

Received
CROOK COUNTY
05/31/2022
PLANNING DEPT

PC Michael Warren ([00:00:02](#)):

Join me in the pledge of allegiance, please.

PC Michael Warren ([00:00:27](#)):

Okay. Well, good afternoon everyone. My name is Michael Warren. I'm the chairperson of the crook county planning commission. Before we start tonight's meeting, I'd like to talk about our process. The meeting is being conducted with some participating in person and others. Participating by phone. When we open the hearing, we will mute the phone line so everyone will be able to hear clearly. We will conduct a roll call to determine who is on the line throughout the hearing. We will call on individual planning commissioners to make sure that everyone has had a chance to be heard. We will conduct a similar process for comments from the public. Please wait until you are called on to offer comments and or testimony. If you plan to testify, please submit a form to staff. If you have a written testimony that you'd like to submit, please hand it to one of our staff members.

PC Michael Warren ([00:01:18](#)):

We will make sure that there are copies for the planning commissioners and we'll scan the documents and post them on our website so that those calling in can view the documents. Draft minutes on of this meeting will be available in the planning commission website. And we are recording the audio of this meeting. The audio recording will be available upon request from the planning department staff. We'd like to thank everyone for their understanding in this process. So we'll call the meeting to order. I call this meeting at the crook county planning commission to order today's date is August 25th, 2021. Please note that this is a continuation of the public hearing from July 28th, 2021. People joining me are your crook county planning commissioners. We are volunteers that have been appointed by the county court to make up a diverse cross section of the community. We will now do a roll call for the planning, commissioners, staff, and anyone else here with us tonight and or on the call. Linda Manning.

PC Linda Manning ([00:02:16](#)):

Here.

PC Michael Warren ([00:02:17](#)):

George Ponte.

PC George Ponte ([00:02:17](#)):

Here.

New Speaker ([00:02:17](#)):

Susan Hermreck.

Staff Katie MacDonald ([00:02:38](#)):

Susie are you muted. Here she comes. Susie?

PC Michael Warren ([00:02:38](#)):

I'll come back to her. Gary Bedortha.

PC Gary Bedortha ([00:02:40](#)):

Here.

PC Michael Warren ([00:02:41](#)):

Laquita stec.

PC Laquita Stec ([00:02:42](#)):

Here.

PC Michael Warren ([00:02:42](#)):

Bob Lundquist. Do you know if Bob is on the line? And I am Mike Warren. Susan Hermrick?

PC Susan Hermreck ([00:02:57](#)):

I'm here.

PC Michael Warren ([00:03:02](#)):

And you don't you know if Bob's on there or not? Bob Lundquist? Okay, so it doesn't appear that Bob's on the line right now. Okay. As far as staff, is Ann Beier on the phone.

Ann Beier ([00:03:22](#)):

Yes, I'm here.

PC Michael Warren ([00:03:24](#)):

Okay. Katie MacDonald?

Staff Katie MacDonald ([00:03:28](#)):

I'm here.

PC Michael Warren ([00:03:29](#)):

Hannah Elliot.

PC Michael Warren ([00:03:30](#)):

Here.

PC Michael Warren ([00:03:31](#)):

Will VanVactor.

Director Will VanVactor ([00:03:32](#)):

Here.

PC Michael Warren ([00:03:34](#)):

Brent Bybee.

Manager Brent Bybee ([00:03:37](#)):

Here.

PC Michael Warren ([00:03:37](#)):

We'll now do a roll call of agency representative and members of the public on the phone line. Please speak slowly and clearly state your name, address, and whether you wish to testify. If you have submitted written testimony, please let us know. We will check in later to see if anyone else has joined the call and or wants to testify. So, and I will remind everyone to speak slowly. Um, do we have any agencies on the phone? Okay. Um, so we want everybody to identify that.

Staff Hannah Elliot ([00:04:13](#)):

Yeah. If there's anybody else on the line, could you please identify yourself? If you'd like to say your name.

Chris Lidstone ([00:04:25](#)):

My name is Chris Lidstone. Chris Lidstone with Stantec and Mark Stacy with Stantec. We'll be involved with knife river and we will want the opportunity to testify.

Staff Hannah Elliot ([00:04:45](#)):

Okay. I'm so sorry. Can you say your name again? Chris Windstone?

Chris Lidstone ([00:04:50](#)):

It's Lidstone, spelled L I D S T O N E. And Mark Stacy, S T A C Y.

Staff Hannah Elliot ([00:05:04](#)):

Thank you.

Chris Lidstone ([00:05:07](#)):

Thank you.

Staff Hannah Elliot ([00:05:09](#)):

Ann, are you on the line?

Ann Beier ([00:05:26](#)):

Yes.

Staff Hannah Elliot ([00:05:28](#)):

Can you speak a little louder for a couple seconds so I can make sure I have the right user

Ann Beier ([00:05:37](#)):

Here I am

Staff Hannah Elliot ([00:05:37](#)):

All right. Thank you. Okay. I believe we have everybody.

PC Michael Warren ([00:05:48](#)):

Okay. Hey, uh, Mark and Chris, or one of you guys. Can you speak again for a second?

Chris Lidstone ([00:05:55](#)):

Okay. This is Chris Lidstone

PC Michael Warren ([00:05:57](#)):

Okay. So we got him there. for some reason I thought that was it. Okay. Thank you.

Chris Lidstone ([00:06:02](#)):

Sure thing? Thank you.

Staff Hannah Elliot ([00:06:03](#)):

Do you guys have a mailing address or email address you'd like to put on the record?

Chris Lidstone ([00:06:08](#)):

Sure. Um, C Lidstone, C L I D S T O N E at W E N C K dot com. And then Mark's email is M Stacy S T A C Y at Wenck.com, W E N C K.

Staff Hannah Elliot ([00:06:34](#)):

Perfect. Thank you so much.

Chris Lidstone ([00:06:37](#)):

Sure. Thank you.

PC Michael Warren ([00:06:41](#)):

Okay, so, and then obviously one of those is Katie. This one. That one's Katie. So we've got those two. Perfect. Okay.

Staff Hannah Elliot ([00:06:55](#)):

Samantha, are you on the line? Did you wanna identify yourself for the record or are you just listening? I think she might be just listening. I think She's just on audio.

PC Michael Warren ([00:07:07](#)):

What about the other one to the far left? That's 10. Oh, okay. Are we good?

Staff Hannah Elliot ([00:07:17](#)):

Mm-hmm , thank you.

PC Michael Warren ([00:07:23](#)):

Okay. Thanks. We will now mute the phone lines for those who are not staff or commissioners. If there's anyone in the meeting room or on the phone tonight that wishes to address any items on the agenda, please state so. Okay. Hearing none. Uh, we'll move on to the first item on the agenda. So the minutes, did anybody have any questions, corrections or anything for the minutes on the June 9th meeting

PC Gary Bedortha ([00:08:00](#)):

Mr. Chairman on page Three for the site visit, it was stated no on all of 'em and I believe, uh, there was a few of us that were there. So it's just a roll call type of deal at the very top of the page. Um, those in attendance, it was no for all of them, but it was not, no, it was.

PC Michael Warren ([00:08:25](#)):

Gotcha. Anything else?

Staff Hannah Elliot ([00:08:34](#)):

Katie, did you catch that

PC Gary Bedortha ([00:08:36](#)):

And Katie, do You need.

Staff Katie MacDonald ([00:08:37](#)):

not quite the top of page three?

PC Gary Bedortha ([00:08:45](#)):

Yes. The commission is asked who was in attendance and who wasn't for the site visit? It says no on all of them, but we were there. Not all of us, but of us were

PC Gary Bedortha ([00:09:03](#)):

So that'd be a correction

Staff Katie MacDonald ([00:09:06](#)):

On the June 9th minutes,

PC Gary Bedortha ([00:09:08](#)):

Uh, June, July 28th. Is that not the ones we're looking at?

PC Michael Warren ([00:09:12](#)):

I'm looking at

PC Gary Bedortha ([00:09:14](#)):

Is that's the one she sent for me. Is that what you have too?

PC Michael Warren ([00:09:25](#)):

Okay, so what? See, I'm looking this right here.

Staff Katie MacDonald ([00:09:36](#)):

Okay. So, oh,

PC Gary Bedortha ([00:09:38](#)):

I'm just reading through the whole thing. I'm assuming we were doing. Okay. If not, we can wait and do it and

PC Michael Warren ([00:09:46](#)):

Okay. So I,

Staff Katie MacDonald ([00:09:47](#)):

We understand your change, Gary. I get it. I'm on the same page. Sorry.

PC Michael Warren ([00:09:51](#)):

I wanna make sure she, okay.

Staff Katie MacDonald ([00:09:54](#)):

Yeah. So the, the commissioner list with the no responses is in, uh, response to, did anyone have any conflict or interest or ex parte contact? Um, chair, Warren read the planning commissioners in attendance, and then asked you guys to answer for any ex parte or contact, but I couldn't rearrange that or space that differently so that that's more understandable. That's

PC Gary Bedortha ([00:10:27](#)):

It's good enough for me as long as we got the clarification.

Staff Katie MacDonald ([00:10:32](#)):

Okay. Thank you.

PC Michael Warren ([00:10:34](#)):

Okay. Anybody else have any questions or comments? Okay.

PC Gary Bedortha ([00:10:49](#)):

I'd make a motion to accept the minutes as corrected.

PC Laquita Stec ([00:10:53](#)):

Second.

PC Michael Warren ([00:10:54](#)):

Okay. We have a motion second any discussion. All those in favor Say aye.

PC ([00:11:01](#)):

Aye.

PC Michael Warren ([00:11:02](#)):

All right, Susan.

PC Susan Hermreck ([00:11:02](#)):

Aye

Staff Katie MacDonald ([00:11:04](#)):

All

PC Michael Warren ([00:11:06](#)):

All

Staff Katie MacDonald ([00:11:09](#)):

So that was all commissioners in attendance regard voting aye?

PC Michael Warren ([00:11:14](#)):

Yes. All right. So we'll call the public hearing to order. I call this public hearing at the crook county planning commission to order today's date is August 25th, 2021. The commission's job is to conduct public hearings for the purpose of making land use decisions and or recommendations. According to ordinances and laws, the crook county and the state of Oregon. The commission may not vary from the adopted laws and ordinances. If a law or ordinance is unfair or unor, there is a process to amend ordinances. All county man use ordinances must be minimum standards of the, of the enabling state statutes and administrative rules. The application being heard tonight is being weighed against the law and ordinances in effect at the timed the application is filed. A copy of today's hearing and order proceedings, the agenda and staff report are available online at crook county planning commission website webpage, or you can request a copy from the planning staff by sending an email to plan at co.crook.or.us.

PC Michael Warren ([00:12:26](#)):

This is a continuation of the public hearing from July 28th, 2021. The hearing will begin with staff review from the applicant's request and summary of comments received since the July hearing planning commission will continue to take testimony from those who are in opposition of the proposal. There will also be an opportunity for those in support or neutral regarding the proposal to testify if they have not done so at the prior hearing, the applicant is given a rebuttal opportunity to address anything that has come up during hearing. If the applicant introduces new evidence or argument during its presentation, as required by the code, other parties will have the opportunity to rebut the new evidence or argument. The applicant gets to make the final argument. Prior to the close of the hearing, the applicant may choose to waive their right to a written final argument. If the applicant does not choose to waive the right, they have seven days from the close of the hearing to submit final written argument.

PC Michael Warren ([00:13:26](#)):

Additionally, the planning commission upon request by any party before the close of the hearing may elect to hold the record of open for a certain period of time. We can discuss this in more detail at the conclusion of the hearing, if there is such . A reminder for everyone that testimony needs to address the applicable law and the criteria, please do not repeat testimony. Failure to provide testimony at this

hearing will preclude a person from participating on an appeal to the county court and the land use board of appeals after that. While persons testifying must be recognized by the chair and or staff in this case, please speak clearly state your name and address for the record. If you are speaking on behalf of someone else or a group, please state who you are representing. Notice of the decision will be mailed out to those who have identified themselves with their name and address.

PC Michael Warren ([00:14:21](#)):

The planning commission will take testimony on the planning files file 217-21- 000436, proposed amendment to the crook county comprehensive plan to add a property to the county significant aggregate resource sites and file 271-21- 000573 request for conditional use approval for mining operations on the property. The planning commission will be evaluating the requests against the following applicable criteria. Oregon administrative rules, OAR chapter 660 divisions 16 administrative rules, Oregon administrative rules, OAR 660 divisions, 33 crook county comprehensive plan ordinance numbers 43 and 51, comprehensive plan mineral and aggregate policies, crook county comprehensive plan chapter three, land use agriculture policies for agricultural areas of crook county, Oregon revised statutes, 215.283 2 C ands 21 5. 296, crook county code chapter 18.08, definitions, chapter 18.16 chapter 18.144 chapter 18.160. Ex parte contact, conflict of interest or bias. Do any of the commission members have any conflict of interest?

PC Michael Warren ([00:16:00](#)):

No. Okay.

PC Gary Bedortha ([00:16:04](#)):

I'll just, yeah, no.

PC Michael Warren ([00:16:07](#)):

Okay. Has any member of the commission had any exparte contact with the applicant or any member of the public. The planning commission conducted a site visit July 28th and the record reflects that and he was present. Does anybody have, has anybody have any exparte contact?

PC ([00:16:29](#)):

No. No. No. No.

PC Michael Warren ([00:16:30](#)):

Okay. I did have an email come in from, just before, regarding exhibit 21, um, from Richard Zimmerlee, and, uh, I responded to him that we did receive it and I copied it to planning. So they have record of that.

PC Michael Warren ([00:16:58](#)):

Are there any members of the public or on the phone who wish to challenge any member of the commission on any of the items on the agenda? Anybody in the audience first, anybody on the phone lines who wish to challenge any member of the commission on the items of the agenda? Okay.

Staff Hannah Elliot ([00:17:23](#)):

I have requested that they unmute themselves, but they are still on mute on their end.

PC Michael Warren ([00:17:31](#)):

Okay. So hearing then we'll move on order proceedings staff summary staff will provide an overview of applicant's request. If finding commission members will then be pulled to see if we have any, if there's any questions for staff. So I guess we will do that.

Director Will VanVactor ([00:17:52](#)):

Thank you. Uh, and did you want to, did you want to provide the summary of who would you like me to?

Ann Beier ([00:17:58](#)):

So, uh, um, this is Ann. Um, I think that the, the chair went over the application. I don't know how much of a summary, um, would be needed, but if the planning commission has any questions at this time for staff, um, I'd be happy to take them.

PC Michael Warren ([00:18:22](#)):

Okay. Um, I'm just gonna go down the list here. Linda, did you have questions?

PC Linda Manning ([00:18:27](#)):

No.

PC Michael Warren ([00:18:28](#)):

Did you want ask?

PC Linda Manning ([00:18:30](#)):

This is a good time to ask, I guess.

PC Michael Warren ([00:18:32](#)):

Um, well that's more for the applicant.

PC Michael Warren ([00:18:38](#)):

George Ponte.

PC George Ponte ([00:18:39](#)):

No questions.

PC Michael Warren ([00:18:40](#)):

Susan Hermrick

PC Susan Hermreck ([00:18:42](#)):

No questions

PC Michael Warren ([00:18:43](#)):

Gary Bedortha

PC Gary Bedortha ([00:18:45](#)):

No, not now, thanks.

PC Michael Warren ([00:18:47](#)):

And Bob's not , Bob didn't join on the phone. Okay. Uh, Laquita stec.

PC Laquita Stec ([00:18:52](#)):

No questions.

PC Michael Warren ([00:18:54](#)):

Okay. And I have no questions at this time. So before opening.

Ann Beier ([00:18:59](#)):

Okay, thank you

PC Michael Warren ([00:19:02](#)):

Oh, well your welcome, Ann. Okay, before opening for testimony, either in person or on the phone line, I want to remind everyone that all testimony must be directed to the specific items for consideration. We will continue the opposition testimony that we did not hear on July 28th hearing. The chair will call on those who have signed up to provide testimony. If you have not signed up to testify but wish to please let us know and to make sure we have a form. Once called on, please state your name and address for the record. After those present have testified, we will open the phone lines and Hannah will call on those who have listed that questions once called on. Please state your name and address for the record.

PC Michael Warren ([00:19:59](#)):

Okay. Do we want to, I'm a little confused here on this. Do we want to just go now on, uh, see who's here and then do the phone lines? Cause it says, now we'll open the phone lines. I guess we could do the phone lines first.

Director Will VanVactor ([00:20:18](#)):

I don't think , we're just, we're starting with opposition. I don't think it matters whether we do the phone lines or people.

Staff Hannah Elliot ([00:20:23](#)):

Okay. I didn't ask, Mark and Chris, are you testifying in favor neutral or in opposition?

Director Will VanVactor ([00:20:35](#)):

I think they're with applicant.

Staff Hannah Elliot ([00:20:41](#)):

Okay.

PC Michael Warren ([00:20:41](#)):

Is there anyone on the phone line that, uh, chooses to speak

Chris Lidstone (00:20:47):

Can you hear me, this is Chris. I think we're unmuted, is that correct?.

Staff Hannah Elliot (00:20:50):

Ah, yes.

Chris Lidstone (00:20:54):

Okay. So yes, Mark and Chris are testifying on behalf of knife river.

PC Michael Warren (00:21:00):

Okay. Thank you. So if there's anyone on the phone line that would like to speak in opposition of the hearing items tonight, state your name and address for the record. Okay. So we have those.

Staff Hannah Elliot (00:21:25):

And those are the first three are the ones that submitted last week that we didn't get to.

PC Michael Warren (00:21:30):

Okay.

Director Will VanVactor (00:21:34):

Just so that, um, the transcript is clear. You might just note that there was no, nobody wanting to testify opposition on the oh, okay. Um, Mike working, can you hear me up there? Oh, I can hear you now. I'm sorry. We asked for any opposition comments on the phone line and we received none. So we will move ahead with, uh, the people who are present tonight. So we have, uh, Monique Davis, if you could come up and state your name and address for the record.

Monique Davis (00:22:15):

Yeah. I'm Monique Davis. My address is 3810 Northwest Gerki Road, Pineville. Um, I oppose this, we own, uh, the 160 acre farm directly north, borders the whole Northern boundary of the Vanier property. Um, this was a real gut punch to learn of this proposal. We, uh, just got the building permit, the end of may to build a house down there. Um, Woodward mine was gonna be over done reclaimed and, uh, had no idea this was coming. Um, then we found out July 12th that this was gonna be there. Our proposed house, would've been less than 250 yards from an open pit mine basically rendering it, not buildable. It's already dusty down there with the current mine, which is seven, 800 yards away. It's already very loud, very dusty, um,

Monique Davis (00:23:22):

On the economic consequences, um, you know, the loss of the scenic views of this rock pit would be really detrimental to the aesthetic quality of the Pineville area. Um, the Northern valley has a lot of people and, uh, they drive by that mine all the time, the rim rocks are beautiful with the sunsets. So that kind of falls under the economic consequences. Plus I have a question. I mean, what are the crook county citizens gonna get out of this Mine? MDU is a multi-billion dollar company out of Bismarck, North

Dakota. They're gonna get the profits. Knife river is based in Deschutes county, Sandy vanier lives in grant county. At this time, according to on land online map records, he pays about \$3,200 a year in taxes. That's in farm deferral. This mine could go for a decade or more depending on the market. Is that gonna stay in farm deferral? I mean that for me, that's, that's what the crook county citizens are getting about \$3,200 a year out of this. Um, and you know, the loss of the scenic views, um, amongst, um, farm field and a lot of rural properties, um, it will certainly cause a degradation of the rural lifestyle for all of those who live out in this area.

Monique Davis ([00:25:03](#)):

Um, I mean, right right now we have a beautiful, at least last year, it was a beautiful, um, alfalfa field. Now, when you drive by, you're gonna have an open pit mine with all the dust, noise. Um, you won't hear out of the car, but if you happen to ride your bike or something, then you're gonna hear that. But the dust is really something else. It's not just dust it's actual sand particles. Also. Um, if, if the county does permit this, this is gonna really set a precedent for the county. This is a, an isolated farm field. It is not connected to any, um, industrial zoned area like the Woodward property was. So that just opens up for the rest of the valley. Um, if we have significant, um, significant resources or whatever that word is for the mine, um, all the rest of the valley can go up, um, be turned into a rock pit. And for those of us that are right around there, our value, our land values have just been, I mean, they're in the toilet, who's gonna buy a place by a rock pit. So, you know, if this does go through the county chose to make our property almost worthless. So, um, we'll be calling knife river to see what we have under ours. And it'll just keep going right on up through the valley. So, so I hope you consider that on your decision. Thank you very much for letting me talk.

PC Michael Warren ([00:26:47](#)):

Hold on. Does anybody have.

PC Laquita Stec ([00:26:48](#)):

Yeah, Mr. Chair, Um, this was, um, this was, you were exhibit five, right?

Monique Davis ([00:26:56](#)):

Yes. Mm-hmm well, I, I wrote a letter. I don't know what exhibit it was.

