

**Lane County Webcast of Oct. 12, 2016 Hearing of the Board of Commissioners
Old Hazeldell Quarry
Audio Length: [03:19:31] Minutes**

Kuper: Here we go, sorry. I'm going to do a PowerPoint presentation, so you may want to – as much as I'd like to look at you, you may want to turn around. My name's Dorian Kuper. I have a little cold; I apologize if my voice is odd. But anyway, Dorian Kuper, I'm an engineering geologist registered here in the State of Oregon and with Kuper Consulting. We have offices here in Tigard, Oregon as well as Helena, Montana.

I'm going to – hope I can work this right – I'm going to talk first briefly about the outreach that we've done in the last year and a half or so. We've had a couple of meetings here in Oakridge with the neighbors and other interested parties. We've had a couple of meetings with the Oakridge City Council. We've had several meetings with Lane County Planning Staff. We've met with DOGAMI, which is the Oregon Department of Geology and Mineral Industries, who regulates mining in the state as well as ODFW, ODOT Rail, Union Pacific, and we've had conversations with LRAPA and DEQ, and as well, I forgot to mention earlier, but with the Greater Oakridge Area Trail Stewards.

And what we did is we met with everybody to present what our plan is. What's on the property, how are the plans to be mined and reclaimed and get input by talking with these different folks and agencies to see what their concerns are so we could hopefully bring in their concerns and try to adjust our mining plan accordingly. But tonight what I'm going to talk briefly about is – and Diaz's already done a great job; I appreciate that – about the rock resource that it will meet criteria of the significant Goal 5 aggregate resource site. Talk a little bit about the quarry and reclamation plan as well as the state permitting process of DOGAMI. As Deanna said, Goal 5 has specific criteria for significance. We need to identify aggregate resource on the property, so that's location, the quality, we need to show it meets the ODOT base rock standards, as well as they require at least a two million ton of resource as the quantity of the resource on the property. Deanna's already showed a vicinity map, so I'm going to mouse through there.

This is an aerial photo kind of similar to what Deanna showed you. Here is Highway 58 coming through, here's the industrial park, Fish Hatchery Road comes off of Highway 58, and Dunning Road kind of skirts around and through the southern portion of the property. The entire ownership is the green and the blue areas and Deanna made a comment that there's only a part of the property which is basically that blue area that we're requesting this zone change. The main mining in this area is going to be – this is a north-south ridge line, the main mining is going to be on the north-south ridge line and to the east, and I'll go into a little more detail of that but just to keep in mind that there's an old quarry called the Dunning Quarry on Dunning Road at the southern part of the property.

There's an area that we're going to talk about which will be the processing area where the mining – the rocks will be processed.

So the geology on the site. As Deanna said, we had a drilling program of 26 borings to analyze the rock on the property and there are two different types of rock: there's tuff and andesite rock. Tuff is basically a volcano went off over several millions of years and deposits of ash flow, ash will flow down or fall out of the sky along with a mixture of rock and what have you, and over time it solidifies. And then after that, andesite rock is magma where it came up, it's a very viscous, thick magma that came up into the tuff and that's what formed that ridge line basically, that north-south ridge line out there. And the andesite rock is our focus for actually mining this quality rock. Independent lab did test the rock. We took a lot of samples, and they all meet or exceed ODOT's specifications and there's nearly 17 million tons of rock that can be mined on that property. So way over the two million ton requirement, so it is a very significant resource site.

This is the old Dunning Quarry, and this is basically the andesite type of rock that will be mined. And the mining's going to start in this area and work into the hillside.

This is a typical drill rig that we use that we take out and we take core samples from the ground surface all the way down to however deep: 100, 150 feet deep, so we have core samples to then test for quality.

The quarry plan is designed to meet the county, DOGAMI and other agency requirements. DOGAMI's reviewing the quarry plans as we speak. The geology drives it: where the good rock is, is where you mine.

And then we had innumerable technical studies that also helped drive the mining plan. This is a list, I'm not going to go through them all so there's several experts here, but we had a lot of engineering studies, wildlife, wetlands. You can see noise, traffic, air quality, archeological.

I want to point out right here, storm water, there's been a lot of comments previously about how people are concerned that dirty water will go off-site, pollute your streams and creeks, and the rivers, and so forth. We've designed this in such a way – our civil engineers – and our civil engineer is here if you have questions, but designed it such that any water that's used on the property – and we use it for dust suppression, as an example, on the roads and on the crusher to keep the dust down – that water will be retained on the property. It's not going to be going off-site. DOGAMI will – in their review – will also ascertain this. Now that fact that we're saving that and going to recycle as much of that storm water as possible and reuse it.

Again, here's the whole ownership, and what this is looking at, and I should have mentioned also the railroad line goes right along to the middle-western side of the property. The mining – this is kind of the mining plan, and the mining is to start to

down here where the pointer is, where the Dunning Quarry is. It's going to work its way over the years to the north, along that ridgeline like I mentioned, then towards the east. And, as they start mining, they'll be moving dirt, the overburden we call, which is a weather rock, down to this area. We're going to have a couple berms. One berm along the road near the old quarry, for a visual type berm, around 10-12 feet high and then another berm will be – this is in the processing area, which I'll discuss in a moment – but there will be a berm there, the crusher, to attenuate a lot of the noise from the crusher.

As they mine, they'll be excavating rock, moving it from the mining area obviously, down in through some internal roads, down into a processing area. They're not intending to take timber off of the western side of the property other than where they're mining, obviously, or for internal roads.

I want to point out this processing area. There's been a lot of discussion during the planning commission, and there was a landfill that the city had. This used to be city property, and in the 50's and 60's, the city excavated trenches, basically parallel trenches where they allowed people to bring household trash and so forth. The city would bring it – they'd bring it in, they would burn it, then allow to bring more material in and burn it, and so forth. What we did is we want to identify roughly where that is.

And so, a series of aerial photos were reviewed and Gary Pearson, who will be speaking a little bit later, will talk a little more about it. But what we found is roughly where these old – where the landfill is. This little funny lying around at the black line is an extra 25 feet setback that we're imposing on ourselves. And so it's going to be surveyed and – essentially a big fence barrier-type structure will be here so that no excavation in this area, no fill placement, nothing is going to be touched. We'll have a crusher outside of that area, we'll have – or they will have a scale house and what have you, and stock piles, but there will not be any – no impact, nothing is going to be touching that. We're just going to completely stay away from it. I wanted to make that point.

Also, the truck traffic will be coming in across the railroad tracks. A new access will be built into the property. And that's about as far as it will go, the commercial trucks. There is another access on the other side of the property for – it's a four-wheel drive, basically, road right now. It will not be used for any kind of commercial use.

At the tail-end of mining, this essentially what will be left behind is – this is kind of a reclamation plan. All that will be left behind is as they mine, they do approximately 40 foot high wall, as they call it. Then a 45 foot bench that goes perpendicular and you stair-step down from the top, down to a certain level of elevation on both sides. And once they're done with that, then they'll go back and glass – do some small glass along the edges, which causes what we call a rock fall or creek __ slope so it makes it look more natural like when you drive up the

Columbia River Gorge, which – this is a picture you can't see, but it's kind of a similar look to what you see naturally.

So very briefly, the permit process after the land use is done here at the county, Department of Geology and Mineral Industries will finish reviewing the application. They will send it around to various local state and federal agencies to review. They're the ones that regulate mining. Once they get a review back from those agencies, they will issue a permit upon receiving a reclamation bond.

And so, in conclusion, and I know this has been brief, the site does meet the criteria for significance with regard to its location, its quality, and its quantity. The site should be added to the County Inventory of Mineral Resources as Deanna had mentioned, and we've designed what we consider a responsible quarry and reclamation plan that's proposed. I'd be happy to take any questions, if you have any.

Male: Thanks so much. It was very helpful. I'm interested in knowing a little bit more about the number of agencies involved. You mentioned specifically DOGAMI, the Oregon Department of Geology and Mineral Industries, is going to be reviewing all this and deciding whether or not to issue a permit to allow the mining. In this sort of sequence of all the different requirements, besides Lane County and DOGAMI, who kind of goes first and wouldn't it be helpful to the board of commissioners to know that another regulatory agency had approved it? You probably know more about mining than we do.

Kuper: Yeah. I know that's difficult. The way the land use laws are set up – and Steve Pfeiffer's the expert, not me – but, you have to first get land use approval in this state and then you go to the Department of Geology. If you have questions, you can contact their – because they have this application sitting there as well. But they cannot issue – technically issue a permit for mining until the land use is done. So this is the first level. But like I'm saying, after this is done, then they will circulate to – they'll come back to the county for any comments. They'll circulate it to, like I've said, fish and wildlife, DEQ, Department of State Lands, well not Corps of Engineers in this case. It would depend on if we had wetlands that we were impacting, obviously the core, and so forth. So it kind of goes around, and they have a certain time frame they have to respond back to DOGAMI within, take their comments, and put conditions – they have conditions, as well, as far as from a mining standpoint.

Male: You mentioned that if we have questions we could contact DOGAMI. Are they testifying in these hearings? So, how would we contact them? What do you mean by we can contact them?

Kuper: They would be happy to testify, if they – I can't ask them. The County has to ask them. Vaughn Balzer is the key reclamationist in DOGAMI in there at the Albany office, and if you have questions, you can certainly contact them and they – they're very responsive.

Male: Okay. Good. Thank you very much.

Kuper: Sure.

Male: Well, you haven't talked about – mentioned that you're going to be retaining storm water on-site. Will there be somebody in your team that's going to address preventing ground water intrusion into the old landfill?

Kuper: Yes. Yes, Gary Pearson in a little bit.

Male: Thank you.

Kuper: Anything else? Okay. Thank you.

Male: Thanks, Dori.

Standlee: Good evening, commissioners. My name is Kerrie Standlee. I'm with Daly-Standlee and Associates. I will say that we are now known as Acoustics by Design because of the firm – we've merged with another firm recently, and so we go by both names at this point in a kind of a transition period.

I too am going to have a PowerPoint if you want to do the chair shuffle. Now's a good time probably, while I learn to use this thing.

Just a little bit about myself. I was the project manager on the noise study that we did. By the way, the address for the company is 4900 SW Griffith Drive, Suite 205, Beaverton 97005. I was the project manager. I'm a registered acoustical engineer. I've been working in the field of acoustics and sound and vibration for 41 years. Of those, 31 years has been working in Oregon, actually more than 31 years in Oregon, but of the years I've been in Oregon – which has been about 38 – I've had 31 years' experience working in the – conducting noise studies for quarry and gravel-mining operations.

Assisting me on the project was Mike Raley, who is here as well in case questions come – detailed questions come up about the modeling that he worked on, and he has eight years' experience in conducting noise studies for quarry and gravel-mining operations.

As staff mentioned to you, the fourth step in the analysis is to determine if conflicts can be minimized. And the Goal 5 regulation states that to minimize the conflict means to reduce and identify conflict to a level that's no longer significant. And for those types of conflicts addressed by local state or federal standards, such as the Department of Environmental Quality standards for noise, to minimize a conflict means to ensure conformance to the applicable standard. And basically, that's what our job was to do, was to determine what needs to be done to ensure that the noise generated on this site would be in compliance with the DEQ noise regulation.

A little bit about the regulation. The regulation is broken into several parts. There's regulations for new noise sources located on previously used sites, and new sources located on previously unused sites. In this case, you were told that Dunning Quarry was there, however, because of the length of time it's been since it's been used, we decided to go ahead and assume that the site was a previously unused site. And the reason that's important is because if it had been a previously used site, the limits that would be applicable would have been what's called the maximum allowable level limits, is what you see right here in this part of this table. But because it's previously unused, we have to also look at what's called the ambient degradation of the rule part of the code. And that requires an ambient study be done to determine an ambient sound level that can be compared to, and as you see, the limits would be the ambient plus 10db. So we have to determine the hourly L10 and L50 levels that would be considered existing and then determine – we would be allowed to go no higher than 10db above those numbers.

So the procedure was that we did an ambient noise level study first, and we measured to determine the criteria if it would be – besides the ambience degradation rule, there is that maximum level we can never go above, so we have the two parts: we have that ambient limit criteria that has to be determined and then the maximum allowable.

Typically, you'll find in a site that's never been used that the ambient degradation rule is going to be more restrictive. And in fact that was what we found in this case. The site noise was predicted for proposed operations and then the site noise was compared to the criteria that was determined. And then mitigations would be developed where required.

Is there anyway to turn the lights down at all in here? It's hard to see anything on this figure, and I apologize for that.

Basically what I wanted to point out to you, was – in doing the ambient noise study – Thank you. We have locations that are in yellow – and you have this in your packets and you can go back and look at it – called these measurement locations, M1, M2, so forth, around the site. And that's where we measured ambient – the existing noise before anything was happening on the site. And we used those to determine what would be the criteria.

We had the criteria. We developed a noise prediction model using a program called Sound Plan. It's a very sophisticated program. We actually put in the topography of the site, which you see here. This is actually generated by the noise program. It just shows the topography of the hill put into the noise modeling program. And so we can then take into account all of the terrain as well as the places where there would be no mitigation – natural mitigation present.

You have here, you see Dunning Road here. This is the processing area. This is the existing Dunning Quarry in that area. And this is that ridgeline that Ms. Kuper

was talking about. So we, in doing the noise model, determined that there were going to be some – a need for some mitigation because on the east side of that ridge, out in that valley, the ambient noise levels were very low. The criteria was substantially lower than the maximum allowable level in the DEQ regulations. So we needed to minimize or mitigate the levels of the sound radiating in that direction.

