air quality with his mining and rock crushing business. The stripping of the land and potential erosion and runoff are significant environmental problems. Even more worrisome is the trucking operation necessary to haul out the gravel and ore. The single paved road that serves the community (Route 344) will be demolished faster than it can be repaired. This heavy truck traffic, in addition to the growing commuter traffic from the Edgewood area, will cause difficult driving conditions. The increased possibilities for dangerous accidents on Heartbreak Hill, a school bus route with a steep grade and no guard rails, is very disturbing.

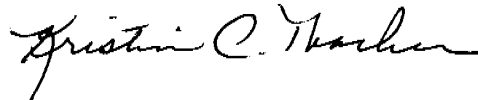
We hope that you will take the concerns of residents and taxpayers into consideration and deny the Mansel Gravel/San Pedro LLC Joint Venture application.

Thank you for your consideration.

Robert W. Thacher



Kristin C. Thacher



June 13, 1999

13730
Santa Fe County

1663567

To Whom It May Concern:

I am very concerned about the possibility of a gravel and rock company starting to operate in the San Pedro area. A facility like the one proposed by Mensel Co. would greatly impact our neighborhood, with heavy trucks traveling up and down our roads at frequent intervals. These trucks would cause noise and dust problems and increased risk for our children. The San Pedro area is relatively pristine, with few commercial ventures. Large operations such

1663567

as proposed by Munsal would
destroy the mountain atmosphere.

I am adamantly opposed to
the Munsal Gravel / San Pedro
Rock LLC joint venture in our
area.

Sincerely,

Salvy Douglas

51 Camino del Corazón

Sanelia Park (San Pedro), NM

281-9843

87047

Supervisor - Sandia National Laboratory

(505) 844-0568

1663567

June 13, 1999

To Whom It may Concern:

We are unable to attend the meeting scheduled for June 15, 1999, but we would like you to understand our opposition to the planned gravel crushing operation.

We think it is unfortunate that the BLM land is being used for a commercial operation in such close proximity to so many homes and families.

We are opposed to this operation for all of the reasons stated in the article attached.

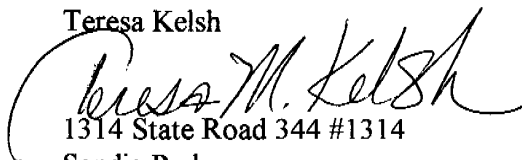
Sincerely:

Eric Kelsh



1314 State Road 344 #1314
Sandia Park
281-4642

Teresa Kelsh



1314 State Road 344 #1314
Sandia Park
281-4642

Gravel pit fought by San Pedro residents

By Tracey Master

Residents in San Pedro are mounting an opposition to a gravel pit in their community. According to Beth German, president of the San Pedro Neighborhood Association, plans by Eddy Mauzy of Albuquerque to operate a gravel crushing operation on Bureau of Land Management (BLM) land have local homeowners extremely unhappy.

The gravel pit is located between mile markers 14 and 15 on State Road 344, approximately six miles north of Cedar Grove on the south side of San Pedro Mountain.

Among the concerns cited by German are dust, water usage, noise and increased traffic:

"You can hear everything here. There is a camp not too far away, and we can hear them singing sometimes. We don't want the noise from gravel crushing. And we really don't want all those trucks."

A special County Development Review Committee (CDRC) meeting will be held June 15, 3 p.m. in the Santa Fe County Commission chambers, old Santa Fe County courthouse. The subject is also expected to be discussed at a 5 p.m. meeting of the Santa Fe County Commission.

German urged residents to get involved: "I think that anyone concerned with the noise caused by gravel crushing and the traffic should go to the CDRC meeting and have their opinions heard."

1663567

June 10, 1999

JUN 15 1999
RECEIVED
L. D. C. DEPT. OF THE INTERIOR
#12 Blue Crow LN
San Pedro NM

Ramon Abeyta
Santa Fe County Land Use Dept.

Dear Mr. Abeyta -

I would like to provide some input on the proposed gravel operation at San Lazarus Gulch in the San Pedro Mts. in Southern Santa Fe County.

As a 20 year resident of the San Pedros, I am one of only a handful of people who were here when a similar gravel/gold operation occurred in the early 1980's. This attempt resulted in massive destruction to the land - they bulldozed the entire pine/piñon woodland in that area completely stripping it of all vegetation. As I am only a mile from the site, I heard machinery and trucks constantly. After they deemed their efforts unprofitable they simply left the area, leaving behind equipment and debris which is still there and a landscape which to this day looks like a war zone.