PC Laquita Stec ([00:27:00](#)):

That's the name, I saw that the name was there. In your exhibit that we looked at you, I made a note at the bottom of about the spring. I don't, I can't find it now, but

Monique Davis ([00:27:13](#)):

Yes we do. We have a spring, um, actually two Springs, I don't know, 40 yards or so from the, from the proposed rock pit. That spring runs year round, um, runs a little more in the summer because there's a canal there, irrigation canals above it. So it makes sense that it would drip down into there, but it runs year round. Um, I do keep my horses down there sometimes. And if I lose that spring, then I don't have any water. Um, I do believe knife river might have addressed that, but still, how are they gonna mitigate a loss of a, of a spring? And by changing all that rock underneath, what's that gonna do after they're gone? Will it ever be back? So that is a concern of mine.

PC Laquita Stec (00:28:07):

And you, you live north of it.

Monique Davis (00:28:10):

Our property is just north. We border the whole half mile, um, property line of vanier's property. We have 160 acres that we current, well, we own, we have farmed and now we currently have a leased out, um, to Brian Zedick for farming and he's grown some really nice crops there.

PC Laquita Stec (00:28:33):

Oh, thank you.

PC Linda Manning (00:28:35):

So you are straight North?

Monique Davis (00:28:38):

Yes.

PC Linda Manning (00:28:39):

It borders that side, correct?

Monique Davis (00:28:40):

Mm-hmm, yeah. There's nothing separating us, but a old wire fence.

PC Linda Manning (00:28:45):

So there's no berm proposed for that side?

Monique Davis (00:28:48):

There is a berm proposed for, um, they just revised it. There wasn't and I contacted them and there's a berm revised for like the first, uh, half, half on the Eastern side, because we do have a house there that, um, we have workers live in and it's gonna be almost unlivable, um, with the dust and the noise. I mean, they're gonna be, it's set in there somewhere 245 feet from the mine. It's gonna be pretty horrible for 'em. So, um, gonna have a berm and I'm working with, um, Matt on some other things to try to mitigate some of the dust and the noise as much as you can when you're 245 feet from a mine.

PC Linda Manning (00:29:37):

Thank you.

PC Michael Warren (00:29:42):

You any questions? No questions. Uh, you, you, you probably said this, but that spring is on the south side of your property, correct?

Monique Davis (00:29:53):

Yes, it's right across mm-hmm there's two Springs actually.

PC Michael Warren ([00:29:56](#)):

That's what I thought. Any other questions? Okay, thanks.

Monique Davis ([00:30:01](#)):

Thank you.

PC Michael Warren ([00:30:10](#)):

Okay, Mrs. Mark Flemming. And then just state your name and address for the record,

Billie Johnson ([00:30:19](#)):

Please. Billie Johnson, Wendy acresdairy 3320 Northwest Stahancyk lane. I'm representing mark and Juanita. Uh, they had medical issues again. Um, they are definitely opposed to the, um, rock pit. Uh, we've already had dust and whatnot, not only that, but, um, they have concerns about the water issue. So on behalf of them, I'm just letting you know

PC Michael Warren ([00:30:53](#)):

For the, for the record. Will you state their last name

Billie Johnson ([00:30:55](#)):

Mark and Juanita. Fleming. Thank you.

PC Michael Warren ([00:31:01](#)):

Any questions? No questions. I might get your last name, wrong. Adam and Karen, Mikulski. Again, just state your name and address for your record.

Adam Mikulski ([00:31:36](#)):

Adam and Karen Mikulski, 3992 Northwest Stahancyk in Prineville, right across the street from the pit. So I'm gonna go through kind of a list. It's not a nice narrative or doesn't flow really well, but I'm just gonna have some of the concerns. Some of the stuff that, uh, I've seen today I've seen is it looks like they have some mitigation plan, but I have not seen it until today coming into here. So if I kind of hit some of that, they may want to answer later or whatever. I may change what I need to do or ask more questions after that, but

Adam Mikulski ([00:32:16](#)):

I didn't have a chance to review the material on the 23rd. Uh, and that's when it was presented there. So I'll kind of go through this here. So for, for myself and Karen, we are representing ourselves and we are in opposition of, for the gravel pit onto the near property. Uh, I'm not here to, we're not here to argue against the goal five designation, since it's easy to approve a goal five site, all you have to do is prove that the aggregate is there and the quantity is per specs. No hard proof is necessary for the EES E conditions. And if you have some judges, I've already said that they need the rock, it's going it. So I'm not even gonna argue that, um, knife river is in the business of aggregate mining, but the property owner is the one who actually brings in to disturb the, uh, the earth.

Adam Mikulski ([00:32:58](#)):

So they have some accountability in this thing. Um, past six years, we worked, uh, uh, presented a challenge and learning opportunity for both us and knife river. Uh, what we have learned is that a CUP is good only if it is followed. The adjacent property owner seem to be responsible for making sure that the CUP is followed as written we have, and we will continue to work with them in the future, but we believe that the county needs to play a role in making sure the CUP is followed as written. The CUP needs to have language detailing, specific requirements for mitigation, for the issues of dust noise, weeds and water impacts berms need to be installed. Even if the venier property owner doesn't want them, uh, mitigation plans need to be in writing prior to the CUP being approved. You've seen our responses. I, we can bring 'em all up. I don't know if you guys looked at, I sent a bunch of stuff. So I, I think for us is when we were here six years ago, we were all guessing of how bad it was gonna be. Well, now we have proof on how bad it has been in the six years, and I'm not here to, you know, say bad stuff about, knife river folks we're good to work with, but we've been working with 'em for six years. It never really ends.

Adam Mikulski ([00:34:07](#)):

So if, if you, I can answer any questions. If you guys have any questions right now, I've got more to read or we can save 'em to the end. If you reviewed some of the material that we sent in,

PC Michael Warren ([00:34:19](#)):

If you got more, why don't you just go, just go ahead and cover what you've got. And then I, I think we probably will have questions for you, but okay. We'll just kind of ask them as you when you're done. Okay.

PC Laquita Stec ([00:34:28](#)):

Mr. Chairman,

PC Michael Warren ([00:34:29](#)):

Oh, go ahead. Maybe not

PC Laquita Stec ([00:34:31](#)):

This exhibit seven a in the packet and exhibit nine, a through C are also, we're also submitted by the Mikulskis. Is that correct?

Adam Mikulski ([00:34:46](#)):

Are that's the question for, uh, mitigation water issues? I don't know which one, seven a is.

PC Michael Warren ([00:34:50](#)):

You've got, uh,

Staff Hannah Elliot ([00:34:53](#)):

Yeah, all of seven. All of seven. All seven.

Adam Mikulski ([00:34:57](#)):

Okay. All of seven. Okay.

PC Michael Warren ([00:35:00](#)):

And, and is, I guess maybe that's a good question to ask is, is, is what you're saying? Is it all in here or, or is there things different than what you presented?

Adam Mikulski ([00:35:10](#)):

There's a couple little different things I'll read in here that I probably, from the last meeting that I wanted to ask a few questions or, or make a statement on that, but the rest of it's is all there. Okay. Um, so, um, as you can see, knife river needs to move forward with what they've learned and mitigate the issues. Affecting the neighboring properties. We worked with, uh, knife river folks since we pit was open and they are good to work with. Um, we're sure that, uh, they will continue to work with us in the future, but good customer service is not having to ask for something that was originally agreed to, um, the Woodward pit. And now the proposed veneer pit are located in a populated area. If this type of mining will continue in populated areas in the future, we need to use the lessons learned from the Woodward pit to develop mitigation plans for the proposed veneer pit and all the future CUP for this type of mining, cuz the rumors I'm hearing through there, this is gonna go like wildfire if we keep building.

Adam Mikulski ([00:36:05](#)):

So there's a lot of people interested in doing the same thing. Um, adjacent property owners have not received anything in writing yet. Although I saw some today, so I can't really say that. But until today I didn't see it. Um, uh, mitigations as of yet. So we asked the planning commission to refrain from improving the current CUP application until agreements had been reached, no narratives, just the facts. Uh, nobody wants to live next to a gravel pit, not even the knife river employees, nor the owners of the mining sites. All your owners are don't even live there. What mitigation can be provided from knife river and vanier to address a decline of property values for neighboring properties. Nobody wants to live across from the mining pit. We've been there six years. They're mining directly right across from, from us. You can put a berm up, you can do whatever you want and it still doesn't stop the noise.

Adam Mikulski ([00:36:54](#)):

I've been listening to it for a year. Um, every day, five days a week, uh, the dust comes over from the pits, uh, until you call then, then they, the water truck goes out there and they've been doing a lot better. And I know everybody by first name because I've called plenty. But when your property devalues, what are you gonna do? I mean, if you get tired to living there and I'm gonna retire in two months and so I'll get to see it even every day, every day and stuff. So what do you do if you try to sell or whatever, it's, it's nice that everybody's over there making money, but it's not really nice for the people that own property in that area and couldn't even get rid of if they wanted to. Um, so anyway, I don't think that's even been asked. So, and, and I don't know what kind of guarantees you could even get from there, but as long as they're there, your property values down here, not where it should be.

Adam Mikulski ([00:37:40](#)):

Um, the property owner needs to have ownership and liability to bring the soil back to the same condition that it was prior to being disturbed and mined. You heard knife river, state on the Woodward site tour that we had last month, that the acreage growing weeds currently will be replanted this fall, if not by the farmers, then by them. This process needs to continue into the vanier property. And I think what I learned on the site tour and then talking with them is we had kind of a misunderstanding from the first time that when they talked about doing five acre cells at a time that there's parts of that cell,

they're gonna do five, five, which they did 30, I think at one time by mistake, they cleared it off. But what they also didn't say is the overburden, wherever they stack the overburden, that's just dirt.

Adam Mikulski ([00:38:27](#)):

So really you can't do five and five cuz you got overburden placed all over the place and there's dirt from driving and all that, which causes a lot of dust. You know, as soon as the windstorm comes up and I sent photographs that one storm we had on there, you couldn't even see Lamonta cuz it was so bad because all that property that was not, that was just reclaimed and left dirt and weeds. It was going to somebody else's real estate and, and they were trading. So it's, they need to actually get better at replanting it right away, not waiting, you know, have 30 acres bare or with weed, somebody's gotta do it. And it needs to carry over to vanier. And I don't know exactly what their mining plan is, how, how big their strips are gonna be. But they also have to address the overburden of sitting over there, cuz it's just dirt, sitting there growing weeds.

Adam Mikulski ([00:39:15](#)):

And we deal with the weeds in the winter also when they all dry up guess where they blow over. And of course you got a call and, and if they'll they'll address it and they darn sure made the berm look a lot better before you guys showed up last month, which I would've too. I'd have cleaned my house too, before you guys showed up anyway. And I may sound really bad. I, I like Steve. I like all these guys, but that's just, I'm just telling you what it is. And sometimes you just gotta get to the end of your rope and you gotta call. And I just sent a picture in last week from the prior week on a Friday where I watched it every day, the dust come up in the afternoon while they're mining across the street. And I finally made a call that had enough and then the water truck comes in. So they do try.

Adam Mikulski ([00:39:57](#)):

But how do you, how do you keep them to keep doing it without calling? Cuz I told 'em. I said, I'm tired of policing this thing. I'm tired of looking at it. We need help from you guys. We gotta do better. Cuz you're in a populated area, lone pine wasn't populated. So nobody really cared what happened out there. But now you're moving into area where people live there's farms there and it's always constant. So you gotta some kind of mitigation. Um, so I wanted to ask a couple questions from the last meeting we had on July 28th at the 28th hearing, one of the commissioners asked the question about records of complaints to the county concerning the Woodward pit. And there really weren't very many, but I know there are some, but our mistake, our mistake was we called knife river directly instead of going to the county.

Adam Mikulski ([00:40:39](#)):

So you can't put that in the record. So, um, what happens if there's no written record, then the problem doesn't exist and that's makes it kind of hard and stuff. So what I've we've learned from that is next time, nothing personal against the folks at knife river, the county needs to know also cause the next time you permit something, those, those complaints need to be there. And, and you know, being lodged cuz business, we don't want business as usual. Um, and then all of a sudden we're complaining at a meeting, um, at, also at the July 28th hearing knife river was asked that there had been any changes to the surrounding wells since they encountered water during the mining process, their response was no, they encountered water when they started a cell at the Northeast corner of the Woodward property boarding, bordering vanier, they dewatered the cell during, during the reclamation, but did not obtain a required dewatering permit from DOGAMI.

Adam Mikulski ([00:41:30](#)):

The only reason we know it is cuz we heard the pump running We had to ask what it was and they actually did dewater and they didn't get a permit before moving to the Southeast corner, which is right across the street from us. That's the last area that they're working on. They had to change their, uh, their, uh, mining processes because they were getting too much water and they had to dewater when they were reclaiming. So they, they did a whole new process. And uh, so, um, before moving that corner, they changed their mining process, reduced the amount of ground water flowing into the cell that was being mined. What we noticed cuz our Wells 50 feet. What we noticed is a big change in the temperature of our well water. Uh, when they, when they changed that mining process, the water was and continues to be significantly colder than it ever was before.

Adam Mikulski ([00:42:17](#)):

And I'm telling you it's cold, it'll hurt your teeth. Like it's coming out of a refrigerator. So there, which is a good thing. I mean you like cold water, but what it's showing also this, there is some change and there're actually where they're at right now on that corner. In that part right there, the majority of that water that's coming across is probably coming across vanier's property right there. Because I know when we had our meetings last year, I know Tim Marshall said the water flows from south to north. But when, when their, uh, hydrologist came in last, last month, it's from kind of from the north to the Southwest, which is the way it goes. So I'm not saying I can't guarantee that I don't have any data. As far as the temperature, I didn't take the temperature, but we noticed the difference. That is a difference that we've noticed and whatever they did probably changed that it could be coming from the Springs that, uh, uh, Monique, you know, has the Springs on her property, who knows where it's coming from. But there was a minor change, which means there's gonna be some changes probably when they get across to vanier's property. So I wanted to bring that up

PC Michael Warren ([00:43:16](#)):

Just real quick. You said, uh, your well's 50 feet. Did you mean 50 feet? Deep.

Adam Mikulski ([00:43:20](#)):

50 feet deep. Um, so I provided a whole bunch of questions and I think, and I got to read through some of the responses that actually their, uh, Wenck and Lidstone, uh, they they're gonna be on, I think they answered a lot of questions in that about the dewatering. Cause I had a lot of concerns about the, the recharge pits, the, the manufactured gravel, you know, if you go look across the street right now, it's a deep hole. And so when you take 13 feet or 15 feet of dirt or sand, you know, you just, it disappears. How's that filtration system gonna work. I mean, they all have models and everything else, but what happens in the end when they leave and all of a sudden it's not filtering like it's supposed to, or we're not getting the water like we are, you know, uh, anyway, I'm, I'm gonna read a couple of their things cuz I, I, I got some concerns on that. So my thing is will knife river or vanier be responsible for groundwater quality quantity after the site is mine entirely in reclaimed reclamation has been completed. So that's just another question I bring up today. Did you have anything else? Cause I'm gonna go to the <inaudible>.

Karen Mikulski ([00:44:28](#)):

Uh, no, just about the dust. At the end of the day, no matter how much water they put on it, it's dust, it's still a problem. Can you, did you hear me at all. Talking about the, the dust, if they water it and then

they leave for the day, it doesn't form enough crust to stop the dust blowing really bad, you know how it comes up in the evening. So they need to figure out a way to do something after they leave.

PC Michael Warren (00:45:02):

So what, so it's not just during the operations that it's dusty, is what you're saying

Karen Mikulski (00:45:06):

Right, and it kind of ties in with what Adam was saying. They have so much open ground, stockpiles. Um, you can't put enough water on all of that.

Adam Mikulski (00:45:19):

And the stockpiles, are never, that I know of, have never been watered. So you've got sand sitting up there. And I know when I talk to the Krieges next door, they get sand. You know, they live across closer to the stockpile than we do. And then they get all that dust over there. And I sent a picture out a couple weeks ago, shows a picture that, uh, um, Zednik sent in from his side of the property. When it's a 20 mile an hour wind and, and the dust is there and the dirt's there

Staff Hannah Elliot (00:45:44):

For the record. His photos are exhibit 19.

Adam Mikulski (00:45:53):

So going to what they presented, which I thought was interesting. Um, and I thought it was actually one thing in here was I thought was really good, is as far as water is, uh, knife river corporation is offering a groundwater guarantee and will deepen or replace any well that is impacted by the, their mining operation. I think that's huge. I'd like to see the guarantee though, and to see what it is nothing personal, but I think that's a huge thing for somebody to actually even offer that. So I'm gonna give 'em credit for that one, whatever that is when it comes out. And I, and I give Steve a hard time all the time. So that's what, I'm messing with em. But I think that was, I, I didn't know that was even in there. So I thought that was great, but I got a comment on, uh, water.

Adam Mikulski (00:46:34):

Uh, this is exhibit 26, uh, water, quantity concerns, post mining. And I wish I brought my own questions with me cuz they're doing, they're given answers, but they're not really given the answers to the questions. They didn't specifically put the questions in. But what, what I'm talking about is is what this means is when the mining is completed and cell one, it will be immediately reclaimed. The overburden removed from cell two will be placed in cell one. And this earlier mine cell will be shaped with the overburden. Then the top soil, which is removed from cell two will be directly placed on the overburden of cell one. The top soil will be live, will contain organic matter and soil organisms. It will not require large amounts of fertilizer. If any knife river testing of both overburdened, top soil suggests that this suggest that this reclamation technique will work.

Adam Mikulski (00:47:19):

And I think my question to that was when you put that in there and then you actually take the dirt away and then you gotta in and put a bunch of fertilizer on it. Where's that gonna go? When it leeches down into the ground, it's gonna kill the microorganism, go look at the soil right now when it's above ground

for a certain period of time, they're not even there. So I don't know where they come up with that. And I was looking at his report and I've talked, you know, there, there probably answers a lot of that, but I thought that was kind of an interesting thing. Suggestion is fine, but what are the guaranteed facts that it's not gonna do that because you're, you're gonna do that. There's you just kind of destroyed everything and you're gonna fertilize it and you're gonna fertilize it heavy.

Adam Mikulski (00:47:56):

Um, and then also in, in the new CUP and I also sent that in before last month, where all the, uh, answers as far as berms and all that, we need to plan on that, uh, the weeds and all that. I don't, I, I haven't seen anything or read anything yet on that, but we did talk about a haul road cuz they have to haul all the way over from veneers, back to the processing, plant back and forth, back and forth, back and forth. So we talked about a road. What are you gonna put in there? So reading their plan on exhibit 23, they're talking about a water truck or chemical treatment. Well, when you start chemically treating it and how often do you chemically treat it? Is that gonna get in the groundwater? Can they make something a little bit more permanent? I know they own an asphalt company.

Adam Mikulski (00:48:39):

So they even actually do that and put a permanent road in. If you're gonna go 10 years on this road, can we do something a little bit better than chemicals and a water truck? I'm telling you water truck doesn't work when those big doesn't work. I sent those pictures into that, those, uh, big rock haulers two times in a hot day and, and it's powder it's powder again. So if you're traveling on the same road, it's gotta be a better option than just just chemicals and, and uh, and a water truck or I'll be after I retire, they'll hire me and I'll be the water truck driver and I'll be driving all day. But, uh, anyway, I think that's what I got. Do you have anything else? And if you have any questions or anything on my exhibits or what we've been through and I'll tell you what I know

PC Laquita Stec (00:49:18):

Mr. Chair. Um, just a question for, um, you were reading responses that you received from knife river. Is that what I'm understanding?

Adam Mikulski (00:49:30):

Yes. Exhibit 26

PC Laquita Stec (00:49:31):

Your Exhibit 19 were questions?

Adam Mikulski (00:49:34):

Which ones were questions?

PC Laquita Stec (00:49:34):

Uh, we call it it's 19 or the ones submitted on the 18th.

Adam Mikulski (00:49:40):

Yes.

PC Laquita Stec (00:49:40):

And you, you shared these questions with Matt at Knife river and they responded to

Adam Mikulski (00:49:45):

You. Yes. I sent it to Matt and I sent it to the, to the commission, to the county.

PC Laquita Stec (00:49:49):

So those were the answers that you were reading to us.

Adam Mikulski (00:49:52):

Those were some of their answers, but I don't think they were related right to the questions.

PC Michael Warren (00:49:56):

Which is in there.

PC Laquita Stec (00:49:57):

It is in their, which exhibit?

Adam Mikulski (00:50:02):

26?

PC Michael Warren (00:50:05):

Yes, 26.

PC Laquita Stec (00:50:06):

Okay. So we have that.

PC Michael Warren (00:50:07):

Yeah. And they've titled it. It's kind of a response to the groundwater question. But it was the last exhibit.

PC Laquita Stec (00:50:17):

Oh, okay. I'm looking out line four, responses to groundwater questions. Got it.

Adam Mikulski (00:50:22):

But I didn't get these directly. They just came to the commission. So that's why this is the first night I saw him. So I was reading through him real quick and going through that. But I think so in finishing, what I think, what we do here is, is we do a CUP you know, that's, what's gonna happen. We really need to get better going into these populated areas. We really gotta get good at, uh, mitigations and getting those out there. And if it's gonna happen over and over again, I mean, why not do it now? We'll be here every few years arguing the same old stuff. But if we get these, get really good at stuff, maybe they can move through. We can get our rock, we can all kind of work together and get somewhere. But if we run into issues, we need to actually resolve those ahead of time and then maybe help in the next permitting

process that we won't have those issues. Or at least we know what the issues are coming. And we've learned from the first pit. Let's keep learning from it before we go on.

