



# PUEBLO OF SANTA ANA

## OFFICE OF THE GOVERNOR

01 July 2022

Honorable Alan S. Lowenthal  
United States Congress  
108 Cannon House Office Building  
Washington, DC 20515

Honorable Pete Stauber  
United States Congress  
461 Cannon HOB  
Washington, DC 20515

**Re: Subcommittee on Energy and Mineral Resources hearing on the Buffalo Tract Protection Act.**

Dear Chairman Lowenthal and Ranking Member Stauber,

The Pueblo of Santa Ana strongly supports the proposed legislation, the Buffalo Tract Protection Act, to ensure the protection of Santa Ana Pueblo and our neighbors in southern Sandoval County from any further gravel mining operations on the Buffalo Tract.

The Buffalo Tract landscape is culturally important to the people of Santa Ana for collecting items for religious use, making offerings to our ancestors, and as an established travel route to places of reverence and ritual use. This importance is demonstrated both through archaeological evidence and Santa Ana oral traditions. The Pueblo of Santa Ana is optimistic this legislation will provide a solution that agrees with the Bureau of Land Management's (BLM) stated mission to "sustain the health, diversity, and productivity of public lands for the use and enjoyment of present and future generations".

Additionally, the Buffalo Tract is part of an important corridor used by wildlife, providing a connection between the Jemez and Sandia Mountains along Las Huertas Creek. Santa Ana has documented the use of this corridor by several species, including species that are culturally significant to the Pueblo. Santa Ana has also previously decided to cease gravel mining and mineral extraction on Pueblo lands and is currently reclaiming the former gravel mines adjacent to the Buffalo Tract.

The Pueblo of Santa Ana has asked Department of Interior Secretary, Deb Haaland, to consider an administrative withdrawal of these lands from future mining activities but also sees the need for a permanent solution through the proposed legislation. We are sincere in

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our appreciation of your acknowledgement of Sana Ana's concerns and action taken on this important matter to the Pueblo, however disappointing it may be that legislation is necessary to ensure the health and productivity of public lands.

Sincerely,

Pueblo of Santa Ana  
Joseph Sanchez, Governor



PO Box 4339  
San Felipe Pueblo, NM 87001



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## Office of the Governor

July 14, 2022

The Honorable Alan Lowenthal  
Chairman  
Subcommittee on Energy and Mineral Resources  
1626 Longworth House Office Building  
Washington, DC 20515

The Honorable Pete Stauber  
Ranking Member  
Subcommittee on Energy and Mineral Resources  
1626 Longworth House Office Building  
Washington, DC 20515

Dear Chairman Lowenthal and Ranking Member Stauber:

On behalf of the Pueblo of San Felipe, I write to express our strong support for HR 5805, the Buffalo Tract Protection Act.

The Pueblo of San Felipe is one of the most culturally conservative of New Mexico's 19 Pueblos. The Pueblo is located about halfway between Albuquerque (about 30 miles to the north) and Santa Fe (about 40 miles to the south) at the foot of the Black Mesa in the Middle Rio Grande Valley. We have existed on this land since time immemorial. Our traditions, land, and culture are who we are as Pueblo Peoples.

There are cultural prohibitions against the type of excavation HR 5805 aims to eliminate. The land here is sacred and the Pueblo seeks to protect and preserve the area and resources therein. This area is culturally significant to not only the Pueblo of San Felipe, but to other Pueblos as well, with hundreds of recorded archaeological and cultural sites (many now "collected out of existence" due to mismanagement and a perception by the public that archaeological resources are available for taking. Even when surface artifacts are taken, the sites the land and the cultural values have ongoing significance for us.

As a traditional Pueblo, the ground and everything upon it and below it is sacred and must be preserved. The Buffalo Tract Protection Act keeps approximately 4,288 acres of sacred land protected from destructive mineral development and gravel mining.

Since the early 1980's the Pueblo of San Felipe made it clear to local and national leadership that the Buffalo Strip is ancestral Pueblo land and we have and will continue to diligently work to see this ancestral land protected, and it is our hopes that it is ultimately returned to the Pueblo.

The Pueblo hopes that this important bill is quickly passed out of Committee and finally receives floor consideration.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Carl Valencia". The signature is written in black ink and is positioned above the typed name.

Governor Carl Valencia  
Pueblo of San Felipe



## The Las Placitas Association

*Preserving and Protecting the Quality of Life in the  
Placitas Area*

July 15, 2022

Representative Alan S. Lowenthal  
Chairman, Subcommittee on Energy  
and Mineral Resources  
Committee on Natural Resources  
U.S. House of Representatives  
108 Cannon House Office Building  
Washington, D.C. 20515



Representative Pete Stauber  
Ranking Member, Subcommittee on Energy and Mineral Resources  
Committee on Natural Resources  
461 Cannon House Office Building  
Washington, D.C. 20515

Dear Chairman Lowenthal and Ranking Member Stauber:

On behalf of the Las Placitas Association (LPA) and Eastern Sandoval Citizens Association (ES-CA), we write to express our support for the Buffalo Tract Protection Act (H.R. 5805), introduced by New Mexico Representative Stansbury and Co-Sponsored by Rep. Leger Fernandez, Rep. McNerney and Rep. Huffman. This bill is also supported by: Governor Michelle Lujan Grisham; the unanimous, bipartisan Sandoval County Commission; the Santa Ana and San Felipe Pueblos; the San Antonio de las Huertas Land Grant; Pathways; and the Placitas Chamber of Commerce. The bill would align use of federal land with the will of the community and the longstanding local regulatory framework. ***Passage of this bill is urgently needed to preserve the economic development potential of Placitas and safeguard the value of the Buffalo Tract*** (part of Unit 5 in the BLM Rio Puerco Management area) and related parcels **as economic assets to Sandoval County and metro Albuquerque**. The bill will prevent:

- Further deterioration of in-migration to the area,
- Further depression of property values and job creation,
- Further shrinkage of the Sandoval County tax base, and
- Further reduction of tax revenue for the state of New Mexico.

Of no less importance, the bill will protect public health and quality of life in our culturally diverse, high desert, semi-rural residential community, with its mix of Anglos, Hispanics and Native Americans.

Why is this legislation necessary?

- Placitas already has four of the thirteen largest gravel mines in New Mexico—all within 0-2 miles of residential development. ***There are plenty of alternative sources of gravel where mining would be an economic benefit, not a burden.*** Specifically, DOI BLM's own *Mineral Resource Potential and Reasonably Foreseeable Development for Planning Units 1-5* identifies a 60-mile band from south of Santa Fe to south of Los Lunas and eastward to Tijeras as aggregate-rich areas with “low-to-high” potential sand and gravel resources. Plate 58 from this study provides locations within this band and the greater Albuquerque metro area. Indeed, knowledgeable sources indicate that the profitable mine-to-market distance may be up to a 90-mile radius. In any case, there are many potential gravel mining sites near the I-25 interstate that, unlike the Buffalo Tract, are not adjacent to residential developments.
- In 2014, one of the existing mines, long expected to cease operations at the expiration of its 1988 lease, announced plans to continue operations for another 25 years. As part of an ongoing effort to wind down all gravel mining on private land adjacent to residential development, consistent with the County's 1990 land use regulations, Sandoval County fought the extension in court—at great taxpayer expense—and, in 2017, negotiated a shorter extension period. The extension of this mine (and the other mines) have caused real economic harm to Sandoval County, reducing in-migration to Placitas and forcing the County to lower appraised property values (thus reducing its tax base). The latter is consistent with scholarly research about the impacts of gravel mines on residential property values. The creation of new mines would cause significantly greater economic harm to Sandoval County.
- Sandoval County derives scant sales revenue from mining because gross receipts taxes are levied at the point of sale, typically outside the county. Moreover, the total gross receipts tax revenues, wherever they are collected, are considerably smaller than the tax revenue losses created by mining. As well, Sandoval County is burdened with the costs of infrastructure repair and replacement of roads together with fire and rescue services, which mining operators have utilized under both regular and emergency conditions.
- While gravel mining is not a sustainable activity and generates few jobs, it also depresses job creation stemming from reduced in-migration and residential activity in Placitas. Moreover, gravel mining consumes three times as much water/acre as residential development. Gravel mining in Placitas is actually an anti-economic development strategy.

- State monitoring of particulate matter as recent as 2016 shows Placitas as the only “orange dot” (indicating unhealthy air quality for sensitive groups) on the state map.

This legislation would permanently remove gravel mining from the Buffalo Tract parcels. Permanent removal is essential to remove the cloud of uncertainty surrounding the Placitas community, which deters in-migration and depresses property values. Any other approach will not solve the problems created by long-term uncertainty and/or cumulative impacts.