We didn't find the same problems to the west because there is Highway 58, as well as to the south Highway 58. The traffic noise basically influences enough of the ambient levels that our limits were higher and we didn't have as much need for mitigation in that direction. What we found that mitigation measures could be used in a mining plan that would minimize direct sound radiation to noise sensitive properties, especially to the east. We could use quiet screens or berms for the screening of the plant. We could use up-close barriers for the rock drill.

And the reason the rock drill is an issue is because it's a source that continues to be higher up on the hill. Most of the other sources are down at lower elevations and the terrain tends to reduce the noise from those, but the rock drill, it's one that's more out in the open at different elevations on the hill.

We also determined that upgraded mufflers and radiator fan noise control on the haul trucks on the site would be a mitigation that could be used, as well as upgraded muffler and radiator fan noise control for the excavator.

So, I just wanted to demonstrate to you here. This is the existing quarry. This is where the mining is going to begin. And as Ms. Kuper mentioned, they're going to move to the north. That will tend to keep that ridgeline as a barrier out to the east where it's quietest. And as we then progress to the north, this will be going down into this cut that we're talking about through benching. Then they would start using those benches and moving that benching to the east and that would have the – just the terrain being, always be the barrier.

This is just showing a cut here through the hill where the mining's going to occur, with the residences out here to the east. And this is kind of an example of what we're talking about, the benching. So that you would always have the terrain being a barrier to the east. Here is an enlargement of what that would look like.

Again, they would be working in phases. Phase One would be moving to the north and through this area. Phase Two then would be further to the north. And then Phase Three would be the final move to the east.

For haul trucks – this is off-site haul trucks now we're talking about. We also investigated the noise that would be produced by those and we determined – using eight trucks entering and leaving the site each hour, – we found that that would be no problem at the residences that the trucks would pass by. And those were typically the ones on Highway 58 where we have the higher background levels.

And then we generated what's called our "DEQ hourly L50 noise level compliance boundary," and did you see the green boundary here around the site? What that says is that within that boundary, the level will exceed the DEQ limit. Outside of that boundary, the levels will be below the DEQ limit. And the reason it is the shape it is because in the different directions – like I said, this was the quietest area, so it had the lowest criteria. In this area, the criteria was much higher because of the noise coming from this area. And so we were actually finding that the limit or the boundary would come in closer to the mining.

There were conditions of approval that were adopted by the planning commission which I am just presenting here. You probably know them. We had a numbering issue – this is actually in the condition – I think 21 – so we just have our numbering system here different. But I'll just go through them real quick.

The applicant must comply with the noise study prepared by Daly-Standlee, dated October 2015. The applicant must utilize polyurethane screens or proximate berms or buffers in accordance with the study. The applicant must use quality grade mufflers and radiator fan controls for haul trucks and excavators onsite. And the applicant must maintain a natural high wall as excavation moves from west to east, along with the – if needed – up-close barrier or curtain system to the rock trail.

And then finally, the applicant – this is an important one because we recommended this and the County or the planning commission adopted it – that the applicant be required, because the DEQ is not in the business of enforcing their regulation anymore, and the county doesn't have staff that can go out and do that. So, we recommended that a noise monitoring plan be developed. We submitted a plan.

It's a nine-step plan that you should have in your packet where the applicant would be required to have monitoring done at residences where they were allowed to have measurements made within the beginning – certain period of time of opening the operation. And then that data would be submitted to the County to demonstrate they are in compliance with the regulation, and if they are not, there would be another step where they have to do something to bring it into compliance, then another step of measurements to determine – make sure it's in compliance, and basically reiterate that until they come – everything is in compliance.

Once that's done during Phase One, then Phase One operations would continue. But once they moved into a Phase Two area, the whole step process would go over again. And the same for Phase Three. So basically, there'd be, over the life of the mining operation, there would be a way in which the community could be assured that the measurements, or that the limits were being met. And I believe that's it. If there's any questions.

Male: And do we have any questions from the commissioners? I guess I'd like to ask one myself, please. I was curious. What is the loudest component of the operation? What creates the most noise?

Standlee: Well, the crusher operation is one of the louder sources. But it's stationary and it's easy to control. Because you can put berms around it, you can do mitigation of the – the screens of the crushing actually, it's not the crusher itself. The crusher is fairly heavy steel equipment that doesn't ring very well. The screens, themselves, though, if you can think about it, the rock is falling across the screens and they're shaking. And if they're metal, they make a lot of noise. But you can use polyurethane screens and those are much quieter, just it's a high plastic type material and they don't ring. So, that's taken care fairly easily.

The rock drill is more of a challenge in terms of it's not continuous, but when they do use it, it's going to be one of the higher noise sources as well. And that's why we say, keep it behind a high wall or put in barriers around it.

Male: I did notice too, in the application I was reading, one of the areas that I receive a lot of complaints from constituents about is that the most irritating component of noise has been the back-up alarms on equipment and I noticed that, in your application, that there's not the traditional back-up alarm you're recommending or agreed to put in a different type of system—can you explain that?

Standlee: Right. There's two types of – you can put in what's called a smart alarm. And that's an alarm that has an automatic adjusting device where it detects the background sound. And it will adjust to where it only goes above that level—a certain level. That's one option.

The other option is to use more of a broadband back-up sound that doesn't have the tonal beat. It's more of a rasp kind of a sound. I don't want to make it for you, but it's got a different sound to it. And that's what the mining industry is moving toward is that more of that broadband back-up alarm and sort of that the tonal beat.

Male: I think that's what I read in the application. Are there questions, Commissioner Park?

Park: Just a clarification Terry. Do you, when she spoke talked about significant conflict as a subjective term. And that, you talk about minimizing conflicts to the point where they are no longer applicable. Can you talk about subjective and the statement you made about minimizing conflicts to where they're no longer applicable?

Standlee: Okay, well, in terms of the DEQ regulation, we we determined a number. A dBA level, which, that makes it an objective limit. It's not a subjective thing. If you meet this level, you're in compliance. So that's, that's the difference between a subjective criteria and an objective criteria. So it's not, this is not an objective or a subjective limit we're talking about. We're talking about an objective limit.

Park: Thank you.

Male: Okay. Mr. Sorenson?

Sorenson: close is the railroad to this site?

Standlee: which part of the site?

Sorenson: Well, the part that's adjacent to the railroad. Is it adjacent? The railroad right-of-way is adjacent to the property or? Because there was a previous diagram that showed it.

Standlee: Yes, it it's – you could throw a rock on it, I'd say. Let's see if I can get my corner here. The railroad is right there.

Sorenson: And there's not going to be any loading of the material onto rail cars?

Standlee: Not that I'm aware of at this point.

Sorenson: And in terms of sound, the reason that that side of the land isn't going to be affected by the noise regulation is that the noise regulation that the state has compares the ambient sound, the normal sound of, the usual sound with the proposed sound that would come from the mining operation. And, because the railroad's there, and it's noisy, it's not going to degrade, as I understand the rule, it's not going to go below, I mean go above that already noisy area very much. And therefore there's no need to mitigate that noise because it's just going to increase the noise, but it's not going to increase it beyond the amount that DEQ allows it to be increased.

Standlee: Correct, that last part is correct. What it is is the ambient, in that direction, is much higher because of, in a ways, from traffic, noise from Oakridge activities, from the industrial, any industrial activity in that area. So the limit is higher. But keep in mind, we still have to meet the maximum allowable limits, but it's much further that that point for that where that level's reached is much further away from the mine site.

Sorenson: Right. Do you have any way of describing the amount of noise that will be adjacent to the part of the property that's closest to Oakridge, that's closest to the highway and closest to the railroad? Is there any way to describe that to the board?

Standlee: This is where I'm going to call in my assistant to see if he can remind me of the level we predicted. We did predict out there.

Raley: Well, another thing is I actually have a sonometer on my phone. I'm sorry, my name is Mike Raley. I'm with Daley, Sand & Associates. Same business address as Kerrie.

If you wanted to just get an idea of what the sound levels are that we're talking about, I've got a sound level meter on my phone so I can give this to you as I talk for just a second so you can actually see kind of what the levels are.

Standlee: Do you remember what you predicted though in Oakridge with the ____.

Raley: Over there, it was probably in the high 40s to low 50s.

Standlee: Okay, so Mike was saying what we were predicting in Oakridge was in the 40s. The 40-45 dBA range. Which if you're looking at me now, you're probably seeing somewhere in the 50-60 range. Or 70, I'm sorry I'm so loud. To give you a feel for on the east side, our limit is in the low, high 30s/low 40s. That's where we're talking about the levels will be on the east side.

Sorenson: Okay.

Standlee: On the west side in Oakridge, our limit is 55 because of the – well, when I say the limit, it is not the maximum limit, this maximum sound level, it's called the hourly L50. And the definition of that is the level exceeded 50 percent of the hour or the reverse of that is the level below which 50% of the data needs to fall.

Sorenson: Now, on the other side, you're – what's that going up to, 80? Yeah, 80, okay. On the other side where the residences of a previous map, where the residents are on the other side and it's the quieter area. And my understanding is that your testimony basically is, well, the mine and the mining activity will make noise, but it won't, it will be mitigated, number one. Number two, the offsite impact of that noise will once again not exceed the amount that's allowed by the DEQ rule rules.

Standlee: Correct. If you'll look at this.

Sorenson: And those numbers like the R10, and the other residences there. They're going to have, as I understand it, they're going to have some noise impact, but they're not going to have noise impact that violates the DEQ rule.

Standlee: Correct. Just to give you an example or explain this a little further. On this east side, that line tells you where the level is going to be around 35 to 40. On this side, that line tells you where it's going to be 55. Because that's the limit in this correction because of the 10db above the ambient is 55 or higher, but we can't go above 55.

Sorenson: Okay.

Standlee: So that's why it doesn't – there's not a circle around the site.

Sorenson: Right.

Standlee: It's because the ambient is driving the limit over here, but over here, the maximum allowable is driving the limit.

Sorenson: And to the board members, those blue circles look really close to the line. So how do we know that that on one side of that blue line that your prediction of the amount of the noise will in fact meet the amount of noise.

Standlee: Well, that's where the --

Sorenson: How do we know that?

Standlee: The monitoring plan's going to come in to demonstrate that. I will say this area onto the east, you won't be exceeding these levels even approached until Phase Three, as they're moving to the east. So, in the first maybe 10 years, they won't be across that ridge.

Sorenson: Now we were told earlier about DOGAMI is going to be reviewing all this and they are a state agency and they know a lot about mining. Do they consider the noise impacts as part of their regulatory process?

Standlee: I don't believe so.

Sorenson: They're just focused on the quality of the rock.

Standlee: And dust. I do think they consider dust and water, but noise is not one of their purviews.

Sorenson: Okay.

Standlee: Mike, did you want to say something?

Raley: Oh yeah, I just wanted to say something else here. You're asking about the predictive levels and how do we know that it won't exceed since that green line is fairly close to the receiver. So the other thing I just want to make sure we touch on is that in the analysis, we do an absolute worst case analysis, so we assume downwind propagation for the sound. We assume temperature and humidity that are conducive to sound propagation, so the sound is going to propagate further at a higher level. And we assume that this, you know, the noise sources are operating continuously and at their loudest level and at their loudest position when we're predicting in any in any directions.

So, you know, that green line is assuming that the rock drill is there, you know, at the scene of the, at the top of the, you know, the grade. It's on the far east side and it's operating for at least 30 minutes of the hour and that's like actually drilling for 30 minutes out of the hour, which is probably fairly unreasonable, but we do that just to make sure that we address that concern that the level's really going to go over that. So chances are, if you were to actually go out there, when you do the monitoring of the plan, you won't actually see those levels that are predicted.

Standlee: And I will say, like I said, I've been doing this type of work over 30 years. I have been required to do monitoring, follow-up monitoring on several of our projects.

We've never had a situation where we were out of compliance. I don't know if that helps to convince you or not, but that's just, you know, it's more information.

Male: Commissioner Bozievich, then Commissioner Park.

Bozievich: Mr. Pfeiffer may end up having to answer this one. With the noise monitoring plan, is there any sort of surety that's going to make sure that that plan gets adhered to or is there some kind of guarantee that they can't move on without having taking care of the proposed noise monitoring chain that that plan shows?

Standlee: Well, I think the county staff has to put it on their calendar to make sure that they got things that are being specified in the plan. So, in other words, if you look at the plan. Yeah, maybe just bring that up here, I think we have a copy of it here that we can over it, and that might help.

Male: While he's fetching the plan, I'll mention that maybe when Civil gets here, I'm going to ask about a 15-foot high acoustical berm on a 10-20% slope and how it's going to tie out before it gets to the existing land fill which is going around the processing area. Hard for me to tell from what I've got plan-wise.

Standlee: Okay, so, here's the Proposed Noise Compliance Monitoring Plan. You can see within one week of the first step here - Within one week after the beginning of any operations on the quarry site, the applicant, through registered mail, will notify property owners of all residences located within the old Hazeldell quarry impact area that the owner can have noise compliance measurements made at their residence if written permission is given.

Within a thirty-day period. And then upon receipt of those permissions from the owner, they will be included in a noise compliance measurement program. The noise compliance measurements will be made during the time when rock drill is in operation, so we're specifying it has to be done when these sources, because they are the louder sources are operating. We can't just come out and do a measurement when nothing's going on.

