



# The Las Placitas Association

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

July 15, 2022

Rep. Alan Lowenthal  
Chairman, Subcommittee on Energy  
and Mineral Resources  
1324 Longworth House Office Building  
Washington, D.C. 20515



Rep. Peter Stauber  
Ranking Member, Subcommittee on Energy and Mineral Resources  
461 Cannon HOB  
Washington, D.C. 20515

Dear Chairman Lowenthal and Ranking Member Stauber:

We, the community of Placitas, New Mexico—including the Land Use Protection Trust, Eastern Sandoval Citizens Association (ES-CA) and Las Placitas Association (LPA) —thank the House Subcommittee for the opportunity to offer testimony and respectfully request that the Subcommittee approve the Buffalo Tract Protection Act (H.R. 5805). The bill would remove all forms of mineral development under all laws pertaining to mineral leasing or mineral materials, including locatable minerals, from land owned by the Bureau of Land Management in our community, specifically those lands labeled as Tracts A through D on BLM’s 2016 “Placitas, New Mexico Area Map.”<sup>1</sup> Tract A is commonly referred to as “the Buffalo Tract”<sup>2</sup>—for which the legislation is named—while Tract B is commonly called the “Crest of Montezuma.”

The current Resource Management Plan dates to 1992 and allows mining on all four tracts. We need Congress to withdraw all mining from these parcels because of (1) the uncertainty associated with the contents of a new RMP and the delays in its review and adoption; (2) the devastating individual and cumulative impacts on public health, economic conditions (local and state) and the environment (water, land, air and wildlife) from existing mines in this vicinity; and (3) the adverse public health, economic, environmental and cultural impacts that would result from any additional mining.

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<sup>1</sup> <https://lasplacitas.org/wp-content/uploads/2021/03/Placitas-Area-Map-3-11-16-1.pdf>

<sup>2</sup> For Sandoval County planning purposes, Tract A is considered part of “Indian Flats.”

## About the Placitas Community

The ~3,000-acre Buffalo Tract and the three sister parcels are situated within Unit 5 of the Rio Puerco Planning area in Placitas, an unincorporated area. Rich with over 11,000 years of Puebloan, Spanish and Anglo-American history, Placitas is part of the Las Huertas Basin, which extends from the north Sandia Mountains to the Rio Grande. While Placitas is located in Sandoval County, it is also part of metro Albuquerque, which is home to half of New Mexico's population. Today, most of Placitas, including all the land abutting and neighboring the Buffalo Tract and other Unit 5 parcels is zoned RRA: Rural Residential/Agricultural. Mining is not allowed in this zone to deter adverse impacts on adjoining landowners.<sup>3</sup> Sandoval County first adopted such zoning for Placitas in 1990.<sup>4</sup>

The existing BLM Rio Puerco Resource Management Plan (RMP) was originally approved in 1986.<sup>5</sup> In 1992, BLM updated the RMP—without, apparently, conducting a new local consistency review,<sup>6</sup> as required by the Federal Land Policy and Management Act of 1976:

In the development and revision of land use plans, the Secretary [of the Interior] shall ... assist in resolving, to the extent practical, inconsistencies between Federal and non-Federal Government plans... Land use plans of the Secretary under this section shall be consistent with State and local plans to the maximum extent he finds consistent with Federal law and the purposes of this Act.<sup>7</sup>

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<sup>3</sup> "This zone district maintains a rural character of land use with low-density residential and agricultural development, ideally on large lots that do not rely on or require connections to centralized water and sewer systems. Certain other uses are allowed, provided they are compatible with the rural residential and/or agricultural nature of the district." Sandoval County, New Mexico, art. I, § 9(1) (2018) (RRA Rural Residential/Agricultural District), <https://goo.gl/yT1k4F>.

<sup>4</sup> "Sandoval County had no comprehensive zoning until January 20, 1988, when the first comprehensive zoning ordinance went into effect, limited to the community of Algodones. ... On February 7, 1990, the Sandoval County Commission zoned the remainder of Sandoval County ... by amending the existing comprehensive zoning ordinance to designate the rest of the county, outside the municipal areas, as a Development Review (DR) district. That designation permitted only residential and agricultural uses...." *Gary Miles & Patience O'Dowd v. Board of County Commissioners of the County of Sandoval* (N.M. Ct. App. 1998), <https://goo.gl/e1RKEL>.