PC Gary Bedortha ([00:51:16](#)):

Um, so you made comment that you called the operator rather than the county on complaints and you, you, you expressed some, was there anything that stuck out that you, cause we're talking conditions now, you said we need to get better at this. And I agree with you, but was there anything else that stuck out that you remember that's been a concern or, uh, wasn't met in the previous conditions and I'm, you were here for the first and with Woodward So you saw the list of conditions and you've seen the list of conditions for the applicant before today. Um, was there anything that really, that you stood out that did not get addressed by the county at that time? That, and, and I know you spoke of things, but was there anything else?

Adam Mikulski ([00:52:09](#)):

The county, um, we, we talked to them about the operating hours cuz they would go past the operating hours for sure. Okay. They were gonna water the berms. They were gonna keep the weeds down. They didn't, you know, until you made calls, the trees were dying. You know, there was, that was a stipulate. I showed, I sent the pictures in of our tree cuz we had the trees planted right there on the previous property. There was a big difference. So it was always the dust, the noise operating hours. I know that they readjusted how many trucks could go in and out a day. And then I think we had a miscommunication after talking to Chris that we thought they weren't gonna work on Saturdays if they could boost their, their, their trucking on during the week. And yet they were still working on Saturday and we still had a lot of trucks going in and out

Karen Mikulski ([00:52:50](#)):

Yeah. And that's, that's fuel for thought or however that is because if you listen to it five days a week, it would be absolutely wonderful to not hear it for Saturday and Sunday it'd mean a lot.

Adam Mikulski ([00:53:07](#)):

Well that's the only quiet time we have.

Karen Mikulski ([00:53:09](#)):

Yeah.

Adam Mikulski ([00:53:12](#)):

Thank you. Thank you very much for listening and any other questions?

PC Michael Warren ([00:53:15](#)):

Do you have any questions for them? Questions, Susan?

PC Susan Hermreck ([00:53:20](#)):

No, I'm fine. No questions. Okay.

Adam Mikulski ([00:53:23](#)):

Darn that. I wanted to sit up here for another half an hour. Okay, thank you very much.

PC Michael Warren (00:53:24):

Okay. I'm thinking that this one from Mrs. Flemming was from last time. Cause I have now I have one from Billie Johnson, but that's what you did. Right?

Billie Johnson (00:53:42):

I spoke to her right before I left actually.

Staff Hannah Elliot (00:53:54):

Do you have more to testify on your own behalf?

Billie Johnson (00:53:59):

Um, yeah, one second.

Billie Johnson (00:54:05):

Okay, Billie Johnson. Do I need my address again?

PC Michael Warren (00:54:10):

Yeah, state your name and address

Billie Johnson (00:54:12):

3320 Northwest Stahancyk Lane. I'll be the one that's right straight across the street from all of it now. And when I was talking to the geologist, when we were hearing all of the testimony and stuff last time, um, I heard very clearly that my corner of the property is gonna be most affected by the water issue. Um, and the dust and stuff. Not only that, but when you're talking chemicals, I'm not sure what it's gonna do with my dairy. Um, I have a raw milk dairy and a cheese plant. Um, so my concerns are when you're stuck talking chemicals and all of that, I already, from this dust stuff every evening, I end up with a headache. Um, and I have never really said, yes, it's from all the dust, but I have to stay out of that wind that comes through in the afternoon because it is so dusty.

Billie Johnson (00:55:08):

Uh, otherwise I get extreme migraines. So, um, I am a little concerned about the conditions that will be going on across the street, um, for my business and it is my livelihood it's and I can't stress that enough. Um, it's not just a hobby, it's not a few horses, it's not a few anything. So it's not something that can just close down for a few minutes and get some water or get, get anything conditioned to get repaired. Um, so I hope that with all of these conditions that you put in place, um, that we are able to cover some of that. So

PC Michael Warren (00:55:55):

Anybody have any questions for Billie? Susan?

PC Susan Hermreck (00:56:01):

No questions.

PC Michael Warren ([00:56:02](#)):

Okay. Thank you. Okay. Um, Ron Radiba

Ron Radiba ([00:56:36](#)):

I'm Ron Radiba. This is my wife, Sylvia Radiba. We live at 6741 Lamonta Road. We're on the northerly boundary of this proposed expansion of mining. Um, it originally was the old Stahancyk dairy/ Joe and his wife operated the dairy and they rebuilt the house back in oh 30 some years ago for their parents. The kids did, um, our concerns, our property values. Uh, this is our retirement were both in our late seventies and we are looking at a value that we had to enjoy, uh, that we've worked for to build, uh, that value and the change to the environment that that house sits on sits on five acres, um, on the corner of Stahancyk, and excuse me, not Stahancyk, but, um, Lamonta and Grimes. And, um, there are features to the house that, um, will be impacted by the mining adjacent to us.

Ron Radiba ([00:58:00](#)):

The well at that property is 49 feet, 50 feet probably with silt in the bottom. It's probably an 80 year old well, it's still doing fine. Um, we're concerned if we lose the water out of that, we're looking at 30,000 plus for a new well, um, who burdens that? Uh, well that's just kind of goes with, you know, if you have mining next to you and if you didn't have any oil or, uh, any gravel on your side, you just don't have the reserves to, you know, offset that. Knife river has done a good job of trying to control the dust and traffic on Craig Woodward's property. And last time I was at this meeting, Craig was sitting next to me and I want you to know I'm miss him because he would usually help me identify the location of my property. In that I said it was a quarter mile, he said it was a hundred miles. So Craig and I respected each other. I respect Craig very well. His mining operation knife river has done, I think its job as good as they could do because you get that wind that comes up and he either comes out out of the Southwest, which would blow into our property, or it comes out of the Northwest and blows into all those homes below you. That's just the nature of pit mining.

Ron Radiba ([00:59:40](#)):

So we have here in the last three years, we had an appraisal done, two appraisals done on our property and we had one here probably a year ago or so, and this is the appraisers difference. They're all licensed by the state, but that doesn't mean their eyes are as clear as each other. Uh, there was a 30 or there \$70,000 difference down in the value of our property. Okay. That kind of told us, well, what's going on here? Uh, well they have comparatives and whatever. Um, the issue is we're gonna lose value or the ability to sell our property because there's not gonna be any market for a house that is on a gravel operation. Now who's gonna burden that. Is it just kind of the roll of the dice and gee knife river just happened to be the people who were doing the mining.

Ron Radiba ([01:00:51](#)):

Um, what's gonna happen to those values. If knife river would place money in a bearing interest, springing trust fund or whatever, to offset the value lost on our property at the time we need to sell, then there would be a compensation to those property owners for the value that knife river and the property owners are getting out of that, um, reducing our value. So these are just ideas that a old couple on Lamont road have in addressing the condition next to us, which looks like it's going to be a pit mine and at our doorstep. And that's what I have to offer today. And thank you very much. Any questions?

PC Michael Warren ([01:01:53](#)):

Let's see if we have any questions

PC Laquita Stec ([01:01:58](#)):

You say you're you're, you are north of the part that's gonna be expanded the Vanier property

Ron Radiba ([01:02:06](#)):

We're on the.

PC Laquita Stec ([01:02:07](#)):

the north of the existing Woodward.

Ron Radiba ([01:02:09](#)):

We're on the north end of the property. And the map that we got showed us, we were just in that 700 foot, um, area that, uh, we get noticed that there's pending, uh, mining happening to us. We're not impacted at this point by the mining other than noise, wind and loss of value of our property

Sylvia Radiba ([01:02:38](#)):

And water,

Ron Radiba ([01:02:39](#)):

Huh?

Sylvia Radiba ([01:02:39](#)):

And the water.

Ron Radiba ([01:02:40](#)):

And the water. Our 50 foot well, um, will probably go dry, possibly. And, uh, we have then the expense of probably 30,000 plus to put in a new, well,

PC Michael Warren ([01:03:10](#)):

Any questions? Susan?

PC Susan Hermreck ([01:03:10](#)):

No questions. Thank you.

PC Michael Warren ([01:03:16](#)):

Thank you.

Ron Radiba ([01:03:18](#)):

I get dismissed? Thank you.

PC Michael Warren ([01:03:20](#)):

Okay. Alex Pomraning. Again, just state your name and address for the record please.

Alex Pomraning ([01:03:46](#)):

My name is Alex Palmraning and uh, And I submitted, I believe it was number 20. I don't know if you can pull that up If that's possible. If not I a flash drive,

Director Will VanVactor ([01:04:06](#)):

Would you state your address as well

Alex Pomraning ([01:04:07](#)):

Oh, 4540 Northwest Grimes Road. Um, So the first thing, Uh, I'd like to say is that, um, I was able to get the signatures with limited time, um, of people from surrounding the mine. And, uh, uh, we had very limited time because of work and other things. So we were only able to gather a page and half, but they're all people who live around the mine and are opposed to it and is right here. Um, As for my thing,

Alex Pomraning ([01:04:53](#)):

Uh, an environmental assessment, I've, I've gone to school now for the last, uh, four years to get two majors of biology and environmental science. Environmental assessment's not something you do overnight. And I've obviously, you know, a very little limited time. So I'm just doing my best here. Uh, the first thing I'd like to speak on is, um, the environment dust and the atmosphere, the, uh, the thing you should know is that a particle of sand can, you know, a dust can make its way all the way around the world. And that's what happens with volcanoes. So this stuff is making its way about 40, 40 meters up to nine kilometers on average. Um, and it is, it is, it is going from just the mine. It's gonna be coming from the roads, basically anywhere they're operating and sand is moving through, they're going to be experiencing some dust and, uh, these dusts can have things in them, iron, anything else that's in that mine?

Alex Pomraning ([01:05:56](#)):

I think it's a silica mine mostly, uh, is gonna end up in your crops or on top of them. So I, if you live nearby, I suggest washing them. The dust produced is gonna be a problem for respiratory issues. So they spoke earlier of seeing full grain size particles. I mean, that's what you need to harm people's lungs. So if they're getting that and they're having to close their doors, they're within range of this. This is the type of damage. It's not necessarily something you recover from. I mean, we've all experienced the smoke it's I can feel in my lungs, it's hard to breathe. I can't imagine the smoke plus having to live next to a dusty mine. Another thing that was brought up last time was the fact that there was a belief that they were taking the water out and they were infiltrating it back into the mine.

Alex Pomraning ([01:06:46](#)):

It was all going back in. That's just not true. We live in a desert. The reality is, is evaporation is one of our biggest concerns. Um, you really don't want any exposed water if you can avoid it. And the mine creates a huge amount of exposed water and it it's, it's all gonna go. I mean, if you go to, I believe it's the next page, you can see just a fertilizer bucket I'm using in my own yard. That's about 24 hours of evaporation in a five gallon bucket. And we've seen the other pictures from the community assessment, and that is way bigger than a five gallon bucket. So that's happening every day.

Alex Pomraning ([01:07:29](#)):

This also has conflicts. We're an old tourism in agricultural and timber town, um, people still come here to camp fact, my, my neighbor comes out here to, to camp when, uh, you know, that when I'm up in Vancouver going to school, you know, he comes out here. So we're a tourism town for the whole Northwest. And that conflicts, when you have a bunch of pit mines right on the road into town. Another thing that's conflicting, I'm gonna take this second mask off. So you can hear me better is the fact that, uh, you have, you have an agriculture. I mean, I have, I've had to read a lot of case reports for my degrees. This is one of the most terrifying I've ever read. Um, that's this is just not good. Uh, this is gonna destroy the land. We don't have the technology to repair at that level. We can kind of do it, but we're basically babies. We're small children when it comes to this stuff or else we'd be geoengineering this entire planet in a lot of political climate issues you hear about wouldn't even be an issue. We'd just get it done. We wouldn't be arguing constantly.

Alex Pomraning ([01:08:42](#)):

Um, we have clear limitations for locals as well. I mean the locals, they can't afford this. They can't afford, uh, as discussed last meeting to take the burden of proving damages and taking them to court, they can't, uh, they can't really afford, uh, to, to move either. They can't afford to pay for the testing, the legal defense or the geoengineering or anything else that needs to be done to fix it. And I can tell you if you're changing the temperature, the water in the aquifer, you're, you're doing stuff <Laugh>, that's impressive. You shouldn't, that shouldn't be happening. Um, there are things that live in there and those things are gonna be temperature sensitive, and they're gonna change depending on the temperature. Um, this is also just counter to culture. Um, we are an agricultural town. We we've literally built this place on agriculture and timber. The town would not exist and would've died in the early 18 hundreds without them and the community banding together as a community and voting to build a railroad, to make sure that this stuff gets outta here for the one that's way over there. That's why we have this railroad. We worked as a community and, uh, it was, it was all farmers and ranchers. And it's, it's been that way for well, over a hundred years, they've been the main lifeblood of this community.

Alex Pomraning ([01:10:05](#)):

The opposition has just been ongoing their their opposition has just been ongoing. There, there was opposition back in 2015, it hit the local papers. It got large enough that the local mining, I mean, they're pundit, they're pundit. That's what they are. Uh, but they, they speak for the, the mining and aggregate industry when it comes to news and topics. And even they picked up on it. The mining's still opposed. Um, these are signatures of all locals that have to live next to it. Um, and just from, I won't repeat some of the things that I've, I've heard secondhand from the people that help me gather these on their off time, but, uh, not next to things, a lot of unkind things were said about Vancouver. Um, as discussed in last meeting, there have been, we're both reported and suspected violations at the mine that are both not noise, which apparently does not have ordinances in this county, uh, surface water dust, and just not complying.

Alex Pomraning ([01:11:04](#)):

Um, knife river has shown in other states in other locations that they have kind of a history of just not complying, trying to sidestep it. And you have to push 'em hard to get them to fix anything that happened in Minnesota. And that happened in, uh, Wyoming as well, with their partners. Um, they're just not great community partners that was seen last time. The berms are ugly. Nobody, like they're just unsightly. Um, they're, they're planted with, uh, effectively lawn grass, which if our concern is water, well, if you go to the next, the next page, it is yes, the next page. I mean, they spent the last couple of

weeks trying to make it look nice by basically watering nonstop. And that's what you'd have to do to keep that berm green and not putting dust out. That would be the most effective way would be to completely coat the berm because the reality is, is another conflict is, is that you, you have, uh, water use. That's gonna go into keeping those berms wetted down, and it's gonna have to be done all the time to keep wind from knocking. We're in a very windy location. And, uh, if our concerns water, it's just gonna get worse and it's already bad.

Alex Pomraning (01:12:26):

Um, more reasons why they, they showed not to be very, uh, particularly, uh, good community partners. Were they showed that they would do the bare minimum. Um, they, they only informed and negotiated with, uh, people that were directly by them, which is all they legally have to do, but that doesn't really show a company working in a, uh, in our best interest that shows a company working in their best interests. And that was also shown under duress in questioning, you got to the point where they, and I'm quoting here called it an ambush. And, uh, the reality is, is the questions that you guys asked the hydrologists and other professionals last time were basic questions I'm taught. I have to answer in school. I got to take exams for the types like where you're gonna have to answer here. Dot, dot, dot. This is I I've spent four years basically doing that.

Alex Pomraning (01:13:24):

So the in conclusion there are real health concerns here, both mental and physical health. Um, it has been particularly, um, hard on me last, uh, month or so having to come to terms with the 30 foot tall plus berms of sand and aggregate that I get to view from my window. Um, we are basically leaving it up to the honor system for knife river, to work with us, and we're putting it on local community members to police them. And apparently you have to police them constantly. Um, I, I guess, I guess that's what I have to say.

PC Michael Warren (01:14:10):

Where, where are you at? I mean, I know you gave your address, but where are you in location?

Alex Pomraning (01:14:14):

Uh, currently I I'm moving back and forth, uh, going to school. Um, my home is in Vancouver, Washington, but my, my other location, I spend probably three months of time a year, at least at, um, at, uh, the location in 4540 Northwest grim road. And I also have vested interests and money put into the property, uh, both for micro controllers as well as, uh, crops and other things. And I'm also testing the viability of various grasses and the drought conditions currently on the property.

PC Michael Warren (01:14:48):

How many, how many acres do you got?

Alex Pomraning (01:14:50):

Um, I work with three acres on the property in total. Our property has about

Mona Pomraning (01:14:57):

42.

Alex Pomraning ([01:14:57](#)):

Thank you. 42 acres.

PC Michael Warren ([01:14:59](#)):

I'm just trying to place where you're at.

Alex Pomraning ([01:15:00](#)):

We're, uh, north of the property. If

Mona Pomraning ([01:15:07](#)):

We're directly adjacent of Brian's property

Alex Pomraning ([01:15:09](#)):

Yeah. So you have the big gray house, you have Brian's and then there's here north of it

PC Michael Warren ([01:15:13](#)):

Okay. Um, any questions?

PC Laquita Stec ([01:15:17](#)):

Yes, Mr. chairman. Um, twice you're referred to something about signatures. I'm sorry. I didn't hear what you were talking about

Alex Pomraning ([01:15:27](#)):

These are. Here, can you please pass this to her

PC Laquita Stec ([01:15:29](#)):

And I don't know

PC Michael Warren ([01:15:30](#)):

Well, we haven't seen that, so I they'll be submitted in.

PC Laquita Stec ([01:15:33](#)):

Oh, okay

Alex Pomraning ([01:15:33](#)):

I was told that we could continue to gather them.

PC Laquita Stec ([01:15:38](#)):

What are they for?

Alex Pomraning ([01:15:40](#)):

They are all people who are, they're all people who are in opposition that are located on the square block that surrounds the mine. So they're all people who are directly impacted by the mine

PC Michael Warren ([01:15:54](#)):

Does it state on that, Uh, the perimeter or the area

Alex Pomraning ([01:15:59](#)):

It has addresses

PC Michael Warren ([01:16:00](#)):

Has addresses

PC Laquita Stec ([01:16:13](#)):

That says opposition to the strip mining of 77, additional acres of farmland, Stahancyk lane, and Lamonta. And that's what it says. And the addresses are Grimes road, Grimes road, Vista view, Vista I view think , Walter loop, fifth street, Lamonta, Lamonta, Lamonta

PC Michael Warren ([01:16:38](#)):

Okay. Did you have any other questions?

PC Laquita Stec ([01:16:42](#)):

No. That's. I just wondered what it was. Thank you.

PC Linda Manning ([01:16:48](#)):

I just have a question, might be more of a staff question, but the Woodward mine is part industrial and part EFU <PC discussing, inaudible>

PC Laquita Stec ([01:17:11](#)):

Um, the Woodward site was 36 acres zoned industrial and the EFU part was 76.08 acres. I hope that's correct.

PC Linda Manning ([01:17:36](#)):

So do you, where you live is it by the industrial part or by the EFU side?

Alex Pomraning ([01:17:42](#)):

I can see both from where I live.

PC Linda Manning ([01:17:44](#)):

Pardon me.

Alex Pomraning ([01:17:44](#)):

I can see kind of both where I live and hear both where I live. So, I mean, I, I don't know if that answers your question.

PC Linda Manning ([01:17:55](#)):

Yes. I was just, because that is an industrial site there where one part of that mine is

Alex Pomraning ([01:18:01](#)):

Yes.

PC Linda Manning ([01:18:02](#)):

Thank you.

Alex Pomraning ([01:18:03](#)):

Thank you for your time, unless you have any more questions.

PC Michael Warren ([01:18:07](#)):

No questions, Susan.

PC Susan Hermreck ([01:18:09](#)):

No questions.

PC Michael Warren ([01:18:10](#)):

Okay.

Alex Pomraning ([01:18:11](#)):

Thank you. Thank you for your time.

PC Michael Warren ([01:18:34](#)):

Okay. Um, Dick Zimmerlee

Staff Hannah Elliot ([01:18:43](#)):

And for the Record, the exhibit that was just submitted will be posted to the website shortly.

PC Michael Warren ([01:18:47](#)):

and just state your name and address for the record

Adam Mikulski ([01:18:55](#)):

My name's Dick. Zimmerlee and I'm neutral on this matter, but I have a lot of concerns about some things that are going on.

PC Michael Warren ([01:19:03](#)):

State your address, please.

Dick Zimmerlee ([01:19:04](#)):

Uh, it's uh, 6487 Northwest Lamonta road. And my, I have a bend address as well, but you don't need to worry about that. I am a, uh, retired agribusiness consultant, uh, have a long history in agriculture, uh, been responsible for a lot of large scale projects and development and management. Uh,

Dick Zimmerlee ([01:19:33](#)):

I happened to have a little background in Pineville. I was born and raised here, fourth generation. I left for a lot of years and came back. Uh, this was the old Stahancyk place. Uh, I happen to be the farmer, that farms all this ground. So I lease from Sandy vanier, I lease from the Woodward's and I leased from the Portilys. And I'm the guy that was supposed to plant the 30 acres. The tide river is complaining that wasn't planted, but it couldn't be planted because the soil, the, the finished soil was not workable and we didn't have any water. The, the biggest issue was water. So we had to shuffle water around to, to keep all the rest of the acres we have leased, uh, wet. Um, the there's there, uh, in discussions with knife river, knife river actually asked me to, uh, uh, maybe they won't now, but they asked me to look at how I would solve some of the problems that they're facing.

