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Crook County
Community Development



July 20, 2021

Letter in Opposition to the CUP application of Knife River for Mining and Aggregate

Submitted by Monique Davis

I formatted this letter to have the verbiage of the Application in black with my response in red. The page number of the application is also included.

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2. Mining Operation: The Vanier property is currently used for grazing and hay production. Post-mining reclamation will return the Property to a condition suitable for agricultural use.

Suitable doesn't necessarily mean productive. How much will the next person to farm the land have to pay to amend the soil enough to have it grow a productive crop?

Applicant intends to mine the Property in cells, approximately 60 feet in width. An average of 13 feet of overburden will be stripped from the surface using excavators and loaders. Topsoil will be saved for surface reclamation. Remaining overburden (silt, clay, fine sand) excavated from the initial cell(s) will be used to construct a 10-foot high berm along the east and south property boundaries.

Our property borders the proposed site on the north boundary for over ½ mile with only a wire fence on a small portion. The north side should be required to have a berm. Applicant should have at a minimum a 10 foot high berm preferably higher, that will have vegetation, be watered and maintained to prevent dust and sand blowing and to prevent weeds from establishing on the bare dirt.

Recoverable aggregates (sand & gravel)- an expected average thickness of 12 feet - will be excavated and transported to the Woodward site for processing. Groundwater may be encountered during mining but is not expected to prevent normal dry mining methods (i.e. excavators loading materials onto haul trucks). In the event groundwater infiltration complicates replacement of overburden during reclamation, Applicant intends to temporarily use pumps to transfer water from open cells to a recharge trench so that overburden may be replaced safely and efficiently without impacting nearby groundwater rights.

We have a spring on the east end of the property that runs year-around and provides water to the livestock in pastures to the west. This spring is 250 feet from the mine. If the spring water is diverted to the mine, our pastures will be impacted due to lack of water.

Undisturbed areas will remain available for agricultural use until mining commences. As cells are completed, land will be returned to agricultural use as soon as possible.

When is "as soon as possible"? 5yrs, 10yrs 20yrs? There needs to be an end date. How long will our property be devalued? Will it ever recover value?

(c) The proposed use must be shown to not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use;

(d) The proposed use must be shown to not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use

APPLICANT'S RESPONSE: The mining operation on the Vanier property will be an expansion – a continuation - of the current mining operation on the Woodward property. Applicant will construct a vegetated berm to serve as a visual and noise barrier. The mining operation of the Vanier property will be extraction only: all processing will continue to occur on the Woodward property. There will be no new access onto Stahancyk Lane or Lamonta Road: all aggregate materials will continue to be exported from the current access to/from the existing Woodward property processing site. Mining operations on the Woodward property have been occurring for several years and Applicant is not aware of any of its current operational activities that have caused adverse impacts to surrounding lands devoted to farm use to the extent that said impacts have forced a significant change in, or significant increase in the costs of, accepted farm practices. Applicant asserts that these criteria can be met.

The adjacent fields will still be irrigated, swathed, raked and baled, the decrease in the value of hay that is extremely dusty would be an adverse impact. Likewise, if the cost of producing the hay is more than received for the crop the field may be abandoned entirely. Causing a significant change in this farm's practices.

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(vi) A landscape management and maintenance plan adequate to demonstrate compliance with provisions of this zone.

APPLICANT'S RESPONSE: Mined lands will be reclaimed consistent with the approved DOGAMI reclamation plan.

Specific date for land to be reclaimed.

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(xi) A noxious weed control plan, acceptable to the Crook County weed master, to control the spread of noxious weeds within and arising from the aggregate resource site. This plan must be implemented in accordance with ORS 569.380 through 569.400 and 569.445 through 569.450 and Chapter 8.24 CCC. (Ord. 230 § 1, 2010; Ord. 18 § 11.050, 2003)

APPLICANT'S RESPONSE: A noxious weed control plan is in effect for the Woodward site. Applicant will coordinate with the Weed Master to extend the current plan to the subject property. Applicant can provided approval of the extension of the current weed control plan to the subject property as a condition of approval

Berms must be seeded to grass, watered and maintained or else weeds will take over, go to seed and spread to adjacent properties.

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Mining activities shall be located and conducted at least: (a) One hundred feet from an existing noise or dust sensitive use, unless the owner of the residence or use signs and files an agreement which authorizes the mining to be conducted closer than 100 feet. In no case shall such mining be conducted closer than 50 feet of the boundary of an adjacent ownership.