<sup>5</sup> Bureau of Land Management, U.S. Department of the Interior, *Rio Puerco Resource Management Plan* (1986).

<sup>6</sup> Bureau of Land Management, U.S. Department of the Interior, *Update to Rio Puerco Resource Management Plan* (1992), <https://goo.gl/SVA3K1>.

<sup>7</sup> 43 U.S.C. § 1712(e)(3).

Instead of noticing Sandoval County's change in land use planning and ensuring consistency with it—or explaining why the RMP would *not* be consistent with it—the updated 1992 RMP simply repeated what the 1986 RMP had said: “[n]o inconsistencies [with other Federal, state, local or tribal resource-related plans] have been noted.”<sup>8</sup> In 1999, Sandoval County requested a Congressional appropriation for BLM to update the 1992 RMP, noting that “an amendment is needed to bring the RMP into substantial compliance with Sandoval County's Comprehensive plan.”<sup>9</sup>

In 2009, the Sandoval County Commission adopted The *Placitas Area Plan* (PAP), which builds on the 1990 zoning ordinance in protecting the existing semi-rural character of Placitas.<sup>10</sup> Mining conflicts with what the County has determined to be the highest and best uses that protect Placitas's existing semi-rural character. The PAP specifically encourages the BLM to maximize open space opportunities and to set aside an identified wildlife corridor.

The San Felipe and Santa Ana Pueblos, which abut the Buffalo Tract, are similarly opposed to gravel mining on these BLM lands in favor of other uses, such as open space for sacred ceremonies and, in the case of Santa Ana, a wildlife corridor. “Protection of the Buffalo Tract,” said Pueblo of San Felipe Governor Anthony Ortiz in a 2021 statement, “will allow our youth and future generations to know our ancestral lands as we have and will ensure wildlife will remain undisturbed.”<sup>11</sup> “Because of [harmful] impacts on our environment and wildlife corridors,” said Pueblo of Santa Ana Governor Ulysses G. Leon in his own statement, “Santa Ana has ceased mining activities on its lands and we support the effort to protect the Buffalo Tract from any new mining.”<sup>12</sup>

Since 1986, Placitas has been transformed into a key anchor of the Albuquerque region's economy. The population of Placitas more than *quintupled* from less than 1000 in 1980 to nearly 5000 in 2010 out of a total state population of just over two million. The number of occupied housing units in Placitas grew by over 50% from 2000 (1,606) to 2013 (2,431).<sup>13</sup>

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<sup>8</sup> *Id.* at 12.

<sup>9</sup> Letter from Debbie Hays, County Manager, Sandoval County, New Mexico, to Sen. Jeff Bingaman (May 13, 1999).

<sup>10</sup> Sandoval County Commission, New Mexico, *Sandoval County Placitas Area Plan*, 38 (2009) (*Sandoval County PAP*) (“The Placitas Plan should protect the existing semi-rural character of the Placitas region and the character and the identity of specific neighborhoods”), <https://goo.gl/vv1KD5>.

<sup>11</sup> <https://nmpoliticalreport.com/2021/11/08/push-continues-to-prevent-gravel-mining-on-4200-acre-area-in-sandoval-county/>

<sup>12</sup> *Ibid.*

<sup>13</sup> 2010 U.S. Census of Population and Housing; U.S. Beacon.

The 2009 *Sandoval County PAP* reports potential for an additional 1,200 large lot homes on private land in the Placitas West area alone.<sup>14</sup> Placitas has become a magnet for the affluent retired and semi-retired—many of whom are drawn there from out of state, bringing significant financial resources with them. Placitas households with at least one member aged 65+ are estimated to add \$57-91 million annually to New Mexico’s economy.<sup>15</sup> In general, new Placitas residents support job creation in the greater metropolitan Albuquerque area, contributing to the prosperity of the community, county and state.