Dick Zimmerlee ([01:20:42](#)):

Um, Sandy vanier has talked to me at length. We've, we've talked for three years about how this might advance. Sandy's concerns, to me, uh, is that he, he wants that ground return to the state that it was before they, before knife river shows up. Um, that's a very difficult thing to do. Uh, one of, one of knife river's deals, where they, this, the deal that, uh, Wenck wrote, uh, that somebody already addressed about how you can return the top soil and there's, uh, there's live, uh, organic matter. And the, and there's no fertilizer that that's just, that is debunked. I worked with some of the best agronomists in the Northwest over the last, uh, 35, 40 years. And I just talked to one of 'em this morning, and that's just virtually impossible. So there will be a restoration cost to putting that soil back to farmable ground. Sandy's, uh, views to me is that he wants it returned

Dick Zimmerlee ([01:21:54](#)):

So it's farmable. Uh, so it's good farm ground. Knife river has told me that it's not their job to make farm ground. They're they're miners, not farmers. And so there's a conflict that, how do you solve that problem? There's conflict in the community. Nobody wants. There's a lot of people that don't want it, I'm neutral on whether they do it. My concern is how are they gonna return that farmland, that land back to farmland that is airable and productive. That's a difficult task. And I submitted a, a report, uh, just with my concerns about what's going on. They, the, the way it's being reclaimed, uh, we're farming part of the ground that's already been reclaimed. It was the first cell that they did on the Woodward property. The production, there is about 50% of what it is on the other ground that we farm, that hasn't been mined.

Dick Zimmerlee ([01:22:54](#)):

We have to apply a lot more fertilizer. It takes a lot more water. Uh, it it's, it's a difficult place to farm. A lot of that has to do with how the soil was put back in it's heavily compacted. It needs to be sub soiled. It needs a lot of organic matter and other nutrients levels brought back and who's going to bear the cost of that. Knife river has said, that's up the Landowner, and that's why they pay the landowner or royalty. I'm certain that the landowner, uh, Woodward's I I've talked to Clay and he said, well, that's really knife river's responsibility. So who's gonna do, who's gonna bear the cost of the fixed to put it back to farmable. Airable productive farmland. And in Sandy's interest, I've known Sandy several years and Lonnie, and, and I understand why they want to mine the gravel out from under there.

Dick Zimmerlee ([01:23:51](#)):

But I think knife river has an obligation to put the land back in, in the form that it, that they got it in. Uh, we just, uh, Sandy has assured me that they're only gonna mine five acres at a time. We've spent tens of thousands of dollars in the last couple of months establishing crops there that are, we just replanted it

back to alfalfa based on knife rivers, that was before knife rivers plan came out, we did that. Knife river's plan is going to basically none of it will be farmable. They they'll be disturbing, almost every piece of that dirt. Uh, and we won't be able to farm around it, the irrigation system's going to be completely disrupted. And, uh, who's gonna bear the cost of, of re inventing the irrigation system once, once, once they've mined it, or during their mining. So that I'm, I'm neutral on.

Dick Zimmerlee ([01:24:53](#)):

I'm not opposing it, but you know, I'm not, I'm not in favor of it either, but I, but I do have concerns about how do you solve the problems. It's like Adam said, there, there are issues, uh, they've returned the, the reclaimed ground, the 30 acres that they put back that they said, you know, it's in weeds and needs to be replanted. There are timing issues. If we would've had water, there's timing issues of when you can plant and what you can plant, and those need to be taken into account. Knife Rivers' admitted they're not farmers. Uh, I've been around it for a day or two. And the, we dug some test hold over there. When we were trying to figure out what to do with, uh, some soil profiles, we went down two feet and we, and we got into mud and they've had a difficult time soaking up the water that has gone into the mining pits.

Dick Zimmerlee ([01:25:50](#)):

And that water has they, they put four or five, six feet of fill in there, push it in. And then the water is four or five, six feet deep. And then that, that plug just soaks that water up and that within 24 hours, there's standing water on top of the plug. So it it's, how are you going? How are you going to fix those problems and assure that that just doesn't turn into a big mud bog once they they've compact a dirt over the top and basically made a dirt bridge with the equipment. And as soon as you dig down to break that, to break through that, you're into mud. And so it needs to be sub soiled. Once you do that, the groundwater's gonna come up from below, more than likely, uh, the hydrogeologist may disagree with that. But I, that, that, that is my opinion.

Dick Zimmerlee ([01:26:47](#)):

The other, the, the last thing is the burns. What materials are in those berms that are clear, that are clear around it. Um, where does that dirt go at the end of the day? They, they want me to farm the 30 acres that's been reclaimed, but yet, are we gonna, am I gonna spend the money to re start rebuilding that ground? And then they're gonna say, oh, by the way, we have to take all those berms that spread it out over there and destroy what you've already tried to establish. I don't think their plan is complete. I don't think they thought clear through of how we get from here to there. They've admitted they're good miners. I would admit they're good miners, but they're not good farmers. And they don't have a detailed, a good, uh, beginning to end plan. That plan needs to be cleaned up a lot. Thank you.

PC Michael Warren ([01:27:45](#)):

Hold on. I'll ask a question while she's looking, when you're talking about the irrigation, um, is, is there flood irrigating? I, you say it's disrupted.

Dick Zimmerlee ([01:27:59](#)):

So what, well, they're sprinkler, sprinkler irrigated. So on the vanier property, it's all wheel lines. There's four wheel lines. I recommended to knife river. Each of those line, each of those wheel lines services, a certain number of acres, basically 15 acres.

PC Michael Warren ([01:28:14](#)):

Okay. I, I, okay. I got you.

Dick Zimmerlee ([01:28:15](#)):

Then there's a main line along the side. Well, they're gonna put a berm up then the main line's gonna be gone. Where's the water come from to irrigate the berms? Are we going to be kept back on the farm side of it? We're already short on water. Knife river is already over using, over allocating, or they're in an over allocation issue on the, on the water to run the mine as it is. They have a deal with OID to supply water to them, which they pump out of a, a pond that we irrigate the Porfily property with. But, but they're renting a couple of thousand gallons a minute and OID says that that's way over their allocation. Now, I don't know if they've corrected that or not and then OID, their water is only for a certain period of time from this year. <inaudible> from May till about the end of next month. Whenever they, we may shut off in September, where are they gonna get the water to run the plant after that, or before the OID water comes on?

PC Laquita Stec ([01:29:28](#)):

Okay. I do have a question just to make sure to get it clear in my head. You are currently farming under lease the Woodward reclaimed area, now. 30 acres of it?

Dick Zimmerlee ([01:29:45](#)):

Yes. I have 43 acres there.

PC Laquita Stec ([01:29:47](#)):

Okay. There are 42 that they have reclaimed and you are farming

Dick Zimmerlee ([01:29:50](#)):

There's 13, 13 that was reclaimed and planted to grass three or four years ago.

PC Laquita Stec ([01:29:56](#)):

Okay.

Dick Zimmerlee ([01:29:57](#)):

Then there's an additional 30, that was just reclaimed last, this last spring. And we were going to plant it. And so Clay called me and said, it's ready to go, knife river turned it over to us. I went to do that. And they, knife river decided that they were gonna construction stake and grade grade it, and they regraded the entire 30 acres. So then it was clear into May before, uh, before we even had access to the property.

PC Laquita Stec ([01:30:28](#)):

Okay, so, and, and you are,

Adam Mikulski ([01:30:30](#)):

And I farm the Vanier property

PC Laquita Stec ([01:30:32](#)):

The Vanier property as it exists right now.

Dick Zimmerlee (01:30:34):

Yes.

PC Laquita Stec (01:30:36):

And you're irrigating that from the pond? On the Woodward property?

Dick Zimmerlee (01:30:40):

No, OI, OI, the Vanier property is irrigated with a pump on Lamonta road, uh, on, out of the canal, the OI, the Crooker River canal. the Woodward property and the, Porfily property, those two properties used to be under the Woodward ownership because Scotty Porfily is Craig's son-in-law. So he, that that 160 was split where, it's not quite 160, was split into two 80s, basically 77, whatever it is. And so that irrigation system that irrigates the Porfily and the Woodward farmland is a single system that hasn't has never been divided. So we, we operate the entire system.

PC Laquita Stec (01:31:31):

I, I guess the question I was trying to get to is you said something about irrigating out of a pond, and I was assuming it, it is the settle. Is it the settling pond on the Woodward property?

Dick Zimmerlee (01:31:40):

No, there's a, there's a, there's a, a flowing stream that comes through the Davis property. It's the wells that Monique, or the Springs that Monique talked about. They flow year round between probably around three second feet, a second foot's 449 gallon, so. So it flows north of a thousand gallons a minute, year round. And then OI has, has a, they have a, a head gate about at, at the north end of the, of the Davis property. And there's a ditch that comes down through, so they feed water down through that Creek and, and through this pond. And, uh, we get OI water for the Porfily and the, but it comes through that system down that Creek.

PC Laquita Stec (01:32:32):

That was my question

PC Susan Hermreck (01:32:32):

Mr. Chair, can I ask a question. Yeah. Thank you. So,

Staff Katie MacDonald (01:32:35):

Mr. Mr. Chair, can I ask question?

PC Michael Warren (01:32:37):

Yeah, go ahead, Susan.

PC Susan Hermreck (01:32:40):

Um, when we were there for the tour, we were on the bus, we went, you know, straight with, past the rock plant and turned kind of right and there was a field there that the night river rep said was

reclaimed, and it was basically pig weed. Are you, is that a parcel that you are leasing and through whatever it's pigweed or is that still knife river's thing

Dick Zimmerlee ([01:33:07](#)):

No, that that's the, the piece that knife river completed and Clay leased to me this spring. And, uh, that's the 30 acre parcel that they just finished reclaiming this last spring. And, but we didn't have any water because of our allocations. We didn't have any water to irrigate it.

PC Susan Hermreck ([01:33:27](#)):

Okay. Thank you.

PC Michael Warren ([01:33:31](#)):

You made a comment that back on that thirty some acres. You said you couldn't, okay if you had water, could you have done it?

Dick Zimmerlee ([01:33:47](#)):

Not entirely. There's part of it. We probably could have the way they've left the, the, the slope bank on the north end, that wouldn't farm very well. It's in a very short distance. Uh, it's too steep and the water would just probably run off of that. We didn't see any benefit in farming that on the south side, as soon as we had at leased, knife river took, uh, dug the, the settle, the sledge out of their settling ponds and took about seven or eight acres of that 30. And, uh, spread that stuff out on it since we didn't have water to irrigate it because of the shortage, we didn't, we just left it alone. We just kept the water and moved it around other places and didn't farm it because we really didn't have water to, to efficiently, uh, farm and operate that. There's probably 20 acres of that 30, that we could have farmed. Uh, if we would've done a lot of work to it, it's heavily compacted. We'd have to sub soil it, substantially, uh, the part that knife river stored the sludge on, uh, the settling out of the settling pond. They tried to, uh, sub soil with the D8 and it just turned up big chunks. That's where it's been heavily compacted. That's going to have to be addressed. And who's going to, who's gonna bear the cost of, of doing that. It's it's, it's hard is concrete.

PC Michael Warren ([01:35:13](#)):

Okay. And, and kind of with that same question, um, I know you're just in your opinion with the soil, that's there, that they are reclaiming. Were you saying that they can't, it can't be done to bring it back exactly. Because there needs to be other, some sort of, I, I missed that part.

Dick Zimmerlee ([01:35:35](#)):

Yeah. So, so the surface there, uh, it doesn't have, they didn't put top soil back on. If there's a picture in that document that I showed that it's it's course gravel, small rocks, and then some larger rocks. So the question is to me, is, are the berms top soil that are gonna go back across that? If so, shouldn't we be putting the top soil back on there? We, we can take what's there and probably farm it in some form. It's gonna take a lot of fertilizer. It's gonna take our analysis, says to, to kickstart it, to get the organic matter started. It's gonna take between six and eight tens of, of like compost that should be worked into that top to kickstart it. In Hermiston, I helped develop 10,000 acres outta Sage brush and sand. And I sent the soil samples. We grid sampled all of the properties, the vanier property, the Woodward property, and the Porfily property to get a baseline of really what's there and what isn't there.

Dick Zimmerlee ([01:36:40](#)):

So before and after picture, the reclaimed ground is, is substantially nutrient deficient. And there are, there is basically no organic matter. I shipped the, all of the stuff off to my agronomist buddy that we've been kicking around all over the world since 1975. And he said, did you get this from Hermiston? Because there was nothing in it. He said, where did you find this? And I said, that's off the Woodward property. That's the 30 acres of reclaimed ground is so when, when knife river says, their guy says that it's just not gonna take anything. That's not true. We estimate the first rattle out of the box to kickstart that ground probably gonna cost us a grand, an acre, and we're still gonna suffer, but you have to make a long term program. You can't do, you can't fix it in a year. Uh, it was, it was 10 years in the Boardman Columbia basin, that ground, that, that we took out Sage brush and was just sand.

Dick Zimmerlee ([01:37:42](#)):

Before we in had a moderate amount of, of organic matter and base to operate off of, there was something to hold. We, we all call it, we call it spoon feeding. We had to spoon feed and the amount of fertilizer and chemicals we had to put on that to make it work. If we did it today, we'd probably be in trouble. And we, you know, cuz that the nitrates leech down through the sand and, and get below the, the root zone and then it just stays there. Or it leeches on down through the, you they're having nitrate problems in I area. Now probably we had something to do with that. That's been a lot of years ago.

PC Gary Bedortha ([01:38:25](#)):

So When you took over the farming on the ground, that knife rivers signed off on, you leased it from Woodwards

Dick Zimmerlee ([01:38:33](#)):

From Clay, yes.

PC Gary Bedortha ([01:38:35](#)):

The owner.

Adam Mikulski ([01:38:36](#)):

Yes.

PC Gary Bedortha ([01:38:38](#)):

Do you know, and I'll ask the applicant this too, did DOGAMI, or the state department of geology sign off on their permit.

Dick Zimmerlee ([01:38:45](#)):

I don't know, I don't know. Clay called me and said we had prepared a lease. We signed the lease and said, uh, knife ever signed off on it, go at it. Okay. That's all they're

PC Gary Bedortha ([01:38:57](#)):

But they're done with that parcel and that's

Dick Zimmerlee ([01:38:58](#)):

That's what they said, that was my understanding. We paid the money.

PC Michael Warren (01:39:07):

Susan, did you have any other questions?

PC Susan Hermreck (01:39:09):

No. No. Thank you.

PC George Ponte (01:39:12):

I do. Mr. Zimmerlee, so the thousand dollars an acre you mentioned to try to bomb the soil with manure or whatever. Who pays that cost?

Dick Zimmerlee (01:39:22):

Well, if we do, we're gonna have to cuz knife ever said, they're not going to, Clay said he, it's not his responsibility, knife river has told me, well, that's why they pay the landowner a royalty. It's their, it's their problem. They're not farmers. and the landowner is saying, well, knife river's gonna have to put it back. So who's gonna put it back. As always the farmer's going to eat it.

PC George Ponte (01:39:47):

Thank you.

Dick Zimmerlee (01:39:48):

You bet. Thank you very much.

PC Michael Warren (01:39:52):

Thank you. Jack Spencer. And again, just your name and address for the record, please.

Jack Spencer (01:40:12):

Jack Spencer, 7327 Northwest VistaView. I live about a mile from the proposed project, north of it there. And, uh, I have a, a cough and, and believe me, it's not, COVID, it's been on too many forest fires, whatnot. So, uh, I'm not really, impacted by the proposed project too much, other than visual or the dust in the air or whatnot. And I really coughed up a storm here, the last two, two or three weeks. I'm constantly sucking on cough drops and whatnot. And so, and so any additional dust would be the only impact to me. And, but I, I had some, uh, uh, questions based on my experiences. And I would like to, in, in my opinion, this is a strip mine proposal, not a rock pit proposal. I, uh, I've worked for the US government for, I've been in, lived in crook county for 41 years this month

Jack Spencer (01:41:33):

And I've worked for the, uh, forest service 20 some years here. And, uh, three years in Elko Nevada with, uh, experience with, uh, mining and Elko gold gold mining. And, and then I have some experience with strip mining in West Virginia. And I'd like to, to the last gentleman, uh, covered a lot of points that I would like to make. And in my experience, you can never bring this back to the original condition because you destroy that top, uh, a horizon of the soil. And, uh, so you, it would, uh, take in, uh, some areas where I've been involved in, they developed special plants to try to bring the, the, uh, the soil

back, whatnot. So it, I would, for those who believe that, uh, they can bring this back to, uh, the original farmland condition. Um, I say that's a fallacy in my opinion, whatnot.

Jack Spencer ([01:42:53](#)):

So, so, and then I had some questions. So, uh, I'll make another comment that I've been hearing about mitigation plans. Well, I've, over the years, I've written many mitigation plans. Some of 'em I thought were pretty good whatnot, but there is only as good as the people that's going to administer that. And I don't know, that is one of my questions who would, who administers this? The, the county, I don't think has the personnel to, uh, I don't think they have a hydrologist or a soil scientist or, or whatnot. So I don't know who, who would administer the plan, whatnot. And when you leave it up to the company, you know, they're, they're going, going to, uh, be based probably by economics rather than what's good for the, the, the land. So, uh, I had some of some questions I had that, uh, I'm kind of new to this process.

Jack Spencer ([01:44:08](#)):

I getting involved in it, uh, water, um, I didn't know where the water, and I think I got that question maybe answered where the water was coming from for the, uh, the Woodward pit, you know, and if OID is supplying that, you know, I'm not too sure that that's the legitimate use of the water coming out of Ochoco or Prineville or whatnot. So maybe it is, but that's the question I have, um, uh, in, uh, I'm familiar with over my, my time here, I've worked with quite a few industrial operations, including rock, uh, rock pits and, um, uh, crushers and whatnot. And it takes a lot of water to, to do that kind of thing, whatnot. I managed a lot of roads, whatnot, dust abatement on that takes a lot of water. So I don't know, that's the question, where's that water coming from? Who's gonna supply that water. Noxious weeds. In my experience with the mining operations, the noxious weeds sort of come in like, uh, magnets or whatnot, and, and very few, uh, uh, mining companies go after the noxious weeds, you know, keep 'em under, under wraps, whatnot. And I noticed that down, uh, lower crooked river there at that rock pit there, that there rock there's some noxious weeds to the, to the east of that, or not the east to the north, I should say, quite a few, uh, different noxious weeds coming there.

Jack Spencer ([01:46:13](#)):

Um, well, the other question I had, and then I'll now shut up here. Uh, the traffic notice the, you know, the rock hauling going down lower crooked river. There there's a lot of, lot of additional traffic on those roads and those roads weren't designed or built for that kind of haul and who pays for the, for the, when those roads start, uh, deteriorating. So I don't know, does the mining companies kick in a little road maintenance or whatnot for those, but I doubt it. And one other comment is, uh, I, I was around when they originally did the zoning in Oregon and whatnot, and that was quite the process and seems like we're changing that zoning with this, uh, application whatnot. And we, and I don't think we're, uh, taking due diligence in, uh, changing that zoning that was done years ago. So I think that's it.

PC Michael Warren ([01:47:45](#)):

Questions, Susan, did you have any questions?

PC Susan Hermreck ([01:47:53](#)):

No. Thank you.

PC Michael Warren ([01:47:56](#)):

Thank you. Tim Stafford.

Tim Stafford ([01:48:03](#)):

I spoke last meeting. Am I allowed to speak again?

PC Michael Warren ([01:48:07](#)):

Do you have anything different?

Tim Stafford ([01:48:10](#)):

Uh, actually I did not know that Richard Zimmerlee was going to be here and that's, I was going to talk about his report. He just went over it, so

New Speaker ([01:48:10](#)):

PC Michael Warren ([01:48:20](#)):

Oh, okay. Okay. Is there anybody else that wanted to speak neutral again? If you had a, I just want to make sure we got everybody did. Um, nobody else join the phone. Okay. So at, at this point we have the applicant come up for their rebuttal. Chairman. Yes.

PC Laquita Stec ([01:49:06](#)):

Mr. Chairman, do we need to acknowledge the other exhibits that we've received from people in their comments?

PC Michael Warren ([01:49:14](#)):

You mean the ones like that were sent or just the same

PC Laquita Stec ([01:49:19](#)):

Ones that were sent

PC Michael Warren ([01:49:20](#)):

Well, I think everything that was sent is on the site, but in case anybody's wondering, there are 26, 27

Staff Hannah Elliot ([01:49:30](#)):

27 is also posted to the Website now.

PC Michael Warren ([01:49:31](#)):

So this is now on the website. Okay.

PC Gary Bedortha ([01:49:36](#)):

Wait, it might be right. If Ann was still online, she probably, I think we usually enter into the record. The exhibits have been presented. Not that it is a big deal, but for a due process. Is Anne still there?

PC Michael Warren ([01:49:57](#)):

Yes.

Ann Beier ([01:49:59](#)):

This is Anne and I think we've heard from most of the folks who submitted, um, exhibits, uh, since the last hearing, I just wanna note that all of these exhibits are entered into the record. So it's exhibits 1 through 27.

PC Michael Warren ([01:50:28](#)):

And so just, just to be clear, what Anne was saying in case you didn't hear out there, all the exhibits have been entered on the website, one through 27, which 27 is the one we just got, so. Okay. We'll have the applicant.

PC Laquita Stec ([01:50:46](#)):

Wait, one more question. I saw that Samantha Pepper was list on the list of callers earlier.

Staff Hannah Elliot ([01:50:53](#)):

She's gone

PC Michael Warren ([01:50:54](#)):

She didn't acknowledge that she wanted to say anything.