The noise compliance measurement shall be made during a time when a rock drill is in operation with the quarry as well as the aggregate crushing, the screening equipment are operating. And the measurement shall be completed within three months of the beginning of the aggregate crushing and screening plant operation on the quarry, at the quarry. Then within 30 days of the completion of the noise compliance measurement period, a report shall be submitted to the County. So, right there, the County needs to put on their calendar 40 or a period of, I think it was, what was the first part was three months -- We've got about four months here, we're going to expect to see something. And if we don't see it, we're going to be finding out why we don't have it.

Then, if the results of that initial measurement show there's a problem anywhere, then they'll have a period of time to address the issue, but then they have another period - We defined another period where the compliance measurement has to be

made again, and submitted to the County again. Like I said, I don't think we're going to have to do more than the first measurement, but this is, this is to make sure that if there is a problem, we have another process to kick in and continue on.

So I think, if you take the plan, and you just put on the calendar when to expect things. I'm talking to the County, to the staff now. They will be the overseer of the data. It's because the data is supposed to be submitted to staff. Does that answer your question?

Bozievich: I guess so, I'll probably have questions for staff on whether we're collecting a high enough fee to do that kind of tracking and also what happens if, you know, if you submit non-compliance and our ability to stop work and all that, but I want to understand.

Standlee: That is defined somewhat in here as to what happens if it's not, if there's a period of time that's given to the . .

Bozievich: Whether that, you know, might define your plan that you're supposed to stop work, but whether we have the legal authority to stop your work, that's the question I want to have my legal counsel answer for me.

Standlee: Okay. Any other questions?

Male: Mr. Barton?

Barton: Just a clarification. You said 30db is the sound level that they could expect to the east?

Standlee: No, I said that the . . .

Barton: It was the hourly...

Standlee: I said that the limit into the east would be in a 35-40 range I believe it is. It may have been a little bit higher, 38-42. I just can't remember the numbers off the top of my head.

Raley: At the moment there is 39 dBA.

Standlee: Okay, the limit is 39.

Barton: 39, okay.

Raley: Right now we're at 64.

Standlee: I want to stop talking and tell me what the level is.

Raley: Those kids are talking about 40.

Standlee: About 40. So that's what we're talking about. Any other questions?

Sandal: They're going to put up a PowerPoint presentation also, but I'm Kelly Sandal. I am a professional traffic engineer with Sandal Engineering based out of Eugene, at 160 Madison Street, Suite A, Eugene, Oregon.

So we prepared the traffic analysis for the projects and a criteria in which we evaluated the traffic is based off of two Oregon administrative rules—the transportation planning rule which is Goal 12 and that is to evaluate the impacts of the zone change.

The Oregon Administrative Rule Goal 5 which is to evaluate the impacts of the aggregate operation and also Lane County Code Chapter 15, which evaluates the impacts of the zone change and the operation on the local street network.

So the criteria is to evaluate the local roads within one mile or to the closest arterial and we evaluated any intersection roadway capacity and the safety and the roadway alignment consistent with Goal 12 and Goal 5 criteria. That takes us to evaluating Dunning Road and Fish Hatchery Road out to Highway 58.

The evaluation looks at – We looked at the intersection capacity with the driveway and how the driveway is going to operate, how the intersection of Fish Hatchery at Dunning is going to operate. And how Highway 58 at Fish Hatchery Road is going to operate.

Our evaluation is looking at PM peak hour and looking in 20 years into the future assuming full operation of the site. And you can see here that, with full operation of the site, our view over _____ are well below the threshold for ODOT in Lane County. So there's no capacity constraints in any of the roadways or intersections.

We also evaluated multiple safety and roadway alignment considerations. One of them is sight distance, which is defined by intersection sight distance and stopping sight distance. Intersection sight distance is critical because we need, we are evaluating if a truck is stopped, can they see down the roadway in both directions so they can execute a safe maneuver out onto Fish Hatchery Road to Dunning Road and to Highway 58.

We evaluated the conditions for a gravel truck that's fully loaded with a pup trailer behind it. We also look at the stopping sight distances under the same conditions. A gravel truck with a pup, and that is how far down a roadway can the gravel truck see. Can the gravel truck see if a car is pulling out at one of the intersections we evaluated.

At the driveway. And so the intersection stopping sight distance is based upon several roadway conditions defined in the AASHTO manual. We're looking at the speed of the roadway, the grade of the roadway, and then automatically assumes a wet pavement condition in the calculations. So kind of a worst case scenario.

At the sight driveway, we have a grade of about three and a half percent. There is a curvature to the roadway right here that has a 15-mile-an-hour speed advisory

curve. other than that there isn't any other posted speed. So we drove the section multiple times to determine what a comfortable controlled speed on that roadway could be and we determined about 30 miles an hour will be the comfortable speed on that roadway, except for this 15 mile an hour curve right here.

So our trucks would need to see at least 230 feet in either direction to be able to execute a safe maneuver out onto the street. And we have a berm here that is an earth embankment and some shrubbery that would limit the stopping sight to the recommendation and the condition of approval is to remove this back to maximize the sight distance that we can get.

We're also going to recommend that signage be placed up here east of the site so that vehicles travelling westbound on Dunning Road towards the driveway will have warning that there are trucks entering the roadway. We're going to work with Lane County Public Works to determine from where the exact placement of that is. So, right now, it just says XX feet, but we'll determine by field measurements after we remove the berm where the best appropriate location to place that sign is.

We evaluated Highway 58 at Fish Hatchery Road. Highway 58 has a design speed or a posted speed of 55 miles an hour. The distance a truck needs to see that's fully loaded gravel is 930 feet in either direction. That's the time it would take for them to perceive a gap in traffic, be able to move out into the traffic and get up to a reasonable speed without causing a driver on the road to come to a sudden stop. The stopping sight distance for a vehicle that's already traveling on Highway 58 is 495 feet. That's the time it would take to perceive there's an obstacle in the roadway and to come to a hurried but a non-panicked stop.

We went out and did some field measurements and determined there is more than 950 feet in both directions that you can see so there's adequate sight distance available for both conditions, the intersection and the stopping sight distance.

We looked at all of the cross-streets on Fish Hatchery Road. The Fish Hatchery at Dunning meets standards. The roadway speed is 55 miles an hour. We evaluated for a truck that would be turning from Dunning Road onto Fish Hatchery. Fish Hatchery comes down and meets before Highway 58 a couple of small streets. There's a big curve in the roadway here. There is a fence and some buildings that actually restrict the sight lines. We worked with Lane County to determine that measure of mitigation for the fact that we don't quite have the stopping sight distance we need is to put up advance signage that's warning that there's intersections ahead so that it reduces the perception/reaction time and then gets you to where you need to be for a stopping sight distance.

We also evaluated the turning movements at all of the intersections, all the directions that the trucks were going to be needing to turn. We evaluated if there is enough room for the trucks to be able to execute the right and left turns at all of the locations they will be turning. And we determined that the current intersection

geometry can accommodate the turning movements of a gravel truck with a trailer as is.

And then the sight driveway will also be designed with the correct turning radius and width so that a truck can maneuver safely in and out of the driveway.

We looked at crash history for as long as we could pull records, which ODOT can get us to about 2009. We looked at crashes that are at all of the intersections plus all the roadway segments for Fish Hatchery Road and Dunning up to the driveway. On Dunning Road, there's been no reported crashes in the timeframe. The reason why this is critical is it helps us to evaluate if there's any roadway alignment issues or geometric issues that are a significant safety concern that needs to be corrected. And that the indication that there has been no reported crashes lets us know that the alignment, there's not a significant safety concern with the current alignment.

Along Fish Hatchery Road again there was zero reported crashes the same concern. There is no geometric issues or roadway alignment issues. And then Highway 58, there was three reported crashes at the Highway 58 and Fish Hatchery Road intersection. There is no pattern to how those crashes are occurring. It happened on different years, different times of the day. All the drivers were under the age of 22 that caused the crashes. Two of them were turning crashes and one of them was a rear-end crash with an unsafe passing condition. So it also indicates that there is no apparent -- When there's no apparent pattern, it means that there is no geometric concerns at the intersection that are causing crashes to occur beyond driver behavior and inattentiveness.

We looked at the roadway's horizontal alignment. Is there enough roadway width to accommodate two-way truck traffic and conditions. Discussions with Lane County, the condition that has been put on the project is that Dunning Road will need to be widened to a minimum of 24 feet for the whole width from Fish Hatchery Road to the driveway. Fish Hatchery Road itself has adequate width that is more than 24 feet. And then again there are no reported crashes to indicate that there is currently safety issues, but we're going to make the roadway wide enough to accommodate the two-way truck traffic more easily.

Pavement analysis. Lane County has conditioned that our project to pavement analysis along Dunning Road and Fish Hatchery Road, and we are continuing to coordinate that with Lane County on the timing of when that would be most appropriate to do the analysis and to do any roadway work.

The final concern that was brought up is the railroad crossing. There have been no reported crashes at the railroad crossing for as long as I can pull up the history. Again about 2009. Again, there is no indication out there when we did field work that there was any geometric concerns, but there is a narrowness to the railroad crossing. There's a guardrail that narrows the section down quite a bit in between

the crossing, so we're working with Lane County, with ODOT rail and Union Pacific to determine how best to mitigate the narrowness of this crossing.

There's a couple of scenarios on the table. Whether we widen the crossing, whether we replace the signal arms, or we straighten out the roadway, and those conditions and improvements are continuing to be worked with Lane County, Union Pacific and ODOT rail on what would be the best means for improving that location. That's all I have. Are there any questions?

Male: I'm interested in a couple of aspects of your testimony. The first is just the most recent where you said that you're working with ODOT rail and Lane County to mitigate the width of the crossing arms at that intersection. My understanding is that we're presented with a proposal, and it's supposed to be complete, and then we're supposed to read it, consider it, and listen to public testimony about it. When I read that you're working with them, what's the conclusion? What are you actually proposing?

Sandal: Right now the condition is written that we will comply with the ODOT Rail order. And that means we're going to take the scenario that we come up with to ODOT Rail and then they will be approving it or denying it. They are, I'm sure you guys are familiar, they're pretty stringent on what they will allow and what they will require. They've been aware of this situation out here. So they know it's coming, they know it's conditioned. As it's written, we have no choice but to comply with ODOT Rail. And it could be that when ODOT Rail continues on their process and we're coordinating with them, that they may require the replacement of the arms and moving them back, or we just move the guardrails, or we straighten the roadway out. That's going to take quite a bit of work to determine what that mitigation has to be.

Male: Did you determine the number of train crossings and truck crossings that would occur at that intersection?

Sandal: The train crossings, there are 28 a day. It's the last number I had gotten. And we are looking at full operation 80 trucks in a day. So, 40 trucks.

Male: 80 trucks intersecting with 28 trains?

Sandal: Correct.

Male: Now, the other part of this that I'm very interested in having had a truck pass me on the way up here, are you making the assumption that people on Highway 58 will drive 55 miles per hour pass the intersection of Fish Hatchery Road and Highway 58?

Sandal: Yes, because that's the design speed. So, that's the standard criteria.

Male: That is an assumption that you do make?

Sandal: Yes. Because that is the criteria for design is assuming a 55 mile an hour speed on that road. That's how it's posted.

Male: And if the board commissioners or the public testimony showed that really the posted limit is due to consumer behavior and lack of enforcement that Highway 58 is really a dangerous highway, and the number of vehicles that exceeds the 55 miles an hour at that intersection is greater than 55 miles an hour. What's your response to that?

Sandal: Enforcement. Because, it's a statutory speed. The statutory speed is to go 55 miles, is 55 miles on that roadway. Enforcement is the reason, would be the mitigation.

Male: Is that part of your compliance plan? Like if that enforcement didn't take place, then we would do something? Like in the noise arena, where if the noise rules are violated, then there's a mechanism to bring things into compliance?

Sandal: No. The reason why we didn't provide any mitigation around that is that the design speed is 55, and that we are only required to provide mitigation on local roads, and Highway 58 is a state road. And ODOT would have received a copy of the transportation analysis that we had completed and had not comments on it. To them it was deemed acceptable.

Male: Are you making the assumption that the people who administer Highway 58 will not change the speed limit during the time that the mining is in operation? It will always stay at 55, because the people who administer the roads want it to stay at 55 where may be data will show later that the speed should be lowered, are you making the assumption that it will be 55 all the time?

Sandal: Yes. I am making the assumption that it will be 55 based upon the topography of the roadway. If the roadway was to change speed, my professional opinion is that it wouldn't go up, because it's just to the east of Fish Hatchery Road. You start getting into curvature of the roadway, and that point increasing the speed is not necessarily a prudent thing to do. And then to the east you're coming into the city, so you would not increase the speed as you're heading into the city.

Male: Did you conduct any speed analysis of how fast people actually drive on that section of the road as opposed to what the posted speed limit is?

Sandal: No, I did not do a speed analysis on that section. I personally was the one who took the traffic count at the intersection so that I could see how big the gaps in traffic were. During the three hours I was out there counting, there were plenty of gaps—very large gaps that exceeded ten seconds, and beyond into thirty seconds which is plenty of time for a truck to be able to make a turn.

Male: Thank you.

Male: One of the things that wasn't quite clear from an earlier testimony was how rock gets from the active face of the quarry to the processing area. And there was this brief reference made to a secondary entrance into the quarry. Can you address whether those trucks going from the active face of the processing area, are they going to use Dunning Road, or is there an offsite haul road that's not showing on the site plan?