## The Community & County Have Long Opposed Mining

Sand and gravel mining operations have also expanded greatly since 1986. Their growth threatens both the Placitas environment and public health—and thus the economic sustainability of Placitas as an anchor for the Albuquerque economy. For decades, Placitas has had four of the thirteen largest gravel pits in the state.<sup>16</sup> The addition of a mine of *any* size on the BLM Buffalo Tract would further imperil Placitas’ health and economic wellbeing.

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<sup>14</sup> *Sandoval County PAP*, supra note 10, at 11.

<sup>15</sup> See Eastern Sandoval County Citizens Association & Las Placitas Association, *Land of Enchantment or Gravel*, 5 (2015) (“the results indicate an order of magnitude economic effect ranging from \$74,962,268 - \$91,362,268,” using a 2012 defined benefit pension expenditure multiplier of 1.64), <https://goo.gl/p428qK>. The underlying source for pension expenditure multipliers, updated every two years, uses a multiplier of 1.47 for 2014, Nari Rhee, *Pensionomics*, 22 (2014), <https://goo.gl/bBNsse>, and 1.24 for 2016, Nari Rhee, *Pensionomics*, 20 (2016), <https://goo.gl/vNsDLv>. Using these adjusted multipliers produces total estimate ranges of \$67.2-81.2 million for 2014 and \$56.7-69.1 million for 2016. Pension multipliers will continue to vary from year to year, making precise estimates difficult.

<sup>16</sup> Grevey Liberman/Western Mobile/La Farge/Vulcan Mine (initially a 1000-acre site, then reduced to 821 acres) has been under a gravel lease since 1973. In 1988, the mine was granted rights to operate 5 days/week, 8 hours/day under a certificate of non-conformance. The lease was set to expire in 2015, at which time the public was given to understand that the mine would close permanently. However, the mine violated the conditions associated with the certificate of non-conformance by operating 7 days/week 24 hours/day. Therefore, Sandoval County sent LaFarge a notice of violation in June 2013 and filed a lawsuit. While the lawsuit was pending, the new owner Vulcan negotiated a new lease for the property (now owned by Seattle based Mt. Adams), much to the distress of the community, which had relied on mining company representations about the 2015 sunset for decision-making. The case was referred for mediation, resulting in a settlement that will extend the life of the operation, including a nine-month reclamation period, until May 2027. *Settlement Agreement between Sandoval County, New Mexico, and Lafarge North America et al.* Case No. D-1329-CV-2014- 00589 (Aug. 10, 2017), <https://goo.gl/4njCEr>. Fisher Sand and Gravel ended mining on its 43 acres off Interstate I-25 in January.

In the late 1990s, the Placitas community began organizing to oppose expanded mining on BLM land, including the Buffalo Tract, and to support revision of the 1992 RMP to reflect the transformed character of the area. The BLM initiated the process of revising the RMP in 2008. Despite overwhelming opposition to gravel mining during the public scoping phase, the proposed BLM draft RMP (dated August 2012) allowed mining on much of the Buffalo Tract. During the public comment period that followed release of the draft RMP, public response was overwhelming: there were 50,000 comments of which 17,000 came from Placitas united in their opposition to mining. Sandoval County opposed mining unequivocally.<sup>17</sup> After the public comment period ended, the draft was revised; it has been kept in-house at BLM since 2013 and has not been released to the public. At this pre-decision stage, the community does not know what the final proposed RMP contains with respect to mining—or anything else. Meanwhile, the outdated 1992 RMP, which allows gravel mining on the 3,000 acres of the Buffalo Tract, remains in effect. Even under the most optimistic RMP scenario—in which the preferred BLM RMP alternative on the Buffalo Tract were to disallow all mining—the threat would only be averted until the next revision of the RMP in 15-20 years, when the community will again face the risk of mining on the Buffalo Tract and again have to confront the resource intensive challenge of defeating gravel mining.