PC Laquita Stec ([01:50:57](#)):

Okay. She was just listening. I just saw her name on one of the exhibits

PC Michael Warren ([01:51:00](#)):

Ann even asked if,

Staff Hannah Elliot ([01:51:02](#)):

I spoke with her prior to the meeting and she said she just wanted.

PC Laquita Stec ([01:51:05](#)):

I just wanna make sure we had a chance to say what they wanted

PC Michael Warren ([01:51:09](#)):

Okay. Now we'll have the applicant again. Just state your name and address for the record.

Matt Ropp ([01:51:21](#)):

For the record, Matt Ropp, knife river, and office in Tangent, tangent, Oregon, 32260 Old Hwy 34 Tangent, Oregon, 97389. I'm the land planning manager for knife river and representing us as applicant in this case.

PC Laquita Stec ([01:51:53](#)):

Just one question. Um, do we need to close the portion of the hearing or do

PC Michael Warren ([01:52:00](#)):

No, because he's got his rebuttal.

PC Laquita Stec ([01:52:02](#)):

Okay. This is his rebuttal time.

PC Michael Warren ([01:52:03](#)):

Yeah.

Matt Ropp ([01:52:05](#)):

Uh, I'd like to start by asking, the planning commission, how are we doing on time?

PC Michael Warren ([01:52:12](#)):

Um, well that is a good question. I should have addressed that. I don't want to go past seven.

Matt Ropp ([01:52:16](#)):

Okay. So another hour and, Okay.

Matt Ropp ([01:52:24](#)):

So I just want to emphasize that in the first instance, the first hearing in this matter, we radically minimized our presentation, uh, in an effort to provide opportunity for, members of the public to speak. Um, and so our rebuttal presentation is going to take, uh, I estimate at least an hour and a half. Um, so we can, we can certainly start into it. Um, I'm not going to rush it though, because I feel like it's, it's um, our obligation to, uh, you know, we have the burden of proof. So, I just wanted to state that for the record. We'll, we'll go through it as quickly as we can, but we, we may be, uh, an hour and a half or so. So, uh, just wanted to give you a

PC Laquita Stec ([01:53:17](#)):

In order to allow them ample time and not for us not to be brain dead. Um, would it be appropriate to continue this, leave that open for rebuttal and continue it so they don't have to make their response

PC Michael Warren ([01:53:35](#)):

I think our concern is if you bring new evidence in or anything, then obviously there's gonna be some questions on that.

Matt Ropp ([01:53:45](#)):

So, so I would like to suggest, um, I think that we can cover in our testimony, most of what we want to cover for the benefit of the commission and, and members of the public, tonight. Um, I recognize there's been new evidence submitted, by us and by members of the public. And so, the record, um, should be left open after closing of the public hearing. Um, and if we can, if we can accomplish that, then I think that, you know, our, our interest would be met. Um, so I, I would say we can certainly, try to keep it to, uh, you know, seven o'clock, uh, with the objective being to, uh, at that point, close the public hearing

and move to, an open record period where we could, uh, respond to any new evidence or, or testimony from tonight in writing. And then possibly, uh, when we come back, it would be for the purpose of deliberation. I just know that, you know, if we continue, there's always gonna be new stuff. So like at what point do you close oral testimony and, and just leave the record open. So I wanted to present that to the planning commission and see what their thoughts are on that. And, and possibly planning director could weigh in on that manner just before we get started and underway.

PC Michael Warren ([01:55:06](#)):

What, what are you guys thinking? I agree to the extent that if we keep leaving it open, we're just going to keep getting more and more, which I'm not saying is a bad thing, but it could be repetitive stuff.

PC Gary Bedortha ([01:55:21](#)):

I would ask, uh, staff maybe to weigh in to the extent, can we close the meeting to keep the record open for rebuttal at the next meeting only. So no new evidence, but only addressed the evidence stated in the last this meeting and the one a month ago. What, what are the ramifications of that?

Director Will VanVactor ([01:55:51](#)):

Uh, and that's a good question. So the code speaks to some of that, um, since we're at the, the continuation of the initial hearing, any new evidence, uh, or testimony, um, that's presented tonight, um, any party should have the right to rebut. So if the applicant introduces new evidence tonight, anybody has the right to rebut that at this hearing. So if we get into that, um, the, the code language is an opportunity shall be provided at the continued hearing for persons to rebut new evidence and testimony received at the continued hearing. So parties have a right to rebut it. I think they have the right to rebut it tonight. Um, so we, it could go on one hour, could turn into another half hour or another hour. Um, but once, once we get through the rebuttal and then what I call the surrebuttal, then it shifts to the applicants. The applicant obviously gets the final argument. Um, so how we kind of play that out in terms of scheduling, whether we want to proceed tonight, or whether we want to continue this for another night is up to the planning commission. Um, but I do want to, I did want to note that any new evidence or testimony that's provided tonight, other parties get a chance to rebut that.

Matt Ropp ([01:57:15](#)):

May I please? So, I guess what I'm suggesting is I don't believe that that other parties need to, um, provide their surrebuttal in oral testimony. Um, and so I'm thinking that if we can get through our oral testimony to provide our rebuttal for the benefit of the folks in the room and the planning commission, particularly Mark Stacy and Chris, uh, lid stone from, from Stec regarding groundwater, then I feel like we will have pretty much narrowed it down to kind of a key set of issues that it may be more valuable to the planning commission to see in a written rebuttal form. So that we would essentially complete this public hearing, have the record open for 14 days, and then seven days, in addition for applicant's final argument only, and then the planning commission could reconvene and deliberate.

PC Michael Warren ([01:58:18](#)):

I think that would be the best way to go.

Matt Ropp ([01:58:21](#)):

Otherwise it's just gonna go on and on.

PC Michael Warren ([01:58:23](#)):

No, I agreed. Unless there is new that's brought up. We would need to give the people a chance to, so,

Director Will VanVactor ([01:58:30](#)):

and I just wanna say one thing, I, I, I think, uh, Mr. Rap is probably correct that that's how we proceed in most cases, but our code does say an opportunity shall be provided at the continued hearing for persons to rebut new evidence and testimony receive at continued hearing. So I think our code is it provides that opportunity

PC Gary Bedortha ([01:58:51](#)):

We've always, it seems like allowed verbal rebuttals to the rebuttals.

PC Michael Warren ([01:59:00](#)):

I think that's what the code, yeah. There's still gonna be, especially if there's something new.

Manager Brent Bybee ([01:59:11](#)):

Brent Bybee, planning manager. One thing I'd like to make note of too, is we have kind of a busy schedule for you folks coming up, in the future. So if we can contain this to as few hearings as possible, it'd be preferable.

PC Gary Bedortha ([01:59:29](#)):

Well, can I ask the chairman to limit rebuttal to one hour?

PC Laquita Stec ([01:59:38](#)):

We know that is not going to happen.

New Speaker ([01:59:38](#)):

Might if we shut her down, I mean, I I'm like you Laquita, there's a lot of information here to absorb and

PC Michael Warren ([01:59:44](#)):

And that's the problem, so much of this just came in as you guys know yesterday, the day before and it's, there's a lot,

PC Laquita Stec ([01:59:54](#)):

Even if Mr. Ropp is limited to one hour tonight for his rebuttal, then anything that comes of this has an opportunity to be rebutted also. So do you push that aside later for later?

Matt Ropp ([02:00:12](#)):

Can I, can I just speak real quickly

PC Gary Bedortha ([02:00:15](#)):

And see what happens?

Matt Ropp ([02:00:16](#)):

I just wanna make a point. I would be comfortable doing the entire remainder of this procedure in writing. The purpose of this oral testimony is to inform the commission and the public in a more of a Q & A format. Once we get to the point to where we feel like we have, um, responded sufficiently that the commission understands the project, then we can certainly, you know, drill down and give a very succinct list of supplemental findings that will address what we think are necessary in order to support our case. The purpose of our oral testimony is to inform the public that maybe hasn't had an opportunity to review the entire record. So maybe we get underway now and decide once we get there, but I'm just letting you know that, um, I would like to reach a conclusion on the oral testimony aspect of this hearing. We'll still have an opportunity to leave the record open for rebuttal in written testimony. That way we, we can go ahead and set a schedule for deliberation, hopefully, sometime, and September.

PC Michael Warren ([02:01:18](#)):

And I, I think, I think we want you to go ahead and we'll, we'll see.

Matt Ropp ([02:01:22](#)):

Okay, then I will not delay us further.

PC Laquita Stec ([02:01:32](#)):

Can we ask Mr. Ropp to remove his mask we can hardly make out what you're saying

Matt Ropp ([02:01:38](#)):

Okay. No problem. So, as is often the case in mining projects, uh, you know, we have folks coming forward, uh, expressing concern over, um, you know, the value of their property, um, the, scenic qualities, um, I believe this commission has, has heard aggregate cases before they're often the same, uh, key issues and they're important. They're very important. Um, in this case, uh, it is, it is different in the sense that we're hearing combined applications. So we have two applications before us. One is a plan amendment, comprehensive plan amendment to add the subject property to the county's inventory of significant aggregate sites, qualified resources. Okay. Um, I feel that our findings, uh, submitted with the application, uh, are not illustrative, but they're sufficient. What they do is they provide clear and objective evidence demonstrating that this is a significant, accurate resource site.

Matt Ropp ([02:02:48](#)):

Um, the county operates on goal 16, or excuse me, division 16 of chapter 660, that's the goal five rule, the old goal five rule by virtue of the fact that they've adopted an emergency ordinance, ordinance 51, which provides, clear direction to the county, uh, that once an applicant brings forward evidence demonstrating significance, that site shall be added to the inventory. The question is how, and when will that site be mined? Um, there's a policy in ordinance 51 that, um, is, is interesting. I believe it's policy 16. It's, uh, it's addressed in my findings and because division 16, OAR 660 division 16, the old goal five rule, does not provide as much detail as division 23 is providing, the new goal five rule, the county adopted a policy to clarify how to deal with conflicts in the case of dwellings, farm use, commercial activities in conjunction with farm use, other values, right, in considering the ESEE analysis

Matt Ropp ([02:04:01](#)):

How do we look at conflicting uses that policy policy 16 reads goal five mineral and aggregate resources have historically been challenged because of the conflicts that arise from surrounding uses. Goal five administrative rules require that goal five resources be balanced relative to other conflicting uses and this balancing may result in a determination that the conflicting uses may be eliminated or limited. The conflicting uses in this case are the residences, the scenic qualities, you know, not the goal five resource that is the mine. So, therefore this conference plan in order to comply with that rule establishes the importance of the resource, where it is located. Meaning there may be a significant aggregate resource located in farm country. Okay. And there may be houses around it, but the emphasis placed on a program to protect a goal five resource is that that resource is where you find it.

Matt Ropp (02:05:03):

This rule requirement elevates the mineral and aggregate resource above other conflicting resources. So, you know, I I've heard some, uh, kind of grumbling, I don't think gives it enough, um, consideration, but you know, generally I've heard people talking about, well, they're just gonna approve it anyway, it's a foregone conclusion and it is gonna go on the inventory. And, and that's true, but it's not the planning commission's fault. It's as a matter of state law and, and the county code, the site shall be added to the inventory. So I just wanted to clarify for the members of the public, it's not that the planning commission always rolls over. You really have no choice than to accept this site as a significant site and add it to your goal five inventory, um, with respect to when and how it's mined, that is to a certain degree of the ESEE analysis. So you've got your environmental, economic, social, and energy consequences, our findings, I think, address those. Um, there's talk about, well, what about economy with respect to the value of my house? Unfortunately, that's not a consideration. Um, that's not that's not an economic consideration of the public, right? How home values are more of a social consequence. And that's what we're really hearing tonight and who

Audience (02:06:26):

The hell do you think you are, you know?

Matt Ropp (02:06:33):

So that's what we're hearing tonight is social consequences. And to respond to the gentleman's question, I'm just a guy that knows the law and I'm trying to emphasize that this procedure is to, to receive public input, right? But the commission is somewhat limited in what can be done because there are approval criterion that were adopted through a legislative process. The the planning commission is not a legislative body in this context. So, um, I wasn't trying to extend any disrespect to the gentleman in the audience. I was trying to provide context. We're here to work through this process as a matter of law

Matt Ropp (02:07:17):

With respect to the supplemental findings that that might be submitted in support of the plan amendment. I think that certainly there can be, uh, some language provided, to assist staff in, preparing the ordinance, or the, site specific E S E E analysis that would be adopted by the county. But otherwise I feel that the plan amendment, application itself is complete. And with that, I'm gonna go ahead and move on to addressing criteria from the conditional use permit. And that is where the, the true livability operation conditions that is where consideration, more consideration is given to the public. And so my point here is just, we have two application processes. The plan amendment is, is almost a certainty.

Conditional use permit is not that's where we talk about the real impacts and how we might impose conditions to address those. So with that,

Matt Ropp (02:08:29):

Um, I'd like to direct the, uh, Hannah, could you please put our, um, site plans on the board as applicant site plans, exhibit 22. Thank you. So the application materials as submitted did not depict the location of berms. They did not depict the location of haul roads and understandably that made it very difficult for, um, members of the public to really understand, you know, where these features are going to be located. Um, when we're talking about adverse impacts, uh, you know, we've got visual obstruction, we've got dust, uh, these are the things that are being raised as primary issues. So this site plan is intended to be a resource for the commission to, uh, decide where these berms should be located, um, and, and understand where this haul road is gonna be located in order to, um, assess what the impacts would be from the use of that haul road.

Matt Ropp (02:09:42):

So I just wanted to point out for members of the public. There was some question about the location of the haul road. We've relocated the haul road. It is south on the Woodward property. We have permission from Clay Woodward to run trucks through, uh, that property. Um, the road will be improved as a gravel road, it'll have a aggregate base. So the gravel surface, so that, uh, it will be more, uh, efficient to maintain for dust management. Uh, and that will be a permanent feature on the site. So trucks will come out of, uh, the vanier mining site hit the Woodward site, use that haul road to bring materials to the processing plant. Um, it will be approximately, I would say six to eight feet below the grade of the property to the north. And so it would be in defilade, for properties to the north. And that just means that it's basically, it effectively is berm without building a new berm on site.

PC Michael Warren (02:10:44):

How, how deep, How far down?

Matt Ropp (02:10:46):

I believe it's six to eight feet as a result of our mining and reclamation on the Woodward property, that surface is already below the vanier property. And if you want to, uh, scroll please to the second page, this shows, it's an older aerial photo, because you'll see that the Woodward property is already been mined there in that, uh, block directly below the haul road. But that gives you a, a perspective of where it is.

Matt Ropp (02:11:18):

Another thing that we've, depicted on this site plan is the proposed berms. You'll note, if you scroll down just a little bit further, Hannah, on the legend, you can see existing berms and those are the berms around the Woodward processing facility. And along Stahancyk on the south line of the Woodward property. Those are existing. Those will remain a condition of approval requires that they remain until the entire Woodward site is mine. And we still have, the area under the plant to mine. That'll be the last thing that happens. So until then we'll leave those berms in place. Um, if you look at A you'll see that is a hatch mark, uh, symbol, and that means that that is a proposed berm. So that's a berm that will be constructed, and that'll be the berm along Stahancyk from the west edge of the vanier property down to the corner of Lamont.

Matt Ropp ([02:12:15](#)):

If you look at C, which is on the east side of the Vanier property, you'll see that that is not a crosshatch. It's just a simple hatch mark. And that means that that berm is optional. And when I say optional, what I mean by that is I would like the planning commission to consider whether that berm should or should not be there. There's consequences of placing berms. Um, there's the ongoing maintenance of the berms. Um, and there also is the matter of, uh, the top soil that must be stripped to construct the berms. So in some cases, berms clearly make sense, especially when you have neighbors strictly across the street. Uh, but I want to dispel this notion that it's better to place berms all the way around the property, because those berms are constructed with top soil. So the more top soil that you have to strip, obviously the more ground that you exposed, um, if you move to the north,

Matt Ropp ([02:13:10](#)):

You'll see that under B. Uh, whereas initially we had proposed a 50 foot setback and no berm, after working with the Davis family and Mr. Zednik, um, they have explained to us that they would like the protection of a berm, uh, and that they would prefer to have a hundred foot setback. So we made that amendment we've, we've increased the setback to a hundred feet, and we proposed to place a berm along the east half of the north property line, uh, along the north side of the, along the Davis family's, uh, property, uh, to the west, you'll see under D again, optional berm. That is because that would be one of the last areas to be mined. And again, we would strip top soil to create that berm. Um, I, I won't speak for, the Davis family or Mr. Zednick, other than to tell you that I have explained this to them. And I believe that this is the best option. What this means is, you know, if they come to us and say, Hey, we really want that berm. Or if the commission decides you really need to build that berm, then we will build that berm immediately. Um, I think it's probably better for everybody. If we wait to build that berm until we're mining in that area so that we can leave the top soil in place. So that is the general orientation to the site plan. Um, I'm going to answer questions if there are any,

PC Gary Bedortha ([02:14:43](#)):

I'll ask questions. This is sort of accumulative is, uh, your site road goes over the ag ground of Woodward to get back to the industrial site, which is the processing,

Matt Ropp ([02:14:59](#)):

Correct? That's correct.

PC Gary Bedortha ([02:15:02](#)):

Your permit does when you're done mining on Woodards and you may have stated this already. I might have missed it, but is, is your mining going to be active on the ground where the road's going over it? So in other words is the full mining operation for the Woodard property still active.

Matt Ropp ([02:15:21](#)):

So I want, this is a good, the answer to your question sir is yes. And this is a good segue into, um, I was going to wait to address Mr. Zimmerlee's

PC Gary Bedortha ([02:15:30](#)):

and you can address it by

Matt Ropp ([02:15:31](#)):

No, it's, it's a good time though. Um, Mr. Zimmerlee, provided a submittal with, a submittal. You've all seen it. Um, and he suggested that we approached him and asked him, to assist us in solving some problems. I understand that he, uh, represented himself as an international agribusiness consultant. I wanna make it clear for the record that he is not, uh, a consultant for us. I did spend several hours with Mr. Zimerlee because he was very vocal in objecting to some of the things, uh, that were proposed in the application. Uh, and I wanted to understand what his concerns are, um, but he's not speak for us, for knife river. Um, and on that note, I mean, I, I think it goes without saying, it sounds like much of his testimony is an expression of frustration of not being able to coordinate, between knife river and the landowner.

Matt Ropp ([02:16:37](#)):

And, we don't have an agreement with Mr. Zimmerlee. We have an agreement with the landowner and, um, the landowner needs to deal with Mr. Zimerlee's concerns. Um, unfortunately that's just the way it is. So, we're interested in Mr. Zimerlee's opinions, if it can help inform this process, but, we do have permission from the landowner to continue to use that ground. DOGAMI has not released that ground, from the mining permit. Um, and with respect to Mr. Zimmerlee's relationship with Mr. Vanier, we have no interest in that relationship. Um, we have an arrangement with Mr. Vanier. So just wanted to clarify that for the record,

PC Michael Warren ([02:17:24](#)):

Just to kind of piggyback on Gary's question your permit, though, for the Woodward property. It is still, it will continue as long as you're using that road. Is that what the,

Matt Ropp ([02:17:40](#)):

The permit for the

PC Michael Warren ([02:17:40](#)):

I don't know, maybe that's not what your question was, but that was, that was something I was gonna ask is using that EFU ground, it's a totally different parcel. Is your permit still going to be active as you're using that road through Woodward's property

Matt Ropp ([02:17:55](#)):

The DOGAMI permit will remain active. The way that it works is once ground is reclaimed, you can request that DOGAMI release a portion of your bond because you've satisfied your reclamation requirements, but that property is subject to an active DOGAMI permit. Um, and I, I also want to note that, um, we've heard a lot of testimony about objections or complaints to activities occurring on the Woodward property, primarily in the, in the heavy industrial processing area, but also on the farm's own land on the Woodward side. Um, and I, I think it's, it's well understood that, you know, we, we certainly want to hear from our neighbors because it informs our operations. We want to be better at, at everything we do. Um, but Woodward EFU and industrial is not the subject of this application. It's a plan amendment and a conditional use to extract gravels from the Vanier site. And so, um, you know, we, we illustrate these features on our site plan, and we talk about how we can get better at managing dust, because we want to be a good operator. And because we wanna respond to the, to the, members of the

audience as they express concern, but the subject of this application is extracting gravel from the Vanier property. And so when I make that distinction, I just want to make that distinction.

PC Michael Warren ([02:19:25](#)):

I think we understand, and I, I think at least our concern was going having the road on EFU if you, if the permit's still in place, it's a non-issue. I think that's what we were trying to find out.

PC Laquita Stec ([02:19:38](#)):

Mr. Chairman, can I ask a question along those lines too? Um, my understanding of the Woodward application and how it all came to pass was, um, that it was to when you were finished digging, that it would be reclaimed. And then when that was accepted, then it, then that would be finished. So this now you're, this is a separate application, but it's an extension of the Woodward application. It's not because your equipment is still gonna be on the Woodward property and you're gonna be going through it. So does somebody have to sign off on whether you've reclaimed the Woodward property before you can start setting a plan to reclaim the Vanier property? My way off on this?

