The Country Journal

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Deadline The deadline for all submissions including advertising is 5 p m on Tuesdays for the current week s issue

About This Issue – An Editorial

By LILLIAN SMITH

When the City of Santa Clarita approached us regarding the creation of a special edition of the *Country Journal* dedicated to the battle against Transit Mixed Concrete Company s Mega Mining project in Soledad Canyon we viewed the opportunity with enthusiasm We are delighted by the outpouring of articles and mining related advertising messages in support of protecting the health and welfare of us all and thanking those whose efforts have thus far prevented even a shovel full of aggregate from leaving the site

The aim of this special edition is to educate and to motivate because the fight is far from over You will find within this edition s pages the views of experts on air quality water law biology real estate traffic governmental affairs and more You will see the researched views of fellow residents who have given their time and effort to this cause

After reading it you will come to understand how important it is for the local communities to become involved and stay involved in large numbers until the mega mining project is reduced to a project of historical mining levels

I remember well the smoke and ash filled air in Agua Dulce and Acton that resulted just from a controlled burn in Sylmar that got away from fire fighters I remember meetings in the early 90s when Transit Mixed Concrete representatives Brian Mastin and Carolyn Casavan came to the Town Councils to assure us that their project would be harmless to the community harmless to the environment – in spite of the fact that the preliminary EIR clearly stated that TMC could not mitigate all impacts and that the negative air quality impact for one would still be significant

I remember asking the pair of representatives about doing air flow studies that would realistically mirror existing conditions rather than taking data from Newhall Wind Station which is irrelevant to Agua Dulce and Acton They agreed to look into it but now years later I see that they had no intention of striving for accuracy They approached the communities as concerned individuals they have proven to be totally uncaring about the harm the mining will bring They after all are just following orders from those above them, who are too far removed from day to day living in polluted air to care about the effects of their actions They see dollar signs rather than heart signs

Mega mining the Soledad Canyon Mountain means undermining your health and welfare Only a few outside our immediate communities care but those who do care within and without the communities are not powerless The City of Santa Clarita is committed and so are those on the Opponents List (see pages 24 25) There is much at stake Reading this edition of the *Country Journal* should make you angry and hopefully ready to join in the effort to protect ourselves from Mega Mining Mega mining is not inevitable Lawsuits and legislative efforts are in progress as well as grassroots efforts

Communities including ours have long had small local mines to serve small local areas they do so without destroying the environment or the health of nearby residents They may be less efficient they may be less profitable to their operators but those operators merely pass off the extra costs to consumers If those operators can reply only that sand and gravel is more important than human health and welfare I submit to you friends and neighbors that they must be re educated in their priorities It is up to us all of us to teach them that humanity cannot survive if it continues to prey upon itself

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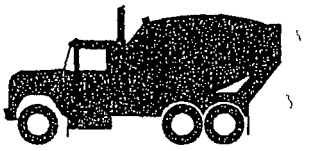
An Open Letter to the Santa Clarita Valley Communities

By ANDREW G FRIED President
Safe Action For the Environment Inc
Co Chair City of Santa Clarita TMC Executive Advisory Committee



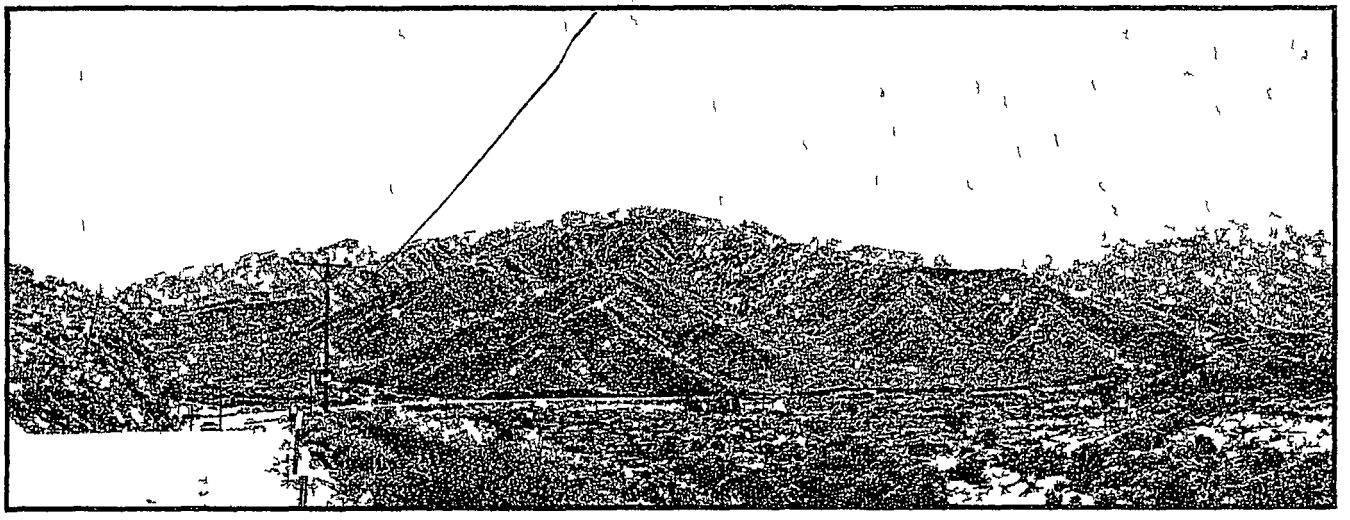
Dear Fellow Resident

Whenever I travel up the Antelope Valley Freeway on my way home to Agua Dulce I am constantly impressed at the majesty of the surrounding mountains and the stark natural beauty of the Santa Clarita Valley Driving to Sand Canyon to eat or into Canyon Country to shop or to Valencia for entertainment always reminds me of the wonderful diversity of our Valley Whether I m hiking amidst the drama of Vasquez Rocks horseback riding in and out of the beautiful rolling hills or running errands in my car – the skies are blue and dappled with snowy white clouds the air is fresh and the relaxed atmosphere of a community at peace with itself is abundant Lately however I hike the rocks in fear of their very survival! I ride the valleys afraid that they won t exist for future generations and now when I look at our blue skies I imagine the dark plumes of rancid dust spiraling upward to obscure the clouds with the polluted haze of particulate matter from the proposed TEM/CEMEX Soledad Canyon Sand and Gravel Mining project!

This mammoth project is currently on hold as its fate is litigated in Federal Court TMC/CEMEX and the United States Justice Department (representing the Bureau of Land Management) are in litigation with the Los Angeles County Board of Supervisors who denied the project a Surface Mining Permit If the County of Los Angeles as the Lead Agency ultimately settles and agrees to the project as proposed TMC/CEMEX could be issued permits to mine aggregates (sand and gravel) over a 460 acre site with concrete processing facilities on an additional 40 acres The mine is located north of Soledad Canyon Road south of the Antelope Valley Freeway and west of Agua Dulce Canyon Road In our immediate section of Northern Los Angeles County the project is approximately two miles from the City of Santa Clarita s eastern boundary and three miles from the Sand Canyon Road intersection This project site has been designated by the State of California as a Regionally Significant Construction Aggregate Resource Area as is most of the corridor following the pathway of the Santa Clara River Watershed

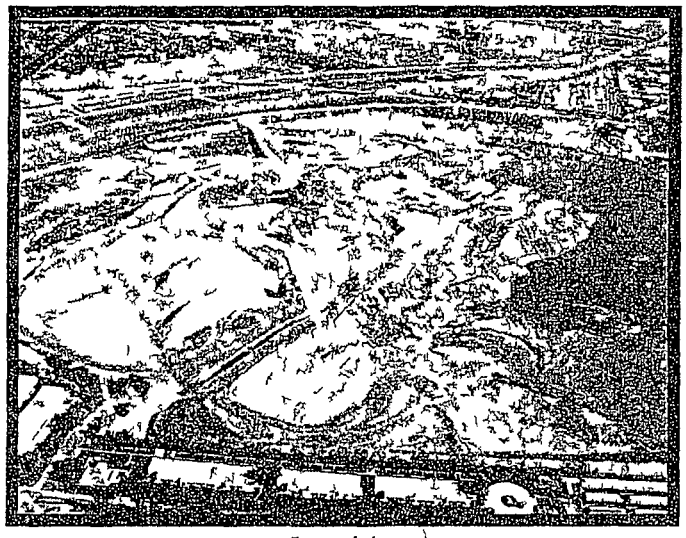
In accordance with two ten year Federal contracts executed in 1991 between the Bureau of Land Management and TMC (now CEMEX) the company would mine 56 1 million tons of sand and gravel over an extended 20 year period and pay $28 million in royalties to the Federal government This proposal also would establish a precedent for even more extensive mining projects ultimately creating a mining dominated area similar to Irwindale and Azusa

Excavation activities will proceed 14 hours per day six days per week and include Low Level Blasting two times per week during the first phase (approximately ten years) and four times per week during the second phase (approximately ten years) using 8 800 pounds of Ammonium Nitrate per blast The aggregate processing plant will operate 16 hours per day seven days per week with a batch plant



producing ready made cement operating seven days a week, at 17 hours per day

Aggregate products and cement will be shipped from the project site 24 hours per day 7 days per week creating 754 Average Daily Traffic trips (ADTs) during the first phase and 1284 ADTs during the second phase The majority of this traffic with its high levels of both diesel and internal combustion engine emissions will be driving up and down the Antelope Valley Freeway



~ Irwindale

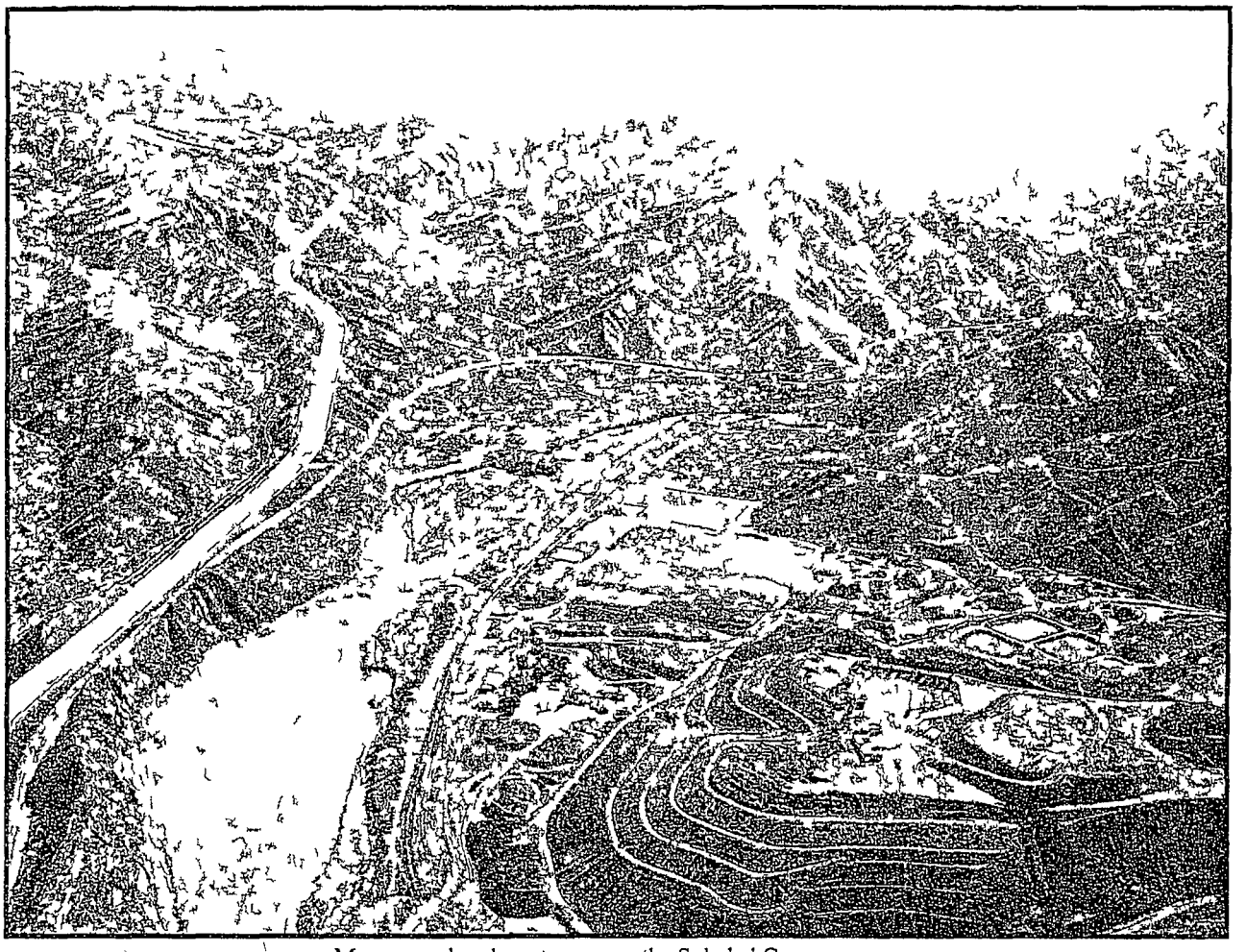
Other environmental factors that may be adversely affected by this proposed project and which have been evaluated in great detail to determine the full extent of their impact on the Santa Clarita Valley s beautiful natural landscape and urban/rural populations include the following land use air quality water resources traffic/circulation noise/vibration/acoustical ramifications biological resources public health and safety visual and recreational impacts water quality the continued safety and integrity of private wells effects on livestock the cumulative impacts of additional mining projects and a probable decline in property values lifestyle quality of life and the continued economic viability of the Santa Clarita Valley

