

Arizona v. Rock Supply LLC, et al.,

Complaint – Exhibits:

Volume III
Exhibit 14 (A.R.S. § 13-2917)
Exhibit 15 (Reclamation Plan)
Exhibit 16 (Mears Declaration)
Exhibit 17 (Residents Map1)
Exhibit 18 (Brumetts Declaration)
Exhibit 19 (Devers Declaration)
Exhibit 20 (Blines Declaration)
Exhibit 21 (Vanderhoven Declaration)
Exhibit 22 (Cold Declaration)
Exhibit 23 (EPA Doc1)
Exhibit 24 (EPA Doc2)

Exhibit 14

13-2917. Public nuisance; abatement; classification

A. It is a public nuisance, and is no less a nuisance because the extent of the annoyance or damage inflicted is unequal, for anything:

1. To be injurious to health, indecent, offensive to the senses or an obstruction to the free use of property that interferes with the comfortable enjoyment of life or property by an entire community or neighborhood or by a considerable number of persons.
2. To unlawfully obstruct the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal or basin, or any public park, square, street or highway.

B. It is a public nuisance for any person to sell, offer to sell, transfer, trade or disseminate any item which is obscene as defined in section 13-3501, within two thousand feet, measured in a straight line, of the nearest boundary line of any of the following:

1. Any building used as a private or public elementary or high school.
2. Any public park.
3. Any residence district as defined in section 28-101.

C. The county attorney, the attorney general or the city attorney may bring an action in superior court to abate, enjoin and prevent the activity described in subsections A and B of this section.

D. Any person who knowingly maintains or commits a public nuisance or who knowingly fails or refuses to perform any legal duty relating to the removal of a public nuisance is guilty of a class 2 misdemeanor.

Exhibit 15

RECLAMATION AND CLOSURE PLAN

ROCK SUPPLY LLC

MATERIAL SOURCE

**SUBMITTED TO THE STATE MINE
INSPECTOR'S OFFICE FOR REVIEW AND
APPROVAL IN ACCORDANCE WITH
ARIZONA REVISED STATUTE
TITLE 27 - CHAPTER 6
STATE MINE INSPECTOR AGGREGATE
MINED LAND RECLAMATION**

FEBRUARY 2023

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1.0 ADMINISTRATIVE INFORMATION

Company: Rock Supply LLC

Contact: James Cox
Rock Supply LLC
Phone (928) 231-6838
Email address

Applicant: Rock Supply LLC
P.O. Box 955
Salome, AZ, 85348
Phone (928) 231-6838
Email address

**Permit
Technical
Consultant:** Jill Himes, Himes Consulting LLC
3301 West Genoa Way
Chandler, AZ 85226
(480) 899-5708
(602) 499-9233 (cell)
jillhimes@cox.net

Landowner: Fortune Rock, LLC
15215 S 48th St, Suite 130
Phoenix, AZ, 85044

Parcel Nos: 306-44-031A, 306-44-031B, 306-44-031C, 306-44-031D, 306-44-031E

Operator: Rock Supply LLC
James Cox

2.0 INTRODUCTION

2.1 PURPOSE AND SCOPE

Rock Supply LLC (Rock Supply) proposes to conduct aggregate mining and processing at their material source northwest of Chino Valley in Yavapai County, Arizona. The site is located within a portion of the NW ¼ of Section 31 in Township 17 North, Range 2 West, and the NE ¼ of Section 36, Township 17 North, Range 3 West, Gila & Salt River Meridian, Yavapai County, Arizona.

The purpose of this Mine Reclamation and Closure Plan (MRCP) is to present the details of rehabilitation of the Rock Supply Material Source in Yavapai County, Arizona concurrent with or after mining operations have ceased in accordance with the Arizona Aggregate Mined Lands Act (AAMLR) (Arizona Revised Statutes (A.R.S.) § 27-1201 as authorized by A.R.S. § 27-1204. This plan has been developed pursuant to the format and content prescribed in the Arizona Aggregate Mined Lands Reclamation Rules (Arizona Administrative Code (A.A.C.), R11-3-101, et seq.). The MRCP addresses environmental, technical and operational issues that are identified in those documents.

2.2 RECLAMATION STATEMENT OF RESPONSIBILITY

Rock Supply assumes responsibility for the reclamation of surface disturbances that are attributable to the aggregate mining unit consistent with A.R.S. § 27-1201 and A.C.C. R11-3-501 pursuant to that chapter. All areas that have been disturbed at the site will be reclaimed to a safe and stable condition when mine operations conclude.



Signature

1-19-2023

Date

Owner

Title

2.3 RECLAMATION APPROACH

Rock Supply will reclaim areas surrounding and within the excavated areas necessary to accomplish the post-mining land use of open space. The goals of the mine plan and reclamation measures are to provide for a safe, stable, and sustainable site once mining has ceased. Reclamation will take place concurrently to the degree possible, but no later than the cessation of mining activities.

2.4 CURRENT OWNERSHIP AND LAND USE INCLUDED IN THE AGGREGATE MINING UNIT

Rock Supply proposes to conduct aggregate mining and processing operations for commercial use at their material source. Approximately 4.7 acres of the site is previously disturbed as shown in Figure 3, from road development, well exploration, and other grading. The extraction/processing operation consists of mining to remove aggregate material as described in A.R.S. § 27-441. At the project site, the process will include the use of a screen and other mobile equipment for the support of production, and other construction material related operations. Operations will consist of excavation, screening, stockpiling, loading, and hauling. Access is directly off of Service Road, a county-maintained road. Land use is currently undeveloped open space. The site contains a total of 25.2 acres, as shown in Table 1 below. Rock Supply has estimated the removal of approximately 616,330 cubic yards over a period of 20 years.

The project vicinity lies within the Great Basin Conifer Woodland vegetation community as described by Brown (1994). Vegetation is characterized by juniper (*Juniperus monosperma*), skunkbush (*Rhus trilobata*), buckbrush (*Parthenocissus vitacea*), piñon pine (*Pinus edulis*), and white ratany (*Krameria grayi*), along with weeds and grasses including sideoats grama (*Bouteloua curtipendula*), Russian thistle (*Salsola lasi*), silverleaf nightshade (*Solanum elaeagnifolium*). The project site is located within Arizona Game and Fish Department (AGFD) Game Management Unit 19B. This unit is managed for antelope (*Antilocapra americana*), elk (*Cervus canadensis*), javelina (*Tayassu tajacu*), mule deer (*Odocoileus hemionus*), mountain lion (*Panthera onca*), dove (*Zenaidura macroura*), and quail (*Callipepla gambelii*). Wildlife and/or wildlife sign observed within the project site includes gray fox (*Urocyon cinereoargenteus*), black-tailed jackrabbit (*Lepus californicus*), mule deer, Arizona gray squirrel (*Sciurus arizonensis*), common raven (*Corvus corax*), red-tailed hawk (*Buteo jamaicensis*), greater roadrunner (*Geococcyx velox*), and whiptail (*Aspidoscelis* sp.).

Table 1
Existing Surface Disturbance

Feature	Acres
Access Road	1.6
Disturbed Areas	3.1
Undisturbed	20.5
Total	25.2

2.5 PROPOSED POSTAGGREGATE MINING LAND USE

Proposed post-aggregate mining land use of the site is open space. Current nearby use is open space, grazing, and residential.

2.6 DESCRIPTION OF THE AGGREGATE MINING UNIT AND PROPOSED SURFACE DISTURBANCES

Proposed surface disturbances include an excavation area of 18.3 acres, as shown in Figure 4. A processing area is proposed in the southeast portion of the property. Equipment including a screen, bulldozer, excavator, loader, and an office trailer will be kept within the processing area/office housing area. Stockpile placement will vary within the mining area and processing area. Rock Supply has estimated the removal of approximately 660,330 cubic yards over a period of 20 years.

Table 2
Proposed Final Surface Disturbance

Feature	Acres
Access Road	1.6
Processing Area	5.0
Mining Area	18.3
Undisturbed	0.3
Total	25.2

2.7 EXISTING AND PROPOSED FINAL TOPOGRAPHY

Existing topography and survey information is provided in Figure 3 (attached). Existing elevations within the project site range from approximately 5,160 feet (ft) above mean sea level (msl) in the southwest corner to 5,000 ft above msl on the northern boundary. Proposed final elevations are shown in Figure 4 attached. Proposed final topography of the slopes will have an overall 3:1 slope to provide a safe slope at the end of mine life.

2.8 A NARRATIVE DESCRIPTION OF ROADS

The existing access road provides access through the property with the entrance to the site on the southeast side on Service Road. A gate with lock will be installed at the Service Road entrance. No major changes are proposed to the road apart from elevational changes as mining progresses. The existing access road is shown in Figures 3 and 4.

2.9 ACREAGE AFFECTED BY EACH TYPE OF SURFACE DISTURBANCE

Area Descriptions:

2.9.1 Mining Area

Aggregate mining is proposed to occur within the majority of the site, with the exception of the southeastern corner, and will impact a total of approximately 18.3 acres. Proposed final build-out is shown in Figure 4.

2.9.2 Processing Area

The processing area is proposed in the southeastern portion of the site. The processing area will include stockpiles, material processing, a screen, equipment not in use (including a bulldozer, loader, and excavator), and an office trailer.

2.9.3 Access Roads

The existing access road provides access through the property with the entrance to the site on the southeast side on Service Road. A gate with lock will be installed at the Service Road entrance. No major changes are proposed to the road apart from elevational changes as mining progresses. The existing access road is shown in Figures 3 and 4.

3.0 RECLAMATION

3.1 EQUIPMENT AND STRUCTURE REMOVAL

All equipment proposed on this site is mobile and can be re-located at will throughout the mining process. All mobile equipment will be removed from the site. There are no buildings or structures proposed to be located on the site.

3.2 ROADS, POWER LINES, WATERLINES AND FENCES

The existing access road within the site will remain in the same location. There are no powerlines that occur within the site. There are no waterlines proposed within the site. Mobile generators are used on an as-needed basis for the mining equipment which will be removed post-mining. During operations or at closure, the entrance will be gated and locked.

3.3 AREA PREPARATION

Post-mining, the site interior will be lightly re-graded and scarified to promote natural revegetation, as shown in Figure 5.

3.4 SLOPE STABILIZATION

Mining incorporates 3:1 (horizontal:vertical) slopes or flatter to result in stability for the area. No additional physical stabilization will be necessary after mining.