There seems to be a question about whether we will actually be able to hear noise from this new attempt as they plan to work farther up the canyon. A subsequent gravel operation did indeed work farther up that canyon later on and without question, they could still be heard.

2)

We are in a bowl here between San Pedro and South Mountains. Most residences are within two miles of San Lazaro Gulch. On a still evening with minimal traffic one can hear people talking $\frac{1}{2}$ mile away; a lone weedeater a mile distant. I like that. We all do.

I ask you to consider the big picture here and know that your decision determines the quality of life for the land, the wildlife and the people who have come to love this area for years and years to come. In my opinion, a giant gravel operation would destroy that quality completely.

Thank you for your time.

Julie Hunze



Julie Hunze
P.O. Box 264
Sandia Park, NM 87047-0264

FROM :

PHONE NO. : 505 281 7979

Jun. 14 1999 07:09AM P1
→ *R*

SAN PEDRO NEIGHBORHOOD ASSOCIATION

1480 State Road 344
Sandia Park, NM 87047
14 June 1999

1663567

Elizabeth German
President and General Counsel
Bob Clancy
Vice President
Beth Chavez
Secretary
Wolfgang Michael
Treasurer

Diane Lucero
Ramon Abeyta
Santa Fe County Land Use Department
102 Grant Avenue
PO Box 276
Santa Fe, New Mexico 87504

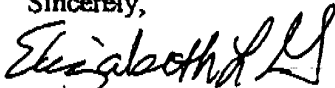
Re: CDRC case DP 99-5260 Mansal Gravel/San Pedro Rock LLC

Dear Ms. Lucero and Mr. Abeyta,

In addition to the conditions discussed in our prior correspondence, we request that the CDRC and County Commission prohibit jake brake use on Oro Quay Road and on Highway 344. Use of jake brakes would seriously disturb our neighborhood.

Thank you for your consideration.

Sincerely,



Elizabeth L. German

SAN PEDRO NEIGHBORHOOD ASSOCIATION

1480 State Road 344
Sandia Park, NM 87047
11 June 1999

JUN 1999
RECEIVED
Elizabeth German
President and General Counsel
Bob Clancy
Vice President
Beth Chavez
Secretary
Wolfgang Michael
Treasurer

1663567

Diane Lucero
Ramon Abeyta
Santa Fe County Land Use Department
102 Grant Avenue
PO Box 276
Santa Fe, New Mexico 87504

Re: CDRC case DP 99-5260 Mansal Gravel/San Pedro Rock LLC

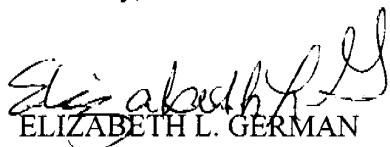
Dear Ms. Lucero and Mr. Abeyta,

I have reviewed the Memorandum dated June 15, 1999 from Mr. Abeyta to the CDRC regarding staff's recommendations on the proposed gravel operation in our neighborhood. In addition to the comments raised in our letter dated June 9, 1999, I offer the following comments in response to the staff recommendation memorandum.

1. The summary states that this is a 5-acre site. However, the operator has a BLM lease on 80 acres. As I understand his proposal, he will mine all 80 acres but must conduct operations on 5 acres at a time, with concurrent reclamation.
2. The Air Quality permit limits the facility to operating 6 hours a day/6 months a year. This is not applicable only to crushing, but to screening and hauling on the dirt access road as well. The operator has requested approval to operate the site for 11.5 hours a day. We request that the staff, CDRC and Commission limit all operations to 6 hours a day/6 months a year in accordance with the Air Quality permit.

Thank you for your consideration of these matters.

Sincerely,


ELIZABETH L. GERMAN

cc: Chris Graser
Sam Bregman

15 JUNE 1999

601 SOLANO DRIVE, SE
ALBUQUERQUE, NM 87108

1663567

TO: BETH GERMAN (PASS TO SANTA FE CORP)

RE: GRAVEL MINE

WE OWN PROPERTY IMMEDIATELY SOUTH
OF THE AREA REQUESTED BY THE SAN
PEDRO ROCK AND GRAVEL/MANSAL GRAVEL
COMPANY TO BE USED IN A GRAVEL MINE
OPERATION.

WE BOTH VIGOROUSLY OPPOSE ANY MINING
ACTIVITY IN THIS AREA AND WILL SUPPORT
ACTION TO PRECLUDE SUCH ACTIVITY.

THANK YOU FOR YOUR ATTENTION AND
CONSIDERATION IN THIS MATTER.