As required by both State environmental law (CEQA) and Federal environmental law (NEPA) a Draft Environmental Impact Report (Draft EIR) and a Draft Environmental Impact Statement (Draft EIS) were circulated for public review and comment Both documents attempted to evaluate the full range of environmental factors that could be affected adversely by this initial 20 year mining proposal After extensive analysis experts retained by the City of Santa Clarita and Safe Action For the Environment Inc in conjunction with submissions from the Agua Dulce Town Council and a myriad of other organizations concluded that the Draft EIR/EIS are exceptionally flawed documents written to support a badly conceived project Please note that the original contracts executed between the Bureau of Land Management and Transit Mixed Concrete Company are nearly 13 years old and have no provision to deal with the expansive growth of the Santa Clarita Valley and surrounding unincorporated areas during that time period ALSO NOTE the CalMat Co a subsidiary of Vulcan Materials owns 1 300 acres immediately adjacent to the TMC/CEMEX site and is quietly preparing its own permit application The cumulative effect of almost 1 800 acres of surface mining on the quality of life and economic structure of Northern Los Angeles County would be devastating The potential CalMat project is three times larger than the TMC/CEMEX proposal and is scheduled to operate over a 30 year period! And then what ?

With the above information in mind in 1999 a small group of concerned people founded a new organization to help safeguard the environment by opposing unlimited mining in the Santa Clarita Valley the Santa Clara River Watershed and the National Forest This Ad Hoc citizen s group developed into a legally designated California Non Profit Public Benefit Corporation called S A F E ACTION FOR THE ENVIRONMENT INC Run by a strictly volunteer workforce S A F E s mandate is to raise the public s awareness of the devastating environmental impact of extensive Surface Mining on Northern Los Angeles County In partnership with the City of Santa Clarita S A F E has worked to identify the numerous elements of serious impact on the environment We have helped identify the best possible experts in specific disciplines and retained them

Over the last four years, S A F E has worked closely with the City of Santa Clarita local civic and leadership organizations state officials and agencies and numerous politicians in a continuous effort to keep our air as clean as possible our water fresh and flowing our roads free from injury and risk and the quality of life in Northern Los Angeles County SAFE and secure

Following our mission to locate and hire the best experts possible Safe Action For the Environment Inc entered into agreements with experts in the fields of air quality acoustical analysis and environmental law S A F E also has worked closely with experts hired by the City of Santa Clarita in Biology and Endangered Species Construction Economics Hydrology Traffic modeling and Public Health and Safety Additionally we have worked with the City on the potential consequences of extensive surface mining on the health of livestock and the socioeconomic effects of extensive



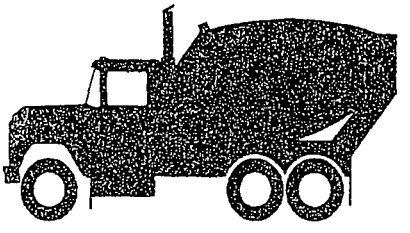
Mining is already extensive in the Soledad Canyon area

cumulative mining on property values quality of life and other health related considerations

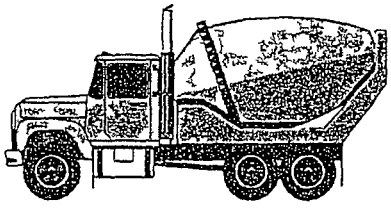
Now we need your input Please take a few minutes and write congressman Howard Buck McKeon and Senators Diane Feinstein and Barbara Boxer in Washington D C regarding the TMC/CEMEX Soledad Canyon Sand and Gravel Mine Let them know your thoughts feelings and concerns regarding the impacts the largest aggregate mine ever licensed by the BLM will have on you your family and your community Don t mince words or procrastinate! THESE ELECTED OFFICIALS NEED TO HEAR FROM YOU! Their addresses are available on page 74 of this publication and Cutout Mailers are available on page 15 Communication is important – write today

Safe Action for the Environment Inc a California Non Profit Public Benefit Corporation is committed to SAFE air SAFE water SAFE roads and a SAFE SECURE ENVIRONMENT FOR EVERYONE Please help this effort in any way you can No single entity can defeat this combination of big business and big government WORKING TOGETHER ALL OF US CAN MAKE A DIFFERENCE! Staying SAFE is time consuming and expensive but certainly worth the commitment

Thank you for joining Safe Action For the Environment Inc the City of Santa Clarita and over 100 additional Opponents currently on record opposing the TMC/CEMEX Soledad Canyon Sand and Gravel Mine (See page 48 for the list of Opponents) Help the Liberty Bell continue to ring by exercising your right to comment on your government s behavior and demand a change Let s STOP a huge multi national foreign corporation from degrading our environment and destroying our inalienable right to life liberty and the pursuit of happiness THIS IS OUR VALLEY – Help protect it!



California to the Rescue?



By JEFFREY LAMBERT
Director of Planning and Building Services
City of Santa Clarita
Project Manager for Santa Clarita s TMC Effort

The Santa Clarita Valley has been joined by the State of California in our fight to oppose the TMC Mega mine project More specifically the California Attorney General Bill Lockyer and Governor Gray Davis through the Department of Conservation have agreed to participate in the Cemex trial court litigation by filing amicus curiae If you think this sounds like legalese you are right What this means is the Attorney General and Department of Conservation agree with the County s position that local government has the right to make local land use decisions not the Federal Government

It is clearly important to the State of California that the Federal Government through the Bureau of Land Management s mineral leases does not have the authority to void local governments land use authority The state has agreed to step into this fight because it is ultimately much bigger than the Santa Clarita Valley In many cases throughout California the federal government is attempting to void local authority under a concept called federal preemption The California Attorney General recently wrote in a letter to Santa Clarita s Mayor Cameron Smyth

> As a general rule briefs by amicus curiae are more common in appellate courts than in trial courts *but I believe the circumstances of this case particularly the extraordinary involvement by the federal government warrant the state s participation in the trial court*

Attorney General Lockyer has recently been made president of the National Association of Attorneys General and he has formed a task force on preemption to help the state officials decide what to do when state and federal laws conflict

Why should the state care about this issue here in our valley? Well first the mining industry has decided this is the test case to stop local and state ability to modify or regulate federal mining projects once and for all The BLM owns subsurface mineral rights underlying privately owned land totaling 2 5 million acres (that is 3 906 square miles) in California This issue has similarities to a recent issue decided by the 9th Circuit Court which found that the State of California had the right to regulate coastal waters even though the federal government had renewed leases for off shore oil drilling

In addition to this significant involvement by the California Attorney General and the Department of Conservation which oversees the Department of Mines and Geology the state is also getting involved through the California Air Resources Board (CARB) On August 20 2003 the South Coast Air Quality Management Board (SCAQMB) held a town hall meeting here in Santa Clarita The SCAQMB wished to address our valley's air quality challenges and to specifically hear from us regarding our concerns about the proposed TMC Mega mine project In attendance was the CARB Ombudsman who has since expressed concern for what our valley may be facing as a result of this proposed mine Air quality has been one of our biggest concerns from this proposed project and we are pleased that we now have the attention of the agency in charge of air quality rules and compliance at the state level

The Santa Clarita Valley is in good company with support from the Attorney General and the Department of Conservation We hope the judge in the *Cemex vs Los Angeles* case allows their participation later this fall when the time comes to file their friend of the court papers

Safe

Action

For the

Environment, Inc.

Committed to Maintaining Safe Air, Safe Water & Safe Roads

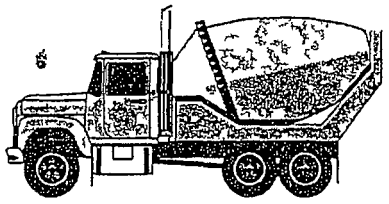
Safe Air

- Pollutants generated by the project can adversely affect the health of individuals who live and work within the surrounding community, especially children the elderly and anyone with lung related problems
- The TMC/CEMEX contention that diesel exhaust emissions associated with the project's operations will not pose a significant risk to the local community is incorrect Emissions from on-site diesel equipment alone will exceed the State and AQMD threshold for cancer risk
- The Santa Clarita Valley is already in a "non-attainment zone" in regards to meeting Federal air quality standards As noted by the United States Environmental Protection Agency, the TMC/CEMEX air quality analysis of the mining project is flawed and inconsistent with regulatory guidance
- TMC/CEMEX correctly asserts that "**even with the implementation of all proposed mitigation measures, air quality impacts remain unavoidable, significant and adverse**"

In 1999 SAFE commissioned nationally recognized expert Bill Piazza, with over 20 years of experience in environmental health and safety He is noted for specific expertise in air dispersion modeling and health risk assessment Mr Piazza has presented air quality concerns on behalf of Safe Action For the Environment, Inc and the City of Santa Clarita to the County of Los Angeles, the Bureau of Land Management and the Southern California Air Quality Management District

Who's in Charge?

Federal Preemption over State's Rights?