These circumstances led Senators Udall and Heinrich to introduce the Buffalo Tract Protection Act (S.390) and Rep. Lujan Grisham to introduce an identical companion bill (H.R.1085) during the 115<sup>th</sup> Congress (2017-2019). The legislation was reintroduced in the 116<sup>th</sup> Congress (2019-2021) by Senators Heinrich and Udall as S.526 and Representatives Debra Haaland, Ben Ray Lujan and Jerry McNerney as H.R. 2640. The legislation has again been reintroduced in the 117<sup>th</sup> Congress (2021-2023) by Senators Heinrich and Lujan as S.180 and by Representatives Stansbury, Leger Fernandez, McNerney and Huffman as H.R. 5805. The proposed legislation seeks to bar mining on the Buffalo Tract and related parcels in Unit 5.

However, because the sorely outdated 1986 RMP remains in effect and allows mining, BLM received an application by Vulcan/Baca in late spring 2018 to drill 80 test wells on the Buffalo Tract. Exploratory drilling has taken place. If the test wells produce the results desired by these mining concerns, an application to BLM for a mining permit on the Buffalo Tract is likely to follow. **There are more than 325 homes (improved residential property) and a similar or greater number of platted and approved residential lots adjacent to the proposed mine.** Notably, even test mining has degraded the environment: test holes from previous rounds of testing were never mitigated—despite being large enough to be clearly visible from Google Earth satellite photos.

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<sup>17</sup> Sandoval County, New Mexico, Resolution No. 8-6-15.7 (approved Aug. 6, 2015), <https://goo.gl/8qiiM9>.

There is huge uncertainty associated with the revised RMP, both with respect to what it says about mining and the timing of plan approval. There are also acute risks associated with the outdated existing RMP, given the certain and grave threat posed by additional gravel mining. The community is consequently united in the view that passage of the Buffalo Tract Protection Act is imperative. However, while awaiting passage of the proposed Buffalo Tract Protection Act, our community has also concluded that administrative action to withdraw the Buffalo Tract from all forms of mineral development is crucial lest, in the interim, the issuance of new mining permits under the 36-year-old RMP defeat the intent of the proposed legislation to protect the community from mining. Members of the New Mexico delegation concur with this conclusion and have written to Secretary Haaland requesting that she initiate the process of administrative withdrawal of the Buffalo Tract in support of pending legislation. This action would resolve the administrative stalemate over the issuance of a revised RMP whose preferred alternatives are unknown and protect the community until the legislation has passed. But administrative action cannot resolve this issue permanently. In the long term, only legislation can protect our community.

## Impacts of Mining

Gravel mining would harm the Placitas community, Sandoval County and adjoining tribes at three levels: (1) public health and the environment (water, land, air, and wildlife); (2) economic (local and state): reduction of property values, and thus impairment of Sandoval County's tax base, which supports public services in Placitas and throughout the county as well as loss of tax revenue to the state and reduced in-migration; and (3) cultural and historic value.

### Public Health & Environmental Risks

The adverse impact of aggregate mining on public health and the environment is significant and clear.

Aggregate mining (of gravel and sand) is specifically excluded from the New Mexico Mining Act of 1978 and from its mining controls. This exclusion leaves it to each county to protect public health. The *2009 PAP* requires that mining be kept at a safe distance from the public. But Placitas is in an unusual situation with BLM-owned land immediately abutting a residential community. Because the Supremacy Clause of the U.S. Constitution bars Sandoval County from applying its zoning ordinance to federally owned land, Placitas residents are left unprotected from uses that both the state and county recognize as harmful. This is why *Congress* must act on withdrawal

**Particulate Matter.** The New Mexico Department of Health reports that New Mexicans are twice as likely to die from silicosis as the national average. **Industry-related deaths from silicosis are, by a significant margin, in those jobs related to mining where human exposure is greatest.** Silica dust particles are in a class of particulate matter (PM) referred to as PM 2.5. Both PM10 (big) and PM2.5 (small) particles can cause health problems, specifically respiratory health (lungs and airway) and secondary issues such as heart problems. PM10 exposure poses a special risk to sensitive populations that already have heart and lung disease, especially the elderly,<sup>18</sup> a disproportionately large share of the Placitas population.