Attached, in support of the Buffalo Tract Protection Act, please find the 2015 LPA ES-CA paper entitled *Land of Enchantment...or Gravel?*

We thank the Committee for taking the time to understand the gravity of the situation for our community, Sandoval County, and the metropolitan Albuquerque region. We urge swift passage of the Buffalo Tract Protection Act, which has the unanimous support of the New Mexican community.

Thank you very much for your kind consideration.

Sincerely,

George Franzen  
President, Eastern Sandoval Citizens Association (ES-CA)

Sandy Johnson  
President, Las Placitas Association (LPA)

Mary Rose de Valladares  
Chair, Land Use Protection Trust  
Member, ES-CA & LPA

# Land of Enchantment... or Gravel?

## - PREFACE-

Placitas is at a crossroads—and decisions made at the Federal and State levels in the near future will determine if this community is to flourish as one of New Mexico’s economic stars or to devolve as Albuquerque’s gravel pit.

The following paper, a collaborative effort of the Eastern Sandoval Citizens Association (ES-CA) and Las Placitas Association (LPA), describes the Placitas value proposition. It also provides details on the consequences of the additional sand and gravel mining proposed in the draft BLM Rio Puerco Resource Management Plan (RMP) for the BLM Buffalo Tract in Unit 5. The proposed mining is inconsistent with County, Tribal and community planning objectives for the area. Adverse impacts are expected on the economic recovery plans at State and County levels, coupled with a negative impact on the Federal Treasury. Damage to the public health and welfare, as well as our natural resources, is anticipated. Value destruction to one of the State’s most desirable residential areas would unfavorably affect current residents and discourage in- migration and retiree relocation. It would also be a detriment to environmental justice.

New Mexico is assured of a lasting legacy from the decision to include sand and gravel mining on the Placitas Buffalo Tract in the final BLM Rio Puerco Resource Management Plan (RMP).



# Land of Enchantment... or Gravel?

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# Land of Enchantment... or Gravel?

## 1.0 Community Profile

### 1.1 Residential Development Process

Beginning in the late 1970's, private sector developers began to act on the market potential of Placitas, conveniently located between Albuquerque and Santa Fe. Modern day Placitas is the realization of their investments and the investments of residents who bought and/or built their homes in this community. Placitas did not evolve as a result of tax abatement, IRBs, tax incentives, or subsidized loans; it was strictly a private sector initiative that did not consume public resources.

The population in Placitas grew from less than 1000 in 1980 to 1611 in 1990, and to 4977 in 2010<sup>i</sup>. The number of occupied housing units grew from 1,606 in 2000 to 2,431 in 2013.<sup>ii</sup> The American Community Survey also reported that 91% of these units were owner occupied. Between 2003 and 2007, the average value of homes sold in Placitas more than doubled on a per-square-foot basis.<sup>iii</sup> Among Placitas households with a householder under the age of 65, 72.7% have an annual household income over \$50,000. Of these households, 11.1% have incomes between \$75,000 and \$99,000; 18.5% have incomes between \$100,000-149,000; and 22.2% have incomes at or above \$150,000, the top of the survey scale. The median household income in Placitas is \$83,615, in contrast to \$53,046 for the country, \$44,927 for the state, and \$58,017 for Sandoval County.<sup>iv</sup>

*In this "beauty contest", four valuable New Mexico characteristics are: clean air, clean water, beautiful environment, and healthy outdoor lifestyle.*

In the past 20 years, Placitas has become a magnet for affluent retired and semi-retired segments of the market. In the opinion of one real estate expert, the typical Placitas buyer migrates to New Mexico from out of state. Furthermore, the typical buyer tends to be over 40 (45-75) and an empty-nester. It is estimated that as much as 40% are retired or semi-retired<sup>v</sup> and this percentage is higher in the newer subdivisions.

**With its stunning natural beauty, great environment, attractive homes, and residential growth, Placitas is an asset to New Mexico's economic development efforts.**

### 1.2 Mining in Placitas

The residential sector was not the only sector in Placitas to experience growth during this period, sand and gravel operations also expanded greatly. By the second half of the 1990s, the community began to organize in opposition to expansion of mining on BLM land, including the Buffalo Parcel, which was (and still is) open to extraction under the existing Resource Management Plan (RMP). Today, Placitas has 4 of the 13 largest gravel pits in the state (Baca, Lafarge, Bar J [San Felipe] and Santa Ana)<sup>vi</sup>. With this mining expansion, a significant economic benefit to the State and to Sandoval County is at risk.

# Land of Enchantment... or Gravel?

The draft Rio RMP has identified a site on Indian Flats Mesa, also known as the “Buffalo Parcel,” for a potential 5th mine of 800-1,000 acres in size.

## 2.0 The Value Proposition

### 2.1 Placitas’ Competitive Advantage

The initial source of Placitas’s competitive advantage was the beauty of the natural environment. The strategic location between Albuquerque and Santa Fe further enhances Placitas’s market appeal. Its established position in the marketplace now reinforces these advantages.

### 2.2 The Economic Value of Householders over age 50

#### 2.2.1 Nationwide Basics

Nationwide, studies affirm that seniors have lower levels of poverty than younger people, and are therefore less likely to require public services. Social Security, Medicare, and Medicaid made up 77%, or more than three-fourths of mandatory program spending in 2014 and have no budget limit. This money is coming from the federal budget, not the state budget.<sup>vii</sup> So, for the states and localities, retirees ease fiscal stress; at these levels of government even the Medicaid burden is offset because seniors have no children in school and yet pay higher property taxes.<sup>viii</sup>

A study entitled “Net Positive impact of Retirees on Florida’s State and Local Budgets” by the Bureau of Economic and Business Research at the University of Florida, concluded that the net revenue to local Florida governments from adults aged 65 or over, was 4.5 times greater than the net revenue of the 18-64 year-old age groups. This is because expenses for the 65 and over age group are lower on a per-capita basis than other age groups, while the revenue to government from all age groups is essentially the same.<sup>ix</sup>

*The net revenue to local governments from adults aged 65 or over was 4.5 times greater than the net revenue of the 18-64 year olds.*

Moreover, national census data illustrate that, on average, owner-occupant householders over age 55 tend to have twice (or even greater) the net worth of the 35-44 year old householder when including home equity.<sup>x</sup>

The Urban Institute opines that Americans who relocate when their careers end are generally wealthier and healthier than those who stay put. Their home purchases and other spending invigorates the local housing market and broader economy. They pay local property and sales taxes but don’t use many government services, at least in the short-run before they need long-term care. Many retirees serve their communities by volunteering at local nonprofits.<sup>xi</sup>

#### 2.2.2 The Longevity Economy – a Deeper Dive<sup>xii</sup>

A 2013 AARP paper by Oxford Economics examines the economic effects of an older population comprised of 106 million people who are responsible for at least \$7.1 trillion annual economic activity -

## Land of Enchantment... or Gravel?

a figure that is expected to reach well over \$13.5 trillion in real terms by 2032 – equal to half the US GDP.

According to this source, the “Longevity Economy” represents the sum of all economic activity serving the needs of Americans over age 50. It includes both the products and the services they purchase directly and the resulting economic activity this spending generates.<sup>xiii</sup> For example, in 2013 there was \$4.6 trillion in annual spending on consumer goods and services, including health care. This figure rises to \$7.1 trillion when considering induced effects as direct spending impacts economy. Tax receipts resulting from their spending account for nearly half of federal, state, and local tax revenues.

*The nation, the state, and Placitas have a 15 year timeframe in which to recruit boomer retirees.*

The Longevity Economy is a fast-growing contingent of active, productive people who are working longer and can mitigate the trend toward overall reduction in work force participation (66% 1996-2002, today 64%). According to the Department of Commerce Bureau of Labor Statistics (BLS), if workers age 55 and over were to increase their work force participation from 41.6% in 2013 to over 43% in 2020, the potential increase in economic output (value-added or GDP) could be an additional \$103 billion.

It is also noteworthy that Americans in their 50s and 60s start businesses at nearly twice the rate of those in their 20s. In 2011, 23% of new US businesses were launched by 55-64 year-old entrepreneurs.<sup>xiv</sup>

### 2.2.3 The Impact of the Baby Boom Generation

American Baby Boomers, individuals born between 1946-1964, comprise a huge age cohort. In 2012 Researcher Nielson wrote an article titled “Boomers: Marketing’s Most Valuable Generation.”<sup>xv</sup> The 50+ age group, said Nielson, spends more than any other age group: they dominate spending in 119 of 123 consumer package goods segments and across all health care categories.

The youngest boomers turn 65 in 2029. The nation, the state, and Placitas therefore have a 15 year timeframe in which to recruit Boomer retirees. If Boomers work to age 70, the recruiting timeframe extends to 20 years.