3.5 SOIL CONSERVATION

Natural revegetation on previously disturbed areas within the site was observed. Natural revegetation of the disturbed areas is therefore reasonably expected to be successful without soil amendments.

3.6 REVEGETATION

To promote natural revegetation, scarification will be conducted within the disturbed areas to support the open space land use of the site. Since these areas are not proposed to support grazing, fish or wildlife habitat, forestry or recreation post-mining land uses, proposed measures to encourage fish and wildlife habitat are not required to be described further in accordance with A.R.S. §27-1271 (B)(9d).

3.7 THE PROPOSED RECLAMATION MEASURES TO ACHIEVE POST MINE LAND USE AND PUBLIC SAFETY

A. What measures will restrict public access to pits or other hazardous surface features?

As the mined slopes are proposed at 3:1, no hazardous surface features are anticipated to remain after reclamation. The entrance gate will be locked during operations or at closure to prevent access. Vehicular access to the northern area will be restricted by berming the access road. In addition, all scrap metal, wood, trash and other debris that pose a threat to public safety or create a public nuisance will be removed from the project site.

B. What measures will be taken to address erosion control and stability?

Site-specific grading shall be conducted, as necessary, to address erosion. Scarification will promote natural revegetation over the long-term to assist in erosion control. No permanent piles of mined material or overburden will remain. The site will not be mined below ground surface so no pits will be created.

C. What measures will be taken to address revegetation, conservation, and the care and monitoring of revegetated areas?

Scarification will promote natural revegetation which occurs in the region; however direct revegetation is not proposed as appropriate for the post-mining land use. Monitoring of the entire site will be conducted for one year.

3.8 TIMELINE AND PHASING OF RECLAMATION

In accordance with A.R.S. § 27-926, reclamation and monitoring will be completed within one year of cessation of mining. Proposed tentative schedule includes:

- Mining operations will begin immediately upon plan approval in 2023 and are anticipated to continue through approximately 2043.
- Reclamation on the processing and related areas will commence immediately upon completion of mining operations and is estimated to be completed within one year of the start date (estimated 2043).
- Activities within this year include equipment removal, processing area cleanup, grading, scarification to promote natural revegetation, berming, and monitoring (trash removal, natural revegetation monitoring).
- Reclamation will be deemed complete once the reclaimed surfaces have been regraded to a safe and stable condition, scarification has been conducted, access restrictions measures are in place, and ASMI verifies that the owner or operator has fulfilled the requirements of the approved reclamation plan.

3.9 RECLAMATION COSTS – FINANCIAL ASSURANCE

All reclamation costs will be wholly born by the applicant. Financial surety will be obtained by bonding.

4.0 MINE CLOSURE

4.1 MINING AREAS

Reclamation of the mining area will commence immediately upon closure of mining operations. There will be no substantial period between operation and reclamation.

4.2 PROCESSING AND OTHER AREAS

Stockpile areas will be removed by the end of mine life. Reclamation will commence immediately upon completion of mining operations. There will be no substantial period between operation and reclamation.

4.3 PERSONNEL

Personnel employed at this site will be re-assigned to other job sites if possible or assigned to assist with the reclamation process and then re-assigned.

4.4 MONITORING

The closure of operations at this site will be monitored in accordance with the approved conditions of this plan in accordance with the Arizona State Mine Inspector's Office. During reclamation, monitoring will occur semi-annually to inspect the main gate and lock, remove trash, monitor natural revegetation of scarified areas, and conduct a general inspection.

APPENDIX I
RECLAMATION CONSTRUCTION ESTIMATE

ROCK SUPPLY, LLC MATERIALSOURCE
Reclamation Construction Estimate

20220813

Rock Supply, LLC Material Source - portions of Section 31, T 17 N, R 2 W, and Section 38, T 17 N, R 3 W, GMS

Excavation and processing areas (approximately 22.1 acres) will be graded and stabilized.

As there are no concrete pads or infrastructure at the site, no removals will be needed.

Unit Prices estimates are provided by T.L.C. Excavation, Inc.

Proposed Reclamation Cost Estimation Summary - Worksheet

Reclamation Item	Units	Description	Suggested Cost	Number of Units	Reclamation Cost
Processing and Stockpile Area					
	Acres	Re-Grading & Leveling	\$ 800.00	21.2	\$ 11,200
	Acres	Revegetation Cost (Disc)	\$ 607		\$ -
	Acres	Revegetation Cost (Hydro-seed)	\$ 1,175		\$ -
	Each	Containerized Trees and Shrubs	\$ 10	0.0	\$ -
Roads (Access)					
(Roads with Side Slope = 30%)	Linear Ft	Re-Grading and Topsoiling Costs	\$ 3.79	0.8	\$ -
(Roads with Side Slope = 30%)	Linear Ft	Re-Grading and Topsoiling Costs	\$ 2.68		\$ -
	Acres	Regrading - Rippling	\$ 607	22.1	\$ 13,580
	Acres	Revegetation Cost (Hydro-seed)	\$ 1,175		\$ -
Structures					
(Break-up and Inert Slab)	Sq. Ft.	Demolition & Removal - Metal Building	\$ 3.44		\$ -
(Break-up and Inert Slab)	Sq. Ft.	Demolition & Removal - Masonry Block Building	\$ 3.58		\$ -
(Break-up and Inert Slab)	Sq. Ft.	Demolition & Removal - Concrete Building	\$ 15.86		\$ -
	Linear Mile	Powerline Removal (Single Pole Utility)	\$ 10,800		\$ -
	each	Transformer Removal	\$ 5,000		\$ -
	Linear Ft.	Demolition - Chain Link Fencing	\$ 3.47		\$ -
	Linear Ft.	Demolition - Barb Wire Fencing (3 strand)	\$ 3.94		\$ -
	Linear Ft	Removal - 12" Culvert	\$ 18.29		\$ -
	Linear Ft	Removal - 36" Culvert	\$ 17.15		\$ -
	Each	Processing Equipment Removal	\$ 20,000	1.0	\$ 20,000
Construction					
	Linear Ft	Construction - Barb Wire Fencing (1 strand)	\$ 9.08		\$ -
	Sq. Yard	Install Earth on northern entrance	\$ 800.00	0.8	\$ 640
Material Handling for Stockpile					
Miscellaneous Loading	Cu. Yard	Track and Loader - 2000Ft. One Way	\$ 1.83		\$ -
	Cu. Yard	Dozer and Scraper - 1800Ft. One Way	\$ 0.75		\$ -
Clear and Maintenance					
	Each	Processing Area Cleanup	\$ 2,800.00	2.0	\$ 5,600
	Annual	Site Monitor and Reporting	\$ 900	2.0	\$ 1,800

Estimated Reclamation Operating and Material \$ 47,100

Administrative Costs	% of O&M Cost	Contingency	10%	\$ 1,620
	% of O&M Cost	General Mobilization / De-Mobilization	4%	\$ 648
	% of O&M Cost	Indirect costs	3%	\$ 316
	% of O&M Cost	Contractor Profit	10%	\$ 1,620
	% of O&M Cost	Contract Administration	10%	\$ 1,620

Total Estimated Financial Asses \$ 47,924

PREPARED BY: Raymond W. Seefelt, P.E.

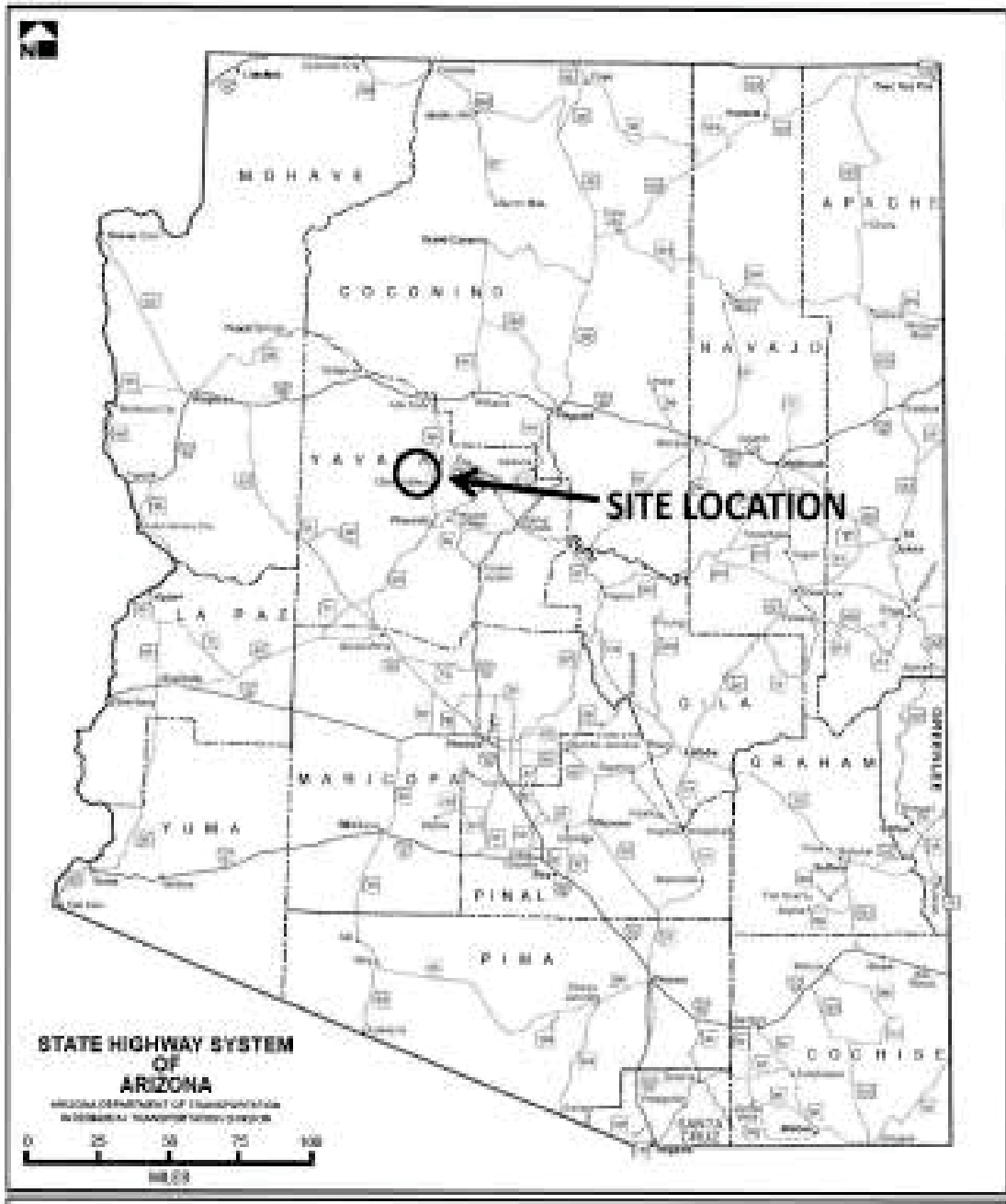


Figure 1. State Map.
Rock Supply LLC Material Source.
Yavapai County, AZ.