PM2.5 is potentially lethal because these tiny particles can embed themselves deeply in the lungs. However, PM10 is also among the most harmful of all air pollutants. Both size particles are associated with desert winds and disturbed soil, and *both can travel great distances*. The smaller PM2.5 particles are lighter: they remain in the air longer and travel farther than PM10 particles. PM2.5 particles can stay in the air for days or weeks, while PM10 particles can stay in the air for minutes or hours. PM10 particles can travel as much as 30 miles;<sup>19</sup> PM2.5 particles travel many hundreds of miles.

The cumulative risk from so many existing gravel mines—which violate, but predate, Sandoval County’s 1990 zoning ordinance and 2009 plan—exacerbates the public health threat. Four of New Mexico’s thirteen largest gravel mines are within a four-mile radius of Placitas, posing clear health risks to Placitas residents. Given the distances both PM2.5 and PM10 can travel, these mines necessarily affect neighboring communities as well. The prospect of additional mining compounds this public health risk. Yet, bafflingly, no truly comprehensive and cumulative analysis of surface mining impacts in the vicinity of the BLM tracts was conducted to inform the RMP revision.

New Mexico Environment Department (NMED) particulate monitoring between the Placitas Pit and the Buffalo Tract area in 2016 and 2017 classify Placitas as the only “orange dot” on the NMED 2016 state map, indicating unhealthy air quality for sensitive groups. Recent wildfires and exceptionally intense winds have only exacerbated these conditions.

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<sup>18</sup> American Lung Association, *Learn about Silicosis* (last visited Oct. 29, 2018), <https://goo.gl/NoqW1V>; Department of Public Health, New Mexico, *Silicosis in New Mexico* (last visited Oct. 29, 2018), <https://goo.gl/ZVp6hU>.

<sup>19</sup> *Land of Enchantment or Gravel*, *supra* note 15, at 10-11.

**Consumption of Scarce Water.** The only way for the gravel mining industry to mitigate the public health risks from mining (other than conducting it at a safer distance from residential areas, of course) is to spray disturbed ground with water. This makes gravel mining hugely water-intensive, consuming *three-to-four times* as much water per acre as residential uses in Placitas. Water is the most limited and precious resource in this high-desert area. While mining is not a sustainable use, it can last long enough to reduce the supply of water that will be needed to support the residential population in the long-term.

**Other Environmental Impacts.** Mining on the Buffalo Tract would also negatively impact the area in terms of soil management, plant and animal habitat and wildlife corridors, resulting in irretrievable losses of public resources. It is noteworthy that the Buffalo Tract comprises part of a critical wildlife corridor that connects the Jemez and Sandia Mountains along Las Huertas Creek. The preservation of the wildlife corridor is a distinct priority for the Santa Ana Pueblo, which is concerned not only with wildlife in general but also with particular species of cultural significance to the Pueblo.

As previously mentioned, post-mining mitigation has sometimes not occurred. Neither BLM nor the state have recourse in some cases to compel reclamation of the moonscapes like the one that appears in the image below.<sup>20</sup> As we understand it, BLM cannot require mitigation because the multi-national mining companies have changed hands several times.



*Moonscape of unmitigated gravel mine (Source: Google Earth)*

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<sup>20</sup> Eastern Sandoval Citizens Association, *Land Use Protection Trust* (last visited Oct. 29, 2018), Las Placitas Association, *Gravel Mining* (last visited Oct. 29, 2018), <https://goo.gl/tULS34>.



Where mitigation is slated to occur in the future, *e.g.*, on the 800-1000 acre Placitas Pit Vulcan mine, the materials and approach to remediation will be especially important. Placitas has a beautiful but fragile high desert environment which, once disturbed, can take decades to restore. For instance, the piñon tree—whose roots guard against soil erosion and thus play a crucial role in the ecosystem—can live 600+ years but grows extremely slowly, taking 60+ years to reach heights of just 6-7 feet.<sup>21</sup>

### Economic Impacts

Gravel mining already imposes inordinate economic harms on our community. New gravel mining would greatly exacerbate those harms.