# Land of Enchantment... or Gravel?

## 2.3 Pensionomics<sup>xvi</sup> – an Approach to valuing Placitas’s contribution to the State of New Mexico

The premise of “pensionomics” is that pension spending (public and private) supports the economy and supports jobs where retirees reside and spend their benefits. Direct Benefit (DB) pensions provide stability that 401(k)s may not provide in a downturn. DB pensions have a LARGE multiplier effect in the state and national economies. In 2012, the national pension expenditure multiplier was 1.98 in economic output nationally, or double, for each dollar paid out.<sup>xvii</sup> The New Mexico pension expenditure multiplier was 1.64.

*Retiree spending of wealth derived from out-of-state is equivalent to "economic" jobs.*

If we apply the 1.64 New Mexico pension expenditure multiplier to the annual income categories (with three data points for the high ends of the range), the results indicate an order of magnitude economic effect ranging from \$74,962,268 - \$91,362, 268. The minimum annual injection into the New Mexican economy from the age 65 and over households is \$74,962,268. This is an impressive contribution to the economic well-being of our state.

High End of Range	Annual income Low end	Annual Income Low end with \$1.64 Multiplier	Annual Income high end	Annual Income high end with \$1.64 Multiplier
@150,000 high-end	32,565,000	53,406,600	45,708,700	74,962,268
@200,000 high-end	32,565,000	53,406,600	50,708,700	83,162,268
@250,000 high-end	32,565,000	53,406,600	55,708,700	91,362,268

Clearly, high income retirees who move to NM from other states for the beauty and weather, transfer wealth. Their spending, in the tens of millions of dollars in the Placitas area alone, directly creates "non-economic" jobs and indirectly supports the economic job creation process through the multiplication of new money spending and taxation. Further, the Eastern Sandoval Citizens Association (ES-CA) and Las Placitas Association (LPA) estimate that in only the area surrounding the Vulcan Placitas Mine \$36M<sup>xviii</sup> is derived annually from out of state (retirement) sources.

### 2.4 Jobs Race

There is a “jobs race” underway in most states in our nation and New Mexico is among them. No one disputes New Mexico’s need for more “economic” jobs, which are defined at least in part as jobs that carry monies from outside the state (at the 50% level according to AED) into the state to pay New Mexican employees.<sup>xix</sup> Marc Lautman, Economics Architect on the NM Legislative Jobs Council,

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forecasts population growth of ~210,000 between 2013-2023. Lautman has stated that New Mexico needs to create between 5,200-5,600 new economic jobs per year to accommodate population growth. He is also on record discussing the need to fill the “gap” from job losses resulting from the recession.<sup>xx</sup>

According to Lautman, 15 economic based jobs create 35 non-economic based jobs, a ratio of 1 to 2.3. The NM Legislative Jobs Council estimates that it takes \$50 million to recruit 5,000 jobs at a cost of \$10,000/job. This figure is more favorable than the \$31,000 in tax incentives cited in connection with creating a \$46,000 job in a 2012 legislative study.<sup>xxi</sup>

**The ES-CA/LPA hypothesis is that retiree spending acts as a surrogate for “economic jobs” by creating non-economic jobs and supporting New Mexico’s economic development efforts.** Using Lautman’s ratio, it took 8,354 economic jobs to achieve the 19,215 job level cited in “Pensionomics 2014” prepared by the National Institute of Retirement Security.<sup>xxii</sup> These 19,215 jobs are “non-economic” jobs. If you substitute “retiree” for “economic job,” then it would have taken, on average, the equivalent of 8,354 retirees to create these non-economic jobs. Non-economic jobs have value to the state of New Mexico. They may not be the kind of jobs the Department of Economic Development is charged with creating, but they do supplement the State’s job creation and economic development efforts. It is therefore critical to recognize the role of retiree spending in the creation of “non-economic” jobs, and that retiree spending of wealth derived from out-of-state is equivalent to “economic” jobs.

In the non-economic job category, the highest impact market segments are: food services, real estate, health care, and retail trade. It is interesting, and highly germane for Placitas, to note that the Department of Commerce views real estate activity (including rental activity) as a leading contributor to U.S. economic growth. It is clear that the construction and real estate jobs in Placitas provide employment for a broad spectrum of the greater community population.

It is also important to ask how many “economic” jobs it would take to create the income effects cited earlier in this section for Placitas households and Placitas subdivisions.

**Finally, the profoundly important role of attractive environments in the “jobs race” for “economic” jobs must be mentioned.** When there is a choice about location, industry, like individuals, ranks environment high on its list. In this “beauty contest”, four valuable New Mexico specific characteristics are: clean air, clean water, beautiful environment, and healthy outdoor lifestyle.<sup>xxiii</sup> Placitas is a winner here, as the magnificent natural environment has always been the foundation of its appeal. Moreover, since many people want to live near nature and outdoor

*The loss of Placitas retirees through out-migration or the future inability to attract retirees will have negative economic consequences for Placitas, Sandoval County and New Mexico.*

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recreation, Placitas is doubly blessed because of its access to the City of Albuquerque Open Space and the BLM Buffalo Parcel on its northern border.

**In conclusion, the retirees in the Placitas community bring huge economic value to New Mexico by creating non-economic jobs and supplementing the economic “jobs race” in the state at little, if any, cost compared with the expense of economic job creation.**

### 3.0 The Opportunity Cost

The loss of Placitas retirees through out-migration or the future inability to attract retirees will have negative economic consequences for Placitas, Sandoval County, and New Mexico. Why would this happen? The retirement business is a huge industry and New Mexico faces nationwide competition. All things being equal, Placitas is reasonably-positioned to compete. However, continued or expanded mining activities threaten residential development and are likely to result in tremendous opportunity costs for Placitas, Sandoval County, and the state of New Mexico. This is NOT a hypothetical situation; it is already happening.

The real estate downturn hit Placitas home sales along with other residential areas in metropolitan Albuquerque and around the state. A recent article by the Albuquerque Journal indicates that Placitas home values have declined 27% since the 2004-2007 pre-recession period.<sup>xxiv</sup> The 2014 Placitas data shows that home sales increased, but the average price on a square-foot basis continues to suffer from a downward trend. In contrast, a 2014 comparison with two high end areas in Albuquerque, High Desert and Sandia Heights, indicate stable square-foot values.<sup>xxv</sup> It bears mention that these areas are not surrounded by mines and are not subject to their negative impacts.

So, while Placitas has built a market reputation as a destination location, the extensive mining activities are eroding its market position. A report by Diane Hite at Auburn University<sup>xxvi</sup> quantified the loss of value sustained by a residential community based on proximity to mining operations. The losses were characterized as follows: 0.5 mile distance, 20% loss of value; 1.0 mile distance, 14.5% loss of value; 2.0 mile distance, 8.9% loss of value; 3.0 mile distance, 4.9% loss of value. The one to three mile spectrum utilized in this report covers much of Placitas. The addition of another mine on the Buffalo Parcel to the north – the land that should function as a buffer zone/urban interface for the community – will result in every part of the Placitas community being directly and adversely impacted by mining.

Presently, the Vulcan/Holcim mine (formerly Lafarge mine and before that the Western Mobile mine, originally known as the Liberman-Grevey Gravel Pit) is a long and sad story.<sup>xxvii</sup> Sales of existing homes near mining activity have decreased or ceased. New home sales are at a vastly reduced price point. These results are worse than the percentage declines reported in the Hite report. Houses near the mine are either not selling at all, or are selling at a drastic reduction in price. As a result, what we are seeing is that development is now being targeted at a price-point substantially lower (e.g. \$400,000

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rather than \$750,000) and aimed at lower-cost buyers unable to sustain the economic contribution of those who were being attracted earlier.

At issue here is Placitas market potential – not only relative to the value of existing homes but also to future build-out. The 2009 Sandoval County Placitas Area Plan reports potential for an additional 1,200 large-lot homes (excluding the Buffalo Parcel and other BLM land)<sup>xxviii</sup>. The 2009 Sandoval County Placitas Area Plan had anticipated that "Mining activities at the Liberman-Grevey Gravel Pit will transition into residential development at a density of 1 dwelling unit per acre in approximately 10 years".<sup>xxix</sup> That forecast was based on the widely understood statements by operators that their rights to mine would end in 2015. There are approximately 250 improved and vacant lots in close proximity to the location of the proposed new mine on the BLM Buffalo Parcel. These houses and lots would be directly affected by a new mine that would literally destroy and visually blight the landscape. Moreover, the mining industry itself is far from a job creation machine: there are seven jobs at the Vulcan mine and a similar number at the three other mines.

It took a long time and a lot of investment to build Placitas. Absent mining activity, it should be much easier to sustain the in-migration of retirees and their contribution to the state than it was to establish it. The retiree's economic output is now an integral part of the economic fabric of Sandoval County and New Mexico. At a minimum, it should be maintained and ideally grown in order to continue and expand the positive economic impact.