By MICHAEL P MURPHY
Intergovernmental Relations Officer City of Santa Clarita

In August 2000 the United States Department of Interior Bureau of Land Management issued a Record of Decision approving the 56 1 million ton concrete aggregate mining project in the Santa Clarita Valley The federal Record of Decision contained provisions requiring that Cemex the mine proponents obtain appropriate state and local approvals or permits from nine different agencies The Record of Decision recognizes the legitimate role of state and local regulatory agencies The document directs that

> **"In addition, TMC (Cemex) must consult with and obtain approvals from the regulatory agencies and any other permits or authorizations required by law These agencies may require additional environmental analyses and additional mitigation before granting any permits "**

Furthermore federal courts have ruled in the past that while state and local agencies have no authority over land use planning on federal lands environmental regulation by local agencies is a legitimate exercise of authority

Under the California Environmental Quality Act (CEQA) and the Surface Mining and Reclamation Act (SMARA) state and local agencies have the right to issue approvals and permits for impacts which a project on federal lands will have on adjacent communities Therefore pursuant to SMARA Cemex is required to obtain from the County of Los Angeles a surface mining permit and approval of the reclamation plan for the mined property

The Los Angeles County Board of Supervisors unanimously voted on April 23 2002 to deny the mining project The County s denial was based in part on several issues including (1) Cemex failed to demonstrate that the project would not negatively affect the health safety and welfare of people residing in areas near proposed mining project (2) the project was inconsistent with the County of Los Angeles General Plan and (3) Cemex was non responsive to County Department of Public Works requests to re circulate the Environmental Impact Report (EIR) for traffic impacts

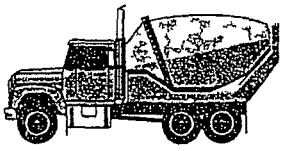
Interestingly on January 25 2002 three months prior to the Los Angeles County Board of Supervisors final action on the project Cemex filed suit against the County claiming federal preemption of local authority The *Cemex v County of Los Angeles* suit was filed in the United States District Court Central District of California In short the lawsuit alleges that federal Record of Decision provides the final authority for the mining project to move forward and that local agencies have no authority to approve or deny the project Specifically Cemex contends that the Supremacy and Property Clauses of the United States Constitution take precedence over any local authority

The United States Department of Justice sought and was granted intervention as a plaintiff in the case on behalf of the United States Department of Interior of which the Bureau of Land Management is a constituent agency The federal government claims that the Materials Act of 1947 and the Federal Land Policy and Management Act of 1976 provide a basis for federal preemption Even though the Record of Decision clearly outlines state and local roles for reviewing the mining project the federal government is challenging that legitimate authority This case has far reaching implications as it could dismantle cooperative partnerships that now exist between federal state and local authorities regarding land use on federal property which impacts adjacent local communities

During the past few months Cemex and the County of Los Angeles have sought to avoid protracted legal action by reaching a settlement on points of contention in the lawsuit Resolution of this particular case by the two parties may have the effect of avoiding far reaching federal preemption issues between federal state and local authorities in other areas At the same time how ever a settlement in the case may not be good for the residents of communities adjacent to the proposed mine

The City of Santa Clarita concerned about federal preemption of local authority twice sought to intervene in the lawsuit Both attempts were denied by the federal judge citing a lack of direct impacts to City interests Santa Clarita officials have been successful in securing support from the League of California Cities the California Attorney General and California Department of Conservation to file amicus briefs (friends of the court) in *Cemex v County of Los Angeles* lawsuit in an effort to persuade the court of the importance and legitimate interests of state and local environmental regulation on federal land use

Nightmare on the 14 Freeway? What Will Happen to Traffic If There's a Mega Mine in Soledad Canyon?



By FRED FOLLSTAD
Senior Planner and Resident City of Santa Clarita

When are two 3 000 pound cars the same as an 80 000 pound gravel truck? Not when you are driving behind the gravel truck for three miles on a narrow two-lane highway with limited passing zones and you are late for work! Or when a gravel truck is attempting to merge onto a freeway that is already congested with morning commuters! How about when you make a sudden stop for a coyote crossing a rural highway and a gravel truck is behind you trying to get to the processing plant in a timely manner?

According to the Environmental Impact Report (EIR) prepared for the Transit Mixed Concrete (TMC) mega mine, one 80 000 pound gravel truck equals two 3 000 pound autos It s the new math

The EIR also states that under the Phase 2 operations on the site there would be 1 284 average daily vehicle trips associated with the mega mine of which 1 164 will be trucks These trips would occur 24 hours a day Since there are approximately 2 600 trips already occurring on Soledad Canyon Road the 1 284 trips generated by this project would add a 50 percent increase to the current amount of vehicle trips including 1 000 aggregate truck trips 150 ready mixed concrete truck trips 14 cement/fly ash truck trips and 60 employee vehicle trips

If the trucks making the 6,781 700 truck trips (over 20 years) were laid end to end they would form a line over 83 000 miles long a line that could circle the earth more than three times Almost all of this truck traffic would use the Antelope Valley Freeway, which means the project would add one truck to the freeway every 1 5 minutes 24-hours a day, during the second ten years of the mine s operations However, Cemex s EIR concludes that the project would have no impact on freeway traffic Is this project sounding good to anyone yet?

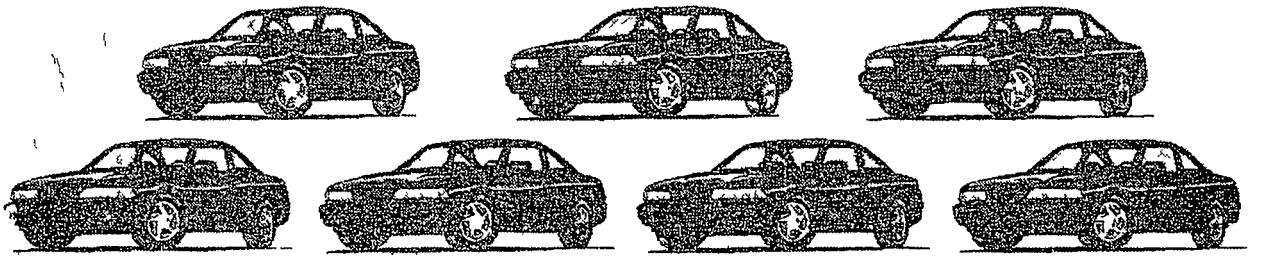
The Transit Mixed Concrete site would be accessed from Soledad Canyon Road east of the City of Santa Clarita The trucks would exit the Antelope Valley Freeway at Soledad Canyon Road and travel three miles to the mine site They would reverse this route once the gravel trucks

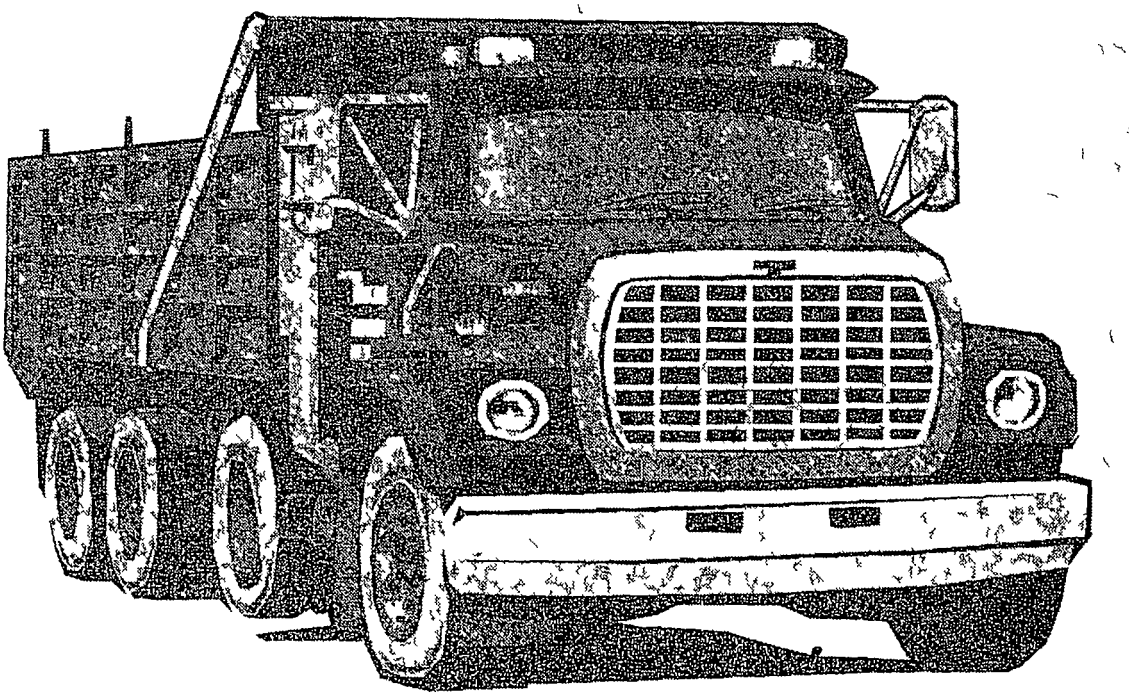
> On average, every 45 seconds, a truck would be turning into or out of the site during the morning peak hour A fully loaded truck would make a right-hand turn out of the site every 1 5 minutes into morning commute traffic, and every 1 5 minutes, an empty truck would make a left-hand turn across on-coming commute traffic into the site
>
> All of the traffic associated with the project would be using Soledad Canyon Road in its current configuration as a two-lane road This portion of Soledad Canyon Road contains a number of reduced speed curves and even a highway tunnel The road has had only minimal safety upgrades since it was built many years ago when less traffic utilized it

Traffic Truths

Submitted by
SAFE ACTION FOR THE ENVIRONMENT INC

The Transit Mix Concrete Company s EIR states that its Mega Mining project will not impact the regional freeway system Fully loaded dual tandem sand and gravel trucks don't stop well in an emergency, change lanes very ponderously and need lots of lane space to maneuver A dual tandem sand and gravel truck is approximately 80 feet long and is the equivalent of 7 passenger cars Over the 20 years of the project there will be a total of 6,781,700 additional truck trips inbound or outbound from the mining site Parked end to end, these trucks would wrap 3⅓ times around the earth





ONE DUAL TANDEM SAND & GRAVEL TRUCK = 7 PASSENGER CARS

were loaded According to the EIR there would be 98 peak hour trips in the morning and 57 peak trips in the afternoon The majority of these peak hour trips 80 percent in the morning and 72 percent in the afternoon would be from trucks On average every 45 seconds a truck would be turning into or out of the site during the morning peak hour A fully loaded truck would make a right hand turn out of the site every 1 5 minutes into morning commute traffic and every 1 5 minutes an empty truck would make a left hand turn across on coming commute traffic into the site The EIR states that only one of these peak hour trips will use Soledad Canyon Road to access the City

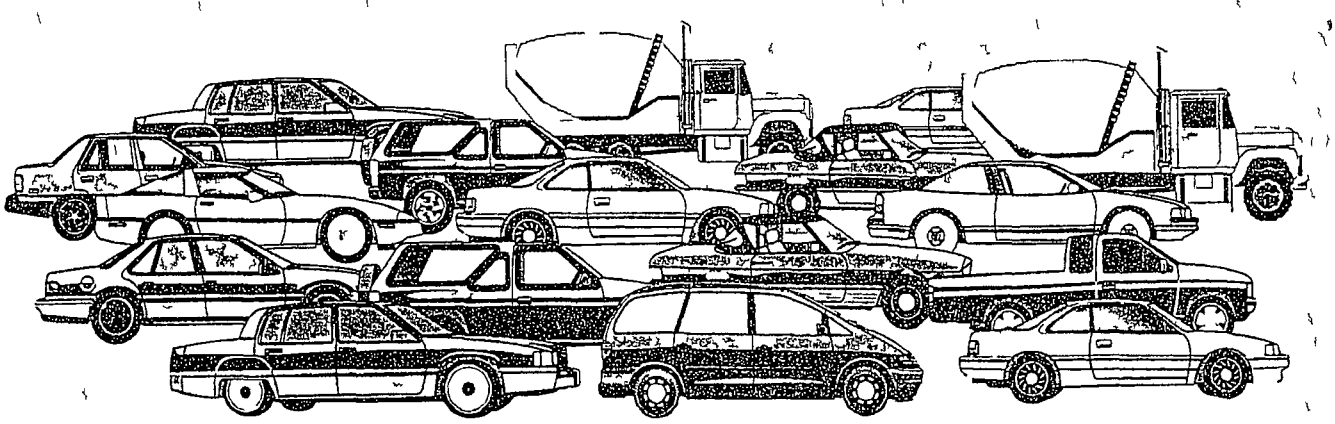
All of the traffic associated with the project would be using Soledad Canyon Road in its current configuration as a two lane road This portion of Soledad Canyon Road contains a number of reduced speed curves and even a highway tunnel The road has had only minimal safety upgrades since it was built many years ago when less traffic utilized it

The EIR identifies mitigation measures that would need to be implemented if the project is built as proposed These improvements include the modification of the intersection of Soledad Canyon Road and the northbound and southbound off ramps of the Antelope Valley Freeway (SR14) to allow for the re striping of the existing roadway in order to accommodate an additional travel lane However the Transit Mixed Concrete EIR states that the project is only responsible for 9 percent of the improvement costs