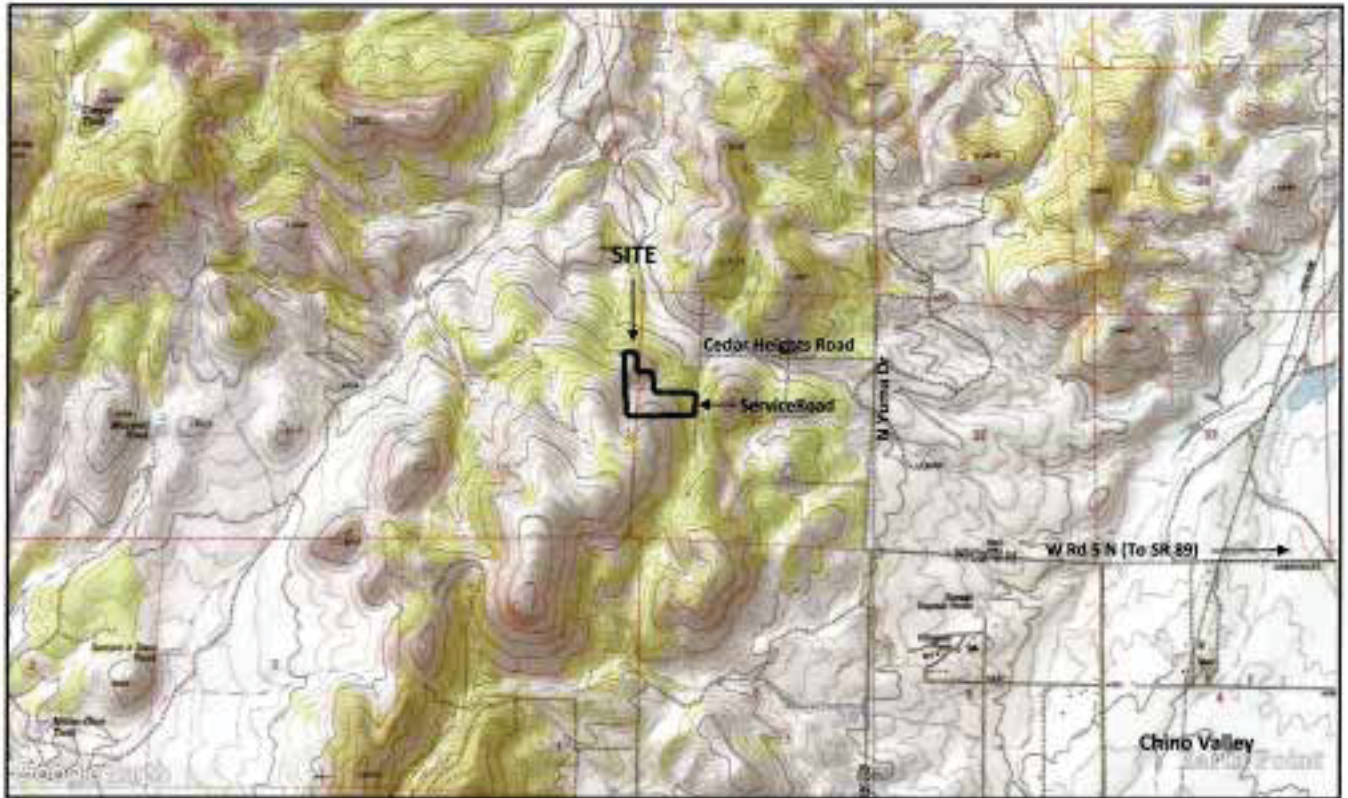


Figure 2. USGS Topographical Map.
Rock Supply LLC Material Source Site Vicinity Map.
Yavapai County, AZ.



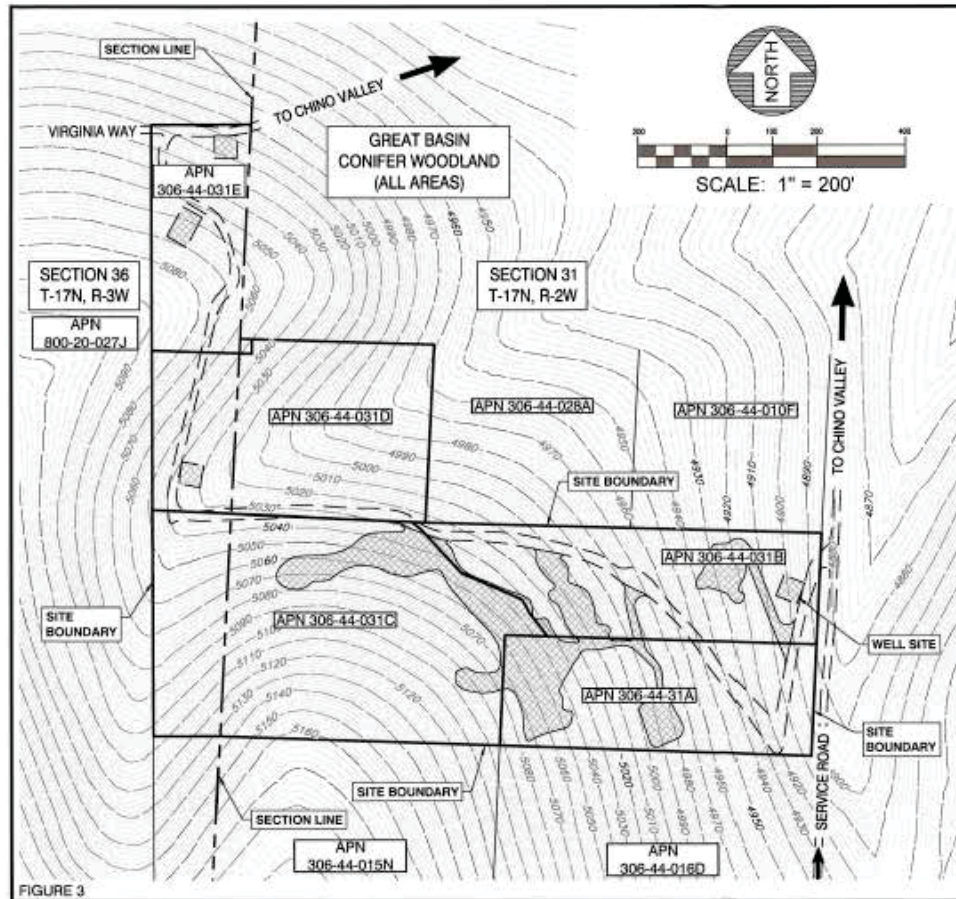


FIGURE 3

ROCK SUPPLY LLC
MATERIAL SOURCE
"EXISTING CONDITIONS"
 A PORTION OF SEC. 31, T-17N, R-2W
 & SEC. 36, T-17N, R-3W
 of the GILA & SALT RIVER BASE & MERIDIAN
 YAVAPAI COUNTY, ARIZONA

LEGEND

- DISTURBED AREA
- SECTION LINE
- ACCESS ROAD
- EXISTING 10' CONTOURS
- EXISTING 2' CONTOURS

MATERIAL & PLANT AREAS

EXISTING CONDITIONS	
ACCESS ROAD	- 1.6± ACRES
DISTURBED AREA	- 3.1± ACRES
UNDISTURBED AREA	- 20.5± ACRES
TOTAL AREA	- 25.2± ACRES

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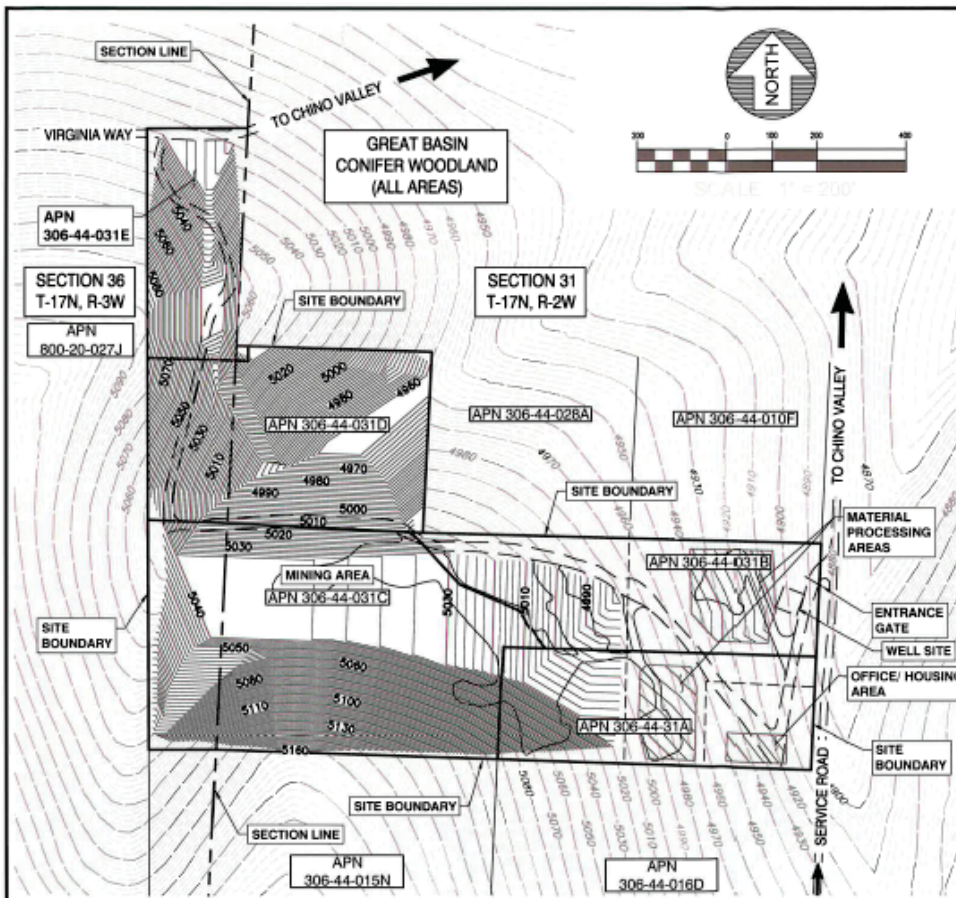


FIGURE 4

ROCK SUPPLY LLC
MATERIAL SOURCE
"PROPOSED CONDITIONS"
 A PORTION OF SEC. 31, T-17N, R-2W
 & SEC. 36, T-17N, R-3W
 of the GILA & SALT RIVER BASE & MERIDIAN
 YAVAPAI COUNTY, ARIZONA

LEGEND

- PROPERTY LINE
- SECTION LINE
- ACCESS ROAD
- EXISTING 10' CONTOURS
- EXISTING 2' CONTOURS

MATERIAL & PROCESSING AREAS

ACCESS ROAD	- 1.6± ACRES
PROCESSING AREA	- 5.0± ACRES
MINING AREA	- 18.3± ACRES
UNDISTURBED AREA	- 0.3± ACRES
TOTAL	- 25.2± ACRES

SOURCE MATERIAL VOLUME

MINING AREA	- 18.3± ACRES
VOLUME MINING AREA	- 616,330± C.Y.
TOTAL AREA	- 18.3± ACRES
TOTAL VOLUME	- 616,330± C.Y.







