

**Iron County Planning Commission
Public Hearing on Surface Mining in Modena Canyon
February 6, 2025**

I own property in the Hamlin Valley, approximately 20 miles north of Modena. As a practical matter there is one way for Hamlin Valley property owners like myself to access and leave our properties: through Modena Canyon. Other visitors to Hamlin Valley, as well as Modena Canyon landowners and those seeking the recreational and cultural resources of the area are similarly dependent upon the Modena Canyon road for access.

The potential impacts of industrial scale mining in Modena Canyon are profound, and worthy of careful study and planning. I would strongly urge the Commission to take the time to reach out to all of the stakeholders with an interest in Modena Canyon and Hamlin Valley and to ensure a thorough, balanced consideration of their interests with respect to this proposal.

Mining the volcanic tuff (pozzolan) in Modena Canyon has the potential to create significant harm to the health, safety, and economic interests of a wide variety of stakeholders, and could potentially do significant and irreparable harm to a unique and irreplaceable public resource. Taking time to reach out to, and hear from, all the interested parties will in no way compromise the interests of PCI, which as of yesterday had not yet applied for a permit from Utah Oil and Gas, nor completed the submissions needed to start BLM review.

Among the questions I believe need to be thoroughly reviewed are:

- Where, exactly, would mining activities, including land clearance and excavation, take place? The applicant has provided a map of the Subject Property that crosses both sides of Modena Canyon Road and incorporates sensitive geological formations. Much more detail is needed to assess what the proposal is, much less the acceptability of the proposal.
- When, and for how long would operations in Modena Canyon be ongoing? In what months of the year? How would this affect other users' access to Modena Canyon and Hamlin Valley?
- Has there been an assessment of the cultural resources of the canyon, and how these would be affected by the propose mining operations? When will this be publicly available?
- Has there been an assessment of the impact of mining operations on wildlife in the Canyon, including nesting golden eagles, northern harriers, American Kestrels, prairie falcons and numerous hawk and owl species, as well as deer, elk, and wild horses? Is there a plan to mitigate impact?
- How would permitting mining operations affect use of the canyon by hunters, hikers, birders, mineral hunters, OHV operators, and their impact on the county's economic development strategy? How would it affect the economic interests of landowners in Modena Canyon and Hamlin Valley?

- How much water over how many days would be needed to mitigate health and safety risks on the road and mining site? Is there a contract in place with a supplier able to guarantee this amount of water? In current drought conditions this needs to be carefully examined.

I have provided below what I hope is useful information that reflects on these issues and warrants inclusion in the Commission's analysis and public review. I believe it is likely that a thorough and balanced review will conclude that no permit for surface mining in Modena Canyon should be granted.

Health and Safety

Modena Canyon Road has an unstable, unpaved surface that with normal use (in compliance with current zoning) nonetheless requires annual re-grading and is officially closed for several months every year. It is periodically impassable due to flash floods both summer and winter. The natural flow of water through the canyon crosses the road multiple times within the Subject Property identified in PCI's application, making this one of the most unstable areas of the canyon. Natural conditions over the last two years produced major erosion which has not yet been fully remediated, leaving part of the canyon road narrower than its standard width and covered with unusually large gravel. The applicant has executed an agreement with Iron County, but offers no assurances to local property owners who must pass through the canyon to reach their properties.



The passage of up to 20 industrial size trucks a day, up to seven days a week, would greatly increase the likelihood of road damage, and create an unacceptable risk to all users of the canyon road.

The fact that, during flooding, water flows through the proposed mining site greatly increases the likelihood of any pollutants being carried downstream to other sensitive areas of the canyon. The potential impact of such pollution on the wildlife that naturally inhabit the canyon is unknown, but certainly greater than zero.

The applicant says they will bring water to the site from a local ranch to help control the potentially hazardous air pollution associated with crushing volcanic tuff. No evidence of this plan is included in the public review documentation. It is also not clear to what extent this would impact the potential for runoff pollution of the canyon.

It is worthy of note that Progressive Contracting Inc. previously settled with the Utah Division Of Occupational Safety and Health for several serious violations involving health and safety standards at an excavation site in Cedar City. This suggests the need for diligence in the county's assessment of the applicant's reliability and the surety demanded of any contingencies, should a permit be granted.

Environment and Economic Development

Modena Canyon and the Hamlin Valley represent a unique collection of natural resources that attract hunters, birders, hikers, rockhounds, and other recreational visitors, in addition to ranching, residential and recreational property owners. The Pew Charitable Trust included Modena Canyon among three notable spots in the Cedar City area, where it calculated million of dollars in annual economic impact. Pew particularly noted the canyon as a nesting site for numerous species of raptors (see attached). Modena Canyon is listed in the Falcon Guide to rockhounding in Utah as a popular source for obsidian, chalcedony, and topaz. As part of its long range economic development plans, Iron County has promoted Modena Canyon and the Hamlin Valley as part of its Color Country OHV Trail System, placing almost the entirety of its Old West trail 01 network there.



While all of these recreational uses contribute economic value to the county and private landowners, none are compatible with the proposed industrial mining operation. Instead, the proposed project will likely have significant negative impact on the interests of property owners by diminishing access and increasing road hazards and associated vehicle maintenance costs. Reducing safe access to private property in the canyon and in Hamlin Valley would impose a significant indirect cost to property owners

with no plan for compensation. Industrial mining activities would also significantly disrupt the wildlife in the area, further compromising the interests of hunters, hikers, OHV operators and others who access the natural resources of Modena Canyon and Hamlin Valley.

A cultural survey is required as part of the BLM permitting process for this operation, but it appears this has not been provided for review by the county. Prior to granting a use permit for this project, I believe it is important the county carefully consider all of the potential impacts of industrial mining on the natural resources of Modena Canyon and the interests of other users and landowners

Preservation

The location of the proposed surface mining is no ordinary canyon. It's key feature, and the one that absolutely must be preserved, includes the remains of lava flow that was deposited in the canyon and eroded over tens of millions of years. These formations are within the Subject Property identified in PCI's application, northwest of the geographic coordinates 37.93150, -113.9470. Under no circumstances should any disruption to this area be permitted, and its absolute protection from mining activities must be guaranteed and financially secured before issuance of a permit is considered.





[Save Modena Canyon](#)