SINCERELY -

David B. Bethmann Jr.
Joanne C. Bethmann

6-15-99

TO Whom it May Concern, 1663567

I am the Executive Director of Christmas Singing Hills Youth Camp. Our camp has been at 1441 State Rd. 344 for over 30 yrs. Now. We have made tremendous impact on ^(10's of thousands) young people's lives over these past years. And our plan is to continue this effort to reach out & give young people a place where they can get away from it all in order to get things straight in their lives. We believe this will make them more productive citizens in our state & our nation.

I've been informed about a Rock & Gravel company that is trying to begin a business about 1 mile from our camp. This greatly concerns me as we look at safety factors for these many kids that will come to camp year round.

I am sorry that I could not be present today - I'm in the middle of a camp week working w/ young people.

Please note that Singing Hills Camp is opposed to any Gravel company that would endanger its campers physical & mental well being. We do not wish the environment & atmosphere that exists & has existed to change. Thank you

Bill Crawford
Director

1663567

JAY and HELEN CROTTY1366 State Road 344 • Sandia Park, New Mexico 87047 • Telephone (505) 281-2136

June 13, 1999

County Development Review Committee
County of Santa Fe
P.O. Box 276
Santa Fe, NM 87504-0276

Dear Committee Members:

Because of prior commitments, we are unable to attend the public hearing on the San Pedro Rock & Gravel/Mansal Gravel Company request to operate a gravel mine north of the fire station in our neighborhood. We are therefore communicating our concerns by letter.

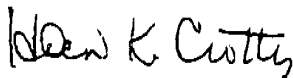
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We believe that the health and welfare of the citizens of this County should be the primary concern of its elected and appointed officials. Regardless of the ownership of the property to be mined, Santa Fe County residents and taxpayers will be adversely affected by the proposed mining operation, and we feel that our rights have been insufficiently protected in this hasty hearing. We beg you to consider carefully every detail of the plan, paying particular attention to the omissions and discrepancies in the application as pointed out in Elizabeth German's letter of June 9 to Raymond Abeyta. Under normal circumstances, we feel that these matters would have been raised by land use staff prior to commencement of operations.

Sincerely yours,



Jay C. Crotty



Helen K. Crotty

POWER SOURCE LIFE CREATIONS

1663567

PHONE 505 298-4497
EMAIL LMEYERER@AOL.COMLAURIE MEYERER
4517 NORMA DRIVE NE
ALBUQUERQUE NM, 87109

June 13th 1999

To whom it may concern;

As a property owner and member of The South Mountain Landowners Association, I am writing to let you know of my strong opposition to granting permits for sand and gravel removal to the Mansel Gravel Company who is requesting permit rights in San Lazarus Canyon.

This proposed operation is directly across from a residential area where I have been a property owner for 24 years. The proposed mining of huge amounts of gravel and trucking them out along Highway 344 would be devastating to a community which was established primarily to maintain a quiet rural atmosphere.

The mining noise, air pollution, and trucking noise, the hazard large trucks

Land use

1663567

PETITION IN OPPOSITION
TO
PROPOSED MANSAL GRAVEL/SAN PEDRO ROCK & GRAVEL OPERATION
IN SAN PEDRO

We the undersigned residents of the community of San Pedro, Santa Fe County are opposed to the gravel screening, crushing & hauling operation proposed by Mansal Gravel/San Pedro Rock & Gravel. We ask that the CDRC and Santa Fe County Commission deny the permit application. In the alternative, we ask that the CDRC and County Commission impose conditions to severely limit noise and air pollution, assure minimal amounts of water are used and prohibit truck traffic before 9:00 a.m. and after 3:00 p.m. We also ask that if permitted, the County monitor this mine to assure that all conditions imposed by the BLM and Air Quality Division are satisfied.

NAME

ADDRESS

SIGNATURE

HILLARY ARMSTRONG 1689 S.R. 344, SAN PEDRO Hillary M. Armstrong

FROM :

PHONE NO. : 505 281 7979

Jun. 15 1999 10:40AM P2

1663567

kinko's
Express Yourself

fax cover sheet

2706 Central SE • Albuquerque, NM • Telephone: (505) 255-9673 • Fax: (505) 260-1339 • E-mail: usa0413@kinkos.com

Date 15 JUNE 1999

Number of pages 2 (including cover page)

to: Name BETH GERMAN
(PASS TO: SANTA FE CDRC) from:

Name DAVID + JEANNE DETTMANN

Company

Company Retired Federal Gov't

Telephone 505-286-2234

Telephone 505-266-0262

Fax 505-281-7979

Comments

For German, SPNA and Santa Fe County Development
Review Committee

More than 800 locations worldwide. For the location nearest you, call 1-800-2-KINKOS. Visit our Web site at www.kinkos.com.

