

Hannah Elliott



From: Ropp, Matt <Matt.Ropp@kniferiver.com>
Sent: Wednesday, September 1, 2021 3:59 PM
To: Hannah Elliott
Cc: Ann Beier; Will VanVactor

CROOK COUNTY
SEP 01 2021
PLANNING DEPT

Please add to the Vanier record:

Regarding Mr. Zimmerlee's August 23rd, 2021 submittal (Exhibit 21), August 25th oral testimony, and September 1, 2021 submittal (Exhibit 31):

Zimmerlee states: "Knife river actually asked me to...look at how I would solve some of the problems that they are facing." (oral testimony, August 25, 2021)

Knife River does not recognize Zimmerlee as a consulting expert. Knife River extended to Zimmerlee the same courtesy that is extended to all interested parties (e.g. neighbors). That is, to hear his input in response to his enthusiastic statements at a neighborhood meeting. However, Zimmerlee does not speak for Knife River and Zimmerlee was not authorized to enter Knife River's active mine site to collect samples and make observations depicted in Exhibit 21. This was a violation of federal mine safety laws. Had Zimmerlee requested access, Knife River would have accommodated his request and had an opportunity to confirm Zimmerlee's observations.

Zimmerlee presents his observations as a retired agribusiness consultant; an expert witness. Zimmerlee's assertions are inconsistent with Knife River's understanding of site conditions and circumstances and inconsistent with Knife River's consulting expert's advice. It would be helpful if Zimmerlee had presented credentials (i.e. what is an international agribusiness consultant?)

Zimmerlee states that he Leases from Vanier, Woodward, and Porfily. Zimmerlee's testimony suggests he speaks for Vanier, Woodward and Porfily. However, Zimmerlee has not provided evidence of a lease (with terms, conditions and expectations) or evidence that Vanier, Woodward or Porfily have designated Zimmerlee as their agent, to speak on their behalf.

Zimmerlee's September 1, 2021 submittal includes argument from Zimmerlee (Exhibit 31a), but also includes evidence purported to be from Wilbur-Ellis company (Exhibit 31b). Per the Planning Commission's instructions at the close of the August 25th continued public hearing, the open record period closing at 4pm on September 1, 2021 is for argument only; new evidence is not allowed.

Thank you.

Best,

Matt

Matt Ropp
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