Matt Ropp ([02:20:44](#)):

It's a good question. No, I understand it. Okay. Um, and I wanna make sure I didn't, I didn't misspeak when I said that, um, the DOGAMI permit was going to stay open. I didn't want to imply that that means that we're not going to reclaim the Woodward property. We, we are reclaiming the Woodward property, but the processing activities occur within a heavy industrial zone. That is not a, that was not a conditional use permit. That's a use that's permitted by, right. And that will continue as long as we have gravels to process there.

PC Laquita Stec ([02:21:15](#)):

So one more question, you bet. So how do you decide, I mean, who decides then that the rent land has been reclaimed

Matt Ropp ([02:21:23](#)):

DOGAMI

PC Laquita Stec ([02:21:23](#)):

Okay. And when do they do that?

Matt Ropp ([02:21:25](#)):

When we tell them that we are done mining and, uh, we want them to come and inspect our reclamation work.

PC Laquita Stec ([02:21:31](#)):

Okay. So they will come and inspect the land that has been reclaimed, that was EFU. Because they don't care about the industrial land.

Matt Ropp ([02:21:39](#)):

Well, there is, there is a, there is a a component to the DOGAMI permit that I think relates to the industrial land. But, but yes, primarily they're looking at mining. Processing is not something that is part of a DOGAMI permit

PC Laquita Stec ([02:21:56](#)):

So is there any requirement, DOGAMI or otherwise that says we have to sign off on this before you move to this?

Matt Ropp ([02:22:04](#)):

Is there any requirement that says DOGAMI has to sign off on all EFU Woodward reclamation before we can move into Vanier?

PC Laquita Stec ([02:22:13](#)):

Yes.

Matt Ropp ([02:22:14](#)):

I don't believe so.

New Speaker ([02:22:15](#)):

Because I know that we do still have to go back and, and mine, some of the gravels under the plant now that's, that's on the industrial side. Um, but, but no, I believe that we could go, into Vanier and get a, a separate DOGAMI permit. Um, what we did here is we in an effort to try to minimize impacts, we agreed not to do any processing on veneer, no new processing. We agreed not to create a new road approach, no new trucks on the road. Uh, and this is the least impactful way for us to get access to those gravels. We don't have to set up a new plant uh everything's in place. And so, um, that is why the haul road would be where it is. Otherwise we would still have the Woodward processing plant, but we would come out of the Vanier plant onto the road over to the processing plant. So this is, this is a way to, to minimize those impacts

PC Laquita Stec ([02:23:08](#)):

And definitely least expense involved, for everybody

Matt Ropp ([02:23:11](#)):

Yeah, I think so. I think you're right about that.

PC Susan Hermreck ([02:23:15](#)):

Mr. Chair. Can I ask a question?

PC Michael Warren ([02:23:18](#)):

Yeah, go ahead.

PC Susan Hermreck ([02:23:20](#)):

Okay. So, you have DOGAMI coming here and giving you, I guess, the permit on the reclamation and it's fine. Does DOGAMI take any consideration into the productivity of the ground that you've mined and,

mind you, I have been involved in reclamation projects and we have brought the ground to better than it was for farming. So my question is, is what is the bar from you bringing back this land for productivity in the future?

Matt Ropp ([02:23:55](#)):

So I would. The measure of productivity I think, is relative. Um, what DOGAMI requires is that you strip and save topsoil. And

PC Susan Hermreck ([02:24:10](#)):

Okay, and I, I understand that part, but they're saying that you're brought it back. You reclaimed it and it's not productive. What, what do you, how do you address that?

Matt Ropp ([02:24:20](#)):

So what I've heard is anecdotal testimony that this land that has been reclaimed and is in production is, less productive. I'm not saying that that's not true. What I'm saying is, we, as has been said before, and I won't deny it, we are not farmers. What we do is we return the land form. We return the top soil to the land, and then we coordinate with the landowner. Uh, in some leases, the landowner requires that we make certain investments in, uh, restoration. Right. Um, but typically that is something that the landowner works out with their, either as the farmer or the contract farmer. That's not to say that we don't care at all. I'm just making it very clear that we're not farmers. So with respect to

PC Susan Hermreck ([02:25:12](#)):

I understand you're not farmers. So basically you're saying that the landowner that you dealt with on the Woodward side is naive and didn't know the right questions or the right conditions to ask. Is that what you're kind of saying?

Matt Ropp ([02:25:25](#)):

No, it's not what I'm saying at all. What I'm saying is the only evidence that we have, that that land is less productive is coming from the farmer who I believe is renting that land at a substantial discount and, uh, wants to know who's gonna pay for, uh, the, uh, restoration of that land to his satisfaction. And I'm not involved in those conversations. So I, I can't speak to what that looks like.

PC Susan Hermreck ([02:25:53](#)):

Okay.

PC Gary Bedortha ([02:25:56](#)):

Well, one thing, when you expressed, there are two different applications, as far as the permits go, it does make a difference to me if you're hauling across Wood's property without a DOGAMI permit on it. So if they've signed off and you're done with it, but you do on the industrial ground, your business. But I think it's pretty important that we maintain that there is gonna be an access across that. So I guess that's all I'm gonna say about that when it's pretty important that there's still some sort of a mechanism to get from one to the other, cuz any conditions probably are going to be addressed in that. Um, the, the second is, is just a real quick, um, I've not read a DOGAMI permit, the end result. Are they looking for ground cover? I mean, are they spec in your permit? What do they ask for you the day they walk on it and they say, looks good.

Matt Ropp ([02:26:54](#)):

It needs to be re-vegetated.

PC Gary Bedortha ([02:26:56](#)):

It has to be re-vegetated. Yes. Does it specify?

Matt Ropp ([02:27:00](#)):

Well, it needs to be revegetated consistent with the reclamation plan that was filed. And in some cases that revegetation is most appropriately, uh, open meadow wildflowers. In some cases it's, uh, you know, forage crops in, in most cases it's, it's some type of cover or soil builder crop

PC Gary Bedortha ([02:27:18](#)):

very site site specific

Matt Ropp ([02:27:19](#)):

Site specific. Yes, sir. And to speak to your question, if there's any ambiguity in my answer regarding the DOGAMI permit, my answer was yes, there's an active DOGAMI permit that would permit us to continue to haul across, and that will be in place until we are completely done.

PC Gary Bedortha ([02:27:33](#)):

And that's what I wanted.

PC Susan Hermreck ([02:27:37](#)):

Mr. Chair, could I ask another question?

PC Michael Warren ([02:27:39](#)):

Yeah.

PC Susan Hermreck ([02:27:39](#)):

So how do you explain 30 acres of pigweed across the fence from a seed farmer? What's what, what went on there?

Matt Ropp ([02:27:50](#)):

I think Mr. Zimmerlee explained that there was a miscommunication between the landowner and the, and Mr. Zimble who was able to negotiate some kind of lease. I'm not sure what went on there, but the issue

PC Susan Hermreck ([02:28:04](#)):

Okay but you're saying that you revegetate it with a grassland thing. So you're saying that DOGAMI came, saw the grass and then pig weed, overcame it?

Matt Ropp ([02:28:13](#)):

I didn't say that, Ma'am. I said there's an active DOGAMI permit

PC Susan Hermreck ([02:28:19](#)):

Still on there, even though they're indicating that it's been turned over to the landowner.

Matt Ropp ([02:28:25](#)):

Well, it would need to be revegetated in order for us to get DOGAMI to sign off on it and we often work with landowners and say, okay, we're gonna be ready. We're done mining, are you ready for it? If the landowner says, yeah, I'm ready for it. And then the landowner makes some kind of deal with someone else to revegetate that, regardless of how it gets vegetated, it's gotta be vegetated before we can get it signed off. So what I'm saying is, as Mr. Zimmerlee explained, it sounds like there was a miscommunication or misunderstanding or something, but that land is still under our DOGAMI permit.

PC Susan Hermreck ([02:29:03](#)):

Okay.

PC Michael Warren ([02:29:04](#)):

So you, okay. So, so when you are done with that, sell you say, Mr. Landowner, are you ready for, it has nothing to do with DOGAMI signing it off because that's, you want the landowner to take it back over, start planting it. So when you're done with the whole project, you can have them come in.

Matt Ropp ([02:29:25](#)):

Absolutely.

PC Michael Warren ([02:29:26](#)):

And that's what that's, what releases your bond or what, what do we do

Matt Ropp ([02:29:29](#)):

That's correct.

PC Michael Warren ([02:29:30](#)):

That's there's no DOGAMI approval to give it back to the landowner.

Matt Ropp ([02:29:36](#)):

No

PC Michael Warren ([02:29:37](#)):

That's that's

Matt Ropp ([02:29:38](#)):

When you, well, I mean, we, we're not going to give it back to the landowner and say, go ahead and go for it. Uh, before we're sure that DOGAMI is going to sign off on, you know, the land form that the top soil's been replaced, et cetera. Um, so, you know, in, in that sense, if we don't know that, then we're not going to give it back to a landowner, but the, I think the answer to your question is, does Doug gamy sign off on something? Um,

PC Michael Warren ([02:30:03](#)):

It's not piecemeal. They wait till, till you're done don't they

Matt Ropp ([02:30:06](#)):

They, they wait until we want to get our bond back.

PC Michael Warren ([02:30:10](#)):

Okay.

PC Gary Bedortha ([02:30:11](#)):

You did indicate you can sign off on parts to get a reduction in bonding, is that correct?

Matt Ropp ([02:30:15](#)):

Correct. That's right

PC Michael Warren ([02:30:18](#)):

Along with the top soil. So that 30 acres that we're talking about has that had the top soil put back, cause you said you used the top part for the berms. Has any of the berms been taken to fill that in or will that be filled in later? What will happen to the berms on the Woodward?

Matt Ropp ([02:30:35](#)):

Well, the, so ultimately the berms on the Woodward property will be used for reclamation to put, uh, back on lands that need to be covered in top soil. Um, this land, uh, to the north, the, the pigweed land, I believe is where the haul road is.

PC Michael Warren ([02:30:54](#)):

Okay.

PC Laquita Stec ([02:30:58](#)):

I didn't understand. Um, you said the, the BEMs on the Woodward property would be used for

Matt Ropp ([02:31:08](#)):

Not on the veneer property.

PC Laquita Stec ([02:31:12](#)):

Excuse me?

Matt Ropp ([02:31:12](#)):

Go ahead. I'm sorry. Finish the question

PC Laquita Stec ([02:31:12](#)):

No, I, that was, I thought I heard you say the process, the area of Woodward that reclaimed we'll use the berms

Matt Ropp ([02:31:22](#)):

We'll use berms, the berms come down at the very end. And the berms are comprised of top soil.

PC Laquita Stec ([02:31:29](#)):

So you put them back on.

Matt Ropp ([02:31:31](#)):

So we'll put those back on the, the one exception here is that we'll need to leave the berms on the Woodward property until we're done mining all of the land under the plant. Cause we need that material.

PC Laquita Stec ([02:31:44](#)):

That was what I thought I heard, but I wasn't sure. So the processing part will still be bermed

Matt Ropp ([02:31:50](#)):

Until we're done with it. Correct.

PC Laquita Stec ([02:31:54](#)):

Which would be, um, anywhere from six to 12 years for the Vanier property, depending on the need for more aggregate

Matt Ropp ([02:32:06](#)):

I think that's a reasonable expectation with respect to how long it takes to mine the Vanier property. The Woodward property will be depleted, the EFU zone part, as far as the mining goes. The processing facility has gravel under it and someday we will mine that but it is not subject to any plan amendment or conditional use permit. It's just an industrial area, uh, with gravels under it. So, um, I mean, and in full transparency that plant will stay there until we don't need that plant there.

PC Laquita Stec ([02:32:40](#)):

Well, could I ask a sort of related question, if you don't mind?

Matt Ropp ([02:32:43](#)):

Sure.

PC Laquita Stec ([02:32:43](#)):

So the processing plant will stay there regardless unless you move it to, to mine under it. So if you end up not moving it to, to mine under it, will you be hauling in aggregate from somewhere else to put through the plant?

Matt Ropp ([02:32:59](#)):

I don't have an answer to that question. What I can tell you is it's in an exception area, so I believe in the nineties, the county went through a, a comprehensive planning process with an ESEE analysis. And this area is the location in crook county where heavy industrial uses shall occur. And so, you know, for us to have access to a location where we've got good transportation, we've got industrial neighbors, it's heavy

industrial zone. If it's not us making noise there someone else is going to make noise there. I think what you're asking is, is there a chance that it could stay there and I have to believe that yeah, there's a chance.

PC Laquita Stec (02:33:42):

Then that would mean the berm would stay there to keep visually from the views.

Matt Ropp (02:33:46):

I think that's a good idea. Yes.

PC Laquita Stec (02:33:51):

Thank you.

PC Susan Hermreck (02:33:51):

Mr. Chair, could I ask another question? Yeah, go ahead.

PC Susan Hermreck (02:33:57):

Okay. I wanna go back to the 30 acres of pig weed, and you're saying that still under an open DOGAMI permit yet, the other gentleman said that Woodward told him that he could go ahead and farm it. I'm finding a bit of ambiguity, Uh, you know, I'm finding a little bit of a problem with that. What is the real story? Have you not reclaimed it and turned it over to the landowner? Or why do we have these 30 acres that he's saying that he's got a lot of work before it can be farm? And you are saying your excuse is an open DOGAMI permit. Explain this, the two opinions and how they meet.

Matt Ropp (02:34:45):

I can't speak to whatever communication Mr. Woodward and Mr. Zimmerlee Have had. Period. That's the end of that. I can't speak to that. What I can say is we've removed the gravels and we've graded that land. So we're not actively mining that land. I can say that in response to requests from, or, or input from our neighbors, we have chose to locate the haul road in an area that has already been mined and already been graded, and is a good location for a haul road and is within an active DOGAMI permit and is in an area where we have permission from the landowner. That's it.

PC Susan Hermreck (02:35:26):

Okay. I'm not talking about the haul road. I understand the haul road deal. I'm talking about why does Mr. Zimmerlee think that he's released to farm, who released that? Are you done reclaiming it or, and it's the way it is. And that's what he's got to work with. That's my question. Or do you have more additional work to do there?

Matt Ropp (02:35:52):

If the landowner is satisfied with the condition of that ground and the landowner chooses to lease to Mr. Zimmerlee Lee, that is something that we would accept. I don't know what the agreement with Mr. Zimerlee is.

PC Susan Hermreck (02:36:06):

Okay. Okay. You've answered my question. Thank you,

PC Michael Warren ([02:36:12](#)):

George. Did you have a question?

PC George Ponte ([02:36:14](#)):

No, not at this time, no.

PC Michael Warren ([02:36:15](#)):

Okay, go ahead.

Matt Ropp ([02:36:16](#)):

Okay. I want to point you to our dust management plan, submitted on August 23rd

Matt Ropp ([02:36:59](#)):

Okay. So exhibit 23, I just want to make note that the dust management plan has been placed in the record. That's something that, uh, has been requested. Uh, it's something that is required. It's a table that lists all of the relevant agency permits and the conditions that relate to dust and the dust management strategies. So, I recognize that you may want to spend some time reviewing that, but I wanted to point out that it is in the record

PC George Ponte ([02:37:35](#)):

Question. So, um, some of the, some of the language and your dust management plan, for example, all roads, the second box shall control all fugitive test emission associated with the operations. Now I, I understand that this hearing is not about the Woodward operation. It's obvious lot of people in this room that those fugitive dust emission have not been all controlled. How do you respond to that?

Matt Ropp ([02:38:12](#)):

So I would say that, it has taken, we're not perfect. I mean, I think we've said that before, and we'll just keep saying it. It's taken, it's taken some input, from our neighbors. It's taken some work, from our team, to not only identify, you know, better ways to manage haul road dust, but also to, to pin down where the dust is coming from and the conversations that I've had with folks, you know, the open area within the industrial land, right, where you have a lot of activity, which necessarily is going to, you know, create a condition that is perfect for dust requires a lot more water. And when you get out further on these kind of, you know, double lane haul roads, bringing material in where you just have a dirt surface, uh, you know, we have treated that haul road with water and, have had pretty good success.

Matt Ropp ([02:39:11](#)):

Most of the information I've received from neighbors is that it's not really your haul road that's a problem. But, there are times when it's gonna be more difficult to manage than others, and so, is there anything you can do about your haul road? And so what we've done is we've decided to designate a location rather than just running over dirt, wherever point A and point B is we've designated a location where we will create an aggregate based haul road with the top course, that can be treated, uh, we've explored options for like a lignon treatment in the summer that doesn't work in the winter. Uh, but we can use a water or a combination depending on what works best. But to answer your question, how do I

explain how, uh, we will control all the dust when we have not previously been controlling the dust, this plan seeks to accomplish that and, DEQ,

PC George Ponte (02:40:03):

You'll try to control all of it

Matt Ropp (02:40:04):

We're gonna try to control all the dust

PC George Ponte (02:40:06):

As opposed to shall.

Matt Ropp (02:40:08):

Well, yeah, I think the shall is a permit condition. Yeah. It's a permit condition. Because obviously sir, if the planning commission placed a condition in our permit that says, applicant will try to control all the dust, you know, it doesn't set the bar very high, so, but you're right. Shall means absolutely no dust. There will never be a condition when there's no dust at all, but there can be a condition where dust is minimized to the extent that it is not impacting our neighbors. That's the objective.

PC Gary Bedortha (02:40:45):

So how do you propose to control dust on parcels you have not released from your DOGAMI permit, but have turned back over to the landowner for farming and they don't have the water to irrigate with. I'm not really putting this on you or the farmer. I'm just asking.

Matt Ropp (02:41:01):

I understand. We're through that and I appreciate that. Um, in our dust control plan, you'll see that.

PC Gary Bedortha (02:41:11):

Oh, can I ask one more question? So I'm clear on this, your agency site also listed crook county conditions and it's number 13. And I'm trying to refer back to staff report for, and mine show that this mitigation is 9, 10, 11, 12, 13. So maybe that's, I maybe I'm on the wrong staff report. Cause I have a lot of information.

Matt Ropp (02:41:34):

It could be the 13.

PC Gary Bedortha (02:41:35):

I don't mean to interrupt you.

New Speaker (02:41:36):

It could be that 13 was the Woodward condition.

PC Gary Bedortha (02:41:39):

Okay. Could be

Matt Ropp ([02:41:39](#)):

And again, as we've talked about, the Woodward case is not the subject of this, but clearly they're related, we're using this road to get materials to the Woodward side

PC Gary Bedortha ([02:41:47](#)):

I understand, I just wanna make sure I'm on the

Matt Ropp ([02:41:50](#)):

So in the dust management plan, it says reclamation, backfill, seed or mulch bare soils else. So that's something, again, you know, we can, we can go back to the 30 acres of pigweed over and over and over, and

PC Gary Bedortha ([02:42:16](#)):

I'm not interested, I just want

Matt Ropp ([02:42:16](#)):

Every time I'll say it sounds like that was a miscommunication. I wasn't on the ground when that happened, but it sounds like there was some expectation on our part that the landowner was gonna take care of it. Some expectation on the part of the landowner that the farmer was gonna take care of it. And some expectation on the part of the farmer that he would be getting a different situation. So we're gonna try to avoid that by mulching or seeding in the fall or in the spring to prevent that from happening again.

PC Gary Bedortha ([02:42:45](#)):

And I'll ask the question again, just real quick. How do you deal with that? If you signed off on it, landowner, the landowner farm is farming it or he has leased it out. I mean, there is, you're not gonna go into mulch over the top of somebody that has it

Matt Ropp ([02:42:59](#)):

I see what you're saying.

PC Gary Bedortha ([02:43:00](#)):

So I mean,

Alex Pomraning ([02:43:01](#)):

So what happens

PC Gary Bedortha ([02:43:02](#)):

They need to be dealt with either up here or out there

Matt Ropp ([02:43:06](#)):

Right. So if I understand you correctly, you're saying, okay so what if you do reclaim the land to the landowner satisfaction and they're the farm owner, and two years down the road, while you still have an active dog gamy permit, even if your bond has been released from that site, it's still within the

boundaries of the conditional use permit and your DOGAMI permit. And the farmer just decides to go to Mexico for two years. What are you gonna do about it? I don't have an answer to that question right now. Okay. I don't, I'm sorry. Well, that's fine, but it's a good question.

PC Gary Bedortha ([02:43:36](#)):

I mean, it's probably one that we need to deal with if we need to do better jobs as we move forward

Matt Ropp ([02:43:41](#)):

Right. I guess, I guess the answer to that question is once we have reclaimed the land, that is owned by somebody else, that is farmed by somebody else, if they choose to mismanage it as farmland, how, what is the nexus even between us and them at that point?

PC Gary Bedortha ([02:43:59](#)):

Sure. Uh, yeah. Okay. I'm, I'm sorry. I'm I'm just trying to think

Matt Ropp ([02:44:02](#)):

No, it's a good question and I didn't have an immediate answer for it, which meant that it was

PC Gary Bedortha ([02:44:07](#)):

It's a hard one to answer so thank you

Matt Ropp ([02:44:10](#)):

Okay. Um, groundwater guarantee conditions. Um, I want to go ahead and direct you to that. It's gonna come up again. If we have time when, Mr. Stacy and Mr. Lidstone speak but it is in the groundwater exhibit.

PC Michael Warren ([02:44:26](#)):

Is that 26?

Matt Ropp ([02:44:27](#)):

I believe it's 26.