15 JUNE 1999
601 SOLANO DRIVE, SE
ALBUQUERQUE, NM 87108

1663567

TO: BETH GERMAN (PASS TO SANTA FE CORC)
RE: GRAVEL MINE

WE OWN PROPERTY IMMEDIATELY SOUTH
OF THE AREA REQUESTED BY THE SAN
PEDRO ROCK AND GRAVEL/MANSAL GRAVEL
COMPANY TO BE USED IN A GRAVEL MINE
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WE BOTH VIGOROUSLY OPPOSE ANY MINING
ACTIVITY IN THIS AREA AND WILL SUPPORT
ACTION TO PRECLUDE SUCH ACTIVITY.

THANK YOU FOR YOUR ATTENTION AND
CONSIDERATION IN THIS MATTER.

SINCERELY -

Ned B. Dettmann Sr.
Joanne B. Dettmann

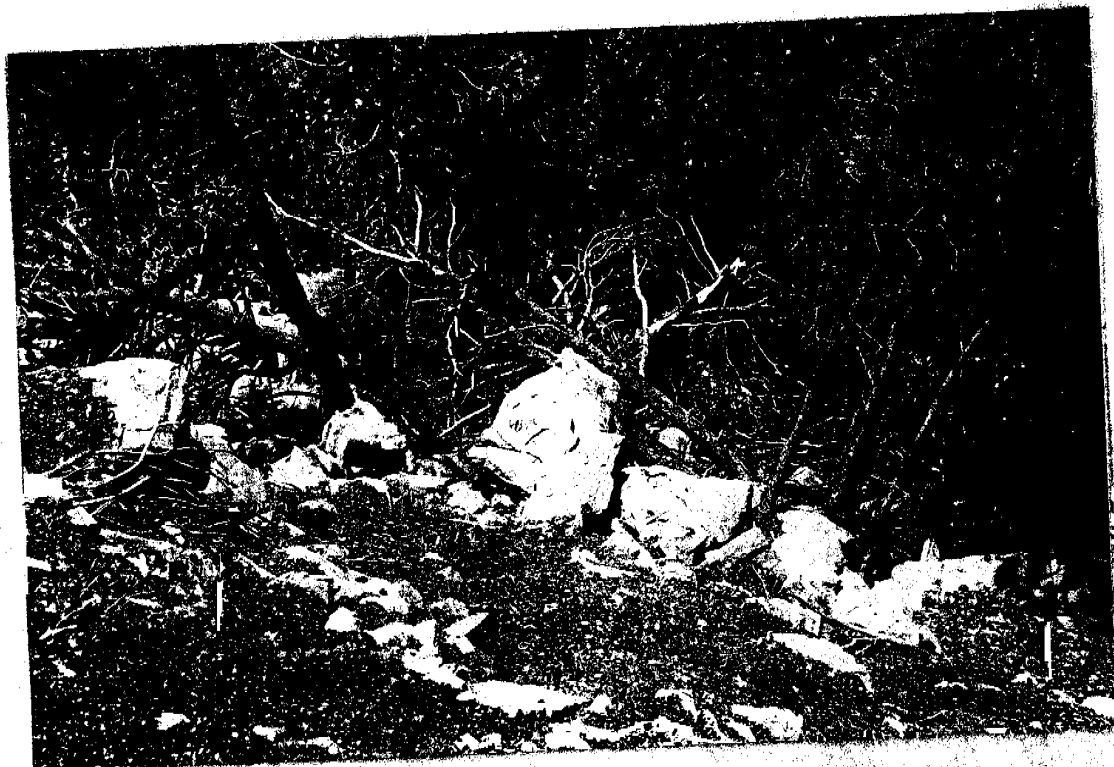
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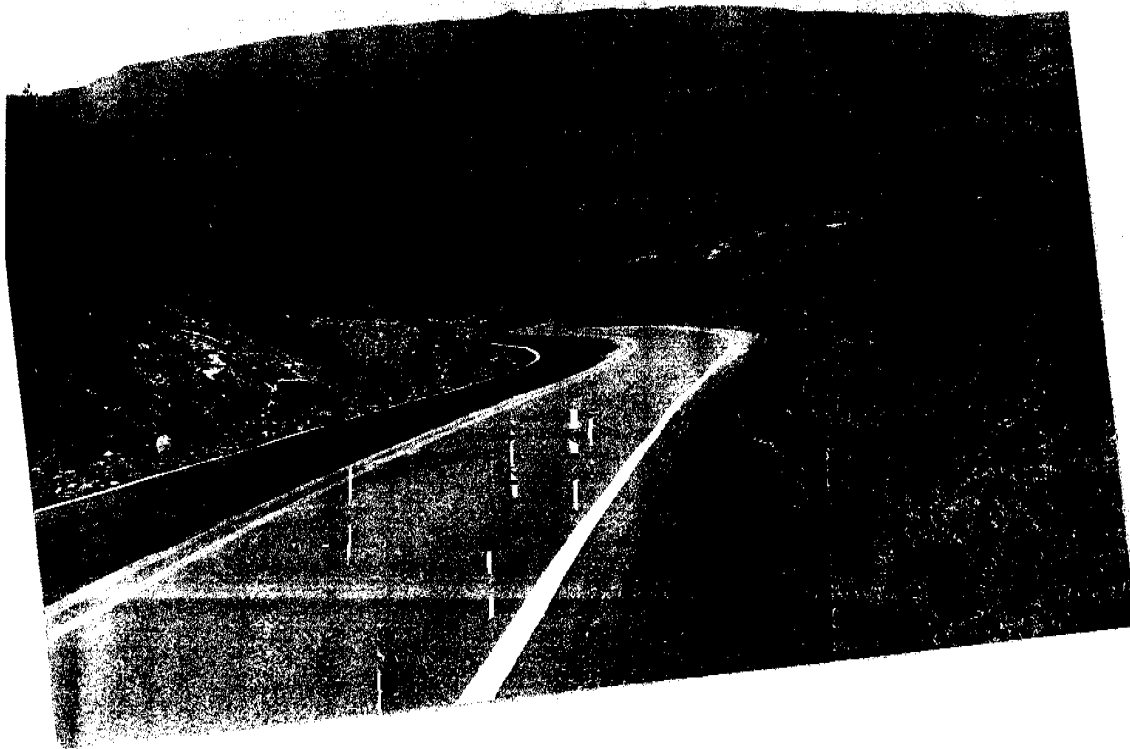
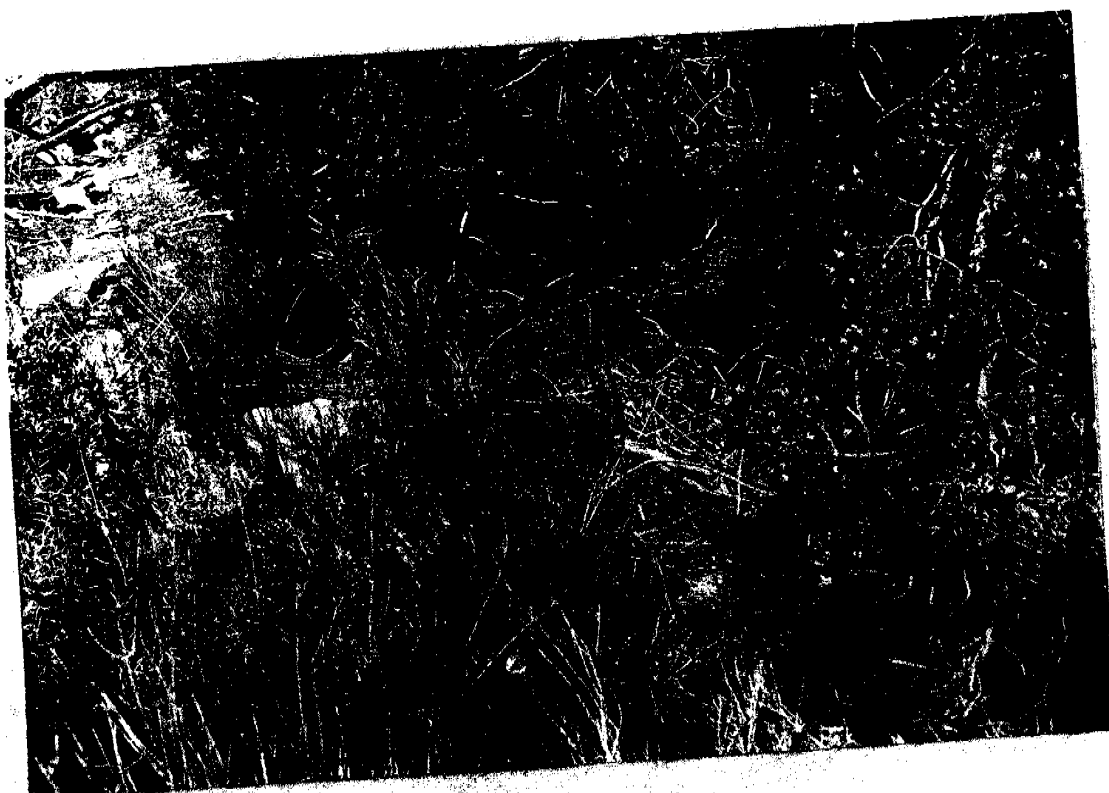
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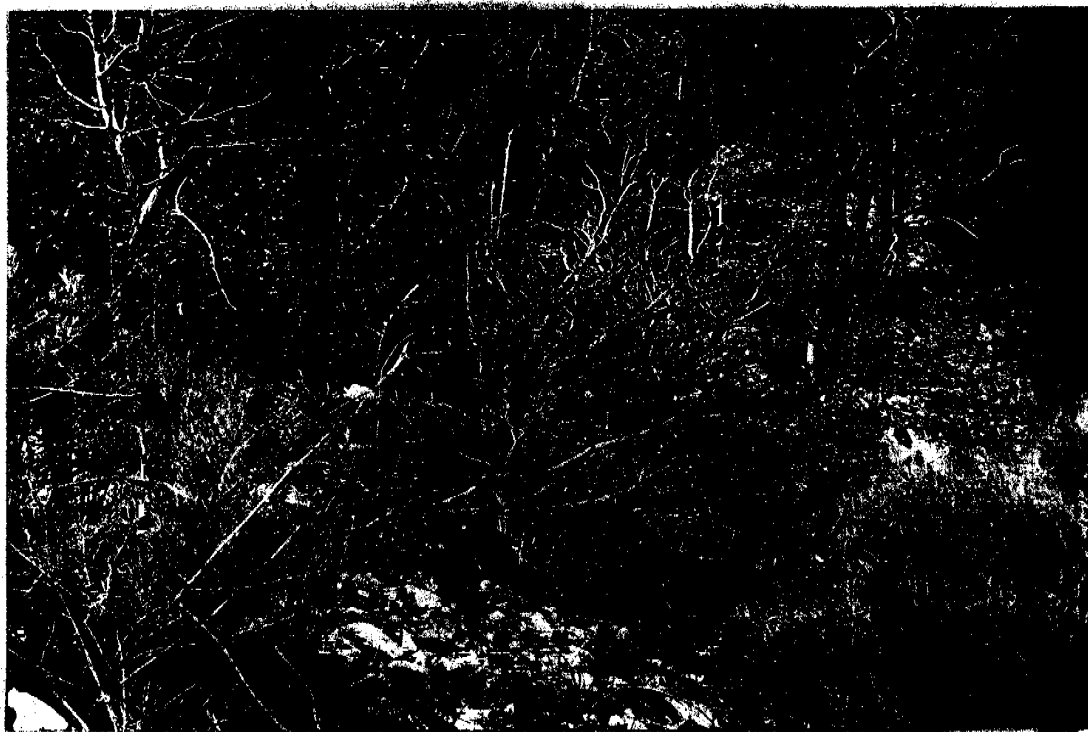
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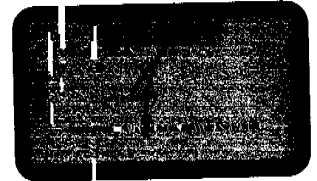