Sandal: Yes, there is an onsite haul road.

Male: Onsite haul road. I guess maybe this is going to be a question for the applicant, and I didn't see that addressed either in the Sound Study, or even I don't see where it's quite showing on the site plan. That haul road between the active face and the processing area. Thank you.

Male: This question is for you. Just a time check. We've been with the applicant now a little over an hour trying to keep it within 30 to 45 minutes. I know a lot of these questions are from us and a lot of it is our fault, but if we can do the last two presenters as quickly as we can so that we can get to the public. Thank you.

Peterson: Good evening. Board. My name is Gary Peterson. I'm with the firm of Shannon and Wilson out of Lake Oswego, Oregon. I'm an engineering geologists and hydrogeologists, and I've been working here in Oregon for forty years, and these are the kinds of projects that are pretty interesting. Excuse me for that. I've got a written thing I want to try to zing through here quickly, so I beg for your attention. I'm here to talk about silicon concerns and water. Silicon concerns. Silica is silica dioxide. Basically it's known as quartz. And it's a compound that mixes with different materials to form minerals that cross here. It's the second most common materials on earth. Silica is everywhere. It's most commonly known as quartz, crystalline, silica. It's present in rock masses, gravel deposits and soil everywhere on the planet, and a site, here at the site, has significant silica. It's in the form—it's mineralized into the rock. The use of silica containing _____ materials is extensive. We use it for everything in building or modern society. It's in bricks. It's in cement. It's in concrete. It's in all the rock that we use on the roads and on the asphalt. It's everywhere. Silica is a wide ranging material. The beaches and playgrounds that the kids play in are silica. It's everywhere. So, I don't want the impression that silica is a unique problem to this site. However, breathing silica is where the problem comes. The little particles get caught up in dust and become air borne. You breathe them in. They get lodged in your lungs, and they're damaging to your health. That's the potential. But the numbers are pretty high on what levels that it requires.

Less than three weeks ago, Oregon OSHA published new rules. They had old rules, but they've published new rules regarding the management of silica. It is directly applicable to quarry mining operations such as this. They are going to become effective in 2018. Old Hazel Golf Quarry will be held to those new standards to prevent adverse silica exposure for employees and the community. Quarry operators are subject to inspections and penalties for violations. Oregon's

new regulatory standard further communicates the employer's responsibility to modernize equipment and use work practices that capture and suppress dust at its origin. So, again dust is the problem. Dust suppression is the answer. Oregon OSHA requires employers to protect workers and the public from airborne respirable silica exposure, but it does not require respiratory protection. The new rule does not require masks for people working in quarries as it does for grinders grinding on materials that are producing silicon in a very closed environment. Instead, Oregon OSHA requires a work practice that manages the hazard and dust suppression is the key element of that. They have to contain the cuttings from drillings, and they have to water the roads. They have to sprinkle the roads. They have to sprinkle the crusher, and the sifting plates, and the transmission, the conveyance facilities and keep the dust down to prevent the silica exposure. That's the management that's required in the rule. Today the quarry industry itself has developed a lot of new equipment, and the new equipment comes with built in dust suppression. For example, dozers and heavy equipment include a cab with seals and air filtration to prevent dust intrusion into the cab. The drilling that has been talked about, drilling in blast holes, is another area that generates significant dust. New equipment comes with cowlings and bore hole connections that allows sucking vacuums, sucking cuttings in and stabilizing them with moisture. These are very standard industry procedures. This new operations that Old Hazel will be required to comply with all of these new requirements. Most of these requirements require water. Most of these things require water to suppress the dust. Aggregate mining permits in Oregon allow the installation of water wells on site, a water well on site, for site operations. Such an industrial well is limited to five thousand gallons per day. Onsite wells typically supply water for spray bars and crushers and screens. Water trucks are loaded up and used to sprinkle travel roads on site. Wheel washers prevent trucks from leaving the site and bringing dust and mud, well dust which turns to mud, mud which turns to dust, unto the roads. Water supports the dust suppression equipment for the drill rigs and may be used to wash crushed rock and remove fines. Water used on the site is valuable resources as ___ has pointed out, and it's often recycled through collection systems to reuse it. A reliable water system is really important to a quarry operation. Public testimony suggest that the onsite well may adversely infect nearby aquifers and neighbors. Let's look at the facts. Five thousand gallons per day averages out to be about three and half gallons a minute coming out of a well into a reservoir. That's equivalent to a very low flow from a garden hose. This is not a high demand for a well located where we're located, which in or hydrogeological studies we characterize this as a lowlands area where we get into aquifers that are more related to Salt creek and the Willamette River than the highlands area where lack of water is present. No data suggests that ground water is present or actively—sorry, I've skipped ahead.

A few neighbors are nearby. One resident recently installed a well that generates 20 gallons per minute in this environment. We think that the water resource is available for us in the development area. Public testimony also suggests that water use may influence groundwater conditions around the landfill.

Let's talk about the landfill for a moment. There's no data that suggest that the groundwater is moving to the landfill or that the landfill has leached materials in any direction. There's no exposure, no release, and nothing that tells you that it's there other than an historic air photo study that we did to define where the shelves were. Borings sub-slope of the land disclosed only shallow ground water, no shallow ground water, and encountered bedrock, typically impervious at shallow depths. Given the geologic settings, we believe no significant groundwater resource or flow path exists that has groundwater traveling through the old landfill site. We are confident that one of these well sites will provide a reliable ground water source with no adverse offsite impacts, and without any potential changes in groundwater conditions in the processing area. Neither site present's existing use of ground water aquifers. Now that was kind of speedily read, and I may not have gotten all the content. We recognize the hazard of silica. It's managed everywhere in the world in different ways, but we have our own way, and we have brand new rules to enforce that are stronger than what's before. The landfill, we've identified and have no evidence that it's going to be future problem, and we've isolated it from all of the processing area operations. There is no indication that there's any ground water moving through there. We think that that entire area is very stable. Gently sloping and going to perform fine over the long run. That's all I have.

Male: Commissioner Bozievich asked earlier about the bonding requirements for one other aspect of this proposal. Could you discuss whether or not that's something that's included in the proposal, or something that's in the authority of the county to require that if this all works out that there wouldn't be any claim on a bond, but that if water problems do develop, and there would be some bonding available to fix the problem.

Peterson: I don't feel like I've got an appropriate answer regarding how we would bond that.

Male: Like a performance bond or some kind of thing where you say, well if it works, no body's going to claim on it. It's not going to cost too much. But, if there are problems with the water, contaminating or whatever, then there's money available to fix it.

Peterson: That issue as I understand the property ownership, and Steve perhaps you would know better on this, that may fall to the city, not due to a purchase agreement.

Male: The city would do what?

Peterson: Cover issues related to the landfill.

Male: Because the city once owned the landfill?

Peterson: Yeah.

Male: Well, I'm not really talking about anything connected with. I'm not really talking about.

Peterson: I can't commit. I don't have the knowledge of the details.

Male: I'm not talking about the landfill and the city's prior ownership of the landfill. I'm talking about whether or not there are water problems on the site that create problems off site, and if those water problems, which I understand in the proposal have been addressed, and I understand it's your view that it will work out properly as it should, I just asking about whether or not there's any kind of performance on proposal or something that would protect the community and protect the impacts on river of this kind of water problem that might occur, whether it's water quality, water quantity, breaching.

Peterson: The site engineering work has been done to maintain all waters on site and not allow the discharge into.

Male: That's exactly my point. That's your view. I'm not questioning that for this at this moment. What I'm asking is, is there any kind of way to have a performance bond to make sure that?

Peterson: And that's out of my expertise.

Male: Okay. Then it's fair to say there's none in the proposal?

Peterson: I'm not aware of that aspect of the proposal.

Male: Other questions?

Male: I think maybe Commissioner Sorensen was thinking of the reclamation plans _____ with DOGAMI when he was speaking of a bond earlier. My question is on the five thousand gallons per day max use of the well. Is that going to be a metered well, and is OWRD going to be the permitting for that? Are they going to be the enforcement agency relative to controlling the max use of that well?

Peterson: The well will need to be metered, because it does have a limitation criteria on it. Who is the enforcement on that? OWRD will own the log, but that really is a commitment in the _____ agreement.

Male: The water max. If there were concerns in the area, he could check the well log, the well meter and all that stuff.

Peterson: That may well be included in the.

Male: But it won't be Land County, it will be the Water Resources Administration through the permitting process that would have the authority.

Peterson: Yeah. I think that's how it would work.

Male: I just wanted to check that there is a. You're allowed to use up that.

Peterson: Oregon Water Resources Department is involved with these types of activities.

Male: There is some agency that is in charge of making sure that doesn't get exceeded after we've issued a permit. So, thank you.

Male: All right. Thank you.

Peterson: Thank you.

Minor: I am Rick Minor. Senior archeologist with Heritage Research Associates in Eugene. 1997 Garden Avenue. Eugene, Oregon. Spun out of the University of Oregon in 1980, Heritage Research is a small business specializing in the archeology and history of the Pacific Northwest. Over the last 35 years, we've been employed by a large number of clients. Large variety of clients, including state and federal agencies, counties, cities, utilities and private property owners. One thing I'd like to make clear, it is not our role to advocate for any particular project. Instead, it is our responsibility to assist our clients in meeting state and federal laws as applicable and to advise them on the protection of cultural resources. The question before us tonight is pretty straight forward. Our significant archeological or historical sites known to be present or likely to be present in the proposed mining area that would be affected by the proposed land use action. And the answer is, no. Most emphatically, no. Let me walk you through the process. And point out where the project area is. If I can figure out how to work this. Nope. Is there a pointer on here? I don't have that. Oh, I see.

As you can see, the proposed mining area is right below the label for the Fish Hatchery. It's the little area right here. And actually it's the southern portion of that little area right there. And, before we move and I forget, there's a trail we're going to be talking about that's coming in from Aubrey Mountain over here. I'll come back to in a moment. Available records and reminiscent on file prior to the proposed land use, do not portray the proposed mining area as particularly historical or significant in the past. And it's only relatively recently that the butte, now known as TV Butte has been named. As discussed in the three reports that Heritage has submitted, our work began with a review of existing sources and database to recover information about previously recorded archeological and historical sites in the project area. There are no previously recorded archeological and historical sites in the mining—proposed mining—area. There are a few cultural resources in the impact zone, which I'll show you in a subsequent slide. Most of these surprisingly are historical in age and refer, and relate, to the state fish hatchery or the Pulp and Talbot Mill. There are only three isolated finds of lithic materials, and they're called isolates, because they do not meet the definition of an archeological site. Only three of these have been found in the impact on which is the buffer zone for the project. And because there will be no earth disturbing in the impact zone buffer, none of these cultural resources will be affected by the project. After the record search, an on the ground field survey was

conducted by three archaeologist from Heritage research, I wasn't on that survey, but I spent some time walking around out there on Sunday, and I concur with their findings. I don't think people in the audience understand the steepness of the terrane and the shallowness of the rocky soil. Archeologists classify land forms in terms of archeological potential in terms of high, moderate and low. Every archeologist I know would classify the proposed mining site, mining area, as low probability for archeological sites. And, not surprisingly, no archeological evidence was found during the archeological survey. Our findings and conclusions have not changed since the submittal of our three reports, but there has been some alternative opinions expressed about exactly what is in the proposed mining area. And, I'd like to address these, and I can group them into three categories.

The first one is trails. It is used with longtime residents of Oakridge, and most notably former Major Lawrence Hill, made references to Indian trails in the area. And the problem with most of these references is they're not location specific. The most location specific of these accounts is by Lawrence Hill, and he is clearly referring to the Aubrey Mountain Trail.

[People talking in the background, unintelligible].

Minor: That's not relevant.

[People talking in the background, unintelligible].

Minor: Here's the Aubrey Mountain Trail. Here's the Aubrey Mountain Trail coming over here. It runs through Section 14 and the Dunning property. It then turns south into Section 23. It does not extend to Section 15 where the proposed mining area is.

Number 2, burials. It has been alleged there is a likelihood, or even a certainty, that burials are present in the proposed mining area. This concern arises specifically from the land patent of the Molalla Indian Charlie Tufti, and associated references to the burial of his family members in an unspecified location. Filed in 1876 under the Indian Homestead Act, Charlie Tufti held his 160-acre claim in Section 14 for 13 years. After losing two wives and several children to disease, he sold his patent in 1889, and it eventually became a part of the Dunning Family Holdings. In early historic times, family burials were most often placed on the family's land, unless there was a community cemetery available. It is unlikely that Charlie Tufti would have buried his loved ones on somebody else's property. The most likely location for the graves of the descendants of Charlie Tufti are the former Tufti Patent, which is more than a quarter mile away from the impact area boundary.

