



COUNTY ADMINISTRATOR'S OFFICE

PIMA COUNTY GOVERNMENTAL CENTER
130 W. CONGRESS, FLOOR 10, TUCSON, AZ 85701-1317
(520) 724-8661 FAX (520) 724-8171

C.H. HUCKELBERRY
County Administrator

July 17, 2018

Mr. Kerwin S. Dewberry
Forest Supervisor and Reviewing Officer
Coronado National Forest
300 W. Congress St. Tucson, AZ 85701

Re: Proposed Changes to the Santa Catalina Ranger District Motorized Travel System Project

Dear Mr. Dewberry:

On June 9, 2018 the Forest Service published a draft decision notice (DN), finding of no significant impact, and associated final environmental assessment (EA) for proposed changes to the motorized travel system on the Santa Catalina Ranger District.

On June 1, 2012 Pima County provided timely comments on the Forest's pre-decisional EA for the Travel Management Plan. In our letter and associated documentation (see attachment), we requested that the FS address a number of issues directly related to Pima County-owned parcels and therefore are important to Pima County.

During 2012, we worked with Oracle Ridge and Coronado National Forest to facilitate their access to the mine using this road via a land exchange that was completed on 12/18/2012, with the understanding that this would be the public access replacing Road 4450.

Unfortunately, the County's concerns—as expressed in our 2012 letter—were not addressed in the draft DN, nor is there any record that our comments were evaluated as part of the review process for this project. Our letter was submitted to the correct person 58 days prior to the close of the public comment period. We attempted many times to meet with the former District ranger or his staff at Santa Catalina District and despite that, were not made aware of the 2014 draft EA. The Forest's plans related to the roads at issue were unchanged between 2012 and 2014.

Mr. Kerwin S. Dewberry

Re: **Proposed Changes to the Santa Catalina Ranger District Motorized Travel System Project**
July 17, 2018

Page 2

Therefore, this letter serves as notice that Pima County objects to the draft notice of decision, and we request that Road 4450 (Haul Rd. or Black Hills Mine Rd.) be identified for decommissioning due to the natural resource conflicts we identified. Pima County continues to request removal of this private road from the NFSR. Only a small portion of this road is on the Forest before it enters State land to the east and the remainder of the road (to the west) is owned by Pima County.

The purpose of the Travel Management Rule is to designate a system of roads and trails for motorized use to minimize impacts to Forest resources, while maintaining motorized recreational use. The Travel Management Plan process does not involve new construction or closures, but rather recognizes changes in current roads and unauthorized existing routes.

Road 4450 is unauthorized on state and private (County) lands. It is causing resource damage. The Coronado is identifying and restricting routes in and near riparian areas that are causing significant harm to these habitats elsewhere, why not here?

Sincerely,



C.H. Huckelberry
County Administrator

CHH/mp

Enclosure

c: Charles Woodard, District Ranger, Santa Catalina Ranger District



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C.H. HUCKELBERRY
County Administrator

June 1, 2012

Mr. Joshua Taiz
Travel Management Project Leader
Coronado National Forest
5700 North Sabino Canyon Road
Tucson, Arizona 85750

Re: United States Forest Service Pre-Decisional Environmental Assessment on the Santa Catalina Ranger District's Travel Management Plan

Dear Mr. Taiz:

Pima County welcomes the opportunity to comment on the USDA Forest Service's pre-decisional Environmental Assessment (EA) on the Santa Catalina Ranger District's Travel Management Plan.

Pima County owns a number of parcels in the vicinity of the Oracle Ridge mine and which are embedded within the Coronado National Forest (see Figure 1). Collectively, these parcels are known as the Oracle Ridge property. Through previous correspondence on this matter (see attachments), Pima County has a much better understanding of the road access and rights-of-way issues associated with our Oracle Ridge property. Since those previous correspondences, the situation in that area has changed considerably due to the fact that the Oracle Ridge Mining Corporation is conducting the necessary tests and preparing documents in an effort to reopen the Oracle Ridge Mine, located to the west of the County Oracle Ridge property. The County is currently in discussions with the mine about their access issues across our property for both the movement of machinery and slurry to their tailings pile, located to the east of our property. The County's comments and concerns in this letter apply specifically to the Forest's EA, but also reflect a series of conversations that County staff have had with the Oracle Ridge Mining Corporation staff, representatives, and consultants.