1663567



1663567

<http://www.dillon-group.com/strategy/sanpedro/index.htm>



Decision Point

Survey Results - Comment
Section

Vision
Statement

Survey Results

Challenges

Diversity
Analysis

What is the quality about San
Pedro you most want to preserve?

A. Rural Nature

- Rural atmosphere in close proximity to Albuquerque
- It rural and peaceful atmosphere
- The quiet, open, unadulterated land
- Rural character, privacy/solitude
- Pristine, rural environment
- Rural
- Quiet, few people
- Rural atmosphere
- The quiet, rural environment - the pristine open space, little traffic on Hwy 344. I know that I am part of the community but I can also find myself alone, I like

1663567

- that.
- Dark, quiet, wooded rural environment
 - Quiet, starry nights, beautiful vistas, and plentiful wildlife
 - Unique rural geography, clear air, little noise pollution
 - Low density population, rural atmosphere
 - Solitude, family values and tranquility
 - The existing character
 - Quiet, country and sparse population
 - Rural
 - Private, laid back, quiet
 - Rural, lack of congestion - scenic beauty
 - Rural nature necessitates preserving current lot size zoning
 - Mountains without mining
 - Rural mountain setting
 - Scenic, quiet country atmosphere
 - Rural character
 - Nature
 - Environment - Natural beauty
 - I don't want housing developments
 - Peacefulness
 - Quiet
 - Rural
 - Non-development
 - That it remain a rural mountain atmosphere, not an urban subdivision
 - Rural
 - The quiet, rural quality
 - Quiet and privacy
 - Quiet
 - Rural nature
 - Natural beauty, privacy, peace and quiet, low population density, the soil and water conservation district's idea of using its land holdings for limited monitored educational purposes.
 - Wildlife, variety of homes and lifestyles, agricultural zoning,