Ancient Village, Number 3. From these earlier concerns with trails and burials, the project opponents most recent claim made on October 4th, is that an ancient village site is in the proposed mining area. As previously mentioned, no

archeological evidence was found during the field survey in the proposed mining area. Nor has any evidence or suggestions of the presence of an ancient village been reported in the surveys by other archeologists in the impact area. The steep top rocky terrane, and most notably, the lack of water, almost certainly eliminates proposed mining area as a potential setting for an ancient Indian village. _____. The references to an historic trail, graves, and now an ancient village raised by the project's opponents, all point to Charlie Tufti's land patent on the Dunning property, not to the TV Butte property. The Dunning property, as I said, is more than quarter mile outside the boundary. So, although we have concluded based on our studies that there are no significant archeological sites, nor is there a high potential of any archeological sites on the property, it should be understood that the mining operation is still subject to the requirements of Oregon State law regarding cultural resources. And these requirements require that in the event any archeological discoveries are made, all work in the vicinity be stopped, and the State Historical Preservation Office be consulted, and subsequent courses of action are then worked out between the State Historical Preservation Office and with the appropriate tribes. Thank you. Be happy to answer and questions and to elaborate on any points.

Male: Mr. Sorenson?

Sorenson: Thank you very much. Regarding the work that your firm did. You said you went out and walked the site on Sunday?

Minor: Yeah.

Sorenson: Okay, who did the work on this?

Minor: The original survey?

Sorenson: Well, no. The work that your referencing that the – Where the Tufti property was located and the archeological materials that have been developed. Did you do that?

Minor: Yes. Yes, that's all presented in the three reports that Heritage has prepared for this project.

Sorenson: Okay. And I'm just trying to understand what you did versus other people did. You walked the site. What else did you do?

Minor: I reviewed all of those reports before I gave the report.

Sorenson: Okay.

Minor: I actually kind of co-authored some of them, but I'm not listed as a co-author.

Sorenson: Okay. Now, regarding this map that's right in front of us.

Minor: Yep.

Sorenson: When you show us this particular property, the ____ Tufti property, that's the property, what? As surveyed?

Minor: That's actually plotting of his land claim, which we got the information from the BLM archives.

Sorenson: Okay.

Minor: So that should be pretty accurately placed for now.

Sorenson: Well, that's really my point. It should be accurate, but we don't know it is accurate.

Minor: It's damn near accurate. It's as accurate as we can get today. I mean, they had it – I think he had a certain corner section of the section so it's very accurate. And it's very close to where the site is, too. Well, it's about a quarter mile away, depending on where you measure from.

Sorenson: Okay.

[Unintelligible voice in crowd]

Sorenson: Can I ask my questions?

[Unintelligible voice in crowd]

Sorenson: Well, you're going to have your time to talk, but right now you're taking up our time to ask witnesses questions.

So, let me ask you this. What is the conclusion that there's no significant culture resources?

Minor: Significance for archaeology is measured by potential eligibility to the National Register of Historic Places. Good question, by the way. And to have a site be eligible for the National Register, it falls under criterion D, which basically says it has to have the potential to contribute new information about past land use, activities, anything relating to pre-history or history.

Sorenson: Okay. And is it the requirement that we have to make a finding that there are no cultural significant resources? Is that part of the application that we have to make a finding that there are no significant cultural resources?

Minor: Steve, what is that?

Sorenson: It's more of, I guess a lawyer question. [Inaudible] He'll address that. Okay. So, would you like to add anything else to your testimony?

Minor: No. I would like to point out though, all those contour lines – Those are really real. If you're out there on the site, you get an appreciation for the steepness of the terrain and the unsuitability of it for any long term Native American occupation.

Sorenson: Okay. Thank you.

Pfeiffer: Mr. Stewart, Commissioners. That's the close of our testimony. We'll be happy to answer any questions from any of our experts, either now or at the close of the public testimony tonight, or in writing, frankly, if the record is left open. The only other comment I'll offer in closing is that with regard to the conditions of approval that were recommended to the Board by the Planning Commission, with one exception, we're in full agreement with those conditions of approval. The only exception is Condition no. 15, which if you either go to it or recall it, it has to do with the adequacy of the pavement structure of the roadways we'll be utilizing. And what that basically does is require two things. That the applicant prior to operation undertake an analysis. Coring, probably as much as anything. To determine the extent to which those roads and their existing conditions meet the County's adopted road standards.

Step two would be to the extent that they're deficient as we understand the condition prior to – It doesn't even say prior to operation. At some point, we would be required to bring those roads up to compliance with those standards. Likely an overlay. Kelly already mentioned we'll be widening the roads. This goes to the depth, frankly, of the roadways. And we're going to work with staff as we've been doing to try and specify the timing. Really, our only concern there is when we would be required to undertake Phase Two, which is the actual upgrade of the deficiencies, because in essence our sense is that those deficiencies won't – whatever is out there today is a pre-existing deficiency that is not the result of our activities. But we're not averse to doing so. What we'd like to be able to do is time that to the actual point in time when the operations get to a point where we're actually putting trucks on the road and/or quality – quantity of gravel on the road, so it's a timing element for Phase Two. And what I'd propose, we'll continue to work with staff and public works and planning, and we'll come back to you with what I fully expect will be a consensus condition that we can agree with.

Other than that, open to any questions.

Male: Any questions at this time? All right. Thank you.

So it's been two hours. I'd like to allow people to stretch. Let's take a 10-minute recess and then we'll start with the public testimony.

[Recess]

Okay. Thank you everyone. I hope the break was well received.

So now we'll get back into and start the public testimony. And the first persons to speak are folks that are in favor of the application. At this time, I have one person that's actually signed up in favor. It's Katy Jeremiah. Katy, if you could come forward and state your name and area of residence, then I'll start the timer. And I'll be lenient with the time to an extent, but try to keep it within three minutes if we can.

Katy: Good evening, Commissioners. Thank you for allowing me to present my testimony this evening in support of the application for the Hazeldell Quarry. My name is Katy Jeremiah. I am a resident of Eugene. My address is 2902 Lord Byron Place, Eugene, 97408.

I am co-owner of a second-generation family-owned business based in Springfield: Aggregate Resource Industries, which performs drilling and blasting and crushing in quarries throughout the western United States. Our business also operates as a rock supplier in four rural quarries in Lane, Linn, and Benton Counties.

My testimony in support of this application is provided in order to give the concerned citizens in Oakridge some first-hand perspective to ease any apprehension or fear that they may have when presented with the idea of a new quarry in their community.

In my experience, fear of quarry operations generates from residents not understanding what the operation entails, and not knowing how many significant measures and new technologies exist to mitigate concerns of noise, dust, vibration or other impacts of the operation. I can speak to these impacts both from the perspective of a quarry operator in several rural Oregon communities, as well as from the perspective of the contractor that performs the very work that citizens fear will be disruptive.

First, from the perspective of a quarry operator. In one quarry we operate, some of the most vocal opponents of the quarry application have since become valued customers and applaud us for the fact that the quarry operation is not disruptive to their enjoyment of their daily lives as they once had anticipated. I expect the same in this site. The operator here will be incentivized to be a good neighbor, as the viability of this rural quarry depends on its neighbors being its customers.

In the citizen comments opposing the application for one of the quarries we operate, neighbors were concerned that we would be blasting daily, have hundreds of trucks each day traveling through their neighborhood, and extracting over 10 million tons of rock each year. The reality of limited demand in these rural sources is this. We've blasted one time in three years. A typical day involves about one truck an hour traveling into the quarry. In the one time that we did blast, neighbors that witnessed the blast said, "That's it?" And neighbors who weren't there called later to inquire whether it had been rescheduled because they didn't hear, feel or see anything at the scheduled time.

And on the topic of blasting, in addition to operating our quarries in Dexter, Halsey, Philomath, and Crestwell, our company typically performs five to eight blasts a week in quarries throughout six western states. Many of these blasts are safely designated within close proximity to homes, sensitive wildlife habitat, utilities, and structures. Because blasting technology has improved so dramatically over the years, blasts can be designed and controlled so that vibration and noise are nearly imperceptible. As I often say, it is no longer Wile E. Coyote and the blasting machine.

As you heard in earlier testimony, the same dramatic improvements in technology apply to quarry equipment as well. Technology is available is to minimize impact of back-up alarms and equipment noise, dust, and emissions. As one example, one commissioner visited one of our quarries recently during the peak of equipment operation and noted that the train and plane noise was significantly louder than the equipment operating in the quarry.

In summary, although I am not affiliated with this application, I wanted to share my perspective in order to debunk common myths that quarries are bad neighbors. The benefit of opening this quarry, the addition of local jobs, reduced transportation costs and availability of high quality rock far outweigh the rare momentary perceived disadvantages.

Thank you.

Male: So that was the last person that indicated they were in favor. I'll start with the list of the remainder folks. First up is Cathy. Is it Pokorny? Pokorne?

Pokorny: Good evening, gentlemen. My name is Cathy Pokorny. My husband and I live at 49153 Dunning Road here in Oakridge. Our home and property is located within the 1500 feet impact zone so we're definitely affected.

First of all I would like to request that the record remain open because we will definitely have additional written testimony regarding several of the applicant's presenters this evening. We have heard new information that we were not aware of at all.

Okay, I want to speak to you this evening about the community hazards of rezoning TV Butte authorizing and allowing the mining project of Old Hazeldell Quarry LLC to move forward.

Our initial contact with the people of Stonebroke LLC which is apparently a part of OHQ was that they would be drilling for wells and planned to establish a housing subdivision. Their application to Lane County was for a special use permit to perform pour drilling and analysis of existing minerals stating that they were looking for basalt.

After two years and long after their permit had expired, they discovered that TV Butte consists of andesite rock, not basalt. They immediately changed their plan

to mine andesite instead. Blasting and crushing of andesite rock produces silica dust.

Silica is easily airborne and can be a serious health hazard. Mines require large quantities of water to control dust. Diverting large amounts of ground water can impair the rights of nearby or downstream users as well as harm the environment. Others will be speaking this evening regarding their lack of water sources. They came into our town saying they wanted to be neighbors and friends, but did not disclose dangers of this type of open pit hard rock mining.

If one searches the Internet regarding the hazards of this type of mining, there are mountains of research regarding the dangers. I am submitting reports from Midwest environmental advocates, environmental working group, mining minerals and sustainable development, MIT.edu and womenandenvironment.org.

This is just the tip of the iceberg of research done relating to risks to community health, environmental risks of mining, health concerns for silica in outdoor air and mining as a historic threat to clean water and air. Their experts have proposed all sorts of Band-Aids to cover and conceal possible hazards facing our community if this mining is allowed to proceed.

Unless they are spreading massive quantities of water 24/7 365 there is no way they can guarantee that silica dust and other chemicals released from the mining process will not filter down to our community. Their puny water catchments will not contain the runoff from a mountain that is covered with soil with a very high clay content. This runoff will make its way to the streams and rivers of our area eventually making its way via the Willamette River to Salem and Portland. These are just several more reasons we are convinced Old Hazeldell Quarry LLC is not meeting all the goal 5 requirements.

They are insisting that the rock resource is the only one that is important and ignoring the health and livability of our community. And, once again, I request that this record be extended so that we can submit the rest of our testimony. I thank you for your time this evening.

Male: Thank you. Next is Shirley Durand.

Durand: My name is Shirley Durand. I live at 49145 Dunning Road and our property is also within the impact zone. I was wondering what exactly does that mean, especially for me and my neighbors and will our wells be affected as we were told at our very first meeting they said probably our wells would be drained, either that or that it would be rendered not of any use. And will we get the full force of the dust that will be created whenever there is a west wind. And I would like to know where the water for the dust is coming from for dust abatement. They say that I'm not sure if they said they had a well that was drilled and only 5,000 gallons a minute which is not really a lot of water. There is no year around water source on that property. The only possible future water source would be the one million

gallon water tank the City of Oakridge is planning to put on the northwest side of TV Butte. This water is designated for use as fire protection for the industrial park and the municipal use for the citizens of Oakridge. This is not a viable source to be used by the quarry, and there will be no getting away from the noise. Most of the people here have worked at rock quarries and it doesn't matter what you do, they are not quiet. We have found Native American artifacts on our property, including arrowheads, obsidian chips, and fire pit. Not enough research has been done concerning cultural resources on TV Butte. And the heritage made the claim that Mr. Hill when they took the trail was on Aubrey Mountain. This is not true. When my oldest daughter who is 45 had a field trip with Mr. Hill in the bus and he took us up Dunning Road and he was pointing out all the cultural places from the Indian culture. He did point out the trail on TV Butte and he pointed some graves as you come into the left side of the road, there was a bunch of graves there. They have rock on them and the neighbor pointed out in spring there was flowers that would actually come in through the rock. I feel that Old Hazeldell Quarry LLC has not met the intent of goal 5 because of these factors. Dunning Road is a dead-end road. There are 15 families that live on Dunning Road and we depend on this road as our only access in and out of the area. Any blockage of this road will prevent residents from leaving or receiving any emergency service. Also, I would like to mention about the big game and how it seemed like Mr. Pfeiffer made it sound like the Elk were not important and I disagree. We have at least 100 plus herd of Elk on Dunning Road every year. We have lived up there for 40 years, every year they go and calf up on TV Butte, it's just something that they do, they go, they calf and they leave the calves up there for gosh, they are still up there I believe, and then they slowly move back down Dunning Road. Thank you for coming up here and listening to us. We appreciate it. Thank you.

Male: Thank you. Next is Tim Cogland. And on deck is Linda McMannen?

McMann: McMann.

Male: McMann.