Two roads in your Travel Management Plan are directly related to the County's property (Figure 2) and are the subject of our comments:

Mr. Joshua Taiz

Re: **United States Forest Service Pre-Decisional Environmental Assessment on the Santa Catalina Ranger District's Travel Management Plan**

June 1, 2012

Page 2

38- Pvt Rd. 3. The portion of road on the Forest's map (green dashed line on Figure 2) is almost entirely on County land and was used in the past as a utility road for the transportation of slurry to the nearby tailings pile. Pima County is in discussions with the mine as to what actions to take on this road. It appears that the road will again be used to convey materials to and from the nearby tailings pile. The County sees no need in designating this road for inclusion as a National Forest System Road (NFSR), because 1) It is on private property, and 2) Such a designation may preclude the County from potentially working with the mine or others. Further, we note that the uphill (west) section of this road, which is on Forest Service lands (see Figure 3), is not being addressed by this EA. Instead of focusing road planning effort on the County's portion of this road, we suggest that the Forest Service concentrate planning resources on the sections of this road that are within the Forest.

Road 4451 (Lombar). This is short section of road between Pima County land and the tailings pile that is owned by the Oracle Ridge Mine (red line on Figure 2). This road is being proposed for decommissioning by the Forest Service. We request that this road not be scheduled for decommissioning at this time because Pima County is in discussions with the mine for the possible use of this road to replace the section of Road 4450 (also known as the "Haul Rd.") that runs through the County's property. The mine has indicated to the County and the Forest that they would prefer that Rd 4451 be the primary road from tailing pile to the junction of the Oracle Control Road, and we think this may be preferable to continued use of Road 4450, subject to completion of the EA for the use of the Forest lands by the Oracle Ridge Mine.

Road 4450 (Haul Rd. or Black Hills Mine Rd.). Though not a part of the EA, Pima County would like to request that the forest remove FR 4450 from the NFSR. Only a small portion of this road is on the Forest before it enters State land to the east and the remainder of the road (to the west, shown on Figure 3 with red arrows) is owned by Pima County. There are no easements to the public or others on the segment of the road running through County or State Trust lands. If the Forest consents to the mining company's use and modification of FR 4451, as indicated in the previous paragraph, then Pima County would like to close or decommission FR 4450. There are a number of reasons that we would like to do this. First, there is a spring and other sensitive resources along Geesaman Wash and recreational impacts are becoming apparent on the property. Second, the road construction and maintenance has impaired floodplain conveyance in places. Third, the condition of the road—in areas where it is adjacent to the wash—is poor and further erosion will make it both unsafe for passage and very costly to repair.

Sincerely,


C.H. Huckelberry
County Administrator

Mr. Joshua Taiz

Re: United States Forest Service Pre-Decisional Environmental Assessment on the Santa Catalina Ranger District's Travel Management Plan

June 1, 2012

Page 3

CHH/dr

Attachments

c: Stan Helin, District Ranger, Santa Catalina Ranger District
Walter Keyes, Transportation Engineer, Santa Catalina Ranger District
Michael Racy, Representative for Oracle Ridge Mining, LLC
Julia Fonseca, Environmental Planning Manager, Office of Sustainability and Conservation