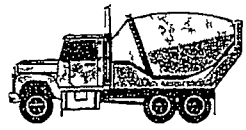
The EIR also indicates that traffic signals **may** need to be installed at the intersections of Soledad Canyon Road and both the northbound and southbound freeway ramps The applicant is responsible for 6 5 percent of these improvements The EIR does not identify any source of funds for the remainder of the cost of these improvements And since some of these improvements do not meet traffic warrants at this time the installation of these improvements are not required until they meet the warrants No improvements to the freeway existing highway tunnel, or City of Santa Clarita streets are proposed by the Cemex Company

The only improvements the project will be required to make are located at the existing entrance road for the CA Rasmussen gravel mine and include the widening of the project entrance at Soledad Canyon Road to allow for a left turn pocket for access to the mines and a merge lane for vehicles leaving the TMC mine to head towards the freeway The mine will be responsible only for the installation of a traffic signal at the project entrance and Soledad Canyon Road when **and if** the traffic conditions warrant the installation

According to the EIR there are no potential, unavoidable adverse impacts associated with the TMC mega mine after the three identified mitigation measures (if required) are implemented If the project gets approved and built as proposed, the impact to those residents using Soledad Canyon Road and the Antelope Valley Freeway will be quite noticeably significant and we will only have memories of how nice it was prior to the mega mine s existence



Legal Challenges to the Soledad Canyon Mine



By DEBORAH PROSSER Attorney At Law
A Litigator with Burke Williams and Sorenson of Los Angeles

The Soledad Canyon mine is one of the largest federal sand and gravel mining projects ever proposed in the United States Approximately 78 million tons of sand and gravel will be mined to produce cement used in construction The United States government stands to reap $28 million dollars in royalties if the mine goes forward as proposed The City of Santa Clarita seeks to limit and/or prevent significant adverse environmental effects of this massive mining project

The legal aspects of the proposed Soledad Canyon mine present many challenges as well as opportunities to shape the future of Soledad Canyon Prior to conducting any mining operations federal and local approval of the mine is required In the summer of 2000 the federal Bureau of Land Management (BLM) the owner of the mining rights approved the mine conditioned however on obtaining approvals from the County of Los Angeles and from various state agencies During the local review by the County of Los Angeles the City of Santa Clarita proposed various mitigation measures designed to minimize the mine s significant adverse environmental impacts on traffic habitat endangered species air quality and water resources to name a few

1 The County of Los Angeles Denies the Project One of the required local approvals is the granting of a surface mining permit The County of Los Angeles is responsible for reviewing and approving mining permits in Soledad Canyon In April of 2002 as a result of the City s and community s efforts the County of Los Angeles Board of Supervisors determined that the proposed mine was unacceptable and unanimously denied the mining operator s surface mining permit

One of the factors leading to the denial was the operator s (CEMEX Inc) unwillingness to conduct a traffic study and circulate the results of the study for public review and comment Due to the large truck traffic required by the mining operation the County Board needed assurance that the traffic impacts of the mine were thoroughly analyzed Instead of cooperating with the County Board CEMEX filed a lawsuit in federal court seeking to use federal law to circumvent the County approval process and overturn the County s denial

2 CEMEX Challenges the Denial in Federal Court CEMEX s lawsuit seeks a determination that the federal approval of the mine is sufficient to satisfy California s more stringent environmental laws This is called federal preemption' The strongest factor against federal preemption is the fact that the federal mining contracts and Bureau of Land Management s approval specifically require compliance with state environmental laws Despite the clear requirement of compliance with state law the federal court has so far appeared receptive to CEMEX s arguments

A The City Seeks to Defend the County's Decision State law requires that the City be consulted prior to the approval of the mining permit State law also provides for public review and comment of the environmental effects of the mine such as the effects of truck traffic The City and community actively participated in the local environmental review resulting in the denial of the mining permit Although the federal court allowed the federal government to join CEMEX s

Santa Clarita TC

Santa Clarita TeleCommuting Center
25709 Rye Canyon Road Santa Clarita CA 91355

The Santa Clarita Tele Center joins with the residents businesses and industries throughout the Santa Clarita Valley in opposing the siting of the Transit Mixed Concrete Project in the Acton Agua Dulce and north Canyon Country areas

This 56 million ton aggregate mine planned to be located in Soledad Canyon would have extremely detrimental effects on our entire valley

CONNIE WORDEN ROBERTS EXEC DIR
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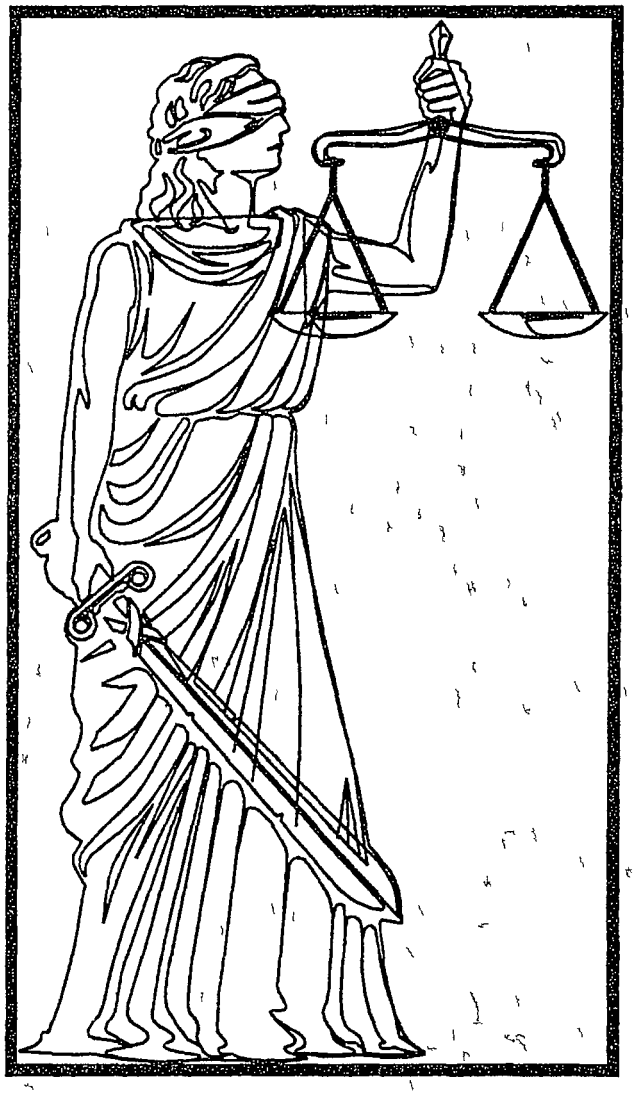
lawsuit the judge found that the City did not have a significant and protectable interest in the litigation

The City contends the court erred in denying its right to participate in the lawsuit The City filed an appeal of the federal judge s decision on August 5 2002 The parties briefed the issues and are waiting for the Ninth Circuit Court of Appeals to grant a hearing and issue its ruling A favorable ruling will allow the City to participate in and influence the outcome of CEMEX s lawsuit



B The County Veers Towards Settlement With the City denied access to the litigation the federal judge is actively encouraging the parties to settle the case On June 12 2003 the City learned that the parties reached partial agreement relating to the scope of the Soledad Canyon mine One additional issue that remains is whether or not the County is required to re circulate the Final Environmental Impact Report (FEIR) on the mine and allow public review of and comment on the traffic impact analysis So far the terms of the settlement that have been agreed upon are confidential and the City has not learned any details as yet

On June 16 2003 the parties informed the federal judge that a settlement was within reach The judge indicated that re circulation on traffic was not required as it was merely a delay tactic by the County and invited CEMEX s counsel to draft an order which he later signed It appears that through settlement the district court and the parties are agreeing to preempt local environmental review The City is reviewing all legal options to prevent such a result

3 The City Files Suit to Protect Endangered Species The Soledad Canyon mine is located in one of the last remaining habitats of the slender horned spineflower a federally listed endangered species The site also supports populations of endangered arroyo toad and three spined stickleback When the BLM originally approved the mine it erroneously asserted that the site contained no arroyo toads and that the mine would not significantly impact these species or their habitat Subsequently City biologists discovered toad populations and the BLM conceded its error However no protocol surveys have ever been performed to verify the significance of the toads presence or the presence of a number of other endangered species

As proposed the mine contemplates the taking i e killing of innumerable individual endangered species The City has filed suit in federal court against the BLM and the United States Fish & Wildlife Service to prevent the unnecessary and illegal taking of these species and to compel compliance with the Endangered Species Act CEMEX has joined the lawsuit on the side of the federal government An initial ruling from the court was favorable to the City The court determined that if the City s allegations prove true then the Government abused its discretion when approving the mine The City intends to pursue this litigation to its fullest extent The challenges and opportunities in shaping the future of Soledad Canyon are considerable The legal battles involved with this site are complex and may take time It is very critical that the community remain actively involved in ensuring that the environmental impacts of the mine are minimized or eliminated

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Safe Water

Water has become a major issue in Acton, Agua Dulce and Santa Clarita Although always a precious commodity, over the last 18 months, a major shortage has developed

The TMC/CEMEX Soledad Canyon Sand and Gravel Mine's Environmental Impact Report states that the mine will need 442 acre feet per year for the first 10 years of operation and 726 acre feet per year for the remaining 10 years An average household uses one acre foot per year Therefore, the mine will use enough water to serve 442 homes per year during the first 10 years of mining and 726 homes during the second 10 years of mining

Which is more important?

- Using this precious resource for washing sand and gravel and rinsing off dusty trucks and equipment or

- Using the same potable water for human and animal consumption

Safe Action For the Environment, Inc

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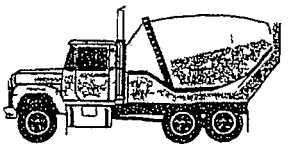
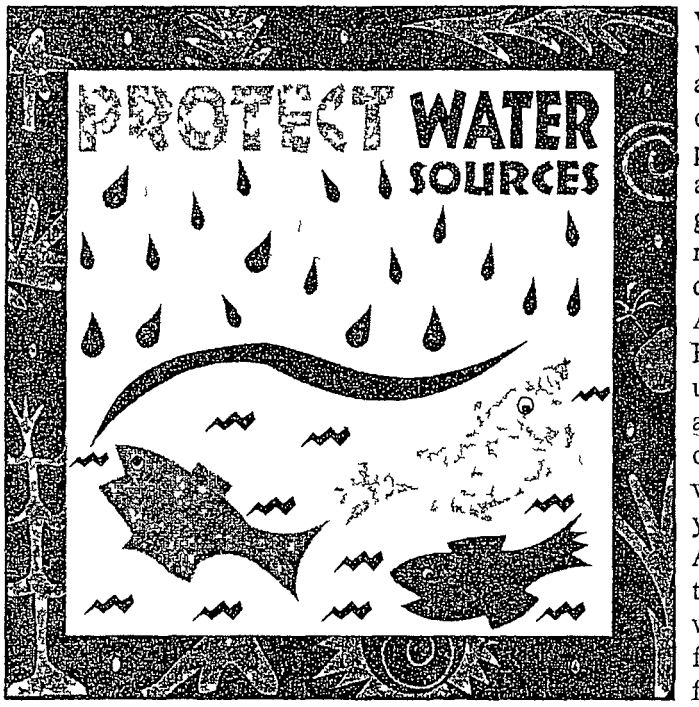
How Much Water Will This Mining Project Use? What About the Endangered Species?