**Mining, on the other hand, is not a sustainable activity.** The mines will deplete the prime aggregate and leave. The encroachment of mining has damaged the natural environment and tarnished Placitas' appeal. The community fears that new mining on the BLM Buffalo Parcel will further damage the environment, drive out residents, halt in-migration, diminish positive statewide economic impacts, and compromise market value for everyone but mining interests. Phrased another way, New Mexico cannot afford the non-economic job losses that would result from this scenario. The retired households in Placitas account for significant numbers of non-economic jobs; this fact alone should make retention and recruitment of economically valuable retirees a priority for New Mexico.

Unchecked, mining puts Placitas, and therefore the state, at considerable economic risk.

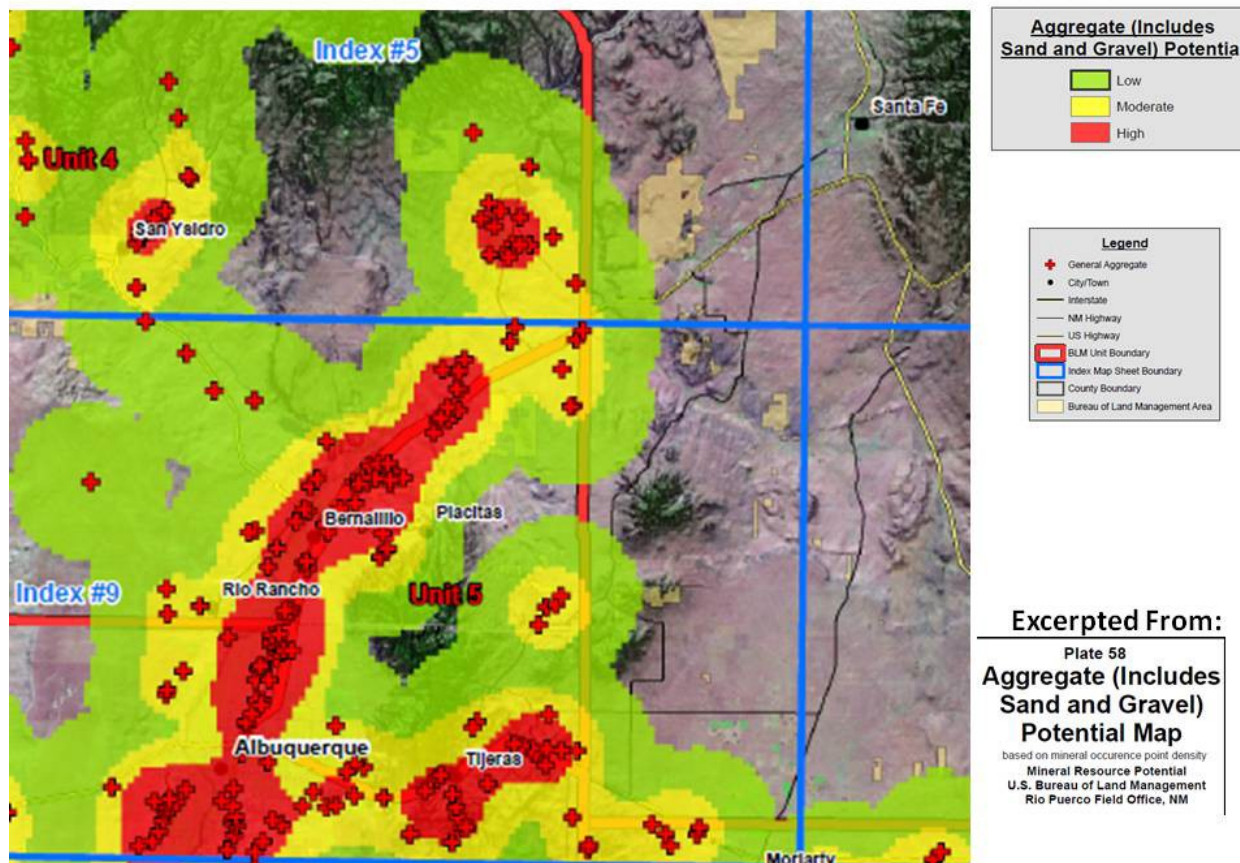
### 4.0 Alternatives for Consideration

The BLM's 2010 mineral resource report entitled *Reasonably Foreseeable Development for Planning Units 1-5*, which was prepared in connection with the RMP process, describes mining as "threatened" by residential development.<sup>xxx</sup> Furthermore, this report explains that there are alternatives to gravel mining on the Buffalo Parcel. It identifies a 60 mile band between Los Lunas and Santa Fe as sand and aggregate rich areas that fall into the BLM "salables" category. Hence, the Rio Puerco offers alternatives for sand and gravel mining outside of Placitas that might actually be welcomed by other communities.



# Land of Enchantment... or Gravel?

## SIGNIFICANT RESOURCE AVAILABLE BOTH TO NORTH & SOUTH



Distance to market is a key measure of profitability in the mining industry. The transport cost per mile is assumed to be \$0.18 per ton mile. Gravel from Placitas travels approximately 15 miles to Albuquerque, its prime market. If the gravel was mined 30 miles away from Albuquerque, the additional cost to haul 776,363 tons of material (the 2013 output report for the Vulcan mine) in 25 ton loads would be an additional \$2,906,180. By comparison with the direct spending (\$32,565,000-55,708,7000) and multiplier effects (between \$45,708,700- 91,362,268) discussed earlier, \$2,906,180 is a modest cost to support retention of existing and future retirees to Placitas. And, of course, the state of New Mexico would derive the benefit of increased Gross Receipts Tax from any retiree-generated increase in point-of-sale revenues — gravel mining remains the same, but other sales increase.

In short, there is real money in the retired and semi-retired segments of the Placitas community that already has tremendous economic value to the state of New Mexico. Even in the face of the mining threats identified in this paper, ESRI's 2015 determination of wealth in the Albuquerque metropolitan area reported that Placitas's 87043 zip code still ranks as one of the top five zip codes of metro Albuquerque's 40 zip codes.<sup>xxxix</sup> The Placitas community is aware and proud of its contributions to the local and state economies and wants these contributions to continue and grow.

## Land of Enchantment... or Gravel?

To ensure that this happens, the civic-minded Placitas community has diligently participated in the BLM's RMP process as individuals and through the Las Placitas Association (LPA) and Eastern Sandoval Citizens Association (ES-CA). The participation began in the 90's with the Environmental Assessment on Western Mobile's proposed gravel mining expansion. Community participation has grown over the years, commensurate with the impacts of existing mines and the threat of yet another mine on the BLM Buffalo Parcel.

The Governor of the State of New Mexico has the ability to influence the outcome. What will it be: Mining and the potential loss of value as people leave or no longer migrate to Placitas, driving down property values and thwarting growth, OR a thriving community that expands the New Mexico economy, building the base for the state's other economic development? Either way, New Mexico is assured of a lasting legacy.

### 5.0 Environmental Inconsistencies

The New Mexico Department of Health reports that New Mexicans are twice as likely to die with silicosis when compared to the U.S. National Average. Their website also points out that industry-related deaths from silicosis are, by a significant margin, in those jobs related to mining. The Lung Association reports: "About two million U.S. workers are estimated to be occupationally exposed to free crystalline silica dust. More than 100,000 of them work in the following jobs and are at risk for developing silicosis: Mining, sand and gravel screening, and rock crushing. These are activities found at aggregate mining sites such as we have surrounding our homes in Placitas.<sup>xxxii</sup>



Silica dust particles are in a class of particulates referred to as PM 2.5. Both PM10 (big) and PM2.5 (small) particles can cause health problems, specifically respiratory health (lungs and airway) and secondary issues such as heart problems. Because the smaller particles embed themselves deep into the lungs, they can be fatal on their own, and both PM10 and PM 2.5 particulates are associated with desert winds and disturbed soil.<sup>xxxiii</sup>

In addition to the potentially fatal effects of PM 2.5, PM10 is also among the most



## Land of Enchantment... or Gravel?

harmful of all air pollutants. When inhaled, these particles invade the respiratory system's natural defenses and lodge deep in the lungs.

Health problems begin as the body reacts to these foreign particles. PM10 can increase the number and severity of asthma attacks, cause or aggravate bronchitis and other lung diseases, and reduce the body's ability to fight infections.

Of greatest concern are recent studies that link PM10 exposure to the premature death of people who already have heart and lung disease, especially the elderly.<sup>xxxiv</sup>

These same sources report PM10 issues directly related to motor vehicle traffic and windblown dust from open lands as well as aggregate mining operations of heavy equipment pushing dirt and materials, and screening and crushing operations.