Figure 2

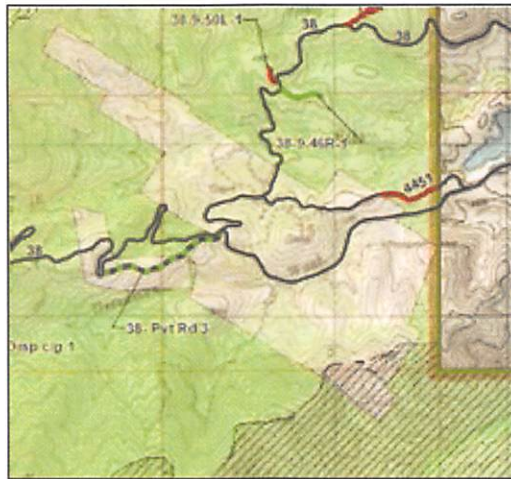


Figure 2. Map taken from the Travel Management Plan for the Coronado National Forest showing sections of the roads in and near to Pima County's Oracle Ridge property.

Figure 3

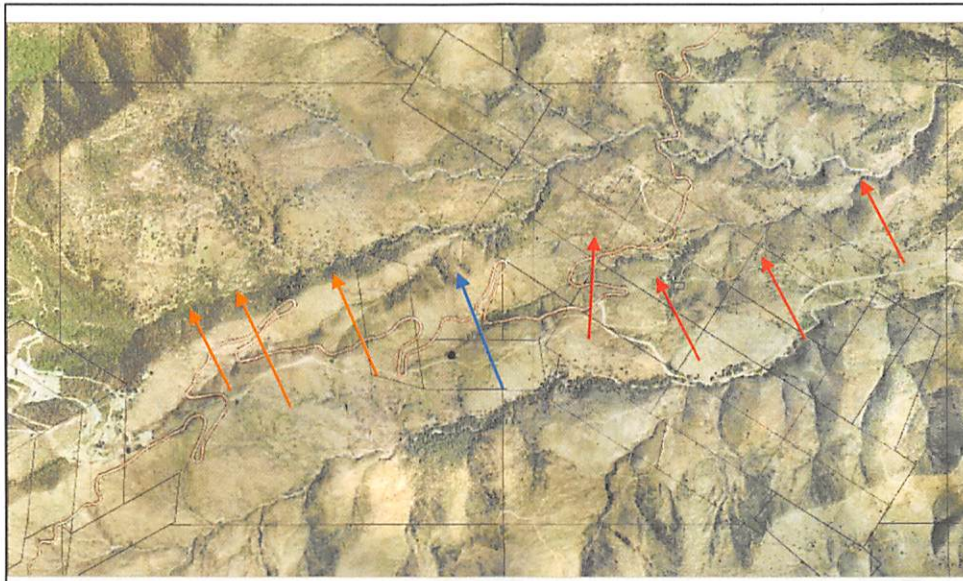


Figure 3. 38 Pvt Rd. 3 (blue) is suggested for inclusion into the NFSR, but the uphill section of this very road (on Forest Service land; in orange) is not marked for inclusion into the NFSR. Red arrows highlight FR4450, which we would like closed or decommissioned.



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C.H. HUCKELBERRY
County Administrator

October 4, 2010

Mr. Jim Upchurch
Forest Supervisor
Coronado National Forest
300 W. Congress Street
Tucson, Arizona 85701

Re: Pima County Property and Forest Roads

Dear Mr. Upchurch:

Pima County is the owner of land within the Coronado National Forest located in Township 11 South, Range 16 East. The County land is interposed between the Oracle Ridge Mine and its historic tailings dump (see enclosed map) and was purchased for open space purposes. I ask for your cooperation to advise Pima County of any permit inquiries or actions which might affect our property and the resources located therein.

Please inform your biologists that our staff recently determined there is a population of lowland leopard frogs living in Geesaman Canyon. This is a spring-fed stream with sycamores, cottonwoods, willow and other riparian vegetation that traverses our property and the adjacent Forest Service land. In addition, staff observed unauthorized ATV use on adjacent hillsides on our land, as well as the Forest land.