1663567

- open spaces and quiet
- The quietness, darkness, surrounding woods, "wilderness" like areas, wildlife, peacefulness and friendliness
- Peace and quiet, low light at night
 - Isolation
- Rural, quiet, limited population, no businesses
 - Rural character, clean air
 - The freedom of non domesticated animals, its beauty, no lights at night, open space, rural, history, its diversity in housing, income and cultural people, the freedom we have to live as neighbors but not like neighbors where buildings and homes are the same.
 - Rural, un-crowded and residential
- Tranquility
 - It is rural, out of the way and private. I like that it is not an official community and you are free from the controls in a city.
 - Natural state
- Quiet
 - Country style atmosphere
 - Keep as natural as possible
 - Rural atmosphere
 - Clean air, few people, freedom of space, the sky and stars, no street lights, no paved roads and good neighbors
 - I would like to see the direction away from any urban type plans, this is the country and it should remain that way.
 - No change
 - Minimize large scale developments
 - No change, continue quality of life
 - Limitations on growth
 - No more housing developments
 - No change, but preserve the quality of life. We hope the plan is structured to direct

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development and regulate growth that will maintain the unique environment but also allow individuals to use and control their land as they want.

- ☒ Rural, quiet
 - Rural, wild, low density
 - The quality I want most preserved no longer exists
 - High desert, native flora character
- ☒ Quiet, no mine noise, or traffic
- ☒ Rural, peace, and quiet
 - Rural character
 - Natural vegetative state
 - Rural character
- ☒ The peaceful atmosphere of being secluded and away from the stress of the city, the mountains give you this feeling
 - Rural character
 - Undeveloped

B. Semi-Rural - Rural Estate Nature

- Semi-rural, casual, easy going and neighbor friendly
- ☒ Quiet neighborhoods, clean roads without billboards
 - Rural estate qualities
- ☒ Quiet, country, residential, water quality and supply of water, natural beauty and wildlife
- ☒ Quiet, dark skies
 - Rural residential atmosphere, virtual invisibility of most homes - the whiter home with a red roof on a ridge top is a glaring exception
- Non contentious lifestyle
- ☒ Small community, quiet, natural surroundings
- ☒ Not much noise
 - Improved roads, water, power
 - Better roads
 - Better management of development

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- Limiting trailers, better enforcement of County code
- Responsible for their dogs and limit increased growth
- Light pollution regulations, lower speed limit on Hwy 344
- Restricted outdoor lighting
- Control our new building, water issues addressed, animal control
- Water becomes more available (pipeline), lot sizes would remain at 5 acres minimum
- Allow roads to be at least graded to prevent erosion
- Water and power service
- Water resources
- Improved roads and access roads to properties not fronting main arteries
- Improved access
- Planning standards that encourage investment in home construction
- Greater sense of place (community)
- Ample space between residences, quiet
- No billboards, no bright lights, peaceful and quiet
- The quiet, the privacy

C. Rural Village Nature

- Population has been slow to grow in perspective to surrounding areas
- Opening for home based businesses, resorts, cafe, etc.

D. Miscellaneous

- The threat of mining activity, if it would keep development pressures low yet not destroy our quality of life by having a real, noisy mine actually operating.

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- The concerns of the original heirs of the San Pedro Land Grant and the San Pedro Cemetery
- A new attitude toward knowing the San Pedro Mine will never awaken
- Inefficient or wasteful County government
- Keep mining out and reclaim the damaged land
- More strict mining prohibition
- Threat of lowering property taxes due to undesirable activities
- Top of heartbreak hill-safety for entering and exiting Ranchitos Road
- More barn dances

E. Process

- You are not reaching all the landowners, you need to slow down this process and put a moratorium on development until a plan is actualized
- That the community plan keep the control at our neighborhood
- Keep developers from controlling what gets done in San Pedro
- Water regulation, use has never been monitored
- No change, but preserve the quality of life. We hope the plan is structured to direct development and regulate growth that will maintain the unique environment but also allow individuals to use and control their land as they want.
- Non-invasive government

Some of the major qualities of "rural" as defined by comments

- Peaceful/Quiet
- Privacy/Solitude
- Design features
 - Clean roads/no billboards
 - No street lights
 - No light pollution
- Low density/ sparse population/open space
- Pristine/unadulterated land

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To the Board of County Commissioners of Santa Fe County.
June 15, 1999.