***Reduction of Residential Property Value.*** Sandoval County reports that mining in Placitas (conducted on private land, out of conformance with the County's plan) has already reduced the County's property tax base due to decreased valuations.<sup>22</sup> One economist, Diane Hite at Auburn University, studied the loss of value sustained by a residential community based on proximity to gravel mining operations ranging from 0.5 to 5.0 miles distance from residence to mine.<sup>23</sup> Her study found that home values 0.5 miles from the mine were 36% lower than those 5 miles away, and even home values 3 miles from the mine were 20% lower than those 5 miles away. Her study clearly demonstrates the potentially enormous economic consequences of gravel mining for homeowners far beyond the range of immediate visibility.

*Any* mine permitted on the Buffalo Tract and related parcels would immediately border the existing residential community (and lots platted for future residents), causing economic damage to the value of private property and therefore the Sandoval County tax base. Moreover, the mine would subject property within a five-mile range—in other words, most of Placitas—to economic damage from loss of property value.

Although Placitas has built a reputation as a destination location for the retired and semi-retired from out of state, existing mining activities are eroding its residential market position. Any expansion of mining around Placitas would seriously damage an economic asset that is crucial to both Sandoval County and the State of New Mexico. Time is not on our side: the youngest baby boomers turn 65 in 2029.

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<sup>21</sup> See, e.g., Teo Spengler, Gardening Know How: Pinyon Pine Tree Care: Facts About Pinyon Pines, <https://www.gardeningknowhow.com/ornamental/trees/pine/pinyon-pine-tree-care.htm>

<sup>22</sup> Eastern Sandoval County Citizens Association and Las Placitas Association representatives report that the Sandoval County Assessor's Office informed them on August 27, 2018 that many Placitas homeowners have requested a reduction in their residential property valuation, citing the unexpected continuation of mining through 2027. *See supra* note 15.

<sup>23</sup> Diane Hite, Auburn University, *Summary Analysis: Impact of Operational Gravel Pit on House Values, Delaware County, Ohio*, (2006), <https://goo.gl/gi4YKV>.

**Local and County Impacts.** The end-use market for the sand and gravel is the greater Albuquerque metropolitan area, not Placitas. Consequently, gross receipts tax is not levied in Sandoval County but in nearby Bernalillo County or elsewhere. Hence, Sandoval County derives no revenue benefit from sand and gravel mining but it does bear the burden of infrastructure development and repair as well as fire and rescue services. Although there have been no fatalities at the Placitas/Vulcan Pit, the operation has had to avail itself of significant Sandoval County fire and rescue services.<sup>24</sup>

### Cultural and Historic Values

The BLM Buffalo Tract contains cultural resources, notably artifacts and archeological sites that would be permanently lost or significantly damaged if surface or subsurface disturbance (and certainly mining) were allowed. Moreover, the adjacent tribes consider the Buffalo Tract to be sacred and essential to their sacred ceremonies. On this basis alone, both San Felipe and Santa Ana Pueblos have opposed new mining.