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ROCK SUPPLY LLC

MATERIAL SOURCE "RECLAMATION & POST MINING LAND USE MAP"

A PORTION OF SEC. 31, T-17N, R-2W
& SEC. 36, T-17N, R-3W
of the GILA & SALT RIVER BASE & MERIDIAN
YAVAPAI COUNTY, ARIZONA

LEGEND

-  FINAL GRADING AREA & SCARIFYING
-  PROPERTY LINE
-  SECTION LINE
-  ACCESS ROAD
-  EXISTING 10' CONTOURS
-  EXISTING 2' CONTOURS

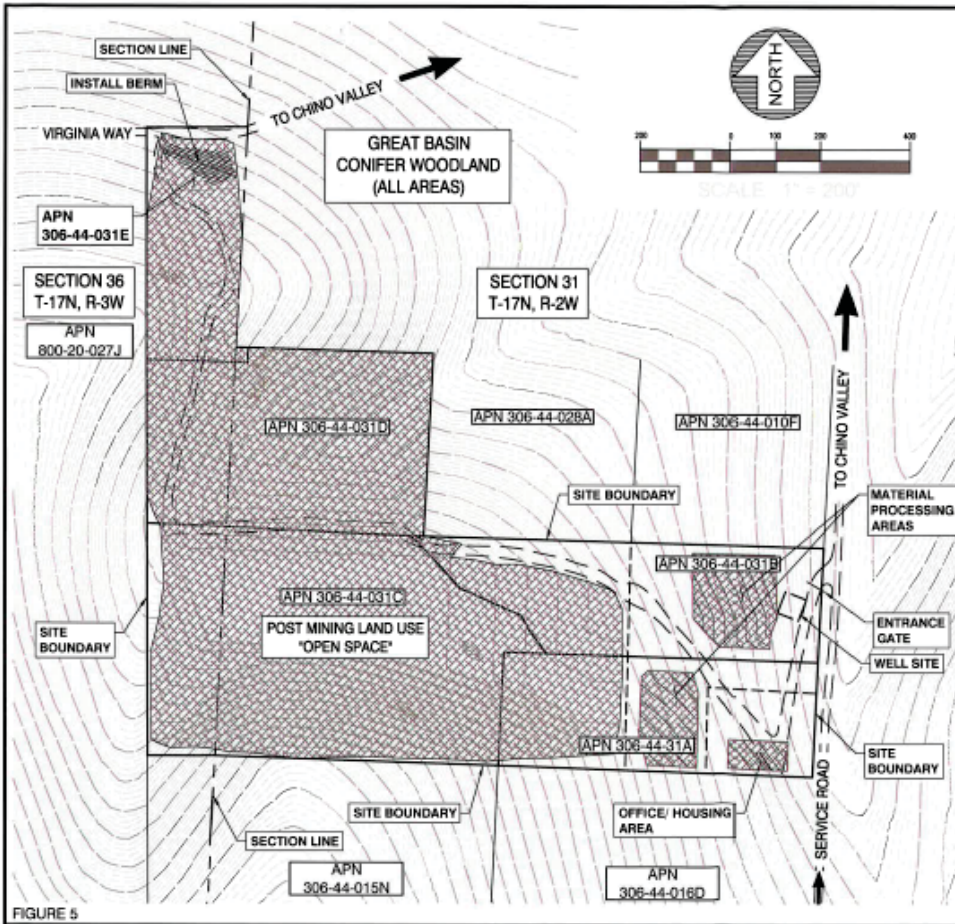


FIGURE 5

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Exhibit 16

1 **DECLARATION OF ERIC MEARS**

2 STATE OF ARIZONA)
3)
4 County of Maricopa)

5 I, Eric Mears, swear and affirm that the following is true and correct:

6 1. I am a resident of Maricopa County, Arizona, over the age of eighteen, and
7 make the following declaration based upon my personal knowledge.

8 2. I am a licensed geologist (Arizona, Wyoming, Oregon, Washington, and
9 Idaho) in good standing with more than 30 years of experience in the mining industry. I
10 currently work as a Vice President at Haley and Aldrich, a national environmental and
11 engineering consultancy. I am active in the Arizona mining landscape and serve as a
12 Life Director with the Arizona Rock Products Association and a member of the Arizona
13 Mining Association Board of Directors. I have been a resident of Arizona since 1994
14 and have worked on numerous due diligence, resource evaluations, entitlement and
15 permitting efforts for construction materials properties in the United States, Canada and
16 Mexico. I have a detailed understanding of laws and regulations affecting the mining
17 industry and often testify on behalf of the industry on matters impacting permitting and
18 entitlements.
19

20 3. I have been retained by the Office of the Arizona Attorney General to
21 evaluate information regarding the planned Rock Supply LLC, aggregate operation
22 (“Rock Supply”) in Chino Valley, Arizona (“Site”). I have reviewed publicly available
23 information regarding the project including the Arizona State Mine Inspector (“ASMI”)
24
25
26

1 approved Reclamation and Closure Plan as well as regional scientific publications and
2 information sources regarding geology and hydrology and personally visited the project
3 area on 30 October 2023.
4

5 6 Discussion of Planned Mining Activities

7 4. Although the Reclamation Plan (“RP”) fails to provide detailed
8 information regarding the planned operations at the Site, my knowledge of the industry
9 informs me that the operation will attempt to mine extrusive volcanic (basalt) and
10 perhaps underlying limestone exposed on the property. Mining operations will likely
11 require drilling and blasting to loosen the competent bedrock units and then crushing and
12 sorting of the broken materials to create a saleable product(s). Crushed materials will
13 likely be stored in large stockpiles and then loaded onto trucks for delivery to the
14 marketplace.
15
16

17 5. Rock Supply estimates that the property will produce approximately
18 616,000 cubic yards of materials over the estimated 20-year lifetime. If annualized,
19 average annual production would be slightly over 30,000 cubic yards of material but the
20 actual production rates and total mine production can vary based exclusively on market
21 conditions and operational costs. The RP does not regulate production rates or mining
22 methods, but the operator cannot exceed the disturbance area or increase the pit
23 dimensions without first obtaining an amended RP from the ASMI.
24
25

26 6. Depending on the expertise of the operator and market conditions, Rock

1 Supply will likely subcontract the drilling and blasting operations to a licensed blasting
2 contractor and may also subcontract the loading, crushing, and sorting of the blasted
3 materials to a contract crushing company. These contractors would mobilize and
4 demobilize needed equipment to the Site to perform their respective assignments.
5 Operating in this manner would greatly reduce the need for full time employees at the
6 mine and even give the appearance that the mine only intermittently operates.
7
8

9 Potential Impacts of the Proposed Operations

10
11 7. I suspect that Rock Supply will have insufficient water supplies to wash
12 the sorted materials but will rather conduct a dry mining operation. In this type of
13 operation, water is generally used sparingly to control dust on mine roadways, reduce
14 dust during crushing and sorting, maintain moisture in stockpiles, and control dust on the
15 unpaved roadways leading to and from the property. Air permitting in Yavapai County
16 does not mandate the extensive dust control practices required in Maricopa or Pima
17 Counties so I would expect that dust emissions from the property will be largely
18 unregulated.
19
20

21 8. For the residents living adjacent to the mine, dust emissions will be quite
22 significant, especially during blasting events and periodic cycles of crushing and
23 material loading. For the numerous residents living adjacent to the mine access road
24 and unpaved roadways that provide access and egress from State Route 89, the dust from
25 an estimated 4,000 truck trips per year will be egregious.
26

1 9. Given the close proximity to existing neighbors, the noise from planned
2 mine operations will be significant. Noise from drilling and blasting operations will
3 occur periodically but the activities involving crushing, sorting, loading and mobile
4 equipment operation will more frequently impact persons living in close proximity to the
5 mine, perhaps on a daily basis. While it's impossible to predict the precise noise levels,
6 blasting, material handling and backup alarms will routinely generate noise levels in
7 excess of 90 decibels. Noise levels at particular points off the property are also
8 impossible to determine at this moment.
9

10
11 10. Although the RP does not discuss the mining operations in any detail,
12 competent basalt or limestone deposits typically require drilling and blasting mining
13 techniques. Blasting requires the placement of explosive compounds in a series of drill
14 (blast) holes to apply energy sufficient for fracturing and displacing the bedrock in
15 preparation for crushing. The amount of energy, the volumes and brisance of the
16 explosives, and the number of blast holes will be determined by the blasting contractor,
17 but the impact to adjacent neighbors could be significant. Impacts to adjacent neighbors
18 cannot be predicted at this time, but there is potential for fly rock to impact nearby
19 properties. Further, blast waves and ground motion will be quite noticeable and could
20 cause structural damage to buildings in close proximity to the mine.
21
22

23 11. The mine is located in an area of fairly high relief and disturbed ground
24 and operational areas are expected to generate substantial amounts of rainfall runoff,
25 erosion, and sediment transport. Lacking stormwater controls or onsite retention ponds,
26

1 downgradient washes and properties will be subject to unusual drainage and sediment
2 impacts. The RP does not mention stormwater and sediment controls and I have not
3 reviewed a Stormwater Pollution Prevention Plan for the Site if one is available.
4