By DR SUSAN O CARROLL
Environmental Consultant to the City of Santa Clarita

The proposed mine is located in an area where the Santa Clara River flows through Soledad Canyon Water for the project would come from the underflow of the river, from wells to be located within the river channel In this area the river essentially flows through a bedrock channel lined with sand In areas where the bedrock rises towards the surface the flow is pushed to the surface, and pools of water that survive year round exist The presence of year round flow makes this area special since the hydrology of the Santa Clara River is such that it generally lacks surface flow for months of the year Approximately 1½ miles downstream from the last project well at New Lang Gauging Station the river widens out and hydrological conditions change



The unique Soledad Canyon stretch of the river in which Cemex s Soledad Canyon Sand and Gravel Mining Project would be located contains two water dependant federal endangered species a fish known as the Unarmored Three spined Stickleback and the Arroyo Toad An arroyo is defined as a deep gully or canyon cut by an intermittent stream The name of the toad accurately describes the area in which the mine would be located The Arroyo Toad requires the river in order to breed the Stickleback requires river flow in order to live

This article describes the problems with the analysis Cemex conducted of the impact of their project on river flow in this area explains why the City is concerned with the impact of the project on biological resources in this very unique stretch of the Santa Clara River and explains what the City is doing to try to protect the endangered species that depend on the river in this area

Cemex s analysis of its impact on river flow presented in its Environmental Impact Report (EIR) is based on data from Old Lang Gauging Station from the period 1949/50 to 1969/70 Old Lang is in the very limited stretch of the river where the channel bedrock rises towards the surface and thus year round surface flow is present As a result year round habitat for the Stickleback exists in this vicinity Old Lang station was located approximately ¾ of a mile downstream of the last project well In approximately 1970 the gauging station was moved further downstream to New Lang According to Cemex's EIR the Cemex mine will use an average of 442 acre feet per year (AFY) of Santa Clara River water during the first ten years of mining and 726 AFY during the second ten years River flows, which are highly variable from year to year ranged from a low of 432 AFY to a high of 21 231 AFY at Old Lang Station according to data from 1949/50 to 1969/70 presented in the project s EIR Given that 432 AFY is less than both Phase 1 and Phase 2 water demand the potential problems associated with the project s water use and endangered species becomes evident In fact flows for two out of the 19 years for which there is data were less than the project s second phase water demand

The problem becomes even clearer when one looks at

river flow on a monthly basis Based on monthly water flow data for this period Cemex contends that they will use 9% of the surface flow during Phase 1 and 16% during Phase 2 In contrast the City s geo hydrologist has calculated that the mine s average monthly water consumption will take between 25% to 50% of the combined monthly surface and subsurface flow in the project s reach of the river during Phase 1 and 45% to 90% during Phase 2 In contrast to Cemex s calculation the City s calculations can be verified by anyone with a copy of Cemex s EIR a calculator and the ability to subtract divide and calculate an average

Averages however tell only part of the story According to the City s geo hydrologist if the project had been in place for the 19 years for which there is good flow data the project would have resulted in a complete loss of surface flow at Old Lang Station during portions of four of the 19 years based on Phase 1 level water use and 12 of the 19 years during Phase 2 This portion of the river in the vicinity of Old Lang contains year round habitat for Stickleback A complete loss of flow in this area clearly would present a problem for the survival of this endangered fish Without the project, all months would have flow at Old Lang Based on the analysis of Cemex s data conducted by the City s geo hydrologist it does not appear that there is enough water in this unique area to sustain both the project and the river environment

In the 35 years since this data was collected there has been substantial upstream development in the Agua Dulce area The problem of the project s impact on the ability of this special reach of the river to support endangered species is thus likely to be greater than the picture achieved by analysis of this 35 to 53 year old data

In an effort to protect the endangered species in the river and adjacent to the mining site the City of Santa Clarita has sued the Bureau of Land Management (BLM) the federal permitting agency with the mineral rights to the land and the United States Fish and Wildlife Service (USFWS) the agency charged with protecting endangered species The City has taken issue with a number of things these two agencies have done or rather have **not** done in terms of endangered species protection

The City first sued for violation of the endangered species act in January of 2001 Among other issues the City was concerned that these agencies had not required proper studies to determine the presence of absence of a number of other endangered species with the potential to occur on the site including the Arroyo Toad The validity of the City s concerns over the quality of the biological resource studies done for the project was demonstrated when the City frustrated by the Bureau of Land Management s and County s failure to act on the City s requests to look for endangered species conducted its own surveys for the Arroyo Toad In May of 2001 the City s consulting biologist found the Arroyo Toad in two portions of the river reach containing the project and the project s three production wells

Discovery of the Arroyo Toad also increased the City s concerns with the adequacy of the 1998 Habitat Protection Plan provided by the USFWS in its Biological Opinion for the project Under the protection plan monitoring of the project s impact on river flows would not be year round rather it would begin only after project pumping and natural forces had dried the segment of the river containing the Arroyo Toad s breeding grounds the temporary flowing habitat for the Stickleback fish project wells and the portion of the river through the parcel known as Area B which contains the project s sand and gravel processing activities In addition the USFWS s plan would allow Cemex s water use to result in the incidental take of Stickleback An incidental take is harm that is not intended as part of the project but is a consequence of

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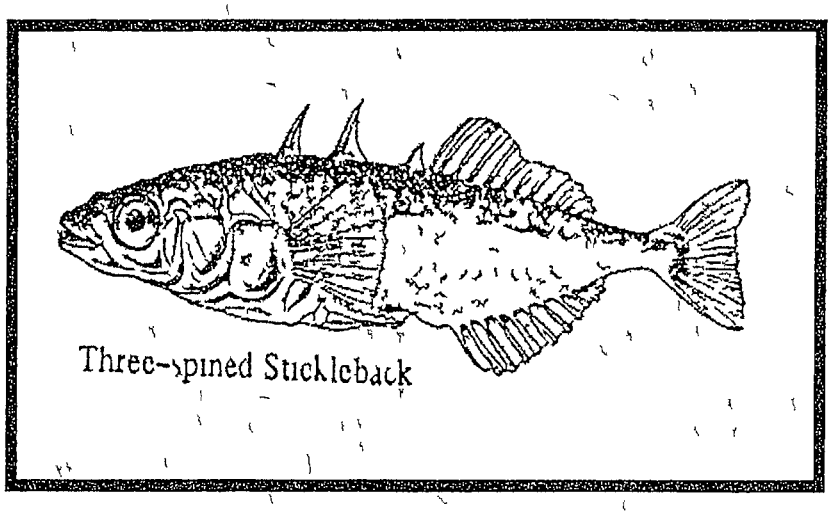
AGAINST

Sand/Gravel Mining Project

the project This fish is fully protected under California law and thus issuance of an incidental take permit would be a violation of State law This fact was pointed out by the California Department of Fish and Game (CDFG) in a letter dated November 2000 but apparently ignored by the federal agencies

As a result of the City s discovery of the Arroyo Toad the federal government in exchange for the City s dropping of the lawsuit agreed to re look at the project s potential effects on endangered species However the federal government would not stipulate to addressing the seven endangered species of concern to the City and the City was left in the dark as to the scope of the study that would be prepared by the federal government



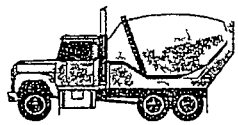
In an effort to aid the federal government in preparing an accurate and complete assessment of potential project impacts on endangered species and improve the chances of their concerns being addressed the City in July of 2001 provided the federal government with an Input report detailing the City s analysis of the project s impact on river flow the inadequacy of the habitat protection plan for the Stickleback the area of impact that should be considered in the analysis given the known impacts of the project and the defects in the environmental document and a summary of the supporting evidence as to why all seven species should be studied In the case of the Slender horned Spineflower the need for the federal government to consider harm to this endangered plant which is known to occur next to the project site was based on the November 2000 letter from CDFG in which this state agency – charged with protecting endangered species – stated its opinion that dust from the project would result in an incidental take of the Spineflower

In October of 2001 the federal government issued its supplemental Biological Opinion and Habitat Protection Plan The plan was developed in consultation with Cemex Only the project s impacts to the Arroyo Toad were addressed The Biological Opinion acknowledged the presence of Arroyo Toads in two parts of the river one population in the location of the project s three production wells and one population approximately 1 500 feet upstream in Area B Interestingly enough the protection plan provided for the installation of five additional production wells in Area B within 500 feet of actual Toad sightings These additional production wells are difficult to explain as mitigation as they would allow for dewatering of an additional upstream reach of the river resulting in new potential impacts to the fish and the Toad A possible explanation for the sudden appearance of up to five new wells may be the fact that the City s geo hydrologist documented in the Input analysis submitted to the federal agencies that the original three project wells would give Cemex access to only 269 AFY of water in storage in the sand which lines the river s bedrock channel rather than the 634 AFY assumed by Cemex To have access to additional water wells would need to be located in the hydrological section in which surprise the five new wells are to be located

In addition although the new protection plan provides for fairly strict criteria for when Cemex would have to stop pumping in order to protect the endangered species the plan has a clever loophole in the form of the restart trigger The City has calculated that if Cemex makes use of this loophole Cemex could use an average 34 85% of the total flow during Phase 1 and 53 07% of the total flow during Phase 2 In some months use could approach nearly 100% Allowing for this level of potential water use will not protect the Arroyo Toad or the Stickleback

In January of 2002 the City of Santa Clarita again filed suit against the BLM and USFWS for violation of the Endangered Species Act In so doing the City hopes to protect the three endangered species that are known would be harmed by the mining project and to force proper surveys to be done to determine the presence or absence of the other four endangered species with the potential to occur in the project area

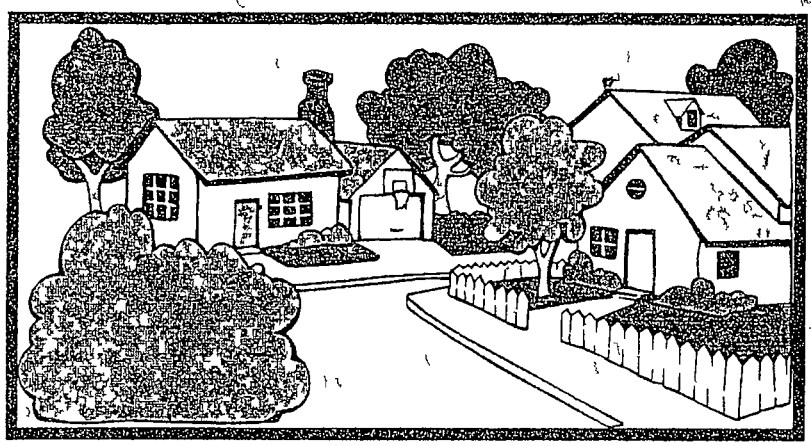
Impact on Resale Values Feared



Realtors Renew Their Opposition to Expansion of Cemex-TMC Project in Northern Los Angeles County

By TOM CARNAHAN
President Southland Regional Association of Realtors

Communities build sound walls to protect neighborhoods from the deleterious impact of freeway noise Realtors know through experience that homes sheltered from noise sell more easily than homes continually bombarded with high decibel blasts Yet homes totally free of noise pollution sell even more easily although they may be removed from the freeway by only a street or two Though identical in all other ways the final sale price and the ease of a transaction hinge on each home s unique benefits and drawbacks



The same analogy applies to homes in proximity to Soledad Canyon although the impact of a proposed massive expansion of a sand and gravel mining operation will create not only noise pollution but air and water pollution and raise quality of life concerns – all issues that will extend well beyond the confines of any single community Expanded mining also could adversely impact property values throughout much of Northern Los Angeles County

Despite assurances from the mine s operators there are grave concerns that efforts to mitigate the potential damage will be insufficient once the Cemex Transit Mixed Concrete project gets underway Ironically despite united opposition from an alliance of city county and regional business and community organizations a federal administration that proclaims its support for state s rights is likely to approve this sweeping project Yet it is the local community that will feel and have to live with, the consequences of that decision for decades

For these reasons, for the last two years the 8 100 member Southland Regional Association of Realtors (SRAR) has supported the City of Santa Clarita s and Los Angeles County s efforts to limit expansion of the giant Cemex TMC project that has been approved by the federal Bureau of Land Management