### BLM and Alternatives for the Mining Industry in this Market Area

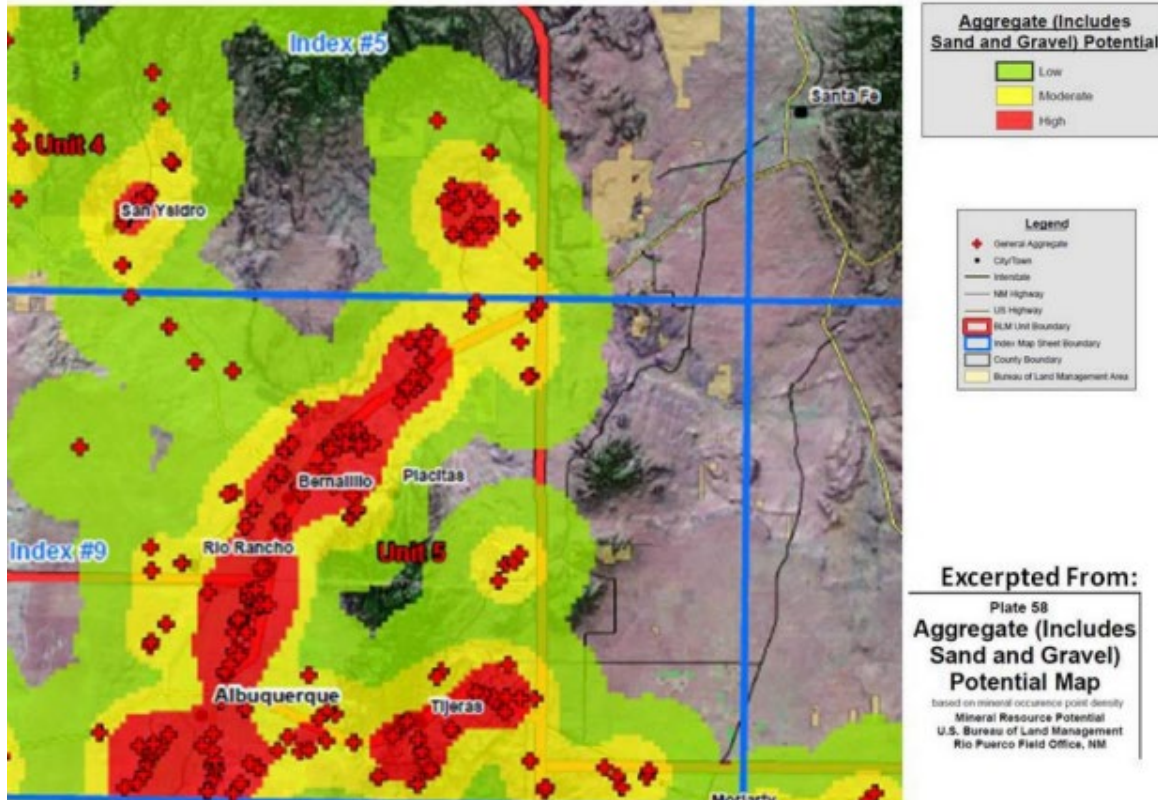
BLM itself acknowledges ready alternatives to destroying the Placitas community as an attractive, safe residential community—and premiere retirement destination. The BLM's 2010 prepared a mineral resource report entitled *Reasonably Foreseeable Development for Planning Units 1-5* as part of the RMP process. **The report identified a 60-mile band between Los Lunas and Santa Fe as sand- and aggregate-rich areas that fall into the BLM “salable” category, providing a 90-year supply of gravel for the region** at the current rate of consumption. The report characterizes the aggregate potential in most of these areas as being *higher* than in Placitas. The other areas of high aggregate potential are as close as—or even closer than Placitas—to the prime market, Albuquerque.<sup>25</sup>

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<sup>24</sup> [https://usminedisasters.miningquiz.com/saxsewell/vulcan\\_lafarge.htm](https://usminedisasters.miningquiz.com/saxsewell/vulcan_lafarge.htm)

<sup>25</sup> Intera, Inc., prepared for Bureau of Land Management, Department of the Interior, *Mineral Resource Potential and Reasonably Foreseeable Development for Planning Units 1-5*, 79 & plate 58 (2010) (“*2010 BLM Report*”), <https://goo.gl/Na6d7v>.

## SIGNIFICANT RESOURCE AVAILABLE BOTH TO NORTH & SOUTH



*Mineral Resources Potential and Reasonably Foreseeable Development for Planning Units 1-5, BLM Plate 58*

Hence, the Rio Puerco area outside Placitas offers the mining industry attractive sand and gravel mining alternatives at a reasonable distance to market. Such opportunities might actually be welcomed by other communities located at a safer distance from any mines. Gravel mining generates very few jobs but some communities might value the creation of even the handful of jobs associated with each mine. Our understanding is that the distance to market for gravel in New Mexico encompasses a 90-mile radius. This reflects the fact that New Mexico is the fifth largest state in terms of land mass but has a population of only ~2 million, much of which is concentrated in the center of the state. According to the most recent census data, the population of New Mexico grew only 2.8% over the last decade, far less than the populations of neighboring states. Given current trends, New Mexico's population is forecast to reach roughly 2.2 million over the next 20 years, up from 2.097 million today.<sup>26</sup>

<sup>26</sup> New Mexico Population Grew 2.8% Last Decade (Au. 25, 2021), <https://www.census.gov/library/stories/state-by-state/new-mexico-population-change-between-census-decade.html>