5 6 Regulatory Factors

7 12. Arizona is a mining friendly state and is typically in the top two states
8 nationally for the value of non-fuel mineral production. For this reason, Arizona has
9 purposefully created laws and regulations that do not unduly burden the entitlement and
10 permitting of mines and the extraction of mineral resources. These laws are
11 fundamentally based on the premise that mining companies will responsibly site,
12 operate, and close mines.
13

14 13. One of the most important laws impacting the mining industry is
15 colloquially known as the state mining exemption. Simply stated, the mining exemption
16 precludes counties from imposing unreasonable zoning or operational burdens on
17 mining and other natural resource operations (e.g. logging and agriculture). Simply put,
18 the law prevents counties from effectively sterilizing important mineral resources that
19 clearly benefit the State.
20

21 14. For years, the mining exemption has been an invaluable tool for the
22 mining industry but in the last 2 to 3 years some property owners and developers have
23 surreptitiously used the mining exemption as a shield to avoid county regulation (or
24 intervention) to improve sites as a precursor to site development. Under the guise of
25
26

1 mining, these developers have tried to permit and operate mines near established
2 residences or used the threat of mining to induce counties to reverse prior
3 zoning/development decisions or compromise on established development standards.
4

5 15. What these sites have in common is the lack of resource studies, managers
6 and owners with actual operations and mining experience, and favorable market analyses
7 that clearly demonstrate that the proposed mines are an essential and valuable mineral
8 resource. Unfortunately, Reclamation Plans are not required to present resource
9 information or demonstrate marketability of the intended products, nor does the State of
10 Arizona preclude persons with no mining experience from opening and operating mines.
11

12 16. State regulations didn't envision that local homeowners would be
13 subjected to highly intrusive mining operations that are unprofitable, create substantial
14 environmental burdens on the community, and don't supply quality aggregates and
15 economic benefits to the area. While I lack sufficient information at this time to
16 determine that the Site is surreptitiously using the mining exemption, I do have serious
17 doubts that detailed material studies, mine planning, and market analyses have been
18 conducted or would indicate that this Site offers a substantial mineral resource.
19
20

21 17. To contrast this with a typical mining development project, a responsible
22 mining company considering a mine on this property would have conducted an
23 extensive resource evaluation including physical and chemical testing of the saleable
24 products. That data would have been used to complete a detailed mine plan and financial
25 pro forma that justifies the expense of permitting, operating, and closing the mine while
26

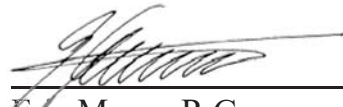
1 generating an adequate return on investment.

2 18. Further, responsible mining companies would have considered impacts to
3 the surrounding community and would develop specific operating and mine design
4 concepts that reduce their impact on the surrounding community. Lastly, no responsible
5 mining entity would ever try to undertake this project unless the mineral resource was
6 unique, irrefutably provided a critical and irreplaceable resource to the local market, and
7 had conducted meaningful outreach to the community.
8

9 19. While additional information is needed, my professional opinion is that
10 this project does not possess a unique mineral resource of sufficient quantity that would
11 have a meaningful impact on the local construction materials market. Further, there are
12 several fully permitted mines in proximity to Chino Valley that already supply high
13 quality construction aggregates.
14
15

16
17 Pursuant to Arizona Rule of Civil Procedure 80(c), I declare under penalty of
18 perjury that the foregoing is true and correct.

19 Executed on the 2nd day of November, 2023.

20
21 

22 Eric Mears, R.G.
23 Vice President
24 Haley Aldrich
25
26

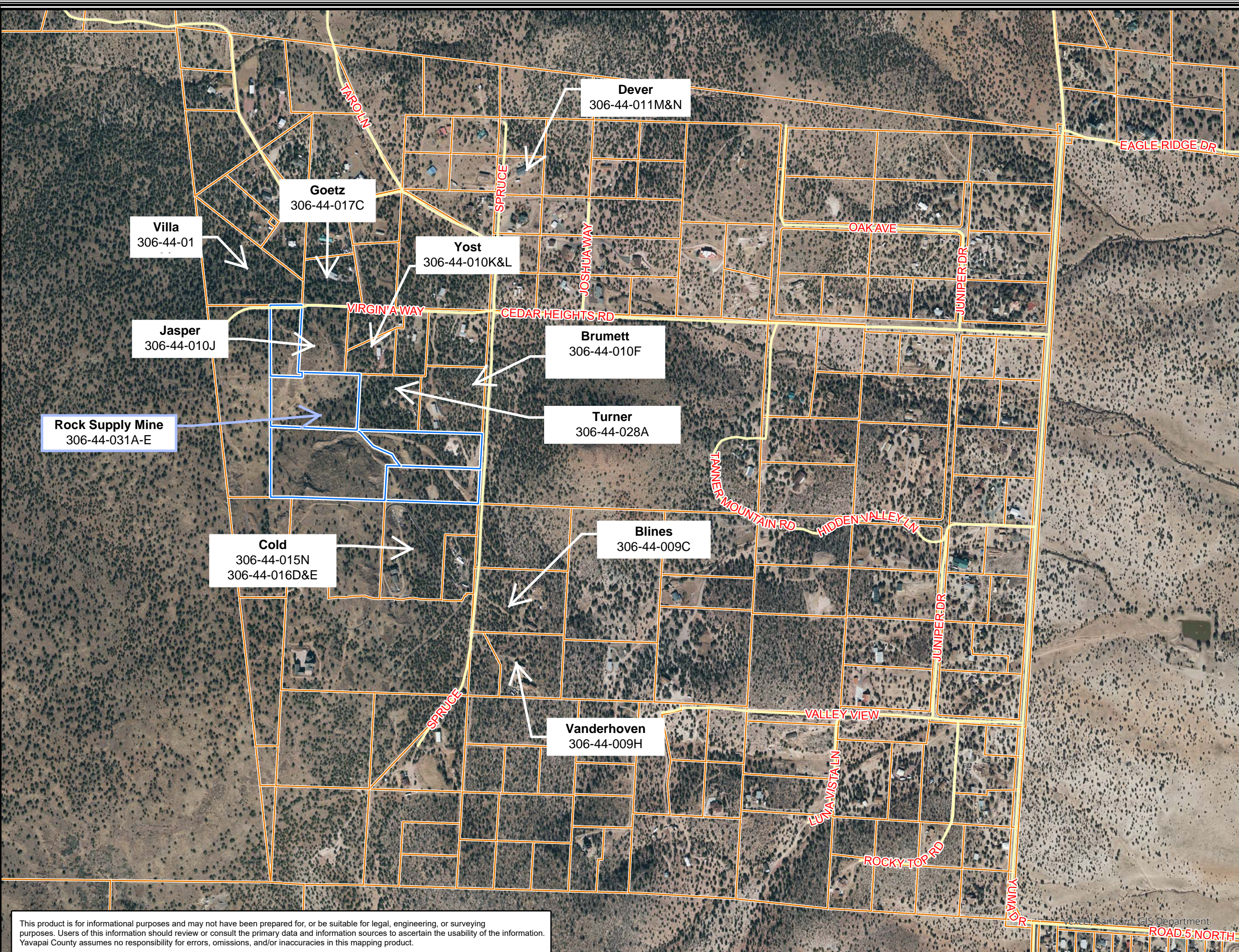
Exhibit 17



Overview Chino Valley Mine

Legend

- Road Centerlines
 - Chino Valley Mine Parcels
 - Parcels
- Vexcel 2021 Image



Rock Supply Mine
306-44-031A-E

Villa
306-44-01

Goetz
306-44-017C

Yost
306-44-010K&L

Dever
306-44-011M&N

Brumett
306-44-010F

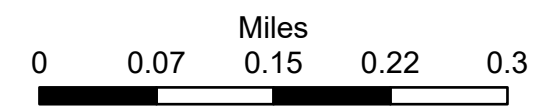
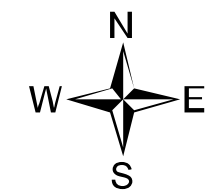
Turner
306-44-028A

Cold
306-44-015N
306-44-016D&E

Blines
306-44-009C

Vanderhoven
306-44-009H

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. Yavapai County assumes no responsibility for errors, omissions, and/or inaccuracies in this mapping product.



1 inch equals 650 Feet

Date: 10/27/2023

Vexcel, Sanborn GIS Department

Exhibit 18

1 **DECLARATION OF DANIEL BRUMETT**

2 STATE OF ARIZONA)
3)
4 County of Yavapai)

5 I, Daniel Brumett, swear and affirm that the following is true and correct:

6 1. I am a resident of Yavapai County, Arizona, over the age of eighteen, and
7 make the following declaration based upon my personal knowledge.

8 2. My wife is Susan Brumett. We reside at 3775 W Virginia Way, Chino
9 Valley, Arizona (“Brumetts’ Property” or “the Property”). We purchased the Property in
10 2018.

11 3. We have resided full time at the Property since 2020.

12 4. The property immediately to the south of our Property is owned by a
13 company called Fortune Rock LLC. The company and its owners have planned to
14 establish and operate a mine on their property (the “Mine”). The Mine entrance is on
15 Spruce Road, which is at the southeast corner of our Property.

16 5. Our residence at the Property is a manufactured home purchased and sited
17 on the Property in 2019.