Cogland: Hello, my name is Tim Cogland and I own about 60 acres immediately adjacent to the south side of the quarry project and that is where I live. I object to this proposed zone change and the approval for the mine. I just don't see any benefit to the town and to the county residents that live there. I just don't see any benefit for it. And it really is based on, we are not anti-mining but it is based on the proximity of where the mine is. It is between all of us that live there already, and our town and so any pollution that is generated like dust will affect us, and noise. It is just the proximity to where it is. As an example, you know you guys drove up here and we really appreciate you coming up here so we don't have to drive down there, you can see how dangerous that road is. It is not like we are putting those trucks like halfway, introducing them onto 58 like halfway to Dexter, we are introducing them right before our town so it is putting all of us at increased chance of a to have to deal with the safety issue and we don't see any benefit from it so we take the brunt of it but we don't see any benefit.

And just to comment on the elk, I see elk every single day there, year around. Just like this week, I took photographs right adjacent to the quarry side to my property of a full grown mountain lion so who saw my mountain lion picture this week, yea, just this past week and also bear just about two weeks ago or 10 days ago a bear and a bear and two cubs. We got fox and just elk and it is absolutely magnificent out there. It is so beautiful you can't believe it. And to think they are going to put an open pit mine in between our town and the residents kind of blows our mind. We aren't anti-mining it just not the right spot for it. It puts too many of us at risk. Furthermore, so I know the elk it was a missed opportunity that the applicant seems to get a little bit of satisfaction of knowing that there is a window there that was missed to identify elk and big game habitat so I just wanted to mention it though because it is still wrong. It is absolutely a big game habitat functioning with large predators and everything. It is just magnificent there. As far as the noise is concerned I hope you don't get fooled by Fetch's phone trick there because that is not what that mine is going to sound like. You know when it is quiet in this auditorium, that is what it sounds like now out there, it is absolutely fantastic, you can hear an elk bugle on Dunning Road for, it echoes through the valley, it is just beautiful with an occasional train to go by the area, so to think there is going to be no impact, I recently retired from the forest service for 30 years with them and about the last 20 years I was supervising aerial retardant on forest fires so I had to do at least one survey for noise at an airport and so I know about the noise and noise levels, and those noise levels that they are proposing, they are too high. You are going to hear that noise all, you are going to hear it in town, you are going to hear it sitting on the tub, you are going to hear it from all of our homes. It is going to absolutely change the whole environment there so I hope you take that noise in to be more serious than the old phone trick in my opinion it demonstrated that it was. And the water, we are already in the summer time we are already under water restrictions during fire season, so water is a big issue with us here because we seem to get real tight with it every summer. The dust is a big concern for us too. You know, 5,000 gallons of water sprayed isn't very much water and for a mine operation of this big and with these kind of trucks and the crusher and excavating and the blasting and stuff like that, it just doesn't seem possible that you can control that with 5,000 gallons of water coming from, probably going to come from collaboration probably I would guess with the city so it is a little bit of competition for the water there and I know they are going to generate their own water on site, that's fine, but the amount of dust that is going to be coming off there, it is really hard to control with that type of water.

Male: Tim, you've had a couple extra minutes.

Cogland: Thank you sir.

Male: If you could submit the rest of your testimony written I'd appreciate it, so we can get to the rest of the folks.

Cogland: Okay, I'll just end it right there. Thank you for coming up again.

Male: Thank you. Linda and then Ann Marie, excuse me, Ann Jane May, I believe. Anna?

McMann: Good evening. My name is Linda McMann and I live at 48934 Roberts Ranch Road in Oakridge. The quarry is not a benefit to Oakridge or Lane County. It will bring water, noise and dust pollution. The dust produced by the quarry operation is made of silica dust, basically glass. This dust causes lung disease resulting in death. The applicant cannot contain all of the dust. Whose water will they use? Oakridge City? Goal 5 resources have not been completely addressed by the county. Other goal 5 resources have encroached on the proposed quarry, wildlife habitat, wild and scenic areas, trails, natural areas, cultural areas, historic resources, open spaces, scenic views and sites, etc. They are already established there and they will be greatly impacted by the quarry. The goal 5 resource inventories are not complete and certainly need to be revisited. The cultural resource study the applicant presented is nothing more than a paid report for the applicant and is incomplete. The applicant did not contact local historians or the Oakridge Pioneer Museum for any information on history of the area. The evidence is there that the Native Americans occupied, used and died on quarry property. Some of the quotes that I have heard from the local historians Bud Rice, who is an archeologist, Mr. Fisher found a knife on top of TV Butte. There is also lots of stuff found after Murphy logged. The reason that these have not been identified is because people do not want to come forward. They do not want it to be disturbed, they do not want it known, and it is also was illegal to pick the stuff up. They do not want to be prosecuted, but there is evidence. Go to the Oakridge Pioneer Museum and you can see over 2,000 arrowhead points that Bud Rice has collected in this area. The evidence of historical trail is clearly marked on a 1912 forest service map running through the quarry property. The map is posted up there and it is in the documentation. You can't find them walking through the blackberries as the applicant has done. A thorough archeological study needs to be completed. The graves and artifacts are located within the impact zone. They will be lost if the quarry is allowed to destroy the area. I would like to request that the Commissioners please read all of the documentation contained in the large file box compiled by the planning commission staff including the email correspondence. From the beginning of the process I have been told it is a foregone conclusion that the Commissioners would approve the zoning change and the quarry. That is what Commissioner Stewart told a local realtor this spring. "Oh, that's a done deal." This was before any of the process began. How can we get an objective decision if the decision has already been made behind closed doors? Commissioners, please look at the damage this project will do to the people of Lane County and Oakridge. Oakridge is in a revival. People come here for the quiet, beauty and peace. Do not destroy it. Save TV Butte. Water is life.

Male: Thank you. Next is Anna Jane and then I believe it is Hoppy Jensen on deck.

May: I come here as a native of the Earth and Oregonian from birth. I have been a pilot of most of my life and I have silicosis which is a lung disease already. Any further contamination can actually kill me so my life is not as important as the harmony

of the wildlife that I also enjoy here. The eagles fly here and nobody mentions the eagles and the impact it would have on them. They would probably leave us and we would lose the best resource we have. The eagles. I am here for the eagles and the natural life of our community. Please understand that it is a matter of life and death.

Male: Thank you. Hoppy, is that correct? And then on deck is Keegan Cogland.

Hoppy: Good evening, thank you for taking your time and coming up and listening to our concerns. I going to be in this town. I moved up here after I was looking at Google Maps and this place looked like absolute paradise, all the different bodies of water and the open land and I would like to say that from what I've heard of the paid experts testimony, they haven't addressed nor could they probably address all of the trucks that will be traveling down highway 58 and all of the dust that will be falling off of those trucks. It is true that silica can travel 30-100 miles on its own but we are going to be having they say 30 and its probably more like 1 truck a day would not make it profitable business, so I don't think it's going to be 1 truck a day or one truck an hour, it just would not be profitable. But, we are going to be having 30-60 trucks that is what they've said going back and forth and the dust that will be coming off of those trucks, and it passes through town, that cannot be contained. The silica does cause asthma and does cause tuberculosis and cancer. But it affects most of the senior citizens and the young children mostly and there will be so many people affected by that. The Lane County Planning Commission held a meeting a couple of months ago and after that meeting Jason who is on the committee came up to me and said that he was concerned because he was born here in Oakridge and he comes up here on the weekends to go fishing and he is very concerned about the toxic waste land mine that is up there. When it is dynamited would cause a pollution of the Willamette River all the way up to Portland. Those were his words to me. And, you know, he doesn't know – There's just no way to know.

But from what I have witnessed, the mine could possibly contaminate the water, the wells and the Willamette River by run-off. That it goes into the swell, and the swell goes into the river. Anyway.

It won't offer any income. The trucks are going – from what I've been told, the trucks are just going to come up from where they are going to be stored and come up and so there's no income – there's no benefit for this city to have all these trucks. And being in route, going up and down Highway 58 is already terrifying. I've been trying to pass people and things like that, and to put 60 more trucks on the road a day is just – it's going to be hard – it's going to be definitely difficult for us to maintain safety and not have more deaths as there already have been. For the people that live here and all the retail the real estate value is just going to as it happens when you've got lots of loud noise, the lights that are going to, the dynamiting that's going to be happening, and the constant crushing, their property values are going to just plummet. I'm mostly concerned for the water safety of the

people here, and I'm definitely concerned for the air quality – their health, their breathing. So thank you very much for your time.

Male: Just before you leave can you restate your name?

Female: Hoppy ____.

Male: Okay, thank you very much. I just want to make sure I got it right. Keegan, and then I believe it's Kathy, is it Holsten?

Keegan: Good evening commissioners. My name is Keegan Cogland, and I live in Springfield, but I make the commute out to Oak Ridge at least once a week with my two children who are under the age of 3. And, it's grandparents' house, and we go there, and just last month my son and I were playing soccer on our front lawn and my two-year old son said "Daddy, look, elk." And there were about twenty yards behind me. And right in the background the sun was setting, right behind Dunning View. It's right there. It's very real to us. And so I just want you to think about when we looked at the map that Rick Minor presented to us, we have the city on one side and we have this extremely culturally significant area on the other, and somehow, somebody got the idea that taking that little chunk in between the two was going to be a great place to put a rock quarry. And it's pretty staggering so I would like to contend that the applicant hasn't identified the conflicts with the other goal five significant resources. Primarily because there's 8,000 years of history on those mountains. For what? For 35-50 years of mining, which is going to bring no jobs to Oak Ridge. There's an extreme loss and an inherent conflict with our culture there. Walking around the high school here, there's symbols all over the place of Native Americans and the prospect of a mine going in like this is all that were going to have left is the paintings on the wall and the statutes that we have right here because that's really in jeopardy. And secondly, in step 4 the applicant has not attempted to minimize the conflict. As others have mentioned, there's the big game impact. There are native artifacts and in this case things move slowly around here as I've learned on the Native American side and also on the side of the residents who have lived here for the longest period of time and more and more people are coming forward and saying, oh, I've found an artifact up there, or oh, I've been through there and I know that that exists there even if it's covered in a pile of blackberries. A quarter of a mile is not a very long ways to walk. And a steep slope is an encouragement to some people so I notice that the applicants mentioned that they had met with the greater Oak Ridge area trail stewards, but they did not say anything about how that meeting went. I'm willing to bet that the mountain bikers are not very happy about a quarry going in right in the middle of their trail.

As far as dust suppression for silica, water is already a limited resource currently and it's certainly going to be in the future as far as the amount that they're applying to add. Imagine if you were out there with an excavator and you're trying to suppress the dust with a garden hose. It's not going to happen. And they have a lot more equipment than that.

And the final thing that I would like to point out and emphasize is the matter of enforcement. There is nobody here, as you can see, that gets the salary of these folks over here. There's no way that we can fight this if it goes in, and we're going to be living the consequences of it on a daily basis. And I won't be able to tell my son – I will have to explain to my son why the elk aren't there that he remembers in his childhood. Thank you.

Male: Cathy. And then Jill Martin to follow. No testimony? Okay. Jill? Jill Martin? She left? Okay. Kayla _____. Yes? And then JC Clark to follow.

Kayla: When will we be able to submit written comments? After we're done with speaking or?

Male: Written comment most likely will be accepted until the record closes. So it could be – we'll discuss that. It could be two weeks. It could be longer. It could be less.

Kayla: My name is Kayla Godowa-Tufti. I'm an enrolled member of the Confederated Tribes of Warm Springs and I am the great-great-granddaughter of Charlie Tufti.

I'd really like to thank you for your time and giving us your ear to listen to what we have to say here today.

Oregon statewide planning goals and guidelines Goal 5, natural resources, scenic and historic areas and open spaces, to protect natural resource and conserve scenic and historic areas in open spaces. Local government shall adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. These resources promote a healthy environment and natural landscape that contributes to Oregon's liability.

Historical, cultural, and natural resources and aggregate rock are among several Goal 5 resources under Oregon law. These Goal 5 resources conflict with one another in this specific proposal regarding the Old Hazeldell Quarry project. Though aggregate rock is considered under Goal 5, so are natural, historical, and cultural resources. A mining operation would jeopardize natural resources such as fish, game, and clean water, as well as cultural and historic resources significant to the Chakgeenkni-Tufti Band, and the Confederated Tribes of Warm Springs of Oregon.

Historically the property was utilized by the Chakgeenkni-Tufti Band of Molalla Indians and several other local tribes for thousands of years. Klamath, Kalapuya, Warm Springs, Wasco, Klickitat and other tribes camped at TV Butte to gather food such as cama, elk and huckleberries. The local elk herd known as the Dunning Herd is a group of individuals of approximately 150 who frequent the TV Butte area regularly.

Lawrence Hill was a mayor of Oakridge in 1958 and 1963. He's a founder of the Oakridge Pioneer History Museum. He built a historical marker, a cabin, at Green

Waters Park, off at 58. I don't know if y'all have been there. There's a rest area there.

There is a framed photo of Charlie Tufti, our great-great grandfather, that says Dunning Road is an ancient Molalla Tribal Site. It states Charlie Tufti was well known in the area, gentle in nature.

There is also an excerpt from a recording of a school tour through Oakridge with Lawrence Hill. And I have previously submitted the entire written transcript of that recording. It is in the file box. I submitted it to the planning commission.

There are several works cited in a 61-page report that is thorough documentation of our tribes' historic use and habitation of the land in Oakridge, including the TV Butte area. It was written July 31, 2000, or submitted July 31, 2000 by Scott McAleer. It is a prepared report on the historical Native American land use in the middle fork Willamette River Valley, Oregon, called Charlie Tufti and the Molalla of the Middle Fork.