BLM itself has recognized that residential communities and gravel mining are not compatible. The agency’s 2010 mineral resource report specifically noted that “residential development threatens to curtail mining activity in portions of the region.”<sup>27</sup> Citing “community concerns about the potential impacts of additional gravel mining in the area,” the Department of the Interior endorsed the Buffalo Tract Protection Act in its 2021 Senate testimony on the proposed legislation.<sup>28</sup>

## Benefits from Preferred Community Approaches

The Placitas community has consistently encouraged use of the Buffalo Tract as an *urban interface* for metropolitan Albuquerque. Residential growth in the metropolitan area clearly calls for increased recreation opportunities, which the Buffalo Tract could provide—via low impact recreation such as hiking, cycling and horseback riding—without negative environmental and cultural impacts. Mindful of these recreation needs, as well as the FLPMA principles of multiple use and sustained yield, the community has consistently encouraged use of the Buffalo Tract for recreation, open space and wildlife corridors. Such approaches to the urban interface could serve as a *replicable national model* for BLM in its management of public lands that abut residential communities.

Moreover, the Placitas community has garnered a reputation for volunteerism that is recognized by BLM and could support BLM’s management of Unit 5 of the Rio Puerco Management area. Specifically, the Las Placitas Association (LPA) traditionally sponsors bird and plant hikes on the Buffalo Tract and the City of Albuquerque Open Space (owned by BLM and adjoining the Buffalo Tract). In 2018 LPA sponsored the Michael Crowfoot lecture series on erosion and the history of the Placitas ecology. In that same timeframe LPA created the Placitas Recreation Steering Committee to assess recreation options for the Buffalo Tract given the large economic value of recreation on public lands (as documented by BLM) combined with the growing and unmet recreation needs of the greater metro Albuquerque. LPA volunteers have also been cleaning up the illegal trash dumps on BLM land in Placitas. The Eastern Sandoval Citizens Association (ES-CA) holds regular Adopt-A-Highway Cleanups. The Pathways organization routinely performs animal surveys to assess the health of the corridors on BLM land in Placitas.

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<sup>27</sup> 2010 BLM Report, *supra* note 25 at 84.

<sup>28</sup> Statement of Steve Feldgus, Ph.D., Deputy Assistant Secretary, Land and Minerals Management, U.S. Department of the Interior, to Senate Energy and Natural Resources Committee, Subcommittee on Public lands, Forests and Mining, on the Buffalo Tract Protection Act (S. 180) (Oct. 19, 2021), <https://www.doi.gov/ocl/s-180-0>.

Withdrawal of these lands from mineral mining is essential. So long as this public land remains under the controls of an RMP developed for a dramatically different community and a dramatically different time, only Congress can solve the problem. Only legislative withdrawal of mining rights can prevent the irreparable, long-term harm to the Placitas community that more mining would inflict—harm that Sandoval County sought to avoid when it decided to prohibit mining over thirty years ago. The fact that BLM is still in the process of revising the Rio Puerco RMP makes withdrawal of mining rights more, rather than less, urgent—given that the current RMP allows mining on the Buffalo Tract while the revised RMP’s final preferred alternative on mining in the Buffalo Tract, as well as the timing on release of the final RMP and Environmental Impact Statement (EIS), all remain unknown.

In addition to the damage and risks enumerated here, it must also be emphasized that gravel mining is not in any way a sustainable activity. It defiles the land, pollutes the air and depletes the precious water supply. Moreover, the prospect of additional destructive mining on the BLM Buffalo Tract at the urban interface is inconsistent with County, Tribal and community planning objectives. All segments of the community, including the Santa Ana and San Felipe Pueblos, oppose gravel mining on the Buffalo Tract.

Ultimately, only legislation can protect the Placitas community. Therefore, the Placitas community urges the House Subcommittee on Energy and Minerals to act swiftly to approve passage of the Buffalo Tract Protection Act (H.R. 5805).

Sincerely,

*Mary-Rose de Valladares*

Mary Rose de Valladares

Chair, Land Use Protection Trust