Matt Ropp ([02:44:54](#)):

Okay. So, Mr. Mikulski said groundwater guarantee. Great. I'd like to see that. I just wanted to point out to Mr. Mikulski and others who are interested in it, that it is exhibit 26 and essentially it's, uh, if you break it, you buy it provision. Um, now you need to read the language carefully because it's like for like. If a neighbor's well goes dry and it's not something that we did, obviously we're not going to fix it. We're going to investigate it to determine that, but this agreement would be a condition that we would propose to the conditional use permit and also to the DOGAMI permit that says, if we break it, we're responsible for it. Now, the county does not have the technical staff to make that determination. Right? Whose fault is it? DOGAMI does. DOGAMI has Bob Brinkman, a hydrogeologist that, you know, monitors these permit conditions.

Matt Ropp ([02:45:55](#)):

And if there's a complaint about a well, DOGAMI will investigate it and they will make their own determination. And if it's our fault, they're gonna hold our feet to the fire. So, this is something that is just understood, but there was a lot of questions during the first hearing. Um, and you know, I kept responding. Well, if it's our fault, obviously we'll have to. But what I, what I didn't understand at the time is people want to see that language in this permit. And so we're proposing that language as a condition of our conditional use permit.

PC Michael Warren ([02:46:33](#)):

Okay.

PC Michael Warren ([02:46:35](#)):

Does anybody have any questions?

PC Gary Bedortha ([02:46:40](#)):

I would have a question real quick though, on your groundwater you list two sites off site, if you it's offsite of you in communication with the landowners. I mean, so I realize it's not something that we really get to deal with, but it, it is

Matt Ropp ([02:46:56](#)):

I think it's important. I think it's important because it's, it's not you know, DOGAMI, geology, groundwater, per se, but it is an adverse impact. And that is, that's a subject of this review. So if you go to our groundwater exhibit, uh, if you go ahead and go up, I believe to the second page on exhibit 26, go ahead and go back to the beginning. Hannah, It's a different sheet within this exhibit. Well, for the ground water, no, that's it. Okay. It's a different exhibit. It's the groundwater exhibit, not the conditions

PC Gary Bedortha ([02:47:36](#)):

I saw your map.

Matt Ropp ([02:47:41](#)):

So it's page two, part two of five. There you go.

Matt Ropp ([02:47:47](#)):

In the first hearing, there was this question, you know, we were saying we were gonna collect baseline data so that we had evidence to demonstrate, prior conditions versus conditions that could be affected by mining. Right now, our hydrogeologist has said, these wells are not going to be affected by mining, but these are countermeasures, right? The recharge trench and the baseline data and monitoring upon request. So the wells that we proposed to monitor are, the Mikulski well, the Johnson well, a shared well that is the Vanier well and Davis well, and then, and fortunately the Davis family brought these Springs to our attention because they're not mapped and there is no water right for them because they're Springs, that's how it works. And so we have visited this site. Our hydrogeologist has been there and we're gonna collect data on both of the Davis Springs as well. So with respect to the baseline data collection that I spoke to in the first hearing, those are the wells that we propose to monitor. And I'll let our, hydrogeologist speak to why that is.

Matt Ropp ([02:48:57](#)):

And with that, if there's no further questions. Again, there's a lot of stuff to discuss and I think this is a good forum to do that, because everybody gets to hear it and it stimulates conversation. I've got a good list of kind of key points and when, during the open record period, I will make sure that I make findings that would assist the planning commission. And, obviously you'll make your own findings, but I'll make findings that support that process, to explain some of these matters in detail. So, can we have Mark Stacey and Chris Lidstone speak. Okay. So Hannah, could you go ahead and tell us again who they are. Okay. Mark Stacy and Chris Lidstone are geologists, hydrogeologists. I'll let them do their introduction, but they specialize in groundwater, and specifically mining cases. And so when we have a question about, you know, what's gonna happen if, these folks have the expertise to do the investigation and advise us on how to, to deal with those things. I want to make sure they do. Yeah. Okay. One thing I wanna point the, the commission to and members of the public is the groundwater outline that is, I believe exhibit 26, is that correct?

Mark Stacy (02:50:17):

That's correct Matt, this is Mark

Matt Ropp (02:50:18):

Okay. The groundwater, Mr. Mikulski had said, hey, I see some partial answers to these questions, but I wanna know more about this. That is not a report. It's a groundwater outline so that the commission and members of the public can follow along with this otherwise fairly complex subject matter. So I've asked our geologists to go kind of in order so that we know where we're at and we know what the responses are. So that's, that's what that is. It's not a technical report. It's just an outline. So with that, I'll go ahead. I'll stay here in case I need to support them. No, that's fine.

Mark Stacy (02:50:55):

So, Matt, this is Mark Stacey with Stantec. You know, we were talking about presenting this and, for matters of time I think we could just take the highlights. Um, two of which were, of course, the two exhibits you just referenced in exhibit 24. Uh, one of which is the first exhibit next 24, which shows the recharge trenches. Okay. We talked about this last time

Matt Ropp (02:51:24):

Hannah could put exhibit 24 on the screen please. Okay. Mark, we're starting with the first exhibit that shows the recharge trench.

Mark Stacy (02:51:35):

Yeah. Exhibit 24 page one shows the recharge trenches

Matt Ropp (02:51:41):

It's on the screen.

Mark Stacy (02:51:44):

Okay. So the only one I wanted to point out is that we actually added the recharge trench in the Southeast, along the Southeast property line at Vanier, after we heard the testimony from, Ms. Johnson last week and Mikulskis, last time, we decided to go ahead and add that recharge trench in to make sure we do in fact, protect their water rights as we're mining in that direction. So that was the only change

we made to that particular map. And then as you noted on page two of that exhibit, we added in the five monitor locations. Specifically for the purpose of acquiring information on these five adjacent springs and wells that are, if you will, most vulnerable, uh, to our operation. Now, with that said, you know, the two Davis springs, the reason we selected these five is because they all obtained water from the terrace deposits or the shallow aquifer that's here at the property. And obviously we need to protect Davis spring, number one, and number two, the Vanier shallow, well clearly, you know, because it feeds the two houses. We need to make sure that we, maintain the water supply of those two residences, and then obviously the Mikulskis and the dairy well. So it's the proximity, in their completion, in the same aquifer that, you know, drove us to select these five locations.

Mark Stacy ([02:53:29](#)):

And, the point is that, you know, we would be grabbing baseline monitoring on these five in advance of mining. So we'd be looking at water levels, water quality, specifically water quality, PH, turbidity, just trying to get an idea about what conditions look like in advance of it. And also in addition to the flows, particularly at those springs, just to see how much water's actually going down in the drainage. So, with that, let's flip back over to

Matt Ropp ([02:54:12](#)):

This is, excuse me. This is Mark Stacy

PC Michael Warren ([02:54:15](#)):

Hey Mark, Mark, just a question as you kind of cut out there. You're monitoring, I think you said something about water levels and you say, quality and then pH, and is that what you were saying?

Mark Stacy ([02:54:30](#)):

Yeah, we'll be measuring, we'll be assessing those five points for both water quantity and quality.

PC Michael Warren ([02:54:36](#)):

Okay. I just wanted to make sure I heard you right.

PC Susan Hermreck ([02:54:40](#)):

Mr. Chair, can I ask a question?

PC Michael Warren ([02:54:43](#)):

Sure.

PC Susan Hermreck ([02:54:44](#)):

Why in adding the retention basins on the, on map before this map, you said you had added, retention basins in the dotted line there to protect the bottom wells. What about adding, what, how is that a protection? What is the mechanism that by adding those protects that water?

Mark Stacy ([02:55:08](#)):

Okay. So that recharge trench on the Southern property line. Um, last month we talked about the, we basically looked at what the setup of the recharge trench looks like, but basically what you're doing is

you're stripping off the overburden. You're getting down to the unsaturated sand gravel beneath that. You're giving yourself an opportunity to basically take water that you're pumping out of, say area 12 or area 13, and you're putting it into this recharge trench right next to you. You're basically taking the water out from where you're mining it. You're putting it into this recharge trench right next to you so that, um, you're trying not to affect anything across that trench. You want that water to go away from you toward down gradient, away from you, toward those adjacent wells to recharge the aquifer. So we're pulling water from the mine cell as we're mining, but we're putting that water immediately into that recharge trends to make, to put it back into the aquifer. So there's no net change effectively, you know, the question's been raised with evaporation. Yes. We're anticipating, we'll have some evaporative losses associated, but primarily it's gonna be going down into the aquifer.

Mark Stacy ([02:56:33](#)):

Does that answer your question?

PC Laquita Stec ([02:56:34](#)):

So, so basically what you're, the two, the wells that you say might be the most vulnerable are the Mikulski well and the dairy well, which are immediately across the street from that retention trench.

Mark Stacy ([02:56:50](#)):

That's correct.

PC Laquita Stec ([02:56:51](#)):

Right. Also, I noticed on the map that between area 10 and 11 cells up to the north, there is a retention trench, which is by the Davis spring number two. And is there anything other that could be necessary there to keep that from messing up the spring?

Mark Stacy ([02:57:32](#)):

We think the recharge trenches are placed in such a position that they should be well located for addressing, you know, replenishment in that area to keep the springs flowing and we'll be monitoring as we're actually doing it. So the baseline monitoring, is not only for prior to mining, but also they'll continue during mining. So we'll keep an eye on those Springs as we're mining, and as the recharge churches are in operation to make sure that things are working that way that they're supposed to.

PC Laquita Stec ([02:58:05](#)):

Okay. You said

Mark Stacy ([02:58:06](#)):

And monitoring wells are noted in area seven and eight, and then five, as we talked about last time I was out. So we've got various points at which we'll be monitoring to see how well our water is going to areas where it needs to go to make sure that, um, these areas springs and wells are protected.

PC Laquita Stec ([02:58:29](#)):

Okay. So in looking at your elevations on the second page here, um, and I think you said last time, everything above that line flows to the north and everything above that 2910 flows, no. Or vice versa, 2920 flows south and everything above 2920 flows north. Is that, what am I remembering that, right?

Mark Stacy ([02:58:57](#)):

No. So, groundwater is flowing from Northeast to the south west, according to this map

PC Laquita Stec ([02:59:04](#)):

Which one?

Mark Stacy ([02:59:05](#)):

So remember, we're always pulling from highest elevation to lowest groundwater's flowing from highest elevation to lowest elevation. So groundwater is generally flowing from Northeast to Southwest

PC Laquita Stec ([02:59:23](#)):

From the 29 . That way. Okay.

Mark Stacy ([02:59:25](#)):

So the only contour you know, the contours here don't show the data. We just put the contours on here relative to the baseline locations, just for purposes of highlighting where we are actually taking baseline data. But yeah, these counters are based on, you know, water levels from different wells across the area.

PC Laquita Stec ([02:59:49](#)):

Okay. Thank you.

Mark Stacy ([02:59:53](#)):

Okay.

PC Michael Warren ([03:00:02](#)):

I don't think we have any other questions so go ahead, Mark. Go ahead.

Mark Stacy ([03:00:09](#)):

Okay. I was just gonna say we'll go to exhibit 26 and just hit a couple of highlights here with regard to the recharge trenches. And remember, first of all, any groundwater management strategy here has to be approved by DOGAMI. I believe Matt has mentioned that, we talked about that last time, and it proven technology that we've used elsewhere, and knife river has used it other places in Oregon. Particularly, I want to point out item one C. All recharge trenches will be constructed by stripping overburden to expose the underlying sand gravel. So no new materials are gonna be brought into the recharge trenches. We're just taking off the cover layer and putting water directly to sand gravel in that trench. So we're not digging into the saturated material. We're not digging up sand gravel, we're not replacing anything. We're just exposing the sand gravel below the overburden and putting the water in that way. And the other point is, and under 1.E. is that the aquifer downgrade of active mining and downgrade of the recharge trench will be monitored for where we're actually putting our water in. All of the water we pull out from our mine cells will be put into recharge trenches that are downgradient of us. And as we mine to the Southwest, we'll mine through those recharge trenches and create new ones down gradient to the west, as we need to, to keep that water going in the direction that it needs to

PC Michael Warren ([03:01:52](#)):

You mentioned in here, and you just said it, these trenches just like the water monitoring of the wells, if the one goes bad, DOGAMI is the one that determines what caused it. They have to sign off on these trenches, on how you're doing it, correct?

Mark Stacy ([03:02:17](#)):

Correct. Yeah, the approach is to be signed out from DOGAMI, and then it's up to us as the operators to make sure that those trenches are doing what they're supposed to do with regard of the water.

PC Gary Bedortha ([03:02:27](#)):

So, I've got a question. The south trench, is it placed within the hundred foot setback? So there's a berm along the road. The trench will be inside the berm the property line or the property and will it not be, will it not be

Mark Stacy ([03:02:51](#)):

So, I'm looking at Matt's exhibit 22 and the figure he showed us there, where he's got, like, as you said, the berm is inside the setback. These recharge trenches would be just on the other side of that setback limit, right at the edge.

PC Gary Bedortha ([03:03:06](#)):

So would it be within, would it be in the a hundred foot setback?

Matt Ropp ([03:03:15](#)):

We would like the option of putting it inside the setback

Mark Stacy ([03:03:18](#)):

So, this thing would be at the edge of that a hundred foot setback or potentially inside the edge of the mining area to put enough room and where the berm is, et cetera.

Matt Ropp ([03:03:37](#)):

Mark, how wide did you say the recharge trench needs to be?

Chris Lidstone ([03:03:44](#)):

Um, the length of it has more to do with, the well, or the spring that is opposite us.

Matt Ropp ([03:03:55](#)):

As far as trench width though

Mark Stacy ([03:03:57](#)):

The trench width is like 20 feet

Matt Ropp ([03:04:01](#)):

20 feet. Okay.

PC Gary Bedortha ([03:04:02](#)):

How wide is the berm?

Matt Ropp ([03:04:04](#)):

It should be about 60 feet

Matt Ropp ([03:04:11](#)):

So what I would say is according to Mark and Chris, the location of the recharge trench is gonna be based on data. We would like the option of putting that in the setback, just like we would put the berm in the setback, but I can't speak to whether we'll put that, you know, always in the setback or if we might put it in another location, if is determined to be a better location.

PC Michael Warren ([03:04:35](#)):

So, again, it's, it's dictated on the best place for it. Not you guys aren't just start going in there digging a ditch, it's engineering,

Matt Ropp ([03:04:45](#)):

It's engineering. And I just want to emphasize something that Mark touched on. The county has local land use review, right. And so we get a lot of our conditions related to noise dust, lights, those types of things. Um, but the county is not expected to perform the technical analysis and monitoring. That would be, with respect to mining, that's DOGAMI. And so, while this process is going to be a very involved, arduous process, addressing the county's criteria, we have it equally involved, an arduous process to go through with DOGAMI, where we'll address, you know, cultural resources, state historic preservation office, ground water, dust, all these things have to go through a technical review through the guys that actually do enforce mining regulations.

PC Michael Warren ([03:05:36](#)):

Well, and I think that's important for the record that it's not just something that you guys are out there digging. We want, we want to hear.

Matt Ropp ([03:05:45](#)):

I've seen a lot of cases where not a lot of cases, but I I'm thinking of one in particular right now where the property was added to the inventory. It got its conditional use permit. The conditional use permit includes a provision that all state and federal permits shall be granted before operation. And it's been sitting there for years because that's where you get into the real technical review. And if there are issues, that's where they get caught, but we can't even apply to DOGAMI if we don't get through this process.

Chris Lidstone ([03:06:17](#)):

And Matt, this is Chris Lidstone speaking. Just to kind of clarify as DOGAMI regulates basically impacts to surface water, ground water, as well as soil and reclamation. And they have a ground water specialist there. They've got surface water people, and they'll be technically reviewing every aspect of the submittal and, based on how this is, and these recharge trenches are not new technology they've been used for several decades. And, effectively is the reason why knife river and we have placed these monitoring wells in that area around area seven area five and area four. That truly helps us to find the

way that the water behaves. You know, you're dewatering the mine self behind yourself, and you're effectively recharging the water table in front of yourself. And so, as Mark said very well was as the goal was to protect all groundwater rights in the area. And the proof in the pudding will be the monitoring program that we are implementing, which is a pretty rigorous monitoring program. And as you begin to continue to progress your mining, you know, you may adjust your, you know, trench just a little wider, you know, maybe a little bit deeper, uh, but effectively the goal is to minimize impact to not just the well, but to the groundwater table in general. And this is all during the mining process.

PC Michael Warren ([03:08:13](#)):

Okay. Thank you.

Chris Lidstone ([03:08:16](#)):

Okay. I'll turn this back over to Mark.

PC Michael Warren ([03:08:22](#)):

Mark.

Mark Stacy ([03:08:23](#)):

So, to hit a couple of highlights. On exhibit 26, on page two, under water quality concerns, item three. So the water quality of all the wells that we have on site will be monitored quarterly. That will be in addition to the baseline monitoring wells. Um, and the quality will be monitored for will be GRO, which is gas range organics, uh, DRO, diesel range organics, both of which, you know, are things that you might associated with leakage from gasoline or diesel burning engines. In addition, turbidity, all solids, iron, manganese, Ph, conductivity, temperature. So there's been some mention about an interesting temperature change out there. Um, and that's something that, you know, we're concerned about. So we'll take a look and see what we have for the temperature changes that may be occurring. The point is to, you know, not introduce anything, not introduce any contamination as a result of our mining practices.

Mark Stacy ([03:09:47](#)):

So I think that pretty well summarizes the highlights of the outline, you know, it's in the record, it's all in writing. If you have any other questions on that. Chris, you wanna highlight anything else? So I'll turn it over Chris and he'll talk about things he'd like to discuss.

Chris Lidstone ([03:10:11](#)):

This is Chris Lidstone again. A lot of the concerns we heard in previous testimony were related to long term, uh, what happens after the mining process is ended. When we speak to that, that was really in response to, you know, questions that we reviewed from the record and some was brought up by Mr. Zimmerlee, and some by Mikulskis, and effectively DOGAMI is the, again is the regulating entity.

Chris Lidstone ([03:10:57](#)):

And they'll be looking at reclamation and they do hold, what's called a reclamation bond on this property until, uh, we meet their reclamation goals, and the goals were part of what recently when talking about Woodward were signed or submitted by knife river for the Woodward property. And they have a requirement of stripping topsoil, and replacing topsoil. So, and the landowner signed off on that

and landowner is in agreement with that reclamation plan. That's part of the process with DOGAMI. As we developed the Vanier reclamation plan, and it's the same concept, but what we've committed is, and what goes forward with, uh, the previous studies was with stripping top soil with stripping sub soil, which is, we call it overburden, but effectively we have about 18 to 24 inches of top soil, which is a natural material that's there in the ground beforehand. And to answer somebody's question about DOGAMI's goals. Reclamation goals are equal or higher than the previous land use.

Chris Lidstone ([03:12:12](#)):

And that's how we. we've been in the reclamation business for 40 years. You know, we try to achieve restoration of the land equal or better than it was when we began the process. I heard some questions today about this issue of, oh gosh, you need to add a lot of fertilizer and everything else. The idea of contemporaneous reclamation is, you know, the initial box cut, the initial top soil, as Matt said, is going to the berm. By time you get into mining, the next few cells, then you basically are taking, you know, you got two separate piles and it's only leaving the ground for a very short period of time. You're stripping the top soil and you're directly replacing it on the overburden in the previous cell. So if the top soil didn't have any organic matter when we started it doesn't have any organic matter on the way back, but effectively is that this was good hay ground and good hay meadow

Chris Lidstone ([03:13:18](#)):

we're basically restoring the same material and it's not like we're leaving it in stockpiles, other than the berms surrounding the property, which we're revegetating, which allows to be protected from wind water erosion and obviously provides organic matter. But the material that's being stripped and replaced is not sitting in open air and open, you know, wind for a long periods of time. It's being immediately replaced. You know, and as Matt said in his previous testimony, we will be working with the landowner and this is all part of landowner agreements to seed it, place seed, and whether that's being done by the landowner, by his lessee, or by ourselves. And these are issues we'll have to work out, it's being done at the right time of the year, either fall seeding or spring seeding, you know, you, aren't trying to seed it in July or August. You may lay the topsoil in July and August, but the seeding will come later on in the year.

Chris Lidstone ([03:14:23](#)):

So basically, as part of your reclamation plan, you're gonna have a ground surface that's lower, uh, because you removed the gravel, but effectively you still have eight to 10 feet of sub soil and top soil that's going back in there. And that subsoil will also contain water, cuz it may not be a great groundwater flow path, but it'll be saturated and you'll probably be able to use less irrigation water than potentially you could have, you know, prior to mining because you don't have this big sandy zone underneath it, that draining. So effectively, the goal for reclamation from a DOGAMI perspective and knife river's bond that, you know, will not get released until they meet DOGAMI's goals is landowner consent and equal or higher land use. So, equal or higher land use.

Chris Lidstone ([03:15:29](#)):

And so basically, I can't remember who it was, I think it was, it was some kind of questions over what we call two C, which is this idea of contemporaneous reclamation, but effectively the early strippings go into the berms and then at the end of mining, the last cells receive that overburden and top soil. And, all the other cells are immediately reclaimed. If you're looking at, you know, for example, with Woodward where you have a hundred, some odd acres over five to six years of mining, you're probably mining and

reclaiming about 20, 25 acres a year. And, those will be the blocks for reclamation that will take place. Mr. Mikulski asked questions about how groundwater flows. Effectively the groundwater will be flowing through this area, but at a lower rate because the permeability will be less than the pre mining permeability. The groundwater will still flow through this area. You know, as Mark said, in his previous testimony, you'll have more water moving its way around this area. And so that will be actually serving those wells post reclamation. There will be the water that's no longer being wicked up, you know, and sub irrigating through the gravels above, it's actually being there so I would expect that during mining, we are replacing the water through these recharge trenches, post mining, the groundwater system will continue to feed the shallow aquifer.