*Studies link PM10 exposure to the premature death of people who already have heart and lung disease*

### 5.1 Cumulative Risk

Our concern grows significantly when we consider that there are already 4 of New Mexico's 13 largest gravel mines within a 4 mile radius of the residents of Placitas.<sup>xxxv</sup> One EPA source on

particulates tells us: "The smaller particles are lighter and they stay in the air longer and travel farther. PM10 (big) particles can stay in the air for minutes or hours while PM2.5 (small) particles can stay in the air for days or weeks. And travel? PM10 particles can travel as little as a hundred yards or as much as 30 miles. PM2.5 particles go even farther; many hundreds of miles."<sup>xxxvi</sup>

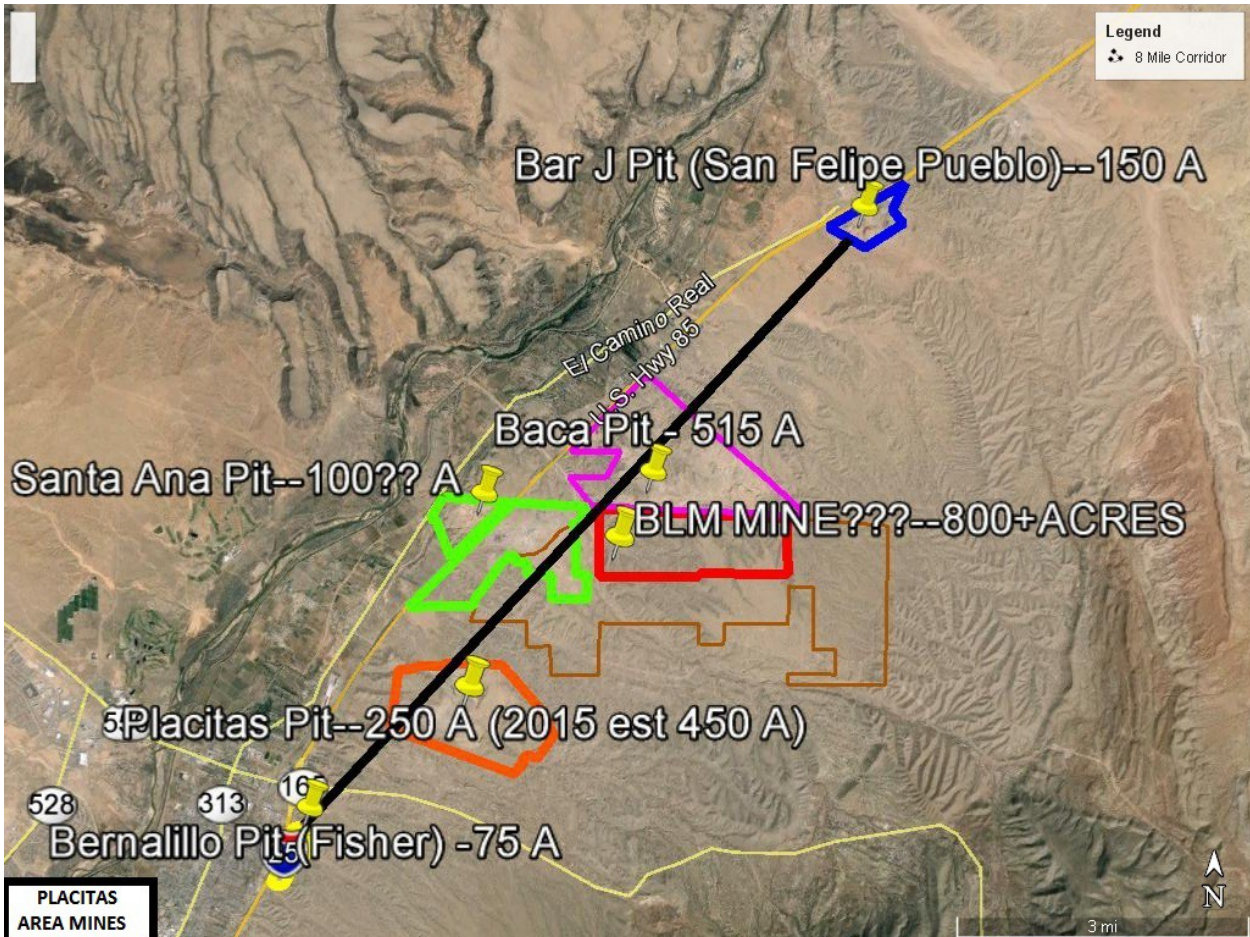
*OSHA has significant requirements to monitor and protect workers inside the mining area, but no similar monitoring protection for those who may be only a few feet away but outside the mine's perimeter.*

When we review the permitting process for aggregate mining in New Mexico, we are struck by several areas of concern:

- 1) Aggregate mining is specifically excluded from the NM Mining Act and from its excellent mining controls. Such mining should not be permitted without adequate controls on reclamation, noise, surety bonds, air quality, and water use.
- 2) The NM Environmental Department (NMED), who oversee Air Quality Permits, relies almost completely on self-modeling to project the PM 10 and PM 2.5 emissions for individual mine. Perimeter monitoring by the mines is generally not required and is not done at any of the gravel mines surrounding the Placitas area.
- 3) There is no state governance that ensures that aggregate mines are reclaimed — resulting in substantial amounts of disturbed soil subject to NM winds. NMED permitting requirements for modeling do not incorporate the contribution of such wind erosion.
- 4) Two other contributors must be recognized: a) the vehicle traffic in the Interstate 25 corridor and the heavily used 550 exit; and b) the "bowl effect" of the Sandia Mountain Range immediately to our east that models likely are not taking into consideration. These can be significant contributors to the

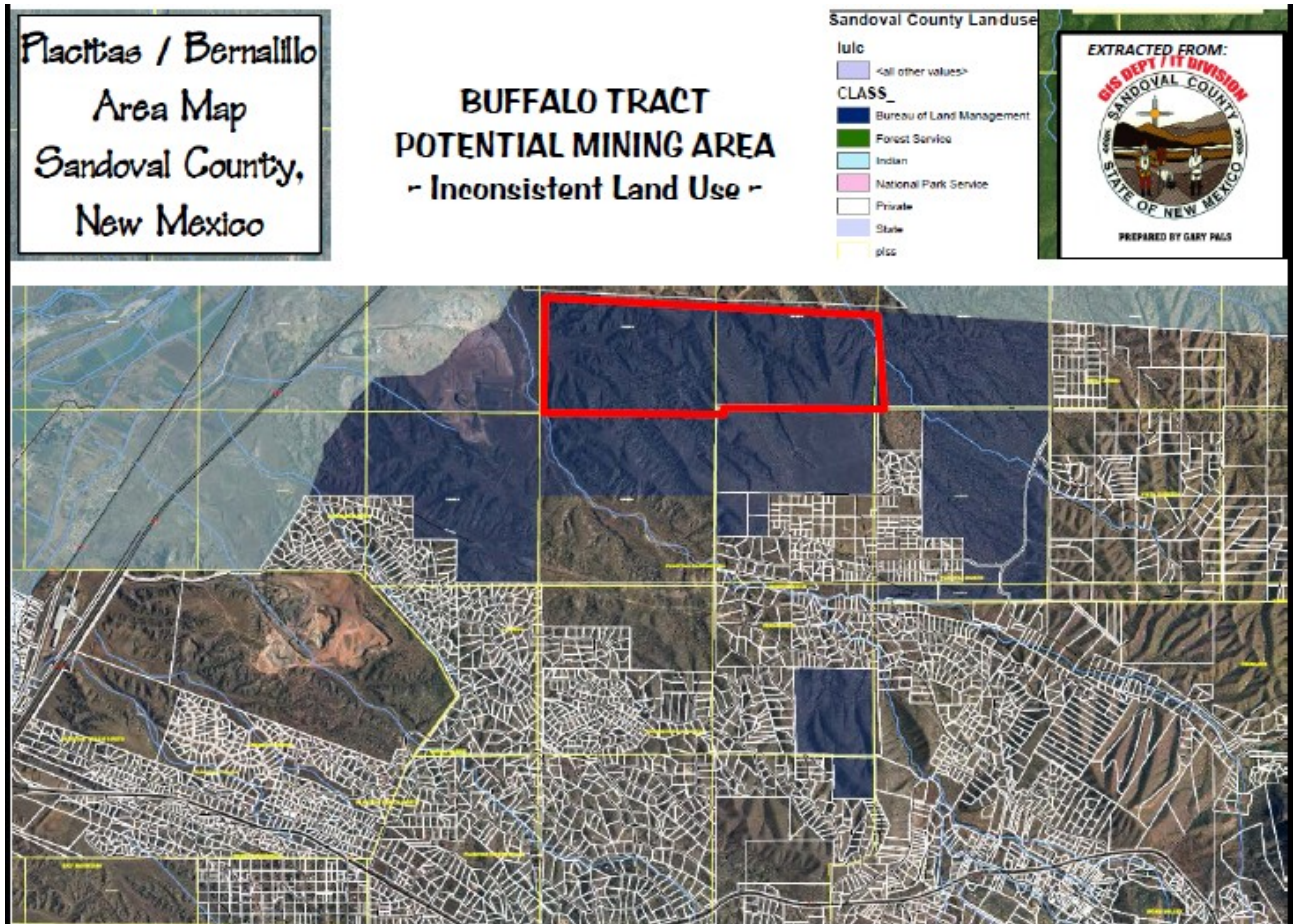
## Land of Enchantment... or Gravel?

area “background” particulate levels and must be included when considering the impact to area residents.