Legal access to the area is via the Mount Lemmon Control Road. The Control Road is considered a Forest Service Road. Per a 1979 Forest Development Road Cooperative Agreement between the US Forest Service and Pima County, the County does not maintain this road. Thus, I assume any discussion regarding road modifications needed for renewed mine access would go through the Forest Service. Please let us know if this is also your understanding.

The Oracle Ridge mine historically also used a haul road that originates at the Control Road and passes a revegetated tailings dump on the way to San Manuel. The haul road crossed land since acquired by Pima County, as well as Forest and State Trust land, and is known to you as FR 4450. I understand your staff considers FR 4450 a private road constructed

Mr. Jim Upchurch
Re: Pima County Property and Forest Roads
October 4, 2010
Page 2

and maintained by the mine owners. Will you verify this? There is approximately a 0.2 mile stretch of FR 4450 on Forest land (see map below).

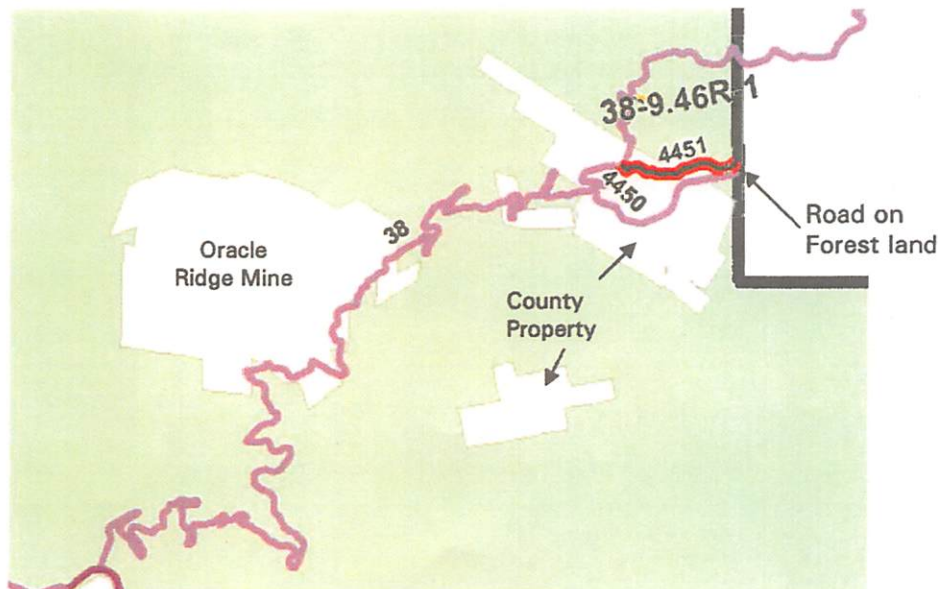
In 2004, Pima County purchased property from Oracle Ridge Mining Partners. At the time of purchase, there were no easement reservations for FR 4450 across the property acquired by the County. Following Pima County's purchase of the property, Oracle Ridge Mining Partners apparently recorded, without our consent, a Statement of Access Easement across County property. Easements cannot be created without the property owner's consent, and Pima County never consented to the easement.

I have asked the County Attorney to remove the illegally recorded easement. There is no authorized access to use or modify FR 4450 across County land.

A recent field visit determined that there is a gated access at the point where the Haul Road meets the Control Road, marked with a sign for FR 4450. Can you tell me who installed the gate, and who has the keys?

Because this road is located in the floodplain of Geesaman Canyon, it would require continual maintenance. Someone has filled in the Geesaman Canyon floodplain with fill material for the road bed. Pima County would like to know who has been filling and diverting the watercourse for the purpose of maintaining road access through our property. Does the Forest Service maintain this road? Do you see a need to maintain this road?

The Coronado National Forest Travel Management Plan Proposed Act map dated August 11, 2010 shows FR 4450 as a road open to all motorized vehicles through Pima County property. To my knowledge, Pima County has not granted any access across County property, however if you have any evidence to the contrary, would you provide it?