We believe that the Goal 5 resources are being manipulated, and that the old Hazeldell Quarry project is not an effective use of Oregon statewide planning goals and guidelines under Goal 5, and does not justify re-zoning TV Butte from forest land to quarry.

Tribal employees of the Confederated Tribes of Warm Springs of Oregon specialize in the care and maintenance of that which is culturally relevant to the tribes. The old Hazeldell quarry project – Heritage Research Associates – They have no authority to say what is important or relevant to our tribe. That is determined by us. It is related directly to our tribal sovereignty and this project and the employees have definitely stepped out of their jurisdiction in claiming that they know anything factual about our old village site. Thank you.

Male: Thank you. Next is JC, and then followed up with Kenneth Clark.

Kayla: JC is my one year old daughter.

Male: Oh.

Kayla: She is in the car.

Male: She's probably not going to give us testimony.

Kayla: Well, I have a written letter that's very brief I could read.

Male: Ma'am? A one year old give testimony? Is that what you said? You're welcome to turn it in for testimony.

Kayla: JC ____, Huckleberry woman, is the great-great-great granddaughter of Charlie and Lucy Tufti. She turned one years old July 22 this summer. TV Butte is part of

her family's ancient village site. She is a descendant of the Chakgeenkni-Tufti band of Molalla Indians. Most of her family are enrolled members of the Confederated Tribes of Warm Springs of Oregon. She is writing you all today to speak on behalf of the youngest generation of our family.

Two weeks after she was born in 2015, her Auntie, Holette, on the Warm Springs Reservation gave birth to her cousin Henry, who is the great-great-great grandson of Charlie and Lucy Tufti. Our native people are far from gone. More of us are born every year and this land at TV Butte is a vital part of our cultural history. Cultural and historical resources are Goal 5 resources – Please do not touch my belongings, sir. Please do not touch my belongings.

Cultural and historical resources are Goal 5 resources under Oregon law. Her history, culture and future is important and deserves to be protected.

Male: Kayla?

Kayla: Please do not approve to rezone TV Butte our ancient Molalla village site from forest land to quarry. If our village site is destroyed for profit, her cultural future will be destroyed forever. Respectfully, JC _____, the great-great-great granddaughter of Charlie and Lucy Tufti of the Confederated Tribes of Warm Springs Chakgeenkni-Tufti band of Molalla Indians.

This is how I've been getting treated every time I try to talk about our culture history and our cultural resources. I've been demeaned and degraded.

Male: Kayla.

Kayla: This is not okay.

Male: Kayla.

Kayla: This is not okay to be treated this way when I'm just trying to represent my tribal sovereignty.

Male: Kayla. I gave you approximately five minutes to speak. I didn't cut you off when the timer was. And you just had additional time.

Kayla: [unintelligible]

Male: I'm trying to be respectful to everybody here that's come here and try to treat everybody equally the same.

Kayla: [unintelligible]

Male: No, your one year old doesn't receive equal time, I'm sorry. So next is Kenneth Clark.

Kayla: [from far away] Don't mine our village site. Don't mine our village site. This is our ancient ____.

Male: Kayla. I'm going to have you removed if you can't respect that we have a hearing and we need to give everybody equal opportunity and respect, please. Please, Kayla.

Kayla: [unintelligible]

Male: Next we have Kenneth Clark.

Kayla: [unintelligible]

Male: We take written testimony and we'd love to include it in the record, please.

Kayla: [unintelligible]

Male: Is Kenneth here? Kenneth is not here? How about Carina Miller?

Miller: _____. Carina Miller ____ Warm Springs, Wasco and Yakima. My name is Corinna Miller and I'm here to represent the Confederated Tribes of Warm Springs as a tribal councilwoman. I'm a little emotional right now because what I just saw is absolutely inappropriate. That an officer came and put his hands on a Native woman testifying after listening to an archeologist dehumanize her.

I just want to start off by saying I have my degree from the University of Oregon. It's a Bachelor of Science, and I started out in anthropology and archaeology, but the reason I couldn't do it was because of the methods they use to study us. And to justify our identity and our existence.

Let me start off by saying this expert over here said that it was rocky terrains so there was no Indian use for it. Let me tell you that my great-grandparents took me root digging and taught me that the best roots grow on rocky cliffs and terrains where the goats have to go get them. So already that is not true. That's not true.

This is really upsetting because it's more than just this quarry. It's dehumanization in general and the way the world treats Native Americans and our treaty rights and our political identities. This is something we have discussed at the Tribal Council table, but we have taken no action on it because I wanted to come see for myself the things that people said, and the way this was going. And I understand what rezoning is, and I understand weighing these things, but this is absolutely inappropriate. You have a museum with proof that Native Americans lived in these areas. And let me remind you that the majority of the tribes who existed in Oregon are wiped out. Not only have we had to be resilient and survive through all these years, we have had to maintain our cultural identity. And then you're going to sit here and let a non-Native expert tell us, tell a descendant that we didn't exist on this butte. That's not appropriate, and this is not the only place that we are fighting this kind of institutional racism.

Please understand how disrespectful this is. How dehumanizing this is. It has to stop. It's not okay. And it's happening in a lot more places than this. I still have faith in humanity. I still believe that it's miseducation. It's just literally having to go around humanizing ourselves. But please understand that we have to be archaeologists. We have to be historians. We have to be attorneys. We have to understand to work in the media. Because this gentlemen was right. This is money. And all we have is ourselves and our ____, our spirits. And we still stand here with proof and are told, "No, there's no proof." That's not okay. Thank you.

Male: Thanks. Next is Mavis, is it Pause? Followed by Louis Pokorny.

Mavis: Thank you, gentlemen, for coming and listening to us. The more I learn about this quarry project, the more my original thought that it was a stunningly bad idea is confirmed. It may look on a little flat map that you're seeing that it makes sense. It's doable, containable. But if you are familiar with the area and the topography, the cost and the danger is too great for any benefit that it would have. There are many other sites that could be mined that would not have the negative impact.

A dance between 80 trucks and train – single train track going through Oakridge. We've had examples in Washington of what can happen. We also have Highway 58. The most dangerous highway in Oregon. And we've also recently had a lot of problems with overturned trucks there. Imagine our community cut off because an overturned gravel truck has stopped the progress. That's our lifeline. We need that.

This does not make sense. The cost benefit is too high. If anything happens, our watershed is in danger. We know we have a waste site up there. They can't – No geologist can tell you that in a geologically active area that they know where the ground falls are and they can tell you where that water will flow. So it's just too dangerous. Please don't let this go through. Thank you.

Male: Thanks. Louis? And then I believe it's Vincent – I can't read it.

Louis: My name is Louis Pokorny. My wife and I reside at 49153 Dunning Road, 97463.

Chair, Commissioners, those all present, thank you for giving us this opportunity. My wife and I are against opening this quarry. We're located on Dunning Road approximately one-half mile from the boundary. We're within the 1500 feet area that's on their map.

My points are this. They are our drinking water and the air, and the quiet, okay? I've recently retired and I really appreciate all those things, okay? I've worked around crushing equipment. I've worked around about every kind of piece of equipment there is out there.

They say they're going to put 5,000 gallons of water out a well someplace up there on that hillside. I've driven water wagons, 3,500-gallon slip-ins, and dump trucks. Thirty-five hundred gallons is not a lot of water. It seems like it is.

Household purposes only. But highway load is 3,500 gallons of water and that's nothing. I don't know where they're going to get this idea for dust abatement. In the recent weeks, I have done my own research on open mine for rocks, and I had no idea the dangers of silicas from this andesite rock. It states in there, you go with an open mine, you don't have to believe what it says in some of these articles. I get that. But I had no idea that the distance the dust can travel and also the sound. A crusher is designed as a megaphone, so they run a front-end loader and drop the rock in there. And I don't know what they were talking earlier about these – some type of a crusher screen that wasn't going to make the noise.

Well, anyway, those three things: water, the silica dust, and the other kind of dust that comes out because we have prevailing east wind and west wind from like about noon to 1:00. So it would be – we would be in direct path of the dust.

I'm not only – I talked to my daughter. She said, "Dad, when it hits the fan, we're going to move in with you because you can fix everything. You've got good drinking water." And anybody that's been without good drinking water knows what I'm talking about. And how many grocery carts of water do you see? Anyway, we've got good drinking water at our house and I can fix anything, she says.

All right. But I'm also – at my age, I don't know when this thing is proposed to actually physically start. By then, I'll be probably pushing up daisies, and a lot of us in this room will be. That's just the way it goes. But today, I'm standing up for the ones that can't. That'd be my grandsons. Let them be making this decision instead of a bunch of gray hairs. I do like the clean air, the water, and the quiet. And I could tell you some things up there how quiet it really is, but it probably wouldn't be appropriate in this room. But I stand up for grandsons, you know, their daddies and like that, and I'm going to let them be making a choice. It probably won't happen that way, but I lived enough through my lifetime experience that tells me we have no business in making this kind of a decision. We can be as a guide, but we need to save this for the younger generation people.

And, anyway, that's my pretty much to say today.

Male: All right. Thank you, Louis.

Louis: And I appreciate you guys coming up tonight. I'm not an attorney. I'm just an ordinary working jerk my whole life, but I'm aware of all the noise the crusher and all that equipment to __ on the equipment. I've worked on all that stuff, but where we live now, it's just perfect. And I'm not opposed to rock crushing, all this stuff, producing a product like this. But it's just that close to our house. Anyway.

Male: Thank you.

Louis: Thank you.

Male: Vincent. And then followed by Laurie McMann.

Larochelle: I'm Vince Larochelle. I live at 76563 Walker Street in Oakridge. In 2004, I bought a house in Oakridge to move from Eugene to here. And I've watched a full economic _____, I guess I could say. From the whole, you know, mountain biking. This thing going on. We have people all around the world that come up here to ride mountain bikes because of the topography where you can ride a bike over 3,000 feet and have flat spots and everything all in one spot. And that's a big draw here. Now, people are going to have second thoughts about coming here if they hear about this quarry going on. That's going to kill this town.

There's going to be net zero impact as far as job creation because the people who are going to be working there already are part of a quarry already. So there's no job creation here.

I think the dangers on Highway 58 it can be even worse because of this. I drive that road a lot. I think we have to step back and look at this again.

You know, listening to all these experts. It sounds really good on paper, but when I look at who these people are and what their history is, you know, that they have violated their agreements. They've been fined over and over again. And there's got to be some clause where you can step in and say "Look, we don't trust these people." We know what they are. We've fined them. They don't listen. They do what they want. They don't care about the neighbors. It's all about greed. That's what this is about.

So, are we going to, you know, two years from now or three years from now, going to be complaining to Lane County about them not following this rule, and not following what they said they were going to do. And then, what? They going to get a slap on the wrist? So, the whole deal is stop it now so we don't have to go that route.

Okay. That's all I've got to say. Thanks.

Male: Thanks. Laurie, followed by Dennis Patterson.

McMann: Hi, I'm Laurie McMann at 48986 Roberts Ranch Road. I live due south from the proposed quarry mining site. I was originally going to give my time to someone else and heard that that was not part of the rules.

So what I'd like to say is I feel like we are allowing the fox in the henhouse. When they talk about what they will do to mitigate all of the issues that we've brought up, there really is no one to regulate. And what they have shown in past history is that the applicant is very willing to pay fines rather than to comply with law and rules.

I feel like I don't want that as a neighbor. And I don't feel safe with their ideas of how they're going to mitigate. I'm concerned about our well water. We do not

have a 20-gallon per minute well. We have a 8-gallon per minute well. We've been told that the blasting could affect that well.

I'm concerned about the highway traffic and turning off from Highway 58 to Fish Hatchery Road is an unsafe turn-off. I would like conditions made that if the quarry does get approved that there's a turn-off put in from Highway 58 to Fish Hatchery Road.

I'm concerned about who's blasting and who is going to regulate that blasting, and are the blasters completely vetted. I have concerns about air quality and the wildlife that are around.

So I hope that you'll actually hear what we're saying. That there's someone there to actually fight for the public. We don't have deep pockets. We don't have hired professionals. And I'm concerned that those professionals that you're hearing from, who they're being paid by has a lot in stake. Thank you.

Male: Thank you. Dennis, and then up on deck is Kevin Matthews.

Patterson: Good evening. My topic may not be as important as the elk herds that ___ or the ancient Indian grounds, but a topic that I don't think anyone else is going to address. Specifically, our radio and TV stations. And the impact that the quarry would have on our ability to receive emergency communications during a disaster.

Historically, in the event of a disaster, be it Hurricane Matthew or Mount St. Helens or Fukushima, the best and most reliable means of communication between the state officials and the public has been radio. The state of Oregon has been urging everyone to prepare for the greater Cascadian subduction earthquake. When this happens, we will need our local radio stations for emergency updates.

The quarry will strip mine TV Butte. It's called TV Butte for a reason. Two of our TV stations' repeater transmitters and several of our radio stations, like station KAVE, which is the local repeater for station KRVM out of Eugene, are located on TV Butte. Because of the hills and valleys between here and Eugene, we can't get these radio stations without these repeaters.

While I would be delighted if quarrying did not happen here, I'm here tonight to ask that if the quarrying does occur, it does not interfere with our TV and radio stations. There have been rumors that the station owners might relocate the transmitters and antennas to other locations. So far, I haven't heard of either the schedule for the destruction of the current transmitters and antennas, or a schedule of construction of the replacements.