Local government officials contend that the mine will have devastating consequences Company officials insist that most residents will not know the mine is operating because of the dozens of mitigation measures attached to the project SRAR trusts the judgment of local elected leaders Led by governmental affairs committee chair Nancy Troxell SRAR also opposes the project on principles that go beyond the deleterious impact on local and regional residents

We believe the federal government should not be allowed to preempt local authorities on land use issues, Troxell said Our goal is to provide a synergistic means to tell people that the project is not dead that it is likely to move forward that it may impact the value of their property and that we desperately need their help now

The Bureau of Land Management owns the mineral rights to the 460 acres south of the Antelope Valley Freeway between Soledad Canyon Road and Agua Dulce Canyon Road The federal government will stand to make $28 million over the course of the contracts with Cemex contracts that seem sure to soon go into effect despite litigation and ongoing protests

We re building strategies on how to balance the rights of industry landowners and residents while protecting the quality of life Troxell said We also support the right of local governments to make the ultimate decision regarding local projects

Soon the Board of Directors of the Southland Regional Association of Realtors will decide if it will pursue further action to prevent the federal government from preempting a state s right to make decisions on issues of local importance

Local Realtors do not object to mining It has been going on since the 1960s It has generated jobs It was and remains an important cornerstone in the development of the region

Over the ensuing decades this community – one of the most vibrant and fastest growing regions in Southern California – has blossomed up around the original mining project Limiting the size of the quarry to historical levels is acceptable but expansion to more than 56 million tons of aggregate over 20 years poses an intolerable threat to the community, regional air quality and ground water availability while contributing to noise pollution and further congestion of already clogged roads

Realtors believe local property values will be eroded for the following reasons

- An expanded unrestricted mining project is likely to have a negative impact on air quality throughout North Los Angeles County Tons of pollutants will be released into the air daily Air toxins and Valley Fever spores will waft downwind every day increasing health risks for sensitive individuals in communities far removed from Soledad Canyon The project will reverse decades of progress in improvements to air quality throughout Southern California
- Local schools estimate it will cost $5 million to retrofit air conditioning systems to handle the added impact Home buyers move into neighborhoods to have access to quality schools
- Expansion of the project will yield 582 additional trips by big trucks every day on Soledad Canyon Road By extension expect even more trucks on already overloaded Interstate 5 and State Route 14
- The long term health of a community depends on a proper economic mix a good balance between industrial and commercial enterprises Massive expansion of the mining operation may discourage clean operating businesses from setting up shop throughout the Santa Clarita Valley Most importantly especially for the immediate community surrounding the mine excavation of the mountain ridgeline and disruption of the fragile natural habitat could have a profound impact on home resale values

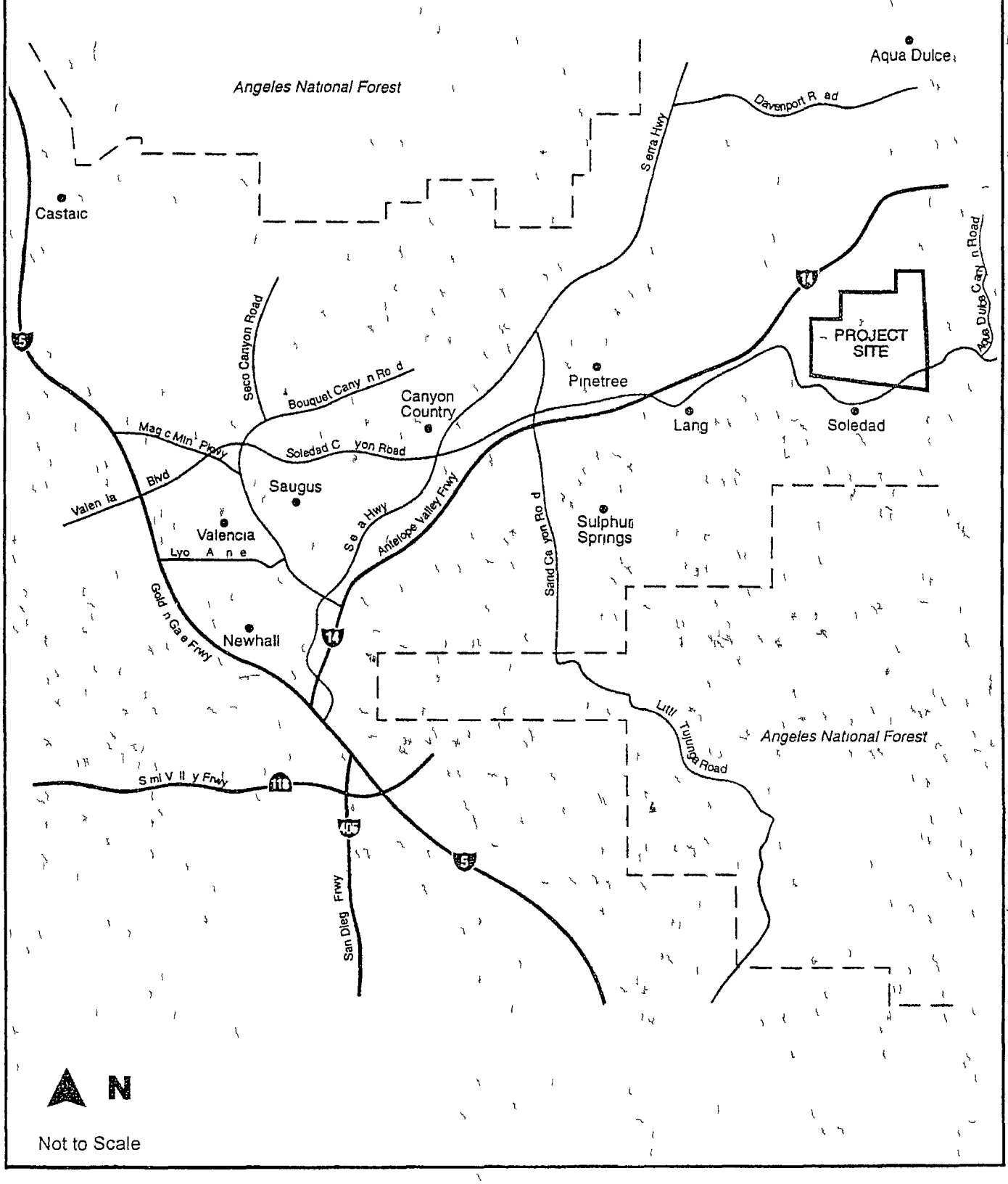
The Southland Regional Association of Realtors supports efforts to limit the scope of the project We urge Cemex to accept county offers to provide equivalent mining opportunities in regions far removed from residential communities It would be fantastic if the equivalent of a freeway sound wall could be built to shield the region from the impact of the mining project But proposed mitigating actions appear to fall woefully short of the task

Individually, each area of concern could impact property resale values Combined the blow could be significant

DID YOU KNOW?

Local leaders are very concerned that real estate values will plummet if the proposed Transit Mixed Concrete mega-mining project is approved and built in Soledad Canyon

Transit Mixed Concrete Project
Site Location in Soledad Canyon



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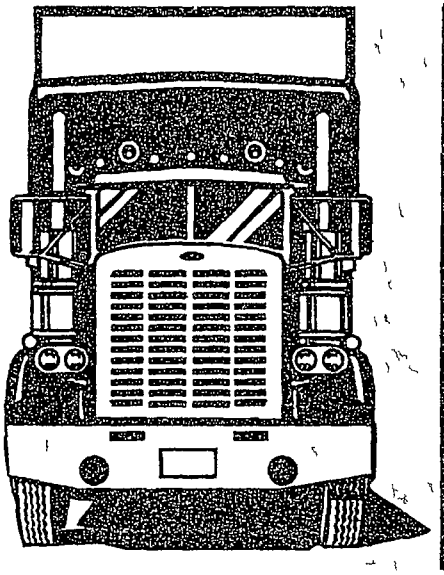
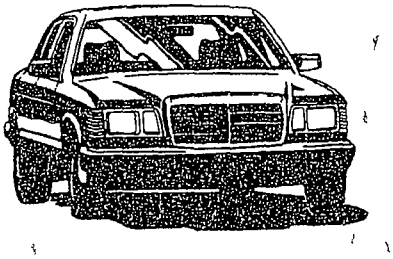


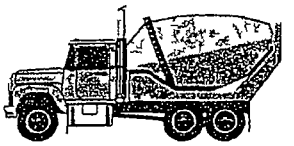
The Environmental Impact Report (EIR) for the TMC/CEMEX Soledad Canyon Sand and Gravel Mine indicates there will be an average of 694 truck trips added to Highway 14 daily during Phase 1 and 1,164 during Phase 2 This translates into one additional truck on the freeway every 2 minutes during Phase 1 and a truck every 1 1/2 minutes during Phase 2 Yet, the EIR states the project will not impact the regional freeway system

A double-rigged sand and gravel truck is approximately 80 feet long and weighs over 80,000 pounds The average mid-sized car is under 13 feet long and weighs 3,000 pounds Yet the EIR indicates the project will not impact the regional freeway system! How does the EIR arrive at this conclusion? They analyzed trucks as if they were passenger cars



What's it Going to Take to Engage You?

Local Impacts of the Transit Mixed Concrete Plan

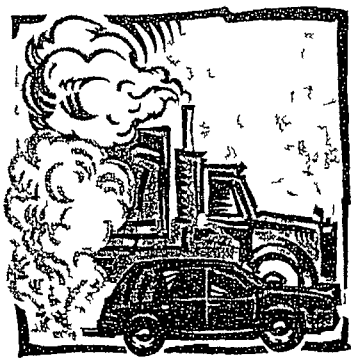


By DIANE TERITO

Former Agua Dulce Town Council President currently Co chair of the Council s Land Use Committee

Member of the Santa Clarita Executive Advisory Committee to prevent mega mining in the Santa Clarita Valley

Since February 1999 when the TMC Draft Environmental Impact Report (DEIR) and Federal Draft Environmental Impact Study (DEIS) were first published and circulated residents of Agua Dulce Acton Sand Canyon Stone Crest Canyon Country and the City of Santa Clarita have been hard at work Concerned citizens have studied analyzed and written challenges to the contents of the DEIR/DEIS and the underlying science Thanks to the City of Santa Clarita the Agua Dulce and Acton Town Councils and Safe Action for the Environment Inc (S A F E) we have consulted experts on the various impacts of mega mining prepared authoritative scientific presentations filed lawsuits gathered together for meetings and bus rides to many hearings before the Board of Supervisors and even the Bureau of Land Management (BLM)



As a Team we have spent hours in negotiating sessions with TMC/CEMEX representatives – as mandated by the Los Angeles County Board of Supervisors – which ultimately failed Almost 100 local state and national organizations have come out in opposition to the TMC/CEMEX project Although we are grateful for every volunteer and for the expertise and organized support from the City of Santa Clarita it is not enough We need you! What do you need to hear in order to stir your soul and fire your blood? What must we say to you in order to get you up out of that chair to write a letter(s) or attend a rally or March on the Mountain?