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CDRC CASE # DP99-5260.
RE: Mansel Gravel/San Pedro Rock LLC Joint Venture.

From: Stanley Waldron, 25 Avenida del Monte, (County road 112),
Sandia Park, N.M.87047 (San Pedro Community

I am opposed to the application of the above parties on the proposed site for the following reasons and environmental concerns:

1. The proposed activity and site area both directly and indirectly will increase and accelerate the loss of irreplaceable permeable soils due to sediment migration down gradient. This has the indirect effect of increasing the loss of usable offsite, private properties, causing eventual devaluation and financial loss to tax paying residents in the downslope communities. Sediment laden flood water, rushing downslope through private lands, causes deepening and widening of drainage arroyos, with the resultant loss of private property. Destabilization on mountain fronts and canyon floors adds to ever-increasing erosion problems, at the source and on downslope properties. Who is to compensate for this irreplaceable loss?

2. The topographical features of the canyon, known as San Lazarus Gulch (an inappropriate name), with the elevated slopes forming an exceptional watershed source has a tremendous, overriding value as essential recharge for the upper quadrant of the Estancia Basin, lying within the boundaries of Santa Fe County. Both the San Pedros and the Greater South Mountain group provide the principle recharge potential to this depleting resource within our County boundary. Further destabilization of this critical recharge area translates into permanent loss of vitally needed recharge to the Estancia Basin. Our mountain fronts are our most productive recharge potential, because more precipitation occurs at these elevations.

3. Both the surface and underground waters flow south and eastward to the Canada de las Narrias through the San Pedro Neighborhood, emptying into the valley area at the King Land and Cattle Ranch, down slope of the mountains. Therefore it is of utmost concern that further destabilization of the San Pedros be prevented. We cannot be assured of a 100 year supply of groundwater if we indiscriminately destabilize our mountain slopes and canyons. Loss of recharge to the Fringe Aquifer will occur as will the Upper Estancia Basin.

4. Further unwarranted mining activity in this area of the San Pedro Mountains has the potential to affect and disturb the toxic

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flooded mine workings, known as the century-old flooded Carnahan mine. This massive body of water, filled the stopes from mining activity and lies within the Madera group limestones, the principle aquifer in this area. Disturbance of this area has the potential to release a deadly TDS soup into intimately connected, surrounding aquifer bodies. (I have made an independent study of The Hydrologic Connection of these mountains and The Estancia Basin and would be glad to sit down with the County Hydrologist to discuss some serious concerns.)

~~5.~~ 5. The proposed site is on Public Lands, administrated by the Bureau of Land Management under the Department of the Interior. However, there has never been an EA or an EIS done on the negative effects of mining activity over the years. It is high time that such a requirement be recommended by you as our representatives, and required of the BLM. The Purpose and Policy of The National Environmental Policy Act of 1970 and 1978 both calls for this and provides the mechanism and funding. I quote from it:

"The NEPA Process is intended to help public officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore, and enhance the environment."

"Federal agencies(BLM) shall to the fullest extent possible: implement procedures to make the NEPA process more useful to decision makers and the public"...and to emphasize real environmental issues and alternatives."

"encourage and facilitate public involvement in decisions which affect the quality of the human environment."

I pray that you as our Commissioners take the proper steps to require a full and intensive EIS on the entire San Pedro Mountains before you give any further consideration to either Hard Rock Underground mining, surface or sub-surface mining, or Gravel mining, including any related activity, until the Department of the Interior through its agency, The Bureau of Land Management receives a recommendation and request for an indepth study.

With due respect to our courts and their essential function, the NEPA process calls for the courts as well to recognize its purpose and federal powers, as ordered by act of Congress to safeguard our environment.

I further request and recommend that adequate reclamation plans be required and submitted that will both correct and mitigate the existing devastation that has occurred in this valuable recharge

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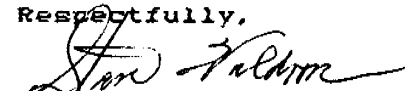
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resource canyon. Unless this is first accomplished, before any additional activity is permitted, a major storm event may well result in the extensive loss of residential property and taxable land, even lives. The potential is in that canyon now, waiting to happen! (I could also share with you the vast tonnage volume that occurs in a major storm event, both of runoff floodwater and massive movement of sediment down gradient.)

Irresponsible disregard of such unwarranted loss is a sad commentary on our failure to protect our environment for our children and theirs. We owe this to our posterity, and we are answerable to God for the care of this, His world. He created it for our enjoyment; not its abuse.

Thank you for this opportunity to both protest, and hopefully contribute to the consideration of this application.

Respectfully,



Stanley Waldron.