- Four of New Mexico’s thirteen largest gravel mines are within a four mile radius of the residents of Placitas and they also affect the communities of Algodones, Santa Ana, San Felipe and Bernalillo.
- Combined, there are six gravel mines that seriously impact the viability of these communities, their property value, their quality of life, their economy, and potentially their health. Adding a seventh, potentially the largest in the State, would be harmful to all of these communities, but a disaster to Placitas.

## Land of Enchantment... or Gravel?



- Grid on the above map is 1 mile.
- Mining the area proposed by the BLM (red outline) would put almost all Placitas residents within the range of mine-generated dangerous particulates and economic damage to property values<sup>xxxvii</sup>.

### 5.2 Here's the bottom line of our air quality concern:

Without real time monitoring, all we know for sure is that these mines are a source of PM10 and PM 2.5 particulates. These particulates are increased due to the amount of unreclaimed disturbed soil area that is increasing daily. So, before we allow another 800 acres of mining to be added, it is imperative that we know with certainty that the cumulative effect of the existing mining operations is low enough in particulate emissions to be safe for our citizens.

The EPA is already raising concerns about such impact, with publications addressing:

- Multiple stressors in a single community <http://www.epa.gov/ncer/cra/>

## Land of Enchantment... or Gravel?

- Guidance for PM2.5 Permit Modeling including cumulative effect  
[http://www.epa.gov/ttn/scram/guidance/guide/Guidance for PM25 Permit Modeling .pdf](http://www.epa.gov/ttn/scram/guidance/guide/Guidance%20for%20PM25%20Permit%20Modeling.pdf)

### 5.3 Excessive Water Use by Mining Impacts Surrounding Neighborhoods

One other significant area of environmental inconsistency is in the water use when aggregate mining use is compared to Sandoval County Zoning conforming use development of the same land. It is important to consider the substantial impact of such mining on the available water supply for the current residents and County-approved developments already platted and approved in surrounding areas.

**Placitas**  
**Housing uses**  
**1/3<sup>rd</sup> the water**  
**per acre**  
**compared to**  
**mining.**

In 2012, just one of the 4 large mines currently in the area, the Placitas Pit, used 287.594 acre feet of water.<sup>xxxviii</sup> Multiplying that by 325,853.383688 (gallons per acre foot) results in just under 94 million gallons (93713478.0284) of total use for 2012. By comparison, 500 homes fully developed in that area and conforming to local zoning ordinances would typically use approximately 1/3 of that amount of water as demonstrated by the following information we have collected from Placitas area water co-operatives serving local HOA's.

EXISTING PLACITAS AREA WATER CO-OPS--NEW HOA'S HAVE LOWER CONSUMPTION RATES							
	Vista de la Montana	Anasazi Trails Water Co-op	Desert/Sky Mt Water	La Mesa	Cedar Creek	Overlook	AVERAGE ANNUAL USE
2009	5940	5340	5610	6522	3941	6209	<b>67124</b>
2010	6990	5521	5890	6735	4048	6095	<b>70558</b>
2011	6717	5630	5760	6684	4378	7145	<b>72628</b>
<b>PERCENTAGE</b>	<b>ESTIMATED ANNUAL USE FOR 500 HOMES (GAL)</b>				<b>35,051,667</b>	<b>AVERAGE USE</b>	<b>70,103</b>
<b>37%</b>	<b>2012 USE AT LAFARGE PIT (GALLONS):</b>				<b>93,713,478</b>	<b>Acre Feet:</b>	<b>287.594</b>

### 5.4 NMED Action Required Relative to the BLM RMP

It is imperative that New Mexico recognize this danger and the inconsistency of any proposal by the BLM to open what could become the largest mine in the state in this already saturated area. The BLM's own maps clearly recognize that alternative sources of aggregate are readily available just a few miles away from this populated area. How far away should they be? NMED and the EPA should be performing a Cumulative Risk Assessment of this area to make that determination. Further, the substantially increased levels of water use that an additional mine would have on current and County-approved surrounding areas must also be assessed on a cumulative basis with the usage patterns of the existing mines. Until that is done, NMED should be working closely with our Governor to ensure

## Land of Enchantment... or Gravel?

that the BLM is not permitted to lease this area for such mining because of the increased and unmeasured danger levels to the residents of Placitas and Bernalillo.

### 6.0 Sandoval County Planning and Historical/Cultural Inconsistencies

#### 6.1 Sandoval County Planning

On August 6, 2015 the Sandoval County Commission unanimously passed **Resolution No. 8-6-15.7<sup>xxxix</sup>**. The Commission resolved that it would not support any new sand and gravel mining on the BLM Land known as the Buffalo Parcel that adversely affects the citizens of Sandoval County, but encourages the BLM to maximize open space opportunities on the Buffalo Parcel to include setting aside a part of this parcel as a wildlife corridor.

**Sandoval County Ordinance 10-11-18.7A** establishes Zoning Regulations "to best accommodate the growth of Sandoval County with reasonable regulation while at the same time promoting development in the County that is beneficial to its citizens in a manner that protects the County's natural resources, protects quality of life for its citizens, (etc.)". The land in which the "BLM Buffalo Parcel" resides, and all adjacent land to this **parcel, is zoned RRA - RURAL RESIDENTIAL/AGRICULTURAL DISTRICT<sup>xl</sup>**. Mining is not allowed as permissive or conditional use within the zoning of the district and would adversely affect adjoining land owners and conflict with highest and best use.

*Mining is not allowed as permissive or conditional use within the zoning of the district and would adversely affect adjoining land owners and conflict with highest and best use.*

**The Placitas Area Plan(PAP)<sup>xli</sup>**, adopted in 2009 by the Sandoval County Commission, is bounded on the west by the Town of Bernalillo, on to the east by the Crest of Montezuma, on the north by the San Felipe Pueblo, and on the south by the Sandia Pueblo and Cibola National Forest. The primary goals of the PAP protects the existing semi-rural character of the Placitas Area and encourages the BLM to maximize open space opportunities and to set aside an indentified wildlife corridor. A major concern for Placitas residents is the ability for wildlife to move through the Sandia Wilderness to other open space areas. Placitas sits where two wildlife corridors meet: The Sandia-Jemez, and Sandia-Sangre de Cristo<sup>xlii</sup>. Excluding the Buffalo Parcel and other open space, approximately 1800 acres in the Placitas Area remain undeveloped.

#### 6.2 Historical/Cultural Inconsistencies

The BLM Buffalo Parcel lies within the **Las Huertas Basin which extends from the north Sandia Mountains to the Rio Grande and is rich with at least 11,000 years of Puebloan, Spanish and Anglo-American utilization and occupation**. Just south of the Buffalo Parcel is the 560 acre Placitas Open

## Land of Enchantment... or Gravel?

Space acquired from the BLM by the City of Albuquerque in 1966. A study for the 2002 Master Plan<sup>xliii</sup> for this parcel identified 72 archaeological sites, of which 16 were recommended as eligible, and 5 as potentially eligible, for inclusion in the National Register of Historic Places. Another example of a discovered archeological site is San Jose de Las Huertas<sup>xliiv</sup>. This village was established in the mid-1700s and also is very near the BLM Buffalo Parcel. It is protected by GBASPA<sup>xliv</sup> and is in possession and care of the Archaeological Conservancy. **Historically, the BLM Buffalo Parcel contains significant archaeological sites that can be protected by the land being permanently designated as open space and wildlife corridor.**

*The Sandoval County PAP protects the existing semi-rural character of the Placitas Area and encourages the BLM to maximize open space opportunities and to set aside an indentified wildlife corridor.*

**The Santa Ana and San Felipe Pueblos both claim the Buffalo Parcel as being sacred** to them and believe that it should remain un-developed with absolutely no gravel mining. In addition, the San Felipe's vision of best use is as a tribal-managed sanctuary for "wild horses"<sup>xlivi</sup> and Santa Ana's vision is as a tribal-managed wildlife corridor<sup>xlvii</sup>.