Excerpt from Forest Service map at:
www.fs.fed.us/r3/coronado/travel/d5/SantaCatalinaRD_map.pdf

Mr. Jim Upchurch
Re: Pima County Property and Forest Roads
October 4, 2010
Page 3

The route marked as FR 4451 also passes through County property. This is an undefined easement that may still be in use. While decommissioning the route may not be out of the question, I would appreciate receiving any additional information you may have regarding this route. In addition, you may want to discuss this with the private property owner who owns part of the route.

Pima County is preparing a habitat conservation plan under the Endangered Species Act. The intended use of this particular County property, and others, is to serve as mitigation land; hence, I ask for your assistance in consideration of our mutual stewardship responsibilities. I look forward to working with you on these and other matters.

Sincerely,


C.H. Huckelberry
County Administrator

CHH/mjk

Attachment

c: The Honorable Chairman and Members, Pima County Board of Supervisors
Christina Biggs, Manager, Pima County Real Property Services
Julia Fonseca, Environmental Planning Manager



United States
Department of
Agriculture

Forest
Service

Coronado National Forest
Supervisor's Office

300 W. Congress
Tucson, Arizona 85701
Phone (520) 388-8300
FAX (520) 388-8305
Deaf & Hearing Impaired 711

File Code: 2700/5500/7700
Date: December 16, 2010

C.H. Huckleberry
County Administrator
Pima County Administrator's Office
130 W Congress
Tucson, AZ 85701-1317

Dear Mr. Huckleberry:

This letter is written in response to your October 4, 2010 letter regarding the status of several roads that cross lands Pima County acquired from Oracle Ridge Mining Partners in 2004 and any permit inquiries or administrative actions which might affect those lands.

Recently, representatives from Gold Hawk Resources Inc., and their consultants from Tetra Tech met with the Santa Catalina District Ranger, Stan Helin and his staff, to discuss their recent acquisition of subsurface mining rights at the Oracle Ridge Mine and provide a general overview of their proposed mining operation. Although it appears a majority of the proposed mining operation will be on private land owned by Oracle Ridge Mining, LLC., or Gold Hawk Resources Inc., they are also proposing several ancillary uses on National Forest System (NFS) lands which may require the issuance of special-use authorizations for previously permitted activities associated with past mining activity in the area. They were provided an "Application for Transportation and Utility Systems and Facilities on Federal Lands [Standard Form (SF) 299]" and asked to provide a complete proposal to be considered in any special use permitting process.

Gold Hawk Resources Inc., and the consultants from Tetra Tech were informed at the meeting with the Santa Catalina District Ranger that the Forest Service has no authority to maintain and/or authorize the maintenance, use, or closure of any portion of Roads 4450 or 4451 or ancillary uses across the non-federal (private, county, and state) lands. They were also informed that they would have to contact Pima County, the State Land Department, and other private landowners regarding the authorization of any proposed road, except for Road 38 (Control Road), or other ancillary uses on non-federal land.

Road 38 (Control Road) was built cooperatively by Pima and Pinal Counties, the Forest Service, and the Bureau of Roads in 1919 and is the primary public access route to and through National Forest System (NFS) lands at the northern end of the Santa Catalina Ranger District. Pinal County maintains and has jurisdiction on Road 38 from Oracle to Peppersauce Campground while the Forest Service maintains and has jurisdiction on Road 38 from Peppersauce Campground to the General Hitchcock Highway. Maintenance by Pinal County is authorized by a Forest Road and Trail Act (FRTA) Easement. The portion of Road 38 maintained by the Forest Service is a National Forest System Road (NFSR).

Maintenance and/or modification of Road 38 (Control Road) or any other road under Forest Service jurisdiction requires an appropriate level of NEPA be completed. Before any maintenance and/or



modification of Road 38 or any other road under Forest Service jurisdiction can be performed by an entity other than the Forest Service, a special-use authorization or a road use agreement would be required in addition to the appropriate level of NEPA analysis completed.

