



January 2, 2011

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Coronado National Forest Supervisor Jim Upchurch  
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Sierra Vista District Ranger  
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USDA Rural Development Arizona State Director Alan Stephens  
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BLM Arizona State Director Ray Suazo  
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BLM San Pedro River National Conservation Area Manager Markian Rekshynskij  
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Department of Justice BLM Solicitor Lee Leininger  
FAX: (303) 312-7331

Dear Messrs. Newman, Upchurch, Stephens, Suazo, Rekshynskij, Leininger and District Ranger,

**RE: REQUEST FOR PARTICIPATION BY THE CENTER FOR BIOLOGICAL DIVERSITY IN THE ONGOING TOMBSTONE PIPELINE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) PROCEEDINGS**

The Center for Biological Diversity (CBD) is a non-profit, public interest, conservation organization whose mission is to conserve imperiled native species and their threatened habitat and to fulfill the continuing educational goals of our membership and the general public in the process.

CBD and its members have participated in San Pedro River preservation efforts for decades. CBD and its members have participated in Forest Service NEPA proceedings for decades.

We understand that a NEPA evaluation is taking place regarding (1) the City of Tombstone's intercepting and diverting water that would ordinarily provide stream flow to the San Pedro River and, (2) regarding Tombstone's destructive activities in Sierra Vista Ranger District wilderness, in riparian areas and to rare and sensitive species. We also

understand that Tombstone is dredging and filling within waters of the United States in violation of the Clean Water Act.

The status of Tombstone's legal water right to water from springs on Forest Service land is not clear. Tombstone's legal right to divert water supplying stream flow to the San Pedro River is not clear.

The status of Tombstone's Forest Service Special Use Permit is also not clear as water has not been withdrawn from Clark and Gardiner Springs in Miller Canyon and Rock Springs in Carr Canyon for nearly 35 years.

Tombstone's actions represent a significant impact on the environment. They aggravate a downward spiraling set of cumulative effects that are destroying the integrity of the riparian areas of the Upper San Pedro River Basin.

Needless to say, Tombstone's actions are controversial.

We expect that USDA and the Forest Service will be completing a complete Environmental Impact Statement prior to allowing any further transgressions from taking place. We also expect to receive notification of any NEPA proceedings regarding the Huachuca Mountains springs and the San Pedro River being negatively impacted by Tombstone.

Please send all future communications and questions to Robin Silver, M.D., Center for Biological Diversity, P.O. Box 1178, Flagstaff, AZ 86002, by mail; by phone: (602) 799-3275, or by Email: [rsilver@biologicaldiversity.org](mailto:rsilver@biologicaldiversity.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Robin Silver" with a stylized flourish at the end.

Robin Silver, M.D.  
Co-Founder and Board Member  
Center for Biological Diversity