APPLICANT'S RESPONSE: Mining activities will be conducted at least 100 feet from all existing noise and dust sensitive uses.

Crops such as hay are sensitive to the level of dust this mine will produce. North boundary currently states a 50ft setback, it must be 100ft setback as it is for the east and south boundaries.

(5) Screening. Unless inconsistent with the conditions imposed to protect conflicting uses under the comprehensive plan, or of minimal value of effectiveness because of topography or other site features, the following requirements apply to the mining or resource site:

(a) Berms, fencing or vegetation shall be maintained or established to block the view of the mining or resource site from conflicting uses;

(b) To the extent feasible, all natural vegetation and trees located within 100 feet of the mining site and that block the view of the mining area shall be preserved and fences maintained for the purpose of screening the operation.

APPLICANT'S RESPONSE: A vegetated earthen berm will be established to provide screening for mining operations on the subject parcel. There is no significant existing vegetation that could be retained to provide sufficient screening for the proposed mining operation. Vegetative screening will be added upon establishment of the earthen berm.

Not much we can do here. But it should be noted that, not only the property owners adjacent to this mine, but the residents of the entire northern Grimes Flat area are going to have to live with this visual pollution. Everyone using Lamonta road is going to be visually assaulted with this ugly, dusty gaping manmade hole in the earth. For how long?

So much for our scenic rural area.

(2) Taking into account location, size, design and operation characteristics, the proposal will have minimal adverse impact on the (a) livability, (b) value and (c) appropriate development of abutting properties and the surrounding area compared to the impact of development that is permitted outright.

(a) We have a CUP for a farm dwelling, just extended in May (NO proposed open pit mine at that time). The house would be 250yds from the pit. The adverse impact on the livability is huge! As in; we will not build there now. It would not only be dusty but would be akin to getting sandblasted. The noise would be a constant barrage on the senses.

(b) If we can't build there and cannot sell at market price (who wants to live 250 yrds from an open pit mining operation) then the value is definitely impacted. As it is for all of the adjoining properties.

(c) EFU-2 zoned land in this area is permitted to have a dwelling on 160 acres. That would be a minimal adverse impact. An open pit mine of 77+ acres? Not so much.

(3) The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrant.

(4) The proposal will preserve assets of particular interest to the county.

(5) The applicant has a bona fide intent and capability to develop and use the land as proposed and has some appropriate purpose for submitting the proposal, and is not motivated solely by such purposes as the alteration of property values for speculative purposes. (Ord. 236 § 3 (Exh. C), 2010; Ord. 18 § 6.020, 2003)

APPLICANT'S RESPONSE: The subject property contains a significant aggregate resource. The citizens of the region will benefit from the county allowing mining of this resource. Impacts associated with mining of the subject property are minimal and the Applicant has the expertise and the resources necessary to deliver the aggregate resource to market. This criterion is met

I'm having a hard time seeing how the citizens of Crook County are going to benefit from this mine. The profits from the extraction are going to a multi-billion dollar publicly traded company headquartered in Bismark, North Dakota, with US\$ 4.4 billion in revenue. (Source: MDU Resources – Wikipedia) the owner of the land lives in Grant County and Knife River (Central Oregon sight) is based out of Bend. Crook County residents get to look at and get dusted by an open, ugly pit that could be here for a decade plus.

Impacts are minimal if one doesn't live, work or drive by the mine.

In closing,

Why do we even need this pit? According to the data from DOGAMI we have 12 active sand and gravel pits in Crook County at this time and many more rock/basalt pits. I believe that we need aggregate mines for the economy but I really question the location of this mine. Obviously, I am impacted directly as we border this pit for over ½ mile, but the whole Grimes Flat area is affected by this mine.

I would like to have the county take into consideration the safety hazard of the massive amount of dust and particles that are going to be blowing over Lamonta Rd on windy days. If you are familiar with the Grimes Flat area you are aware of the number of windy days. The junction of Stahancyk and Lamonta will be a particular safety hazard as the wind blows out of the NW a great amount of the time and with substantial speed. The Proposed berm will be no match for mother nature. I'm sure the county has a data base as to how much traffic uses Lamonta Rd, it may not have data as to how fast most traffic is traveling.

When does this mining stop? We need an end date for this mine to be filled in and reclaimed, it could go on for decades if the economy softens for an extended amount of time. This is setting a precedent for mining anywhere in the Grimes Flat area. An area that is home to a great number of citizens who most likely purchased their land in part because of the rural nature and natural beauty of the area. This mine just doesn't fit here.