**Gravel is a needed commodity, yet it is available in many alternate locations that will not directly, and negatively, impact the wealth-building of Sandoval County and New Mexico.**

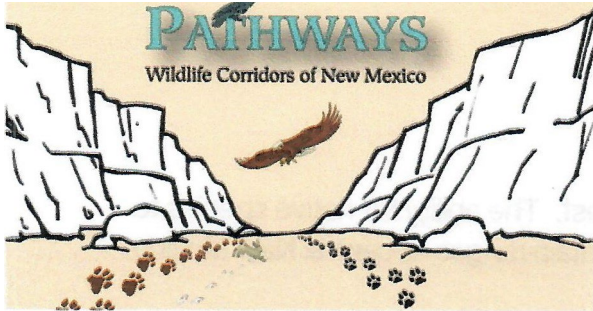


## Land of Enchantment... or Gravel?

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- <sup>i</sup> 2000 US Census of Population and Housing
- <sup>ii</sup> U.S. Beacon
- <sup>iii</sup> Courtesy of La Puerta Real Estate analysis based on Greater Albuquerque Area Realtors (GAAR) MLS statistics.
- <sup>iv</sup> US Census Bureau, State and County QuickFacts
- <sup>v</sup> July 2015 Interview with Lynn Koch, co-owner of La Puerta Real Estate
- <sup>vi</sup> ENMRD
- <sup>vii</sup> <http://www.heritage.org/.../federal-spending-by-the...>
- <sup>viii</sup> The Net Impact of Retirees on Florida's State and Local Budgets
- <sup>ix</sup> Brian Stoffel, The Motley Fool for USA today from census data
- <sup>x</sup> <http://www.urban.org/urban-wire/shifting-retiree-migration>
- <sup>xi</sup> <http://www.urban.org/urban-wire/shifting-retiree-migration>
- <sup>xii</sup> "The Longevity Economy," a 2013 briefing paper prepared by Oxford Economics for AARP. The Longevity economy is a global phenomenon: the global aggregate value of the longevity economy is larger than the economy of any country except for the U.S. and China, whose economies are #1 and #2 in the world. <http://www.aarp.org/content/dam/aarp/home-and-family/personal-technology/2013-10/Longevity-Economy-Generating-New-Growth-AARP.pdf>
- <sup>xiii</sup> Key terms: direct economic impact; indirect econ. Impact (business spending enabled by direct purchase); induced econ. Impact – personal spending that resulted from retirees' spending)
- <sup>xiv</sup> Global Entrepreneurs Monitor 2013 United States
- <sup>xv</sup> Neilson BoomAgers Thought Leadership Collaboration 2012.
- <sup>xvi</sup> 2014 Pensionomics, Nari Rhee;  
[http://www.nasra.org/files/Topical%20Reports/Economic%20Effects/pensionomics2014\\_final.pdf](http://www.nasra.org/files/Topical%20Reports/Economic%20Effects/pensionomics2014_final.pdf)
- <sup>xvii</sup> Ibid, 2014 Pensionomics, Nari Rhee, p. 11.
- <sup>xviii</sup> Six subdivisions with approximately 60 households each with \$100K minimum derived from out of state income - ESCA/LPA estimate in July of 2015.
- <sup>xix</sup> Debra Inman, VP of Albuquerque Economic Development, Inc. on July 23, 2015
- <sup>xx</sup> TV Interview with Marc Lautman, Economics Architect
- <sup>xxi</sup> Albuquerque Journal, July 6, 2015
- <sup>xxii</sup> Op.Cit., Pensionomics 2014, p. 18
- <sup>xxiii</sup> <https://www.coloradocollege.edu/dotAsset/9b3866e2-4134-47bf-a2e8-67a2b958b697.pdf>
- <sup>xxiv</sup> Albuquerque Journal, August 31, 2015, "Change In Average Home Price by MLS"
- <sup>xxv</sup> Op.Cit., courtesy of La Puerta Real Estate analysis based on Greater Albuquerque Area Realtors (GAAR) MLS statistics
- <sup>xxvi</sup> Diane Hite, 2006, "Summary Analysis: Impact of Operational Gravel Pit on House Values, Delaware County, Ohio," Auburn University.

## Land of Enchantment... or Gravel?

- <sup>xxvii</sup> This is not the place for the whole story but it must be noted that residents were told the rights to mine would end in 2015.
- <sup>xxviii</sup> Page 11 of Sandoval County Placitas Area Plan; <http://www.sandovalcounty.com/uploads/Downloads/Divisions/PlanningZoning/aap/papfinal.pdf>
- <sup>xxix</sup> Page 11 of Sandoval County Placitas Area Plan
- <sup>xxx</sup> BLM 2010 *Reasonably Foreseeable Development for Planning Units 1-5*, p. 79 and plate 58  
[http://www.blm.gov/style/medialib/blm/nm/field\\_offices/rio\\_puerco/rio\\_puerco\\_planning/rpfo\\_draft\\_rmp\\_eis/mineral\\_potential.Par.35730.File.dat/Mineral%20Resource%20Potential%20and%20Reasonably%20Foreseeable%20Development%20Report\\_01-11-10.pdf](http://www.blm.gov/style/medialib/blm/nm/field_offices/rio_puerco/rio_puerco_planning/rpfo_draft_rmp_eis/mineral_potential.Par.35730.File.dat/Mineral%20Resource%20Potential%20and%20Reasonably%20Foreseeable%20Development%20Report_01-11-10.pdf)  
[http://www.blm.gov/pgdata/etc/medialib/blm/nm/field\\_offices/rio\\_puerco/rio\\_puerco\\_planning/rpfo\\_draft\\_rmp\\_eis/mineral\\_potential/appendix\\_c\\_plates.Par.49855.File.pdf/Plate58.pdf](http://www.blm.gov/pgdata/etc/medialib/blm/nm/field_offices/rio_puerco/rio_puerco_planning/rpfo_draft_rmp_eis/mineral_potential/appendix_c_plates.Par.49855.File.pdf/Plate58.pdf)
- <sup>xxxi</sup> Albuquerque Business First, "ESRI's 2015 determination of wealth in the Albuquerque metropolitan area", August 28, 2015
- <sup>xxxii</sup> <http://www.lung.org/lung-disease/silicosis/understanding-silicosis.html>
- <sup>xxxiii</sup> <http://nmhealth.org/publication/view/marketing/405/> <sup>xxxiv</sup>  
<http://www.arb.ca.gov/html/brochure/pm10.htm>
- <sup>xxxv</sup> <http://wwwapps.emnrd.state.nm.us/MMD/MMDWebInfo/MinesAndPermits>
- <sup>xxxvi</sup> [http://www.airinonow.org/html/ed\\_particulate.html](http://www.airinonow.org/html/ed_particulate.html)
- <sup>xxxvii</sup> Diane Hite, 2006, "Summary Analysis: Impact of Operational Gravel Pit on House Values, Delaware County, Ohio," Auburn University.
- <sup>xxxviii</sup> New Mexico Office of the State Engineer Point of Diversion Summary for POD Number RG 49516.
- <sup>xxxix</sup> Sandoval County Commission Resolution 8-6-15.7, [http://destinyhosted.com/sandodocs/2015/BOCRM/20150806\\_7/41\\_BLM%20Buffalo%20Tract%20Resolution.pdf](http://destinyhosted.com/sandodocs/2015/BOCRM/20150806_7/41_BLM%20Buffalo%20Tract%20Resolution.pdf)
- <sup>xl</sup> Sandoval County Zoning Ordinance pg 9; ***"This zone district maintains a rural character of land use with low-density residential and agricultural development, ideally on large lots that do not rely on or require connections to centralized water and sewer systems. Certain other uses are allowed, provided they are compatible with the rural residential and/or agricultural nature of the district."***  
<http://www.sandovalcounty.com/uploads/Downloads/Divisions/PlanningZoning/ordinance/czoweb.pdf>
- <sup>xli</sup> Sandoval County Placitas Area Plan; <http://www.sandovalcounty.com/uploads/Downloads/Divisions/PlanningZoning/aap/papfinal.pdf>
- <sup>xlii</sup> <http://letourlandrest.com/2014/09/18/wildlife-corridors-in-the-placitas-vicinity/>
- <sup>xliii</sup> Page 6; <https://www.cabq.gov/parksandrecreation/documents/placitasmasterplan.pdf>
- <sup>xliv</sup> San Jose de Las Huertas; <http://galisteo.nmarchaeology.org/sites/san-jose-de-las-huertas.html>
- <sup>xlv</sup> 2004 Galisteo Basin Archaeological Sites Protection Act (GBASPA); <http://galisteo.nmarchaeology.org/index/text-of-the-act.html>
- <sup>xlvi</sup> "Wild Horses", Albuquerque Journal, 27Apr2013; <http://www.abqjournal.com/193139/abqnewsseeker/wild-horses.html>
- <sup>xlvii</sup> BLM-RAC, 02Jul2014 Minutes, pg5; [http://www.blm.gov/style/medialib/blm/nm/resources/rac/rac\\_minutes.Par.94080.File.dat/AbqRACJuly2014Draft.pdf](http://www.blm.gov/style/medialib/blm/nm/resources/rac/rac_minutes.Par.94080.File.dat/AbqRACJuly2014Draft.pdf)



July 7, 2022

Rep. Alan Lowenthal

Chairman Subcommittee on Energy and Mineral  
Resources Committee on Natural Resource  
1324 Longworth House Office Building  
Washington, DC 20515

Honorable Pete Stauber  
Ranking Member  
461 Cannon HOB  
Washington, DC 20515

Re: Subcommittee on Energy and Mineral Resources hearing on H.R. 5805 Buffalo Tract  
Protection Act

Dear Chairman Lowenthal and Ranking Member Stauber:

Pathways Wildlife Corridors urges the Subcommittee to approve passage of H.R. 5805 Buffalo Tract Protection Act to ensure permanent preservation of the lands. The proposed legislation would withdraw from gravel mining and mineral development four parcels of federally owned land in Sandoval County that is administered by the Department of the Interior (DOI)'s Bureau of Land Management (BLM).