Let s try a few local impacts on for size If these don t do it for you let us know – there are several more from which to choose The official name of the mine is the Agua Dulce Mine Agua Dulce will forever be associated with aggregate mining just as Azusa and Irwindale are That alone may affect future property values TMC/CEMEX was granted two ten year contracts by the Federal Government to mine 83 million tons in order to produce 56 1 million tons of aggregate over the 20 year time period According to one Bureau of Land Management (BLM) representative the TMC/CEMEX project is more than ten times larger than any other BLM aggregate project ever contracted The BLM s approval was given before the project s Environmental Impact documents were even drafted Did the BLM have the knowledge base to approve the design and scope of the project? Now the BLM and the Federal Government wish to preempt the rights of the State of California and the powers of the County of Los Angeles as granted by the California Environmental Quality Act (CEQA) and the Surface Mining and Reclamation Act (SMARA)

The Feds wish to remove the County s right to impose conditions on the mining project that would reduce the environmental havoc that TMC/CEMEX would like to unleash on our land and families Although most of the governmental agencies arrayed against us wish to direct our focus to just the TMC/CEMEX project and its 56 1 million tons of aggregate proposed to be mined in truth we need to focus on this first project as just that – the first

In a brochure published by TMC in the early 1990 s the company depicts the large mountain that would be the Agua Dulce Mine site completely removed That would mean that when driving past Bee Canyon on the Antelope Valley Freeway (Highway 14) we would be able to see the Santa Clara River bed and the train tracks on the other side of Soledad Canyon Road The Federal Government would like to see the entire area become one large strip mine in order to access the 1 5 BILLION tons of aggregate it has identified in Soledad Canyon We re not going to be subjected to just 20 years of aggregate mining but 100 years or more If approved as currently proposed the TMC/CEMEX project will open the flood gates Please don t be fooled into believing that this first project is just 'a little mine that you can live with Is your blood boiling now?

As we all have witnessed this summer the skies over the Santa Clarita Valley have been white with the noxious smog that has flowed north from the San Fernando Valley Our region is already a non attainment area under the Air Quality Management District (AQMD) State Implementation Plan and the 1990 Federal Clean Air Act Add mega mining to the mix In the Draft Environmental Impact Report (DEIR) TMC/CEMEX acknowledges that its project s residual impact is expected to remain significant for air pollutants like carbon monoxide (CO) Nitrogen oxides (NOx) Reactive organics (ROG) and Particulate matter (PM 10) These pollutants are precursors of Ozone

According to Barry R Wallerstein Executive Officer of the AQMD (Introducing AQMD – PRIVATE HREF= http //www aqmd gov/aqmd/ intraqmd html MACROBUTTON HtmlResAnchor http //www aqmd gov/aqmd/intraqmd html) State and Federal law require this area (Southern California AQMD) to meet clean air standards by the year 2010 We still have to reduce some types of pollution by more than 80% Our air still violates the health standard for ozone on about 120 days of the year (based on 1993 data) Ozone as referenced in Mr Wallerstein s quote is a secondary pollutant (those formed in the air by chemical reaction of precursors) that reaches its maximum concentration some distance downwind of the sources that emit the precursors The result for all of us here in the Santa Clarita Valley will be air pollution far worse than anything we have experienced before Our health will be in jeopardy and our blue skies will be gone Among us those

most in danger will be our elderly and our children and those with preexisting respiratory and/or cardiovascular disease(s) all of whom are deemed most susceptible to the effects of PM 10 which include an increased risk of mortality from lung cancer It will become impossible for our children to play outside People already affected by breathing difficulties like asthma will be in danger of increased attacks lung damage and possible death

In this time of drought all of us know the value of water TMC/CEMEX states in its project documentation that it will use 775 acre feet of drinking water from the Santa Clara River annually That is enough water to serve a community for one year This water will be used essentially to wash rocks Although this water use won t impact Agua Dulce or Acton since these communities are upstream from the proposed mining site it will impact many communities within the Santa Clarita Valley that depend on the Santa Clara River water for some or all of their water needs

Traffic is already a major issue within the Santa Clarita Valley The TMC/CEMEX project brings with it approximately 694 Average Daily (truck) Trips (ADT) during Phase 1 and 1 164 ADT during Phase 2 translating to approximately 1 additional truck every 2 minutes on area roadways 24 hours a day 7 days a week during Phase 1 and 1 additional truck every 80 seconds 24 hours a day 7 days a week during Phase 2

The DEIR estimates that 95% of that extra truck traffic will enter the Antelope Valley Freeway (Highway 14) at Soledad Canyon The TMC/CEMEX project will increase truck traffic on the Antelope Valley Freeway by 15% in Phase 1 and 25% in Phase 2 Wherever you may live in the region from Palmdale to Castaic if you are one of the many who commutes daily along the 14 connecting to the 5 Freeway you are the ones who are in for the worst of it According to the DEIR The major destinations for the materials shipped from the proposed (Agua Dulce) mining site are Santa Clarita Valley Inglewood Los Angeles Hollywood Sun Valley and other areas nearby

Since TMC/CEMEX is obviously driven by demand for its product it can be assumed that you will encounter its mining trucks not only on the 14 and 5 Freeways but also on the 126 405 118 and 210 Freeways The traffic congestion can only increase if Vulcan s proposed Soledad Canyon mine is approved While 95% of the daily truck traffic will use Soledad Canyon to the 14 Freeway and head west the remaining 5% will use Agua Dulce Canyon Road Over 20 years that 5% will total 276 305 additional truck trips The question then becomes will Agua Dulce Canyon Road be used to transit through the community of Agua Dulce en route to Sierra Highway during periods of heavy congestion or traffic accidents on the A V Freeway or will it be used only to access the 14 Freeway by trucks headed for Acton Palmdale or Lancaster?

The Agua Dulce Town Council investigated the possibility of banning heavy trucks from local roads but found that it can t be done Are the local Agua Dulce roads up to the wear and tear over 20 years of 276 305 trucks each weighing 80 000 pounds? Of course not! Are we prepared to have 17 5 mining trucks in Phase 1 and 58 mining trucks in Phase 2 mingle with our school buses headed for Vasquez High School and passing our Agua Dulce elementary school on a daily basis? My answer is 'No ! What s yours?

Mega mining offers nothing to Agua Dulce Acton or any of the surrounding residential communities There are no benefits to us or to our children and grandchildren Mega mining brings loss of property values increased air pollution health dangers for each of us traffic that will clog our roadways and freeways and waste of the valuable drinking water in the Santa Clara River The BLM has never handled a contract this big which has already led to inadequate environmental protections according to experts It may lead in the future to disastrous consequences for our environment beyond what we already know will happen To use a military metaphor we put the Special Forces into this fight to protect the Santa Clarita Valley back in 1999 when this project s DEIR/DEIS was first circulated They have gone beyond the call of duty with an incredible effort and huge expenditure of both money and time Now we need our full Army in the field We need to show the Federal Government TMC/CEMEX and the mining industry that we will NOT retreat from this battlefield I implore you to use the cut off postcards contained within this publication and let our federal representatives know your thoughts about this massive mining project

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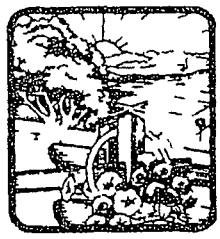


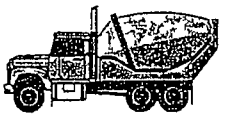
Supports the opposition of Transit Mixed Concrete

Visit http //scope org/

*Santa Clarita Organization for Planning the Environment

The TMC Project and the BLM Terrorism from Within

By PAULINE HARTE
Former *Signal* Columnist
(Originally published on December 5 2001 in *The Signal* Reprinted here with permission)



TMC foes are always a ready willing and more than able group of freedom fighters and once again we all climbed aboard the Santa Clarita Valley buses to ride off to the L A County Board of Supervisors to oppose the TMC project and a mining consortium that will cause the ruination of this entire region As we came together to protest the TMC mining project I became acutely aware of the fact that we are actually at war with our own government

We citizens of Santa Clarita and Agua Dulce, and Acton have been told that we do not count We have been told that our well being and the well being of our children count for nothing and that our communities count for nothing if our government decides that money and mineral rights are more important than American citizens How did this happen? How can we proud loyal Americans be held in such low regard by our own government?

As I placed my hand over my heart and pledged my allegiance to the flag of the United States of America before the five L A Country Board of Supervisors I could not stop the tears of anger The federal government the Bureau of Land Management (BLM) is planning the execution of three communities They know this region will be devastated beyond repair with the introduction of the largest mining project ever approved by the BLM in the history of this nation They insist we do not have a right to object to the size and scope of this project The BLM and Cemex do not care if this mega mining project destroys this entire region All we ask is that mining be kept to historic levels of mining in order to prevent the complete destruction of this region

I pledge allegiance to the flag of the United States of America I looked around at the packed meeting room Here we were again fighting for our lives fighting for our communities fighting for truth and justice We proudly and loyally pledged our allegiance to our beloved country knowing that the BLM says we American citizens don t count

A busload of students from Canyon High joined us this time and I wondered what they thought of the subterfuge and misrepresentation they witnessed from Southdown and Cemex Subterfuge and misrepresentation have become their modus operandi since this battle raged on through the L A County Regional Planning Commission This is what we have been up against since the beginning this twisting and mauling of the truth by Southdown reps and their consultants And now Cemex

There were little children on the buses too last Tuesday Evangeline and Stephen and Michael thank you for your interest Children and the elderly will suffer the worst from the airborne carcinogens in the invisible particles that cause severe respiratory ailments and lifelong health problems due to the close proximity to our communities of a mega mining project of this size and scope

On January 22 2002 we go before the L A County Board of Supervisors again The BLM and the Director of Planning of the L A County Department of Regional Planning James Hartl have stated that we cannot request mitigation measures from Cemex if the mitigation requests are considered too costly by Cemex This is as unbelievable as it is un American

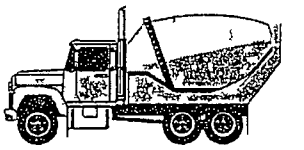
How can anyone with a conscience condone the unfairness of this? How can anyone with a conscience allow this certain death sentence to be handed down to communities of America? If the reasonable mitigation measures we have requested render the cost of mining in this region unfeasible for Southdown and Cemex they need to go elsewhere to mine away from established communities And we need legislation that says just that! We need legislation that keeps mining to historic levels in this area

As stakeholders we must be allowed a say regarding this matter As stakeholders we must be allowed to request any mitigation measures we deem necessary to prevent the ruination of our communities If the BLM continues to insist that we do not have a right to request proper and reasonable mitigation then the BLM should be held accountable for their terrorist behavior against American citizens

In the aftermath of 9 11 weary soot covered firemen struggled valiantly as they planted an American flag in the rubble of the Twin Towers and the colors of America unfurled into a shining beacon of hope and patriotism against the charred landscape of Armageddon Who does Old Glory wave for if not for US the tax paying American citizens of Santa Clarita Agua Dulce and Acton? If we don t count who does?