18 6. We do not have a well currently on the Property. Our only source of water
19 is a 5000-gallon water tank that we have filled on a monthly basis. The water tank is at
20 the southwest corner of our Property, which is located just 10 feet from the Mine’s
21 property. If the Mine were to conduct blasting, I believe that it could potentially shift our
22 water tank, the foundation of our house, nearby wells, and other foundations in the area.
23
24
25
26

1 7. We purchased the Property because we wanted to enjoy the quiet of the
2 neighborhood, the fresh air, and the animal life. We performed “due diligence” to find a
3 property that would be away from businesses and other commercial activity, flight paths
4 of airplanes, and would have reduced sounds of other kinds, such as sirens. Susan has
5 significant hearing loss and we wanted to avoid excessive noise. We did not anticipate
6 living within 200 feet of a mine.
7

8 8. We fell in love with Chino Valley and with the Cedar Heights
9 neighborhood when we saw it in 2018. We especially loved the quiet, the view, and the
10 animal life. We have set up watering sites for the animals in the area.
11

12 9. We use Cedar Heights Road and W Virginia Way to access our Property.
13 When it rains, the roads in this area turn to mush. They can become impassable when too
14 many cars drive over them when they are wet. They are miserable to drive on. They can
15 wash out. W Virginia Way is laid out over a wash, and when it rains that wash fills up,
16 and the runoff pours into Cedar Heights Road at the point where Spruce Road and Cedar
17 Heights Road meet.
18

19 10. We anticipate that Cedar Heights Road will be damaged and made
20 impassable during wet periods by rock hauling trucks from the Mine using the road. If
21 that happens, we would lose access to and from our Property, because it is the only way
22 to access our Property. During dry periods, the use of the road by the Mine’s trucks will
23 create significantly worse dust problems for the properties along the road. That already
24 happens with ordinary traffic.
25
26

1 11. The Mine site dominates our view to the south. The area designated on the
2 Mine's Reclamation Plan as the Material Processing area is about 210 feet from our patio
3 and is visible from there. The area designated on the Mine's Reclamation Plan as the
4 Mining Area is a hill that lies approximately 500 feet from our house and rises above our
5 house. The Mining Area covers most of the view to the south from our Property.
6

7 12. Sometime between 2020 and 2021, prior to becoming a mine, the owners of
8 the Mine conducted significant activity in an attempt to construct what appeared to be
9 home sites. The activities involved the use of a backhoe, as well as a track hoe, with a
10 hammer attachment, to break up rock. The noise from the work echoed through the area
11 and could not be escaped, because of how close we are to the Mine.
12

13 13. Our intent when we moved to the Property was to retire there and make a
14 home for the rest of our lives. We do not want to move and to do so would be a
15 significant financial burden to us. I am heartbroken at the thought that a mine will operate
16 next door to us and ruin the peace and quiet, and our retirement plans. Based on what we
17 experienced with the Mine's activities when they were constructing home sites, the noise
18 would be inescapable at our house. My wife has significant hearing loss. The effect of the
19 noise on her quality of life will be devastating.
20
21

22 14. The dust that we will experience will also be devastating. The wind in our
23 area blows primarily from the south, towards our Property, sweeping down the hill from
24 the Mining Area. The amount of dust generated from the Mine will cause our Property to
25 be covered in dust whenever it is operating. We will not be able to go outside or keep our
26

1 Property clean. We experienced significant amounts of dust when the Mine excavated the
2 home sites. We anticipate that the dust from the Mine will be significantly worse than
3 that.
4

5 15. Having the Mine so close to us will devastate the peace and quiet of our
6 Property and neighborhood, and ruin our retirement plans.
7

8 Pursuant to Arizona Rule of Civil Procedure 80(c), I declare under penalty of
9 perjury that the foregoing is true and correct.
10

11 Executed on the 2 day of November, 2023.
12

13 
14 Daniel Brumett
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Exhibit 19

1 **DECLARATION OF MICHAEL DEVER**

2 STATE OF ARIZONA)
3)
4 County of Yavapai)

5 I, Michael Dever, swear and affirm that the following is true and correct:

6 1. I am a resident of Yavapai County, Arizona, over the age of eighteen, and
7 make the following declaration based upon my personal knowledge.

8 2. My wife is Carolyn Dever. We reside at 4865 North Spruce Road, Chino
9 Valley, Arizona. We own residential parcels 306-44-011M and 306-44-011N. (“Devers’
10 Property” or “the Property”).
11

12 3. I have lived full time at the Property since 2014. I moved here with the
13 intent of living in a remote and natural environment during our retirement.
14

15 4. To access our Property, I must use Cedar Heights Road.

16 5. Cedar Heights Road is a private road and not maintained or built by
17 Yavapai County, the State of Arizona, or any other public entity.

18 6. My Property lies around a half mile from the mine that has been established
19 on Spruce Road (the “Mine”).
20

21 7. My wife and I regularly enjoy the quiet surrounding our house by spending
22 time outdoors around our home, observing birds and animals, walking on the roads near
23 the Mine, and looking at the view that includes a view of the hill where the Mine is.
24

25 8. When we moved into the neighborhood, we expected to live in a quiet,
26 rural neighborhood without an industrial, commercial operation nearby.

1 9. I employed a company, Mile High Excavating, to prepare a site on our
2 Property for our triple-wide manufactured home and my driveway.

3 10. I understood when we moved into our neighborhood that occasional noisy
4 operations would be likely, including: development of homes that used earth moving and
5 other heavy equipment to prepare home sites and to dig for utility siting; blasting of rock
6 to prepare home sites; use of heavy equipment to repair roads. I could tolerate these
7 interruptions because they would be occasional and temporary, and a part of life in the
8 neighborhood. However, we did not anticipate living a half mile away from a mine.
9

10 11. I regularly use Cedar Heights Road to access our Property. Cedar Heights
11 Road was created by deeded easement and provides access to the neighborhood from the
12 closest paved road. My house is about 1/4-mile away from Cedar Heights Road.
13

14 12. Dust from traffic Cedar Heights Road reaches our house.
15

16 13. I heard the noise from the Mine (before the owners declared it would be a
17 mine) when three home-site pads were being prepared there. The noise came from a rock
18 hoe, which is an industrial rock-splitting machine attached to a back hoe – essentially an
19 enormous jack hammer. The noise was present for two (2) weeks during the weekdays.
20 The noise consisted of the smashing of rocks by the rock hoe, the beeping alerts when the
21 machinery backed up, and the engines of the machinery. During this period, my wife and
22 I could not hold a conversation outside without yelling. We chose to stay inside during
23 those two weeks to avoid the noise.
24

25 14. Before moving to the neighborhood, we determined that the area would be
26

1 quiet and free of industrial noise. We chose the area because of that.

2 15. I am concerned about the effects from the Mine, including: an increase in
3 the amount of dust from the Mine and from the trucks hauling rocks; the noise making it
4 impossible for my wife and I to be outside of our home; Cedar Heights Road becoming
5 impassable and/or unusable because of trucks using it when wet; the loss of bird and
6 animal life around our home because of the Mine activity.
7

8 16. I am concerned about the effects of the Mine on my health. I have
9 pulmonary fibrosis/emphysema and I am concerned that an increase in dust from the
10 Mine and the trucks on Cedar Heights Road will worsen my condition.
11

12 17. The direction of the wind blows primarily from the south (the direction of
13 the Mine from our house), so I am concerned that the wind will carry dust from the Mine
14 and from the Mine's trucks on Cedar Heights Road up to our house.
15

16 Pursuant to Arizona Rule of Civil Procedure 80(c), I declare under penalty of
17 perjury that the foregoing is true and correct.

18 Executed on the 2ND day of NOVEMBER, 2023.
19

20
21 

22 Michael Dever
23
24
25
26

Exhibit 20

1 **DECLARATION OF JULIA BLINES**

2 STATE OF ARIZONA)
3)
4 County of Yavapai)

5 I, Julia Blines, swear and affirm that the following is true and correct:

6 1. I am a resident of Yavapai County, Arizona, over the age of eighteen, and
7 make the following declaration based upon my personal knowledge.

8 2. My husband is Floyd Blines. We reside at 4375 North Spruce Road, Chino
9 Valley, Arizona (“Blines’ Property” or “the Property”).

10 3. I have lived full time at the Blines’ Property since 2003.

11 4. My residence at the Blines’ Property is a double-wide manufactured home
12 purchased and sited on the Property in 2006. Prior to 2006, my husband and I resided in a
13 single-wide trailer that was on the site when we purchased the Property.

14 5. In 2006, we had a well drilled for water. The well was drilled 810 feet. The
15 water table was reached at around 700 feet. The cost of drilling the well was
16 approximately \$30,000. Around 2012 or 2013, the piping and machinery that operates the
17 well had to be replaced because the water had corroded the machinery of the well. At that
18 time, the level of the water table had dropped by 10 feet.

19 6. I purchased the Blines Property because I wanted a remote location that
20 was calm and tranquil. I also wanted to garden. When we moved to the Property, my
21 husband and I both worked full time for the Veteran’s Administration. My husband and I
22 intended to retire to the Property. We retired in 2006 and continue to live here full time.
23
24
25
26

1 7. When we moved here, we understood and believed that the parcels around
2 us could be used for residences. I understood that the building of new residences might
3 temporarily cause the noise of building activities to reach my Property. I understood that
4 the building of new residences might temporarily cause more dust than usual to cross my
5 Property. I understood that the building of new residences might temporarily cause a
6 greater number of commercial trucks to use the roads I use to reach my Property. I did
7 not anticipate living near a mine.
8

9
10 8. My husband Floyd Blines has Stage 4 chronic obstructive pulmonary
11 disease (“COPD”). COPD restricts my husband’s breathing.

12 9. The roads I use to access my Property are Cedar Heights Road and Spruce
13 Road. Both roads are private roads maintained by the property owners that use the roads.
14

15 10. Spruce Road runs south from Cedar Heights Road. From Cedar Heights
16 Road to my Property is approximately half mile. In that half mile, Spruce Road is one
17 car-width across and there is only one spot on the road where a car can pull over to allow
18 another car to pass.
19

20 11. Spruce Road is a clay road that becomes very soft when wet with rain or
21 snow, and becomes deeply rutted when trucks and cars use it while it is wet.

22 12. My Property is approximately 220 yards from the entrance to the property
23 owned by Rock Supply LLC, which has become a mine (“the Mine”).
24

25 13. The Mine owners constructed a road that allowed mud to flow onto Spruce
26 Road and made it impassable until a neighbor cleared the road.

1 14. I am worried about the effect that having a Mine next door to me. I am
2 concerned about the effect that dust will have on my quality of life and on my husband's
3 health. I am concerned that the noise will destroy the peace and quiet that currently exists
4 on my property and in my neighborhood. I am concerned that blasting so close to my
5 house will have negative effects. I am concerned that I will not be able to access my
6 property if trucks hauling rock damage Spruce Road or Cedar Heights Road, block
7 Spruce Road, or otherwise prevent me accessing my property.
8

9
10 15. My intent was to live out my retirement years on this property. I am afraid
11 that the Mine will destroy that possibility.

12
13 Pursuant to Arizona Rule of Civil Procedure 80(c), I declare under penalty of
14 perjury that the foregoing is true and correct.
15

16 Executed on the 2nd day of November, 2023.

17
18 Julia L Blines
19 Julia Blines
20
21
22

Exhibit 21

1 **DECLARATION OF JOHN VANDERHOVEN**

2 STATE OF ARIZONA)
3)
4 County of Yavapai)

5 I, John Vanderhoven, swear and affirm that the following is true and correct:

6 1. I am a resident of Yavapai County, Arizona, over the age of eighteen, and
7 make the following declaration based upon my personal knowledge.