These parcels are not appropriate sites for gravel mining because they bound a residential community and are situated in a critical wildlife corridor linking the Jemez and Sandia Mountains along Las Huertas Creek. We are currently working with other advocate and governmental agencies to plan and eventually construct a wildlife passage under I25 that would facilitate the safe movement of wildlife using the Buffalo Tract.

The Santa Ana Pueblo has work tirelessly to improve the viability of their lands to serve as a safe corridor for the movement of many historically and significant species of the area. All the Pueblo's work could be undone if the wildlife cannot reach that part of the corridor.

Gravel is readily available in less habitat critical areas according to the BLM's own resource plan, *Reasonably Foreseeable Development for Planning Units 1-5*, for the Rio Puerco District. Sacrificing the Buffalo Tract, a crucial wildlife corridor, for gravel when other alternatives for the mining of gravel are readily available in the market area with little to no long-term adverse impact for our state's wildlife is not the right course of action. The ability of native species to easily migrate and continue to flourish between the mountain ranges of central New Mexico depends upon your actions.

We thank you for your serious consideration of our request to approve passage of the Buffalo Tract Protection Act.

Sincerely,

*Peter Callen*

Peter Callen  
President Pathways Wildlife Corridors



July 7, 2022

Rep. Alan Lowenthal  
Chairman Subcommittee on Energy and Mineral Resources  
Committee on Natural Resource  
1324 Longworth House Office Building  
Washington, DC 20515

Honorable Pete Stauber  
Ranking Member  
461 Cannon HOB  
Washington, DC 20515

Dear Chairman Lowenthal and Ranking Member Stauber,

The Placitas Chamber of Commerce urges Congress to adopt the Buffalo Tract Protection Act introduced by Representative Meline Stansbury H.R.5808.

H.R. 5808, The Buffalo Tract Protection Act, would withdraw from gravel mining and mineral development four federally owned parcels in Sandoval County: the Buffalo Tract, the Crest of Montezuma and two other small parcels. These parcels are simply not appropriate sites for gravel mining because they immediately abut the residential (unincorporated) community of Placitas as well as the San Felipe and Santa Ana Pueblos. This legislation is urgently needed to avert ill-considered federal action that would cause serious economic harm to Sandoval County.

The Placitas Chamber represents most of the small businesses in Placitas as well as many of the service companies whose members have been enabled by real estate investment. The private sector was entirely responsible for real estate investment in Placitas. The effect of the existing gravel mines is truly an "anti-economic development" strategy that has unduly stunted the Placitas community turnaround when compared with other similar areas in the greater Albuquerque and Santa Fe areas.

The County has voluntarily cut taxes because of the proximity of the gravel mines to existing residents. Another, larger gravel mine in Placitas would be devastating to our community and its economic development

The current Rio Puerco Resource Management Plan (RMP), which allows mining on the Buffalo Tract in Area 5 of the Rio Puerco Planning Area, dates back to 1986. When the Bureau of Land Management (BLM) last updated that plan in 1992, it was required by law to ensure ongoing consistency of the plan with local zoning ordinances - yet failed to do so. The time has come for Congress to correct that mistake. Indeed, BLM could authorize new mines at any time under the existing RMP. Exploratory drilling has already taken place on this parcel, which could become the largest gravel mine in Placitas. The proposed draft RMP, whose release may be imminent, continues to allow gravel mining despite strenuous community opposition throughout the ongoing planning process. These possibilities make passage of the Buffalo Tract Protection Act urgent.

Sandoval County has been trying to redirect gravel mining away from residential areas since 1990, when the County adopted its first zoning ordinance, which declared gravel mining to be inconsistent with the semi-rural character of the Placitas area. The 2009 Placitas Area Plan (PAP) 1 calls for protection of the semi-rural character of the region as well as the character and identity of the specific neighborhoods. As residential development in Placitas has increased, gravel mining in and around Placitas has become even more incompatible with the area's character.

Today, Placitas still hosts four of New Mexico's largest gravel mines, which operate on long-term leases. When the lease for one of the largest mines expired as planned in 2015, the mining company unexpectedly originated a new lease. The County and community organizations sued to block further mining at this site, around which significant residential development had occurred in anticipation of the mine's closing. While the negotiated settlement did not prevent continued mining at this site, it did shorten the time horizon and require remediation. Sandoval County invested limited taxpayer resources in this matter to preserve the County's opportunity for continued economic growth from residential development. Consequently, the sales and pricing of Placitas homes has just begun to recover.

Gravel mining on the Buffalo Tract and related parcels makes no economic sense for Sandoval County. The County stands to lose far more in tax revenues than it would gain from new gravel mining. Each new gravel mine would create only a few new jobs. Moreover, the County would see little additional gross receipts tax because (i) minerals are taxed at the point not of origin but of sale and (ii) most gravel extracted from the Buffalo Tract is expected to be sold outside of Sandoval County. Moreover, gravel mining involves heavy truck traffic, which burdens road infrastructure. Finally, gravel mining consumes three times per acre the amount consumed by residential development in Placitas. Water is the most precious resource in the high desert. All economic activity - all life - in Sandoval County depends on sustainable water supplies.

Of course, a ready supply of affordable gravel also has economic benefits. The BLM's own mineral resource studies indicate not only that there is ample gravel supply available from existing mines for decades-long regional development, but also that there is enormous gravel resource potential in both Bernalillo and Sandoval Counties (the greater Albuquerque metropolitan area markets).

Migration to Sandoval County - from across New Mexico and across the country - has helped fuel the economic growth of the County. Placitas has been an especially attractive destination, notably for retirees and the semi-retired, because of its natural beauty. Such natural beauty is precisely why New Mexico's nickname is the "Land of Enchantment." Preserving the Buffalo Tract for recreation and wildlife, as well as an urban interface with lands to the north, would make Sandoval County a more attractive place to live and a more desirable location to do business. This is the environment that will attract more population and economic growth. The Placitas Chamber of Commerce predicts 1000 more homes being built in the area where many are already plated. The increase in population in Placitas and subsequent economic growth is our future only without further gravel mining.

Gravel mining produces particulate matter that creates significant health risks within a range of several miles. Most notably, such particulates are a leading cause of silicosis. Even the perception of public health impacts from gravel mining will depress property values in nearby areas and deter new in- migration. In fact, such impacts have already occurred.

We thank the Committee for its attention to our concerns and appreciate the opportunity to explain the Placitas Chamber of Commerce support for the Buffalo Tract Protection Act. In closing, we urge expeditious passage of this legislation.

Sincerely,

A handwritten signature in cursive script that reads "Jennise Phillips".

Jennise Phillips, President

Placitas Chamber of Commerce



# Merced De Comunidad De San Antonio De Las Huertas

Mailing Address - PO Box 625 • Placitas, New Mexico 87043 – 505.610.8530

Physical Address - 41 B Camino de las Huertas - Placitas, New Mexico 87043

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July 18, 2022

Dear Congresswoman Stansbury:

The Merced de Comunidad de San Antonio De Las Huertas aka San Antonio de Las Huertas Land Grant (SADLHLG) supports Senate Bill 180 to withdraw certain acts of the Bureau of Land Management from mineral development.

The community of SADLHLG is deeply concerned about the amount of water that is being consumed by extensive mining in and around Placitas, where our current land grant is located. We have a deep concern with the development and mining of what is known as the Buffalo Tract area. Most of this area lies within our traditional land grant use boundaries. As mining has become more evident in Placitas we have had a historical amount of wells that have gone dry in the community reflecting the decreased amount of water in the aquifers. Mining itself may not be the only contributing factors when it comes to the depletion of our aquifers although we must be good stewards of what remains in those aquifers.

SADLHLG has been stewards of the land and water since 1765. It is our communal goal to strive to protect the resources our forefathers fought to preserve for future generations. It is that same vision and heart with which I write this letter to you today.

It is the desire of the Board of Trustees and the greater membership of the SADLHLG that you would hear our plea to preserve our water resources for future generations. With that, we the Board of Trustees of the SADLHLG fully support Congresswoman Stanbury's efforts by supporting S. Bill 180.

Respectfully,

A handwritten signature in blue ink, appearing to read "A. Lucero III", with a long horizontal flourish extending to the right.

Augustine Lucero III, President of the SADLHLG