Irving Berlin said it best for us God Bless America land that I love Stand beside her and guide her through the night with a light from above God bless Santa Clarita and Agua Dulce and Acton as we battle the BLM and Cemex to save our beautiful communities from certain environmental Armageddon

How Much Mining Can Our Valley Take?
Where There's One, Others Will Follow



By DIANE TERITO
Former Agua Dulce Town Council President currently Co chair of the Council s Land Use Committee
Member of the Santa Clarita Executive Advisory Committee to prevent mega mining in the Santa Clarita Valley

You may have thought that the Transit Mixed Concrete (TMC) mining project had gone away or viewed it as a tempest in a teapot If you re new to the community you may not have heard about mega mining proposed for the southern border of Agua Dulce Or you may have thought that whatever impacts the project may have on you would be minimal The following is additional information that may rattle your calm and shake up your ideas of the future

TMC was purchased by Southdown out of Houston Texas and is now owned by CEMEX of Monterrey Mexico However we have always known that the TMC project was just the first of many whatever the company name or national flag There are plans being formulated by the Bureau of Land Management (BLM) according to some professional sources for six (6) additional mining operations in the Soledad Canyon area in concert with TMC Vulcan or other mining entities For all the effort by residents in the Santa Clarita region in opposition to the TMC/CEMEX project that has gone before our work has just begun TMC/CEMEX is not the only request for a Los Angeles County Conditional Use Permit (CUP) for a mining project in Agua Dulce Canyon Vulcan one of the largest sand and gravel mining companies in the world, submitted paperwork (91 307 (5)) 12 years ago to mine in Agua Dulce Canyon on property adjacent to TMC/CEMEX

You may have seen the announcement recently in our local newspapers that Vulcan has donated a new helipad to the County of Los Angeles For use in emergencies like a large brush fire this helipad sits on land owned by Vulcan along Agua Dulce Canyon Road south of the Antelope Valley Freeway (Highway 14) and adjacent to the TMC/CEMEX property On the surface Vulcan s gesture appears to be a generous gift but like aggregate itself the true goal of a mining company is what lies below the surface I would suggest that the helipad is Vulcan s announcement that it has never lost interest in the 1 183 acres it owns or the 240 million tons of aggregate it has proposed to mine from the site over a 30 year time span

When Vulcan broke its silence recently to announce the gift of the helipad the company perhaps unwittingly issued another clarion call to all residents of the Santa Clarita and Antelope Valleys to Wake Up Stand Up and Band Together to STOP MEGA MINING in our region In the years of study on the CEMEX project it has become clear that much has been kept below the surface by the company and the Bureau of Land Management (BLM) All of the various documents submitted by TMC/CEMEX over the years indicated that its project would be comprised of two ten year periods with the total project being mined for 20 years Simple arithmetic would suggest an average of 1 4 million tons to be mined in the first ten years and an average of 4 2 million tons to be mined in the second contracted ten years You can imagine the surprise and consternation when the BLM in a letter to Los Angeles County stated By Federal rules when a time frame is placed on a mineral contract it is a maximum time frame In many cases Federal mineral contracts are completed before the maximum time represented on the contract and no regulation prohibits this The exact amount of material that is mined and the time frames in which the material is mined is based on market demands

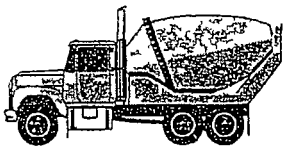
According to documents received both the BLM and TMC/CEMEX are definitively on written record that they will settle for nothing less than mega mining on their own terms Both organizations finally have acknowledged that the quantity of aggregate to be mined from Soledad Canyon on an annual basis will be based purely on demand for the product – from wherever that demand may come They insist that TMC must be allowed to mine as much as it needs to meet that demand with no restrictions even if it takes a ten year quantity of 14 million tons and produces it in two years What you may have understood to be a 20 year contract to mine Federal mineral resources from Soledad Canyon could be completed in as few as eight years at 7 million tons per year or 5 plus years at 10 million tons per year

Obviously mining more material in a shorter time span would mean increased negative impacts on the region s air quality traffic water and so on in any given year Yet the environmental documents produced by TMC/CEMEX for submission to both the BLM (its partner) and Los Angeles County are premised on an AVERAGE annual production The claims made by TMC/CEMEX that its mega mine will not befoul our air clog our roads and drain the Santa Clara River are based on an average of 1 4 million tons produced annually for the first ten years and an average of 4 2 million tons annually in the second ten years The potential environmental pollution based on a far lower average is a far cry from that created by the production of 5 6 or 7 million tons in one year

Many of us used to think, and many still think that the Bureau of Land Management (BLM) is a benign governmental agency intended to protect the environment and Federal lands The TMC/ CEMEX project has shown many of us that that is an illusion The BLM spearheaded the program to identify significant deposits of sand and gravel aggregate back in the 1980s Public hearings were held but none in the Los Angeles area where a significant deposit was identified in Soledad Canyon The BLM then put out a request for bids to mine 100 million tons of aggregate on what used to be called the Curtis Mine site and now is being called the Agua Dulce Mine

The BLM did not prepare an Environmental Impact Study (EIS) in order to determine the quantity of aggregate to be offered for bid It appears that the BLM had absolutely no concern for the environmental consequences it proposed to unleash in Soledad Canyon The BLM approved the TMC/CEMEX project for 56 1 million tons of product and signed the contracts in 1990 With just one hearing held in the Santa Clarita Valley area the BLM

We Say NO in the Name of Progress!



By PAULINE HARTE
Former *Signal* Columnist
(Originally published on November 6 2001 in *The Signal* Reprinted here with permission)

We've come a long way TMC fighters This battle has been a long brutal uphill battle every step of the way for the last few years Win or lose I will always remain in awe of the indomitable fighting spirit of the citizens of Santa Clarita Agua Dulce and Acton If not for this fighting spirit from so many this battle would have ended long ago

Congressman Buck McKeon needs your input to help him get his legislation passed Inform our Congressman you support any legislation he can propose that will help prevent the destruction of our communities from the mega mining project of Cemex that is too huge in size and scope to be adequately mitigated this close to our communities Here is the information for letters faxes and phone calls

Congressman Howard Buck McKeon
fax (202) 226 0683 and fax (661) 254 2380
Address 2242 Rayburn House Office Building
Washington D C 20515

Also Congressman McKeon's office phone lines (661) 254 2111 and (818) 885 1032 and (202) 225 1956

We will NOT accept being told we are acceptable losses just so much collateral damage If Cemex cannot afford to mine without honoring our fair and reasonable mitigation demands that will prevent the ruination of our communities then we should have the right as American citizens to say NO to the TMC mega mining project! If Cemex really had any intentions of being a good neighbor to us they wouldn't fight our reasonable requests for mitigation!

It is difficult enough trying to recover from the heinous attack on America by terrorists The realization that our own government can turn on us American citizens and destroy our communities with impunity is impossible to understand and accept at this point in time

Air quality has not been properly and adequately addressed This region has the worst air quality in the nation and we cannot possibly adequately mitigate the cumulative negative impacts that a mega mining project will add to our already horrendous air quality challenges The cumulative negative impacts this project will have on our health and water and air and traffic have not been properly or adequately addressed Many environmental issues are not even being considered let alone addressed by Cemex or our government The effects of non stop trucking on our roads and their diesel emissions have not been properly or adequately addressed and Cemex refused to even do traffic analyses! Does that sound like Cemex wants to be a good neighbor ?

We have a right as stakeholders to have our concerns adequately and properly addressed Right now too many issues and concerns have been brushed aside and ignored, and we insist that further evaluations are necessary to adequately and properly address the cumulative negative impacts that this project will have on our communities We INSIST that mining in this area be kept to historic levels OF mining in this area This IS a reasonable request and the only way we can avoid the complete destruction of our communities

We the people the tax paying citizens of Santa Clarita, Agua Dulce and Acton fight for justice and progress and the American dream We the people the tax paying citizens of Santa Clarita and Agua Dulce and Acton demand that our government make good on its promise of existing OF the people BY the people and FOR the people We demand that OUR government protect our state's laws and legislation from being challenged by Cemex

We fight for justice and for progress and for all American dreams that came together to form and establish communities in America The Federal Government should not have the right to destroy the people and communities it represents with wanton disregard That is not progress as we stand here at the dawning of a new millennium More than 90 agencies and organizations including school districts and our community college and the Southland Regional Association of Realtors from the Santa Clarita Valley and the San Fernando filed appeals publicly opposing the TMC mega mining project in the belief that our government should work for the people We the people say no to a mega mining project the size and scope of the TMC project!

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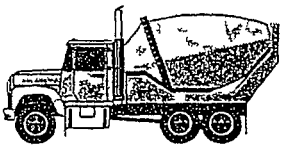
gave its final approval to the project based on what we believe to be inadequate analysis in the Federal Final Environmental Impact Study (FEIS) in 2001

The TMC/CEMEX project is the largest aggregate mining operation ever approved by the BLM With the blessings of the BLM TMC/CEMEX will be allowed to produce as much aggregate as it can (up to the contract maximums) based on market demand for the product The BLM on behalf of the Federal Government agreed to a royalty payment from TMC/CEMEX of $28 million The specters of TMC/CEMEX producing larger quantities of aggregate on an annual basis and Vulcan following on TMC/CEMEX's coat tails to establish a second mega mine in Agua Dulce Canyon are not only possible but probable once a precedent has been set Now more than at any time previously it is critical for your voices to be heard Join us to protest the BIG LIE being put forward by TMC/CEMEX that its mega mine will not change your life your family's life and indeed the entire region as we know it

Who Can You Trust?



By BILL PIAZZA
Air Quality Dynamics

As many of you know reviewing and commenting on a complex environmental document like an EIR is not a simple matter In most cases it takes years of study to understand the technical complexities of a particular issue – for instance air quality, a field to which I have devoted myself for many years For this reason I felt privileged to have had the opportunity to assist Safe Action for the Environment Inc (S A F E) and the City of Santa Clarita in evaluating several environmental studies prepared for the TMC Soledad Mining Project specifically the impacts of the project on your local air quality

You would expect both governmental and regulatory agencies responsible for reviewing and approving projects to have the expertise to evaluate these technical environmental studies In other words you would expect our analysis to be consistent with the analysis prepared by these agencies Unfortunately consistency was not the case We identified numerous deficiencies in the analysis such as its failure to follow state and federal guidelines in calculating pollutant concentrations failure to identify that diesel emissions from haul trucks and other mining equipment will exceed California s threshold for cancer risk and underestimation of the project s generation and impact of dust and particulates on your community s air quality Our agency counterparts did not identify or comment on these issues I have no explanation for this failing and I am at a loss as to why these deficiencies were not apparent to others reviewing the analysis

Let me touch briefly on why this situation is significant In one instance the latest air quality data for the Santa Clarita area that shows particulate concentrations greater than the California Ambient Air Quality Standard occurred on approximately 42 days in 2002 This number is almost twice that of the previous year As you can see Santa Clarita Valley air quality is poor often exceeding the state standard for resp rable particulates (PM_{10}) This fact should be of concern not only to those who live and work in the community but to the governmental agencies responsible for ensuring your health and safety

The mega mining project s potential to exceed South Coast Air Quality Management District s threshold for PM_{10} surely will contribute to the degradation of local air quality and increase the frequency and severity of an existing violation of the standard Enough about the standard let s translate this data into how your health may be affected In a 1997 memorandum addressing the pollutant PM_{10} Michael P Kenny Executive Officer California Air Resources Board wrote to Mary Nichols then Assistant Administrator of the U S Environmental Protection Agency for Air Quality

> There is new information on respirable particulate matter from health and ambient monitoring studies Important studies have been performed since the current federal PM_{10} standards were last established in 1987 These studies consistently find that exposures to ambient levels of PM_{10}, which includes $PM_{2.5}$ adversely impact health These adverse effects include increased respiratory illness hospitalizations and mortality rates
>
> The health effects data do not point to a clear no effects or threshold level for PM (either 2 5 or 10) for these effects Traditionally and under the federal Clean Air Act such a no effects level provides the basis to begin air standards considerations Once a no effects or safe level is identified a margin of safety is added to assure adequate health protection that accounts for uncertainty The absence of a no effects level may be because no safe level exists (i e there is no threshold below which no effects occur) because methods to develop a safe no effects threshold are lacking or because the studies have not been done that could identify a safe level

Mr Kenny additionally reports that PM_{10} is known to be linked with airway conditions such as asthma and bronchitis and contends that the PM_{10} 24 hour standard is the most important (standard) in addressing acute health effects He continued by stating that

> When the California Air Resources Board established its PM_{10} standard it found 50 $\mu g/m^3$ to be a health protective value A review of recent findings strongly supports the merit of this determination but suggests that a 50 $\mu g/m^3$ level provides little if any margin of safety

As you can see it is critical that these and other impacts affecting your health be identified and addressed when evaluating a proposed project Those evaluating this project must recognize that pollutants generated from the proposed mining operation may adversely affect your health and the health of those who live and work within the surrounding community

I have always had the belief that the process of reviewing and approving projects be a public one Critical to this process is that a full and open disclosure of all environmental impacts be identified It is difficult for individuals who are potentially impacted by a project to wade through the voluminous technical studies to ensure their accuracy To a large degree we rely on our decision makers to be responsible and ultimately to do the right thing We may question the wisdom of those responsible for reviewing this project but we should demand nothing less from those responsible for ensuring our quality of life

We are fortunate that S A F E and the City of Santa Clarita have worked and will continue to work to protect you and your family by challenging the proposed TMC project Your continued support in this effort will only strengthen our resolve to limit this and other mining projects in our valley