8 2. My wife is Judy Vanderhoven. We reside on five acres at 4275 North
9 Spruce Road, Chino Valley, Arizona (“Vanderhoven’s Property” or “the Property”).

10 3. I was employed as a Deputy Sheriff with the Yavapai County Sheriff’s
11 Department from 1997 to 2018, at which time I retired from the agency.

12 4. We purchased the five acres approximately 8 or 9 years ago. We live on the
13 Property full time and plan on living in the area for the unforeseen future as a retirement
14 home.

15 5. My home is approximately less than 220 yards in a direct line from the
16 proposed mine site. The entrance to my Property is about 200 yards south on Spruce
17 Road from the mine’s entrance.

18 6. We moved to this area to enjoy the quiet and peaceful environment and
19 have several concerns about the mine operation that include the dust, noise from the rock
20 grinding and truck traffic on the roads.

21 7. My wife has severe asthma and allergies, so I am concerned about the
22 possibility of dust and silica dust from the mine operations.
23
24
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1 8. I own property several miles from the Arrowhead aggregate mine across
2 Highway 89. When I purchased the property near the Arrowhead mine, I knew there
3 would be noise and mine activity. I can hear the noise from the machinery and beeping
4 from bulldozers backing up while they are operating. We decided not to build a house
5 there because of the noise. As a result, we purchased our Property on Spruce Road
6 because we wanted live somewhere that was quiet.
7

8 9. I do not object to people building on their property. There are times when it
9 is noisy from someone doing excavation, hammering rock or even blasting, but I know
10 that it is just a temporary situation. I did not anticipate living about the length of only two
11 football fields away from a mine. I am concerned about the plan for this mine because it
12 is to operate for 20 years.
13

14 10. I am retired and my income comes from a state pension. If I had to move, I
15 believe that my Property would be worth much less if the mine exists, and the move
16 would be a significant financial burden.
17

18 11. There are five homes on the southern end of Spruce Road near the mine
19 entrance. My neighbors and I live approximately a quarter mile from Cedar Heights
20 Road.
21

22 12. The section of Spruce Road from Cedar Heights Road that leads to my
23 house is about a quarter of mile long and is a one lane private dirt road with dedicated
24 easements that is not maintained by the county. I maintain the road for myself and for my
25 neighbors because my neighbors are older than me and I am physically able to do the
26

1 work. There are about a dozen vehicles that use the road on a daily basis. My neighbors
2 pay me for the materials that I use to maintain the road and I use my personal tractor and
3 other equipment. I do work on the road to keep it drivable and clean out the ditches along
4 the side of the road and the culverts under the road when it rains.
5

6 13. When Spruce Road gets wet from rain or snow, the road turns to mud.
7 Every time it rains, I have to go out a few days later and smooth it out, because none of
8 us can afford to put a lot of material on the road to keep it drivable when wet because it is
9 expensive.
10

11 14. I live on a hilly section of Spruce Road. I purchased gravel for around
12 \$2,000 that was collected from the neighbors and laid it on the hill section of Spruce
13 Road just so we can get back and forth on the road. The section of road where the mine
14 entrance is located does not have any gravel, so it gets very muddy when it rains.
15 Garbage trucks that come up once a month have had a hard time getting through when the
16 roads are muddy.
17

18 15. Spruce Road was not designed to handle heavy equipment. In addition to
19 the road itself being damaged, there are culverts under the road that I believe will not
20 support the weight of constant traffic of loaded dump trucks. I have had dump trucks
21 deliver material to my house and at least one driver was hesitant about driving up the
22 road because of concern that the culvert would not support the truck.
23
24

25 16. Spruce Road is a one-lane road with a small section by the entrance of the
26 mine to pull over. Between Cedar Heights Road and the mine entrance, it is one lane. If a

1 truck is driving up the road while someone else is driving down in that section, one of the
2 vehicles has to back up. Recently, a paving machine broke down on the road near my
3 house and my neighbors were unable to get in or out while it was stuck. There is only one
4 way in and out, so if a mine truck breaks down or otherwise gets stuck on Spruce Road,
5 it will not only block my access and my neighbors' access to our properties, it will also
6 block access to emergency vehicles that may be needed. Many of my neighbors,
7 including my wife, are elderly and have medical conditions.
8

9
10 17. Close to the mine entrance on Spruce Road, there is a gentle slope that falls
11 away from the road and is muddy when it rains or snows. If a truck was to lose control
12 and go down the slope, it would turn over. When the property owners of the mine put in a
13 road on their property from the mine's entrance, they used the natural material of dirt and
14 rocks that were not packed down. When it rains, the road has turned into mud at the point
15 where the mine entrance enters Spruce Road and has washed down onto the road, causing
16 the road to be impassable several times and I have had to clear the mud. I believe that the
17 road surface on the mine's road is not good enough to stop a rock truck from sliding
18 down onto Spruce Road when it is wet and it is a very dangerous situation.
19
20

21 18. Cedar Heights Road is a standard width road where two vehicles can pass
22 each other. Greg Cuka, who owns a company called Mile High Excavation, maintains
23
24
25
26

1 Cedar Heights Road. Cuka has put a lot of material on the road so that it is not so slippery
2 when it is wet and is a better road than Spruce Road.
3

4 Pursuant to Arizona Rule of Civil Procedure 80(c), I declare under penalty of
5 perjury that the foregoing is true and correct.
6

7 Executed on the 3 day of NOVEMBER, 2023.
8

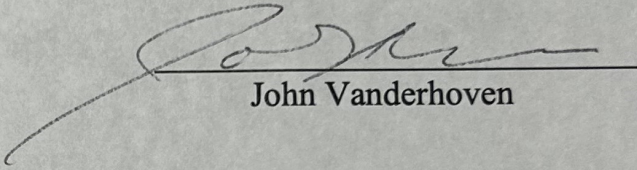
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11 John Vanderhoven
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Exhibit 22

1 **DECLARATION OF CHAD COLD**

2 STATE OF CALIFORNIA)
3)
4 Orange County)

5 I, Chad Cold, swear and affirm that the following is true and correct:

6 1. I am a resident of Orange County, California, over the age of eighteen, and
7 make the following declaration based upon my personal knowledge.

8 2. My 75-year-old mother, Carolyn Cold, lives at 4450 North Spruce Road in
9 Chino Valley, Arizona (“Colds’ Property” or “the Property”).

10 3. In 1993, my father, Richard Cold, and his neighbor, Victor Miller,
11 purchased approximately 40 acres and divided it evenly. The Miller family acquired the
12 southern half of the purchased property, and my father and mother acquired the north
13 half. The Millers still own and reside at their property, and my mother still owns and
14 resides at her Property.

15 4. My father retired at the age of 45. He relocated to Chino Valley years with
16 my mother to start the next chapter of their lives after living in Southern California for
17 many years. My father grew up on a ranch in Montana and wanted to retire somewhere
18 that was quiet and not around a lot of people, unlike in California.

19 5. When my father purchased the Property, nothing existed in terms of
20 infrastructure, including Spruce Road. My father, who was a retired union electrician,
21 built Spruce Road and the entire utility infrastructure, including the underground
22 electrical system. My father did not want above ground power lines which historically
23
24
25
26

1 have been known to cause fires in high wind areas.

2 6. My father spent approximately 3 to 4 years building a genuine log house on
3 the Property. He put great effort and thought into how he built the roads and his home so
4 that it would blend in with the natural environment. My parents have lived in that house
5 for the last twenty years.
6

7 7. Since 2019, I have traveled from California and visited my parents every
8 other weekend. My children, siblings, and I have spent a lot of time there with my parents
9 in the past 20 years, including spending Thanksgiving every year with them.
10

11 8. My father passed away in 2020 at the age of 75 after battling cancer for five
12 months. Since his passing, I have stepped in to look after my mother who lives on the
13 Property alone and has no intention of leaving the Property. She is very upset to have
14 someone come and possibly destroy the area, especially after all the hard work she and
15 my father have done.
16

17 9. I believe that the use of Spruce Road from Cedar Heights Road to the mine
18 entrance for mine traffic will destroy the road. When my father built Spruce Road, he did
19 not intend it to be used extensively by heavy duty trucks hauling tons of rock. Although
20 my mother is in good health, I'm concerned about emergency vehicles having the ability
21 to get to her in an emergency if the road is damaged. Their neighbor, Victor Miller, is in
22 poor health and has had an ambulance to his house at least 20 times. Spruce Road is one
23 car-width wide, and a stuck truck or extensive damage could make it impassable. It is the
24 only road into my mother's Property.
25
26

1 10. Since Spruce Road is a private road, my father maintained the road until he
2 passed away. When I visited, I helped my father work on the road. After my father
3 passed, their neighbor, John Vanderhoven, started to maintain the road and currently does
4 that work. The residents that live on Spruce Road pay Vanderhoven for materials to
5 maintain the road.
6

7 11. I am aware that the owners of the parcels immediately to the north of my
8 mother's Property have established a mine on their parcels ("the Mine") and intend to run
9 an aggregate mining operation there. I was told by James Cox, one of the
10 member/managers of the Mine operator, that their operation will create a 200 foot cliff on
11 the edge of my mother's Property. According to the Reclamation Plan of the Mine, the
12 Mining Area will be approximately 600 feet from my mother's house. The Mine
13 currently is entered via Spruce Road. Any equipment trucks or rock hauling trucks will
14 have to use Spruce Road to access the Mine, as there are no other roads to the Mine.
15
16

17 12. I am not against people building homes and anyone who has damaged the
18 road in the past has taken the responsibility of repairing the road. There are five residents
19 that use Spruce Road to gain access to Cedar Heights, and all of the people in the
20 neighborhood use Cedar Heights Road to get to and from the public highway.
21

22 13. My father installed a well 30 years ago that my mother and Victor Miller
23 use, which has not had any problems since it was drilled. I am concerned that the Mine
24 activities will affect my mother's and the Millers' well.
25

26 14. I believe the Mine will definitely affect the environment of the

1 neighborhood. There is abundant wildlife in the area that I believe will be scared off by
2 the noise at the Mine. It is an open range cattle area with cattle wandering around in
3 addition to other wildlife. I am also concerned about where water will go when it rains as
4 it comes off the Mining Area. People have built their homes in areas with culverts to
5 protect them from runoff, but I believe the runoff directions will change because of the
6 Mine.
7

8
9 15. I am concerned about the possibility of blasting taking place and its
10 possible effects on our well and water table in the area. I am concerned about the effects
11 of blasting on the buildings on my mother's Property.

