

November 11, 2021
Adam and Karen Mikulski
3992 NW Stahancyk, Prineville, OR 97754
Record number 217-21-000436-PLNG



CROOK COUNTY
NOV 12 2021
PLANNING DEPT

Additional testimony from the hearing held on November 3, 2021:

This is in reference to the Burden of Proof provided by the applicant to the planning commission:

- Page 11 under Conflicting Uses - The applicant states that "installing a vegetated berm will serve as a visual and noise buffer". The existing 20 foot berm installed around the Woodward processing site and the 11 foot berm installed on Stahancyk Lane do not help in mitigating issues with dust and noise. Will a proposed 8 foot berm really do much better to buffer visual, dust and noise?
- Page 11 under Economic Consequences - The applicant states that "negative economic consequences **could occur** for residential property owners due to a drop in property values due to the location of the mining operation". *There is nothing proposed from the applicant to address this issue.*
- Page 12 under Social Consequences - The applicant states that "negative social impact **could include** a reduction in the rural quality of life for the adjacent residents. Impacts associated with the site could include continued heavy truck traffic, noise and dust." The applicant's proposed mitigation plans for the noise and dust haven't worked for the current mining operation at the Woodward site. ***The CUP requirements for the Woodward Site were not followed as written.***
- Page 12 under Energy Consequences - The applicant states that "**negative energy impacts may occur** only if aggregate is mined from the area **for transport out of the county**, which is **unlikely** because of the distances involved". The applicant stated at the planning commission hearings that 30% of the aggregate mined from the Woodward site went to Facebook and that 70% was transported throughout central oregon. **Unlikely is reality.**
- On page 13 under Goal 3: Agricultural Lands - The applicant states that "the site will be reclaimed to allow agricultural use after mining is complete". The 35 acres that were mined at the Woodward site grew weeds and were finally planted the weekend of November 6th, 2021. ***The CUP requirement for the amount of land to be mined at one time was not followed.***

This is in reference to the Water Impact Analysis dated March 2021 provided by the applicant:

- Under 8.0 Water Rights Impact Analysis - It states "To assess the potential effects of water mitigation to nearby shallow wells, Wenck used Aquifer Test Pro 10.0 to conduct a simplified Theis analysis. Based on these modeling efforts, there is a possibility that **nearby water rights could be affected**". What are the possible effects?

This is in reference to exhibit #26 dated August 24, 2021-Knife River Responses to Groundwater Questions:

- Page 1, #2 Water Quantity Concerns Post Mining - The applicant states “Knife River testing of both overburden and topsoil **suggest** that this reclamation technique will work”. **Will it or won’t it work? There is no guarantee here.**

This is in reference to exhibit #23 Dust Management Plan:

- Page 1, Aggregate Stockpiles - The applicant states “ Fugitive Emissions-must take reasonable precautions to prevent fugitive particulate matter from becoming airborne from all site operations from which it may be generated”. The current Woodward CUP has a requirement that the stockpiles are to be watered to control dust. **To this date, November 10, 2021, no water has been applied to the stockpiles since Knife River began mining the Woodward site.** Exhibits 19a and 19b show pictures of dust activity at the Woodward Site on 7/29/21 and 8/18/21. They reference the stockpiles and mining operations of cells. If the applicant is allowing fugitive dust to leave the Woodward Site while the permitting process for the Vanier Site is progressing, then will this plan be adhered to if the Vanier site is approved?

This is in reference to exhibit #34, III. Applicant’s Proposed Conditions of Approval:

- Page 6, Dust Mitigation, 7. - Applicant states “the applicant shall control fugitive dust emissions associated with mining operations on the subject property, consistent with its Dust Management Plan dated August 23, 2018”. **Where is this plan found?**

Testimony provided by adjacent property owners has been provided to the Planning Commission and Court outlining the lack of compliance by the applicant to follow the Woodward Site CUP. The applicant has stated “that this time we will do better.” History always repeats itself. Because of this, this site should remain designated as a **3B site**. Designating it a 3C site would allow history to repeat itself and therefore subject the adjacent property owners to all of the negative impacts that they have endured for the past six years.

Thank you,
Adam and Karen Mikulski