Chris Lidstone (03:17:26):

And I think I was trying to make sure we had covered the issues that I heard raised. I think that covered the groundwater guarantee, which we feel is important because it really should at least provide a certain level of comfort to people. I think, you know, we, as a company are willing to continue to work with the neighbors to make sure that they're, um, you know, wells and systems are protected. I'm happy to start talking about agricultural reclamation, but, I guess I'll stop for a moment and see if there's any questions.

PC Linda Manning (03:18:23):

I have one, um, in that, the dust management, you mentioned chemicals that you would use for the dust management, in your graph, is that going to affect the ground water?

Matt Ropp (03:18:42):

Chris, can you speak to that?

Chris Lidstone (03:18:43):

Your question is the, the chemicals we use for reclamation, will that affect the groundwater?

Matt Ropp (03:18:50):

No, that was dust management.

Chris Lidstone (03:18:52):

Dust management. Yeah, generally I can, and then Matt can probably speak to this also but you know, we use things like lignin sulfonate or tackifiers, mag chloride. We aren't using salts, no, like sodium salts. We're using things like magnesium chloride, which will hold the the dust down. Lignin sulfonate is actually a byproduct of the timber industry. Uh, and again, it's a tackifier, none of this, you know, we use this to kind use this on roads and dirt roads. I know I worked in Paulina and some agricultural operations there and, basically they're using mag chloride to minimize dust on the county roads, crook county roads there. Effectively they should not and will not affect the groundwater.

PC Linda Manning (03:19:48):

Thank you.

PC Michael Warren (03:19:52):

Okay, we don't have any other. Susie, did you have any questions?

PC Susan Hermreck ([03:19:59](#)):

No, thank you.

Matt Ropp ([03:20:05](#)):

Well, we're 20 minutes after seven.

PC Michael Warren ([03:20:09](#)):

I know, and it's, it's a tough one because I, I mean, as far as I'm concerned, we haven't heard anything new. I mean, it seems like they're addressing, what's been asked. So, what's your

Matt Ropp ([03:20:23](#)):

Well, I would like, yeah, I was actually gonna raise that point. Um, I know that we submitted information to the record, but everything we submitted to the record represents what we had discussed or was a documented, uh, depiction of what we had already responded to. So we, we said we've got a dust plan. We use things like watering stockpiles and watering our roads and mulching and seeding. We talked about all that last time, but now we've got it in a table. So that it's something that you can actually hold onto. The site plan, there was a site plan submitted that had shown, okay, well, we proposed these setbacks and our findings describe using berms and there being a haul road. Now we've got a revised site plan that shows exactly where those berms will be, where the haul road will be.

Matt Ropp ([03:21:14](#)):

It's generally as was described, but now you've got new site plans, but they don't really depict new information. Um, they're just a better reference. The outline for the hydrogeologists, these are things that were all pretty much covered during the first presentation, but he went through it fairly quickly. And there was a lot of questions that kind of, I mean, I think the content is in the record, if you go back and listen to the oral testimony, but the purpose of this outline was so that people could follow along and make sure that we got everything. So, I don't think that we've really introduced anything new. We've just tried to do a really good job of explaining and documenting what we'd already presented. So I would, I would be comfortable just resting there with oral testimony. And then I, you know, I think that there's probably going to be some questions and there was evidence submitted. So, uh, at this time we would say we would want the, the record left open so that we could supplement, um, anything that we need to supplement in order to, uh, complete our application, or to support our application. But as far as all testimony goes, I think that we, we have accomplished what we wanted to accomplish.

PC Michael Warren ([03:22:29](#)):

Okay. So I'm gonna kind of refer here to Will for some direction, because this is, are we talking something different than just doing the 7, 7, 7, cuz we're talking about leaving the record open.

Director Will VanVactor ([03:22:42](#)):

Yes. It is slightly different than the normal 777, because it will not be opened for anything for the first seven days. So, um, additional written evidence or testimony shall be limited to evidence or testimony that requests the new written evidence or testimonies. So it needs to rebut what's in the record in particular, what was submitted recently, in our hearing tonight. But the normal 7, 7, 7 process would include kind of an open first period and we're not, and we're not doing that. So it's more seven days for rebuttal from everybody and then seven days for final argument for the applicant. I'll just note this. It

doesn't have to be, it has to be at least seven days. It can be more than seven days. So the seven days is just a minimum.

PC Gary Bedortha ([03:23:37](#)):

Will, is there a difference between goal five and a condition use permit for comment?

Director Will VanVactor ([03:23:46](#)):

Not for the comments we're receiving right now.

PC Michael Warren ([03:23:52](#)):

Okay. And is that how you understood it?

Matt Ropp ([03:23:54](#)):

It is.

PC Michael Warren ([03:23:56](#)):

Okay. How does the commission feel about that?

Matt Ropp ([03:24:00](#)):

Can I just clarify that real quickly? I just wanna make sure that we don't commit a procedural error. Because there was evidence submitted later than seven days from this hearing or since seven days from this hearing. Um, and, and now we're discussing all that. You had said that the code requires that, uh, there would be a surrebuttal opportunity for oral testimony. Do we want to just let people, I mean, we haven't really covered a lot of new ground, so I think that possibly, you know, if there is a surrebuttal that people wanna present testimony, it probably wouldn't take very long. And then we could just be sure that we've covered our bases and then go to an open period.

Director Will VanVactor ([03:24:41](#)):

So, I think there's two options, if that's something you want to proceed with. You could just ask if anybody believes new evidence was submitted and inquire about what it is and then have them testify, or you could just do just open it to surrebuttal because to Mr. Ropp's point, the testimony they provided here this evening was pretty, what's in the record either previously or with their recent submittals this week. So, there shouldn't be a lot.

PC Michael Warren ([03:25:11](#)):

Would it change what we were required to do?

Director Will VanVactor ([03:25:16](#)):

I don't think so. I think that planning commission still has the ability to leave the record open for rebuttal. Is that what you question?

PC Michael Warren ([03:25:28](#)):

Okay. Um, I think while we have people here, we could ask. So, um, at this point, so for those of you in the audience, if anybody feels that there was new evidence provided, and has a rebuttal on that new

evidence, then I would ask that you come up and we, we have that for the record. What we were talking about up here is that everything that they had presented, they just more explained what we already have in the record. So we, as a commission, we don't feel that there was any new evidence. However, we want to give everybody an opportunity if you felt there was. So for those of you that had, that were in opposition or neutral or whatever, if you felt there was new evidence and you had something that you would like to bring up to rebut, I would have you come up now. We just need you to state your name and address again?

Adam Mikulski ([03:26:41](#)):

Adam Mikulski 3992 Northwest Stahancyk.

Adam Mikulski ([03:26:46](#)):

So, listening to the the hydrogeologist report last I maybe I'm mistaken, but I have a picture here of these recharge trench. What they said last month was they were gonna bring in foreign gravel that was crushed foreign sand and put it in there into the trenches today. I hear that. They're just gonna go down to the original sand and gravel and leave that there. Am I, am I missing something? Cuz I, I have a picture here and this gravel in this sand are not what's there, originally. And that actually is number 14 exhibit.

PC Michael Warren ([03:27:26](#)):

Okay. Well we will let them, they'll have to address that. But I'm glad you brought it up because now that part's on the record.

Adam Mikulski ([03:27:35](#)):

Okay. And I gotta make a comment about their, make a comment about their top soil. If they're, they leave it out there, those, those berms are up for six years. You think they're, they're putting them right back in it ain't happening and it's not. So I, I think what, it's just a comment from me, but that top soil is not what they're saying. It is. It sounds nice, but it's not true, but that's just a comment.

PC Michael Warren ([03:27:58](#)):

Okay.

Adam Mikulski ([03:28:00](#)):

Thank you.

PC Michael Warren ([03:28:05](#)):

Is there anybody else that wants to discuss any new, go ahead, come on up and state your name and address for the record.

Mona Pomraning ([03:28:24](#)):

So, Mona Palmraning, address is 4540 Northwest Grimes. And, unfortunately my son has class. It starts tomorrow. So he, he left the meeting early, but I've been texting him the comments and he would actually like to do a rebuttal. So when I looked at it a couple things like there's only gonna be five mines or five wells that would be monitored. I have a 52 foot. Well, it will not be monitored. It's adjacent to the property where the well will be monitored. So what is going to happen to those other wells? I mean, my prop, my well is built seven feet from Brian's property. Brian's property wells are going to be

monitored by mine are not. And Brian's property and mine at one point were the same farm. So that, that would be one thing I would would ask.

Mona Pomraning ([03:29:21](#)):

And then the other thing is the hydrologist acknowledged that the, um, that there would in fact be, um, water evaporation, but didn't think there would be too much, again, we're in a desert and we have a drought and half of the valley is being told they can't farm half their land. So my land is being farmed half by Brian and then the other half, which was gonna be my own land to farm. We had to keep idle because there's not enough water. So water's decreasing the well water in the valley is drying up. And there was an interesting comment that was made today is why, because the, why did Prineville when they created the Ochoco irrigation district, did they ever say that water was going to be allowed for mining, or was it indeed designated for farming? Because we don't have enough water to farm.

Mona Pomraning ([03:30:18](#)):

Now my deed on my property says I'm a 1% owner in Ochoco irrigation, but I don't get to use all the water I'm allocated because it was a drought. The farm is gonna compete with that and have less. And then the other comment that I would make and whether it's law or not is social. So I'm, I'm getting close to retirement age, right? Most people get to retire at 55. I'm already past retirement age lost my prior job cuz maximum retirement was 63 on my second company like others here. I wanna sell my farm. I wanna subdivide it in five because only five acre farms are the county commission. Isn't gonna let me subdivide. I'm not allowed to do that, but, but we do allow what I would quote, call, strip mining. My property value is decreased. I can't afford to sell, I can't afford to move.

Mona Pomraning ([03:31:12](#)):

And I've worked all my life. I started working at 13 in the fields. I'm a farm kid, you know, and you know, what's it gonna do to my economics when quote unquote economic and property value is considered a social value and it's irrelevant and out of scope. So those are my comments. Um, and I would just like to further, you know, explore that and have the opportunity to look at that. And also to look at the DOGAMI thing since they're the only one that's gonna do any regulation and they're not even represented here. And again, I would, I would wonder why do they also not have enough money to enforce an oversight? Which to me is one of the biggest things we have policy we're gonna grant to permit knowing that only the landowners are going to be able to, uh, to provide oversight cuz the county doesn't have, have, um, skill or resources to do it. And the state also seems to be non-existent because the state in the past has not been doing anything. And until I understand what that state regulation is, I just feel really uncomfortable knowing that my economic livelihood is going to the toilet.

PC Michael Warren ([03:32:29](#)):

Does anybody have any questions?

Mona Pomraning ([03:32:31](#)):

No questions. Huh. So, I mean, sorry that this sounds like just to read it, but it's my money. My, my entire life savings is being killed by a mine that I get no value out of whatsoever. And as far as I can tell the county, doesn't the only people that do are people at night Ridge people living in North Dakota. Thank you.

PC Michael Warren ([03:32:55](#)):

Thank you. Okay. Is there anyone else either wants to address any of the new information? Okay. Hearing none. Would we have Matt come back up? Would we have Matt now come back up?

Director Will VanVactor ([03:33:21](#)):

Do you have anything?

PC Michael Warren ([03:33:22](#)):

Or would you like to address anything?

Matt Ropp ([03:33:24](#)):

I don't.

PC Michael Warren ([03:33:25](#)):

One question I want to clarify. Because it was brought up a couple times and I remember this from the Woodward, but my understanding was there was an allotment for industrial water out of Ochoco Irrigation.

Matt Ropp ([03:33:42](#)):

Correct? Yeah. And I can address that on during our open record

PC Michael Warren ([03:33:46](#)):

Either way. I just think that's important to address at some point. So people know it's, it was allotted for industrial use.

Matt Ropp ([03:33:54](#)):

That's correct.

PC Michael Warren ([03:33:55](#)):

Okay. So, if would wanna just address these with written statement, we're fine with that.

Matt Ropp ([03:34:02](#)):

So applicant would suggest that, if our oral testimony rebuttal was sufficient and then there was a surrebuttal for any folks that thought that we brought new evidence in, that procedurally I think that the public hearing aspect of this case has been met. I would suggest that we do, seven, seven and seven. That's a tight timeline for us. Um, but I think that, um, we want to get this back before the commission for deliberation. And if we did seven, seven and seven for open record period, then, that would give us, you know, basically next month and still give the commission a week to review our final submittals, which would just be argument only. So, and the planning director can correct me if I'm mistaken because I'm honestly unfamiliar with with crook county's code, but typically the way it works is close the public

PC Michael Warren ([03:35:01](#)):

He would ask you if you wanted to waive your right

Matt Ropp ([03:35:02](#)):

I don't want to wave, I don't wanna waive.

PC Michael Warren ([03:35:05](#)):

So that automatically would put you into the, what we were talking about. And I would ask for motion.

PC Gary Bedortha ([03:35:13](#)):

So while you're still sitting there, we always ask staff to make sure it fits into their schedule with us on a date and time certain specific, I realize that maybe doesn't affect you, but it will affect the outcome of what we're doing. I think we have a lot of stuff coming up.

Director Will VanVactor ([03:35:30](#)):

There's a lot of stuff on the calendar we do have, I think it's September 22nd set aside for deliberations on this. We will have a couple plats to review on that date as well, but hopefully they'll be quick. Um, I did want to clarify with the applicant, you said 7 77, right? The code calls for just rebuttal and then final argument. Do you want, are you asking for, to open

Matt Ropp ([03:35:56](#)):

Actually, no, I don't think we need new evidence. I think we can just do, just do argument so seven. So if we're gonna do that, then, I would actually like 14 for the first period for argument only that gives the other folks an opportunity too, because seven days is just seven days is gonna be like that. So, so I would request seven, 14 days, two weeks for any participant to submit rebuttal argument, no evidence, just argument that speaks to the evidence in the record and then an additional seven days for the applicant's final rebuttal period, argument only.

PC Michael Warren ([03:36:33](#)):

And we could seven's the minimum. So if he's asking for 14

Matt Ropp ([03:36:38](#)):

Mean I could make that, I could make that schedule because it's my job. But some people may need more time to go through these materials.

Director Will VanVactor ([03:36:44](#)):

That's that's normally concession on the applicants part to go longer. So that's, that's helpful normally for opposition to have additional time, as well. So I, like I said, seven is the minimum. 14 in theory should be helpful for most participants. I would just say if there's any way you get final argument to us six days, obviously not required but, but seven days gives us that gives us a full week to review it, but it's exactly 28 days between This hearing.

Matt Ropp ([03:37:16](#)):

And we could do just seven and seven, like I said, I can meet that schedule because it's my job. I just wanna make sure that the commission and the public has time.

Director Will VanVactor ([03:37:24](#)):

I don't think we have to do a staff report. So I, the, if you get it to us on the seventh that will be fine.

PC Gary Bedortha ([03:37:34](#)):

You may not have to do the staff report, but I'm gonna ask that whatever we do that you put together conditions in a very clear, precise. So we can, if we get that far we can deliberate and one set of paper in front of us. Is that fair?

Director Will VanVactor ([03:37:52](#)):

Yeah. So you're looking, you're looking for a document in advance of the next hearing that has the proposed conditions for you guys. Yeah, absolutely.

PC Gary Bedortha ([03:38:05](#)):

You want some clarifications?

PC Laquita Stec ([03:38:07](#)):

So you're asking staff to come back with conditions before the next,

PC Michael Warren ([03:38:15](#)):

Well there's already conditions in there

PC Gary Bedortha ([03:38:17](#)):

The week before I would like to see the conditions that have been talked about amongst everybody. If we were to go forward, I would like something that's pretty clear. The water issue is one. I mean, we don't, we don't address this, but it's addressed in the DOGAMI permit. I mean, I, those appears I want cleared up.

Director Will VanVactor ([03:38:39](#)):

And just to clarify, the conditions wouldn't be, it doesn't mean that the decision's been made on the conditional use permit.

PC Michael Warren ([03:38:46](#)):

That's correct.

Director Will VanVactor ([03:38:47](#)):

I'm just clarifying that for the record.

PC Laquita Stec ([03:38:49](#)):

Mr. Ropp keeps reminding us of the limits of our authority because DOGAMI rules the roost. But this commission has a responsibility to the community and we get to be the ones who set the conditions. So I wanna make sure that the conditions proposed reflect the community and the neighborhood wishes.

PC Gary Bedortha ([03:39:18](#)):

And the rights that we have

PC Laquita Stec ([03:39:20](#)):

And the rights that we do have.

PC Gary Bedortha ([03:39:21](#)):

Yeah. Cause we, we may not be able to condition some of these we probably shouldn't be getting,

PC Laquita Stec ([03:39:26](#)):

No we can't condition anything other than the land

PC Michael Warren ([03:39:30](#)):

And, I think what Gary's asking is usually if we don't have a, this much information in front of us, so we can look through the conditions real quick, we go through, we do make additions or subtraction or modifications.

Staff Hannah Elliot ([03:39:43](#)):

So for the record Ann Beier would like to say something

PC Michael Warren ([03:39:50](#)):

Go ahead, Ann.

Ann Beier ([03:39:53](#)):

Hello. Um, I'm just looking at the calendar. And I think with the 7 77, we don't get everything until the 15th, which is a week before the hearing. So it would be pretty hard to come up with a staff report in five to six days.

Matt Ropp ([03:40:15](#)):

We could do 10 days for the first period, too. Maybe that's a nice balance. It's an extra four days for staff.

PC Gary Bedortha ([03:40:22](#)):

I don't think will, would want to write another staff before.

Director Will VanVactor ([03:40:24](#)):

I'm fine with it.

PC Michael Warren ([03:40:29](#)):

The applicant's suggestion of 10 days was that, you know, then instead of 14, 7, 10, I think it's, it's all, it's just gotta be a minimum of seven. So it's what the planning commission.

PC Gary Bedortha ([03:40:43](#)):

Let's just say it was 7, 7, 7.

Matt Ropp ([03:40:46](#)):

What would just be seven and seven then

PC Gary Bedortha ([03:40:47](#)):

Or seven?

Matt Ropp ([03:40:48](#)):

Just two weeks. We can meet that.

PC Michael Warren ([03:40:52](#)):

Okay. So you were so good at that. You could make a motion representing that.

PC Gary Bedortha ([03:41:01](#)):

Well, I guess we'll close this portion of the public hearing or make a motion that can be added to, this portion of the public hearing for deliberations only. Is that correct, Will? With the seven seven?

Director Will VanVactor ([03:41:19](#)):

Just clarify close, close the public hearing. Leave the record open.

PC Gary Bedortha ([03:41:25](#)):

Yes. Leave the record open for written testimony only, and it'll be seven days from anybody, written.

PC Gary Bedortha ([03:41:35](#)):

Then seven days from the applicant only for final argument only.

PC Gary Bedortha ([03:41:40](#)):

For the final argument and then we will come back, we will want something from staff, obviously that's not in the motion, but we will hear, to a date and time certain for deliberations on this application and what was the date we talked about? The 22nd? The 22nd of September At 4:00 PM. Anything else you want in there?

Staff Hannah Elliot ([03:42:22](#)):

Can we add four o'clock specific for each?

Director Will VanVactor ([03:42:30](#)):

Oh, for when it's due.

PC Gary Bedortha ([03:42:31](#)):

Oh, and yes, on the seventh day at four o'clock will be the closing of any testimony, written.

Director Will VanVactor ([03:42:43](#)):

So the written rebuttal will be due September 1st at 4:00 PM. And then the final argument will be due September eighth at 4:00 PM.

PC Gary Bedortha ([03:43:02](#)):

And then the hearing will be the 22nd of September at 4:00 PM for deliberations only.

PC Michael Warren ([03:43:11](#)):

So we have a motion.

PC Laquita Stec ([03:43:14](#)):

I'll second that.

New Speaker ([03:43:14](#)):

PC Michael Warren ([03:43:15](#)):

So we have a motion and a second. Any discussion? Okay. I'm gonna call for the vote. Susie?

PC Susan Hermreck ([03:43:25](#)):

Aye.

PC Michael Warren ([03:43:25](#)):

George?

New Speaker ([03:43:25](#)):

PC George Ponte ([03:43:26](#)):

Aye.

PC Michael Warren ([03:43:27](#)):

Linda?

PC Linda Manning ([03:43:28](#)):

Aye.

PC Michael Warren ([03:43:28](#)):

Gary?

PC Gary Bedortha ([03:43:28](#)):

Aye.

New Speaker ([03:43:28](#)):

PC Michael Warren ([03:43:29](#)):

Laquita?

New Speaker ([03:43:29](#)):

PC Laquita Stec ([03:43:29](#)):

Aye.

PC Michael Warren ([03:43:30](#)):

And, Michael is Aye. So, as Gary stated, the motion passes. So, I guess that's it for this.