12 16. My father's plan for his Property was to build his home, build another
13 home to possibly sell or give to my sister, and to build a third house for me. He was not
14 able to build two of the houses before he passed, so I will be building on the parcel next
15 to my mother's house and living there when I retire. When my father and mother moved
16 here, they intended to develop a property that blended into the neighborhood. When I
17 decided
18

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to retire here, I wanted to continue my family's legacy. I never anticipated that I would be living next door to a mine.

Pursuant to Arizona Rule of Civil Procedure 80(c), I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 2nd day of November, 2023.


Chad Cold

Exhibit 23

Particulate Matter (PM) Pollution

[CONTACT US <https://epa.gov/pm-pollution/forms/contact-us-about-particulate-matter-pm-pollution>](https://epa.gov/pm-pollution/forms/contact-us-about-particulate-matter-pm-pollution)
[PM Home <https://epa.gov/pm-pollution>](https://epa.gov/pm-pollution)

Particulate Matter (PM) Basics

[Health and Environmental Effects <https://epa.gov/pm-pollution/health-and-environmental-effects-particulate-matter-pm>](https://epa.gov/pm-pollution/health-and-environmental-effects-particulate-matter-pm)
[Setting and Reviewing PM Standards <https://epa.gov/pm-pollution/setting-and-reviewing-standards-control-particulate-matter-pm-pollution>](https://epa.gov/pm-pollution/setting-and-reviewing-standards-control-particulate-matter-pm-pollution)
[PM Standards Regulatory Actions <https://epa.gov/pm-pollution/national-ambient-air-quality-standards-naaqs-pm>](https://epa.gov/pm-pollution/national-ambient-air-quality-standards-naaqs-pm)
[Implementing PM Standards <https://epa.gov/pm-pollution/applying-or-implementing-particulate-matter-pm-standards>](https://epa.gov/pm-pollution/applying-or-implementing-particulate-matter-pm-standards)
[PM Implementation Regulatory Actions <https://epa.gov/pm-pollution/particulate-matter-pm-implementation-regulatory-actions>](https://epa.gov/pm-pollution/particulate-matter-pm-implementation-regulatory-actions)

Particulate Matter (PM) Basics

On This Page:

- What is PM, and how does it get into the air?
- What are the harmful effects of PM?
- What is being done to reduce particle pollution?
 - How can I reduce my exposure to PM?

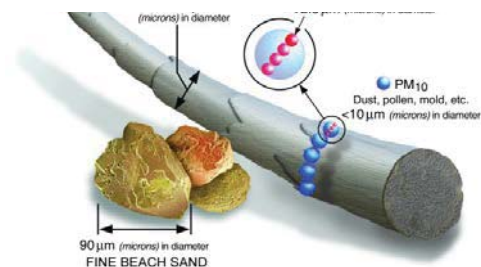
What is PM, and how does it get into the air?

PM stands for particulate matter (also called particle pollution): the term for a mixture of solid particles and liquid droplets found in the air. Some particles, such as dust, dirt, soot, or smoke, are large or dark enough to be seen with the naked eye. Others are so small they can only be detected using an electron microscope.

Particle pollution includes:

- **PM₁₀**: inhalable particles, with diameters that are generally 10 micrometers and smaller; and

<https://epa.gov/sites/default/files/2016-09/pm2.5_scale_graphic-color_2.jpg>



Size comparisons for PM particles

SIP Checklist Guide

<https://epa.gov/pm-pollution/pm-state-implementation-plan-sip-checklist-guide>

PM SIP Training Presentations

<https://epa.gov/pm-pollution/pm-naaqs-implementation-training-and-assistance-state-and-local-air-agencies>

PM Data and SIP Status

<https://epa.gov/pm-pollution/technical-data-and-reports-particulate-matter-pm-measurements-and-sip-status>

Other Criteria Air Pollutants

<https://epa.gov/criteria-air-pollutants>

- **PM_{2.5}**: fine inhalable particles, with diameters that are generally 2.5 micrometers and smaller.
 - How small is 2.5 micrometers? Think about a single hair from your head. The average human hair is about 70 micrometers in diameter – making it 30 times larger than the largest fine particle.

Sources of PM

These particles come in many sizes and shapes and can be made up of hundreds of different chemicals.

Some are emitted directly from a source, such as construction sites, unpaved roads, fields, smokestacks or fires.

Most particles form in the atmosphere as a result of complex reactions of chemicals such as sulfur dioxide and nitrogen oxides, which are pollutants emitted from power plants, industries and automobiles.

What are the Harmful Effects of PM?

Particulate matter contains microscopic solids or liquid droplets that are so small that they can be inhaled and cause serious health problems. Some particles less than 10 micrometers in diameter can get deep into your lungs and some may even get into your bloodstream. Of these, particles less than 2.5 micrometers in diameter, also known as fine particles or PM_{2.5}, pose the greatest risk to health.

Fine particles are also the main cause of reduced visibility (haze) in parts of the United States, including many of our treasured national parks and wilderness areas.

Learn more about health and environmental effects <https://epa.gov/pm-pollution/health-and-environmental-effects-particulate-matter-pm>

What is Being Done to Reduce Particle Pollution?

EPA regulates inhalable particles. Particles of sand and large dust, which are larger than 10 micrometers, are not regulated by EPA.

EPA's national and regional rules to reduce emissions of pollutants that form PM will help state and local governments meet the Agency's national air quality standards. Learn about how air quality standards help reduce PM. <https://epa.gov/pm-pollution/setting-and-reviewing-standards-control>

particulate-matter-pm-pollution>

How Can I Reduce My Exposure to PM?

You can use air quality alerts to protect yourself and others when PM reaches harmful levels:

AirNow <<https://www.airnow.gov>>: Every day the Air Quality Index (AQI) tells you how clean or polluted your outdoor air is, along with associated health effects that may be of concern. The AQI translates air quality data into numbers and colors that help people understand when to take action to protect their health.

- Go to About AirNow <<https://www.airnow.gov/about-airnow/>> to learn how you can get AQI notifications.
- Also learn how the Air Quality Flag Program <<https://www.airnow.gov/air-quality-flag-program/>> can help air agencies, schools, and other community organizations to notify their citizens of harmful conditions and adjust outdoor physical activities as needed.

Contact Us <<https://epa.gov/pm-pollution/forms/contact-us-about-particulate-matter-pm-pollution>> to ask a question, provide feedback, or report a problem.

LAST UPDATED ON JULY 11, 2023



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Exhibit 24

Particulate Matter (PM) Pollution

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<https://epa.gov/pm-pollution/particulate-matter-pm-basics>](https://epa.gov/pm-pollution/particulate-matter-pm-basics)

Health and Environmental Effects

[Setting and Reviewing PM
Standards <https://epa.gov/pm-pollution/setting-and-reviewing-standards-control-particulate-matter-pm-pollution>](https://epa.gov/pm-pollution/setting-and-reviewing-standards-control-particulate-matter-pm-pollution)[PM Standards Regulatory
Actions <https://epa.gov/pm-pollution/national-ambient-air-quality-standards-naaqs-pm>](https://epa.gov/pm-pollution/national-ambient-air-quality-standards-naaqs-pm)[Implementing PM Standards
<https://epa.gov/pm-pollution/applying-or-implementing-particulate-matter-pm-standards>](https://epa.gov/pm-pollution/applying-or-implementing-particulate-matter-pm-standards)[PM Implementation
Regulatory Actions
<https://epa.gov/pm-pollution/particulate-matter-pm-implementation-regulatory-actions>](https://epa.gov/pm-pollution/particulate-matter-pm-implementation-regulatory-actions)

Health and Environmental Effects of Particulate Matter (PM)

Health Effects

The size of particles is directly linked to their potential for causing health problems. Small particles less than 10 micrometers in diameter pose the greatest problems, because they can get deep into your lungs, and some may even get into your bloodstream.

Exposure to such particles can affect both your lungs and your heart. Numerous scientific studies have linked particle pollution exposure to a variety of problems, including:

- premature death in people with heart or lung disease
- nonfatal heart attacks
- irregular heartbeat
- aggravated asthma <https://epa.gov/asthma>
- decreased lung function
- increased respiratory symptoms, such as irritation of the airways, coughing or difficulty breathing.

People with heart or lung diseases, children, and older adults are the most likely to be affected by particle pollution exposure.

- AirNow <https://airnow.gov/> can help you monitor air quality near you, and protect yourself and your family from elevated PM levels.

SIP Checklist Guide

<https://epa.gov/pm-pollution/pm-state-implementation-plan-sip-checklist-guide>

PM SIP Training Presentations

<https://epa.gov/pm-pollution/pm-naaqs-implementation-training-and-assistance-state-and-local-air-agencies>

PM Data and SIP Status

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Other Criteria Air Pollutants

<https://epa.gov/criteria-air-pollutants>

Environmental Effects

Visibility impairment

Fine particles (PM_{2.5}) are the main cause of reduced visibility (haze) in parts of the United States, including many of our treasured national parks and wilderness areas. Learn more about visibility and haze <https://epa.gov/visibility>

Environmental damage

Particles can be carried over long distances by wind and then settle on ground or water. Depending on their chemical composition, the effects of this settling may include:

- making lakes and streams acidic
- changing the nutrient balance in coastal waters and large river basins
- depleting the nutrients in soil
- damaging sensitive forests and farm crops
- affecting the diversity of ecosystems
- contributing to acid rain effects <https://epa.gov/acidrain/effects-acid-rain>.

Materials damage

PM can stain and damage stone and other materials, including culturally important objects such as statues and monuments. Some of these effects are related to acid rain effects on materials <https://epa.gov/acidrain/effects-acid-rain#materials>.

Further Reading

Particle Pollution and Your Health (PDF)(2 pp, 320 K, About PDF <https://epa.gov/home/pdf-files>): Learn who is at risk from exposure to particle pollution, what health effects you may experience as a result of particle exposure, and simple measures you can take to reduce your risk.

How Smoke From Fires Can Affect Your Health <https://www.airnow.gov/air-quality-and-health/fires-and-your-health>: It is important to limit your exposure to smoke -- especially if you may be susceptible.

EPA research on airborne particulate matter <https://epa.gov/air-research>: EPA supports research that provides the critical science on PM and other air pollutants to develop and implement Clean Air Act regulations that protect the quality of the air we breathe.

Contact Us <<https://epa.gov/pm-pollution/forms/contact-us-about-particulate-matter-pm-pollution>> to ask a question, provide feedback, or report a problem.

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