Road 4450 (Continental Copper Access Road or Black Hills Mine Road) was constructed in the late 1970's and maintained across non-federal (private, state, and the land now owned by Pima County) and NFS lands by the past owners and/or lessees of the Oracle Ridge Mine to access State Highway 77 near San Manuel. The gate across Road 4450 was apparently constructed by past owners and/or lessees of the Oracle Ridge Mine at the same time the road was constructed and that except for brief period of time after the road was completed, the gate has essentially remained unlocked and open. Who has the keys for the locks on the gate is unknown.

Our records indicate construction and maintenance of the portion of Road 4450 across NFS lands was authorized by various special-use permits that expired in 2006. Construction and maintenance of the portion of Road 4450 across State Trust lands was authorized by various State Land Department leases, the last of which expired in 2007 (R/W No. 18-42220). Because maintenance of Road 4450 had always been performed by the past owners and/or lessees of the Oracle Ridge Mine and we have no road right-of-way easement and/or authority to maintain those portions across non-federal (private, county, and state) ownership, we have never maintained any portion of Road 4450 or included the road as a priority for road maintenance in the past. Who is currently maintaining Road 4450 through the lands owned by Pima County and Geesaman Canyon is unknown.

Although the Forest Service does not have a road right-of-way easement for the portion of Road 4450 across the lands now owned by Pima County, the road has been used by public land users for a couple of decades to access NFS and State Trust lands as well as other private lands from both the Oracle Ridge Mine and San Manuel/San Pedro areas prior to county acquisition. The Forest Service would need perpetual road easements from Pima County, private landowners outside the proclaimed NFS boundary, and the State Land Department before we could maintain the portions of Road 4450 across those lands.

Road 4451 (Lombar Road) begins and ends on non-federal (private and county) lands within and outside the proclaimed NFS boundary from Road 38 to Road 4450 and somewhat parallels Road 4450. Records indicate Road 4451 is a private road and traverses ± 0.25 miles of NFS lands between those private lands. It is unknown who or when it was constructed and by whom or whether a special-use permit was ever issued by the Forest Service for construction or its maintenance and use. The Forest Service does not have a road right-of-way easement for the portion of Road 4451 across the lands now owned by Pima County or the private land outside the proclaimed Forest boundary. Because Road 4451 somewhat begins and ends with and parallels Road 4450, the portion on NFS lands was proposed for decommissioning during transportation analysis planning for the Santa Catalina Ranger District and shown as such on the Motor Vehicle Use Map (MVUM).

Determination of ownership and jurisdiction for many roads to and through NFS lands, especially those roads open and used by public land users for several decades and which have long been considered to be public by users is difficult under federal and applicable state law and in many cases may not be resolved within the scheduled MVUM production timeframe. Regional Office guidance advises us to show roads on the MVUM which are currently open and providing public access where there are ownership, jurisdictional, and/or written and unwritten title issues which may be unresolved and legal public access has not been ruled out with certainty. Because Road 4450 (Continental Copper Access Road) is open and has been providing public access for decades it was shown as open to all motorized vehicles on the MVUM.

Thank you for the information regarding the lowland leopard frog population in Geesaman Canyon and the ATV use in the area. The information provided was forwarded to the appropriate Forest Staffs and the Santa Catalina District Ranger. I look forward to working with you regarding our mutual stewardship responsibilities in the Oracle Ridge Mine area as well as other issues within Pima County, especially in areas where there is a lack of documented legal public access (written title) to NFS lands.

If you have any questions regarding the special-use permitting process or the status of roads to and through the Coronado National Forest affecting Pima County, please contact Stan Helin, Santa Catalina District Ranger, at (520) 760-2306, at the District Office, or George McKay, Access, Lands, and Boundary Management Staff (520) 388-8423, or Walt Keyes, Roads Engineer, (520) 388-8416 at this Office.

Sincerely,



JIM UPCHURCH
Forest Supervisor

cc: Stan Helin, George McKay, Walt Keyes