My concern is that there would be a lapse in radio and TV coverage if an earthquake, forest fire or other disaster should strike while the transmitters were down. Oakridge would be cut off from the county emergency broadcast. Therefore, I ask the Lane County officials to take legal steps to ensure that the

current transmitters are not turned off until the replacements are online. As a matter of public safety for the citizens of Oakridge, please don't leave us deaf and blind in an emergency. Thank you.

Male: Thank you. Kevin, followed by Michael Garvin.

Matthews: Good evening. Yeah, thanks for being here in Oakridge. My name is Kevin Matthews. My wife Patty and I live at Swan Farm on the middle fork down watershed and Dexter where we raise Akhal-Teke horses.

Just a side note, we're miles from Parvin Butte. When the blasting goes on at Parvin Butte, it startles our horses miles away.

This land use game in Oregon was set up with good intentions, but it's incredibly picky and technical and complicated. I want to take a minute to try to concisely give you an idea of how the Goal 5 process has been rigged for sand and gravel, over generations of conservative commissioners. Commissioners who get the majority of their campaign contributions from the sand and gravel industry and the timber industry, which is entwined because of the need for logging roads. It's a natural conglomeration, but they've rigged the system.

For the Goal 5 resources like wildlife, like rivers and fish, like wetlands, like scenic areas, Parvin Butte, TV Butte, the backdrop to your town. Those resources only count once they're in an inventory. Lane County has used every loophole in the book to essentially not have an inventor of those resources. When somebody comes up with a proposal for a sand and gravel mine, the rules are real strict, and they say if it's not in conflict with the things on their inventory, you have to add the sand and gravel to inventory. It doesn't say if you find elk, you have to add the wildlife habitat to the inventory. So it's already fundamentally unbalanced at the state rules. But the way it's supposed to work is there is supposed to be natural resource inventories in place, which Lane County has never done. It's huge. They don't want you to know about it.

So they're coming to come and say, "We only have narrow criteria we can decide on. Why? Because for decades they've set it up that way. Now, you guys are sitting in those seats, given that the game is rigged and Commissioner Stewart in particular, for people who live in unincorporated East Lane County, you are the local government representative. You're it. So, you know, you voted yourself a 13% raise yesterday. You can help to move toward restoring fairness in the system.

Not by restraining a tribal member, who has talked for five or six minutes after the applicant went on for two hours, but by applying the approval criteria with absolute ruthless strictness. That is absolutely fair. That is absolutely within your authority. So don't come back to these people and say you had to approve this because of the approval criteria. Not when you've got approval criteria like meet the sound conditions by using a quality muffler. The quality of the muffler is not

the issue. The sound output from the truck is the issue. The condition doesn't control the sound output.

The process for redressing sound overages is a due loop. It says if there's too much sound when you test, then change something. And wait 30 days. And if there's too much sound, then change something, and wait 30 days. There's no actual enforcement. It's the kind of regulation that allows the applicant to be held harmless and never lets you control the situation.

Commissioner Stewart, other commissioners, you need to control the situation. Of course, there's tons more. I'll try to get some of it in writing and I hope you guys – It's only the nitty gritty stuff that has legal standing here. But Commissioner Stewart, I hope you hear these people's passion and I hope you work with county staff and you find the nitty gritty legal stuff. You don't sit back and wait for it to be shoved down your throat. You fight it, and take responsibility for what happens in Oakridge.

Male: Thank you. Michael Garvin, followed by Marsha Mayer.

Garvin: My name is Michael Garvin. I don't think I can add too much to prior testimony. I am against. It hasn't been brought up much about the bike path that runs down the contested area, so I'll bring that up.

It was mentioned and we were promised there would be some mitigation, and finally, I think the latest offer was that they would cut a path on their property, but it didn't address the fact that these bicyclists who come in large numbers are then going to have to get back on Dunning Road and compete with the truck traffic.

You also don't have a center strip on 58 that will allow trucks to get off of 58 in their attempt to cross traffic to get onto Fish Hatchery Road.

And I'm going to let it go there. I really had thought I took my name off the list, but thank you for coming down here for this and appreciate your time.

Male: Thanks. Marsha, followed by Jeff Hanwright.

Marsha: Hi, I don't have too much to say. I'm fairly new to the community. But I've just been listening to everything and have learned a little bit about what's going on. And I just – from this meeting alone – feel very concerned that Oakridge's people are – their health is compromised by putting in the quarry. It seems to also be dangerous, introducing danger for the wildlife for the resources, the water. And it seems like there isn't regulation as someone was saying just in listening to the questions and answers that – Well, the people of Oakridge don't seem to be being protected here. And I would like to see that happen. So I thank you for your consideration of everything and joining us here.

Male: Thanks. Jeff, followed by Sherry Elvrum.

Jeff: I'm Jeff Allen. I live on 49065 Dunning Road, Oakridge, Oregon. Thank you for coming to hear all of us today.

I'm an Oakridge resident for life. I've lived here all my life. My dad lived here all his life, and my grandfather lived here most of his life. I'm a relative to the previous _____. And I think he'd be ashamed of the city councilors of Oakridge for the way they progressed this issue onto everybody else down the line in support of this.

I'm also the closest living resident to the quarry site. And this spring, I saw more than 20 calf elks come out of the exact quarry slope they're proposing to destroy. It's true, just like everybody else has been saying, there's 100 to 150 head of elk that come and go up and down the ridgeline on Dunning Road. I see them all the time. Along with all the other wildlife you can imagine.

I challenge you to come up to Aubrey Mountain airstrip and sit and enjoy the peace and quiet that we have as neighbors there. Please come up. Sit for four hours and just listen. When you're coming up, I'd like you to pay attention to the road that goes past their quarry site. The quarry site pictures that you've seen are on facing north, but if you turned around and took 100 steps, you'd fall 400 feet straight down off the side of the road.

They propose that they're going to take back 80 feet from the road to make a quarry site that will eventually end up 80 foot deeper than the road is. So this road – a narrow, two-lane road winding up the canyon – is going to be 200 or 300 feet straight off this way and another 80 feet straight off this way.

They've neglected to investigate Aubrey Mountain airstrip, which I showed several of you photos of recently being used. It's been there since the Army Corps of Engineers developed it when they started putting in Hills Creek Reservoir. It's a valuable asset to the community of Oakridge and I'll tell you why.

Every summer, almost every summer, there are forest fires in this area. And the forest service shuts down the municipal airport the whole time there's a forest fire. They shut it down. You can't fly within five miles of the airstrip without violating federal law. Five miles. They won't let you come anywhere close to it.

Male: Jeff, does that conclude your testimony?

Jeff: It's actually a very beautiful place to live with ___ Butte in the background and the airstrip right here.

Male: Yeah, you showed me earlier. Next is Sherry and Jeff Hanwright is to follow.

Sherry: Hi, my name is Sherry Elvrum. I live at 76366 River Road in Oakridge. Compared to these folks, I'm a fairly newcomer. I've only been here since 1992.

My concern, and I know that we've heard a lot of emotional testimony here tonight and everyone has a right to feel that way, but I have some practical questions.

Since I have been here, we've had a constant battle with LRAPA for our air quality. The air quality in Oakridge is already poor due to wood smoke. We've been trying to eliminate the wood smoke for years. I have been under the impression that even if we didn't burn a single stick of wood in Oakridge that we could not meet the current federal standards. If we have this additional silica dust in the area, what is LRAPA doing to address that situation?

My other concern is traffic on Highway 58. Where do these trucks haul to? Are they going from Oakridge to I-5, and back again? Since I've been here, we've been designated a traffic corridor. The truck traffic on Highway 59 is 24 hours a day, 7 days a week, and it's all the time. If we add another 40 trucks to Highway 58 traffic between Oakridge and Eugene, that's going to be a real hazard.

My other concern is the water ponds where they're going to store this water that they're rinsing the silica with. The fish hatchery is right below that area. They are our only major employer and a destination for tourism.

It's a beautiful place and I would hate to see it damaged in any way. That's my three big concerns about this project.

Male: Thank you. Jeff Hanwright?

[Unintelligible]

Okay. Then we have Roy Davidson. Is Roy here? Okay. And Anthony Pokorny.

Anthony: Thank you for coming. I'm Anthony Pokorny. I live here in Oakridge on Berry Street. Most of my family have already been here about over a century ago. A number of times culturally there have been stories of what my grandparents have encountered with local natives on TV Butte and throughout the areas. Even then, I've wandered around through there as a kid with my cousin and we've been able to hear elk calls from TV Butte to top of Aubrey Mountain.

As far as, like, sound topograph, I don't know how that goes. I would like to know or learn how it goes. The program that you use.

The other part that I do have concern is about the wildlife. Animals have a distinct ability, an acute to sound. You can wrap up all the technology you possibly can to try and predict an earthquake, but the wildlife – dogs, elk, cats – will sense an earthquake before anything that we have. I mean, that's been pretty well documented even in China when they watch animals scatter to the nine winds and then an earthquake hits.

But, aside from that, my wandering through the countryside with my cousins and we have seen a lot of elk, bears, foxes, ospreys, eagles. There is a number of – a lot of wildlife up there. As some people will tell you, sound does carry. Even on – especially on a quiet afternoon. You can hear an elk call out from one peak to the other.

Yeah, that's pretty much my testimony. And I thank you for coming again.

Male: Thank you. So that was the last person that I have on my list. Is there anybody that didn't sign up that would like to speak? Yes, please.

Sarah: Sorry, I missed the sign-up list when it went around. I'm Sarah Altemus. I live here in Oakridge on Commercial Street. And thank you for coming up here to have your hearing and to take time to listen to us.

I am third generation Oakridge family member. The fourth generation, three kids, hopefully they'll be able to stay here. I'm very much in support of economic development and creating jobs in this community. But this project, when I started looking into it, the net benefit isn't there.

The costs are too great, and the jobs will not be sustainable. They will probably not come from this community. If they do – and I think it says a lot that our two local businesses that do rock crushing do not support this project.

Another thing I want to point out is that the things that bring people to this community are the quality of life and tourism. And so two of the issues that are not as big of issues as some of the others that have been raised, are sound and sound shed, and the view shed. So I hope you guys drove by there today and saw how close that butte is to town. It's part of our view shed. And the work that is going to happen there will be an impact, and the sound – even with the best technologies, I think will be an impact. Thank you for your time.

Male: Thanks, Sarah.

Male: I'd like to add one more thing.

Male: If you're going to speak, I need you to come to the mic, please, and please be very brief. You've been up before.

Male: I'd like to ask why the community needs a third rock quarry.

Male: That's a good question. I don't know that it's part of the criteria. I appreciate that. Is there anyone else that didn't speak that would like to speak? All right. So with that, I now will turn to staff, I believe it is, for any responses. Comments?

Female: Yeah, I just have one point. Earlier, Commissioner Bozievich asked if there's any Goal 5 significant resources inventory within the impact area. There are three that were found by the applicant.

One is a riparian corridor, which is Salmon Creek. It's a Class 1 stream. The other one is a wetland. Again, at Salmon Creek. So it's inventory. And the last one is wildlife habitat. And again, that's Salmon Creek that's on the significant inventory.

Male: Okay. At this time, do you want any questions from us or was it just comments from what we've heard?

Female: Do you have some questions for staff?

Male: Well, I would ask our colleagues if they have questions. Yours was just additional comment, staff and council. Questions for staff? I have – Excuse me. I guess I'm over. My time's up. Great. Sorry. So it's been mentioned a couple of different times. It was mentioned by the applicant and other folks have mentioned. When did Lane County adopt this Goal 5 resource inventory?

Male: Chair Stewart. So the County's goal 5 inventory was conducted over a number of years during the pre-acknowledgment era in the late 70s and early 80s. So we went through an inventory of process for the different resources that are on our inventory. There's a number of different identified Goal 5 resources that the county has adopted, including our Class 1 streams, cultural historical sites, things of that nature. So it's – the inventory is in place and it is adopted, but it is fairly old and it has not been updated since the early 80s, in some cases.

Male: So a question is, can that be surgically updated so hypothetically if there was a cultural resource that was out there, could that individual resource be recognized or do you have to do a full study of the County's comprehensive plan or area for Goal 5?

Male: It's a good question. The Goal 5 rules are structured in such a way that some of the resources would trigger a full Goal 5 analysis, which is a fairly large work program. Some of the resources such as the groundwater inventories can be surgically added to the county's inventory. As far the cultural sites, I'm not absolutely certain, but I could research that and see what the rules say. I believe it would probably open us up to a larger Goal 5 inventory update because I think it's fairly limited, the mineral and aggregate, and the groundwater resources are the only two that I know of offhand that don't trigger it. Cultural resources may, but we can research that.

Male: Okay. And then, since I've been on the board in 12 years, I think this is probably the third or fourth application of this type that's come forward in 12 years. It has been mentioned when the County worked with the Nature Conservancy and was able to purchase the Wildish site and put it in the conservation in the city loop area that there was a request at that time that the board consider re-inventorying the aggregate actually because of the aggregate laws. Can you maybe share with me and the citizens here, if we were to actually do a Goal 5 inventory of all the

resources, not just aggregate, what type of process that would be in your mind. Can you explain what that would look like?

Male: Well, it'd be a multi, multi-year work program, I can say that. It would require significant resources and expertise. There would be a number of different resources that we'd have to look at – wetlands, our stream inventory. Some of these things have been mapped. There are wetlands inventories that have been updated that the County could adopt, but there would also in many cases require field studies and work. I mean, that's just scratching the surface.

Then you're looking at, you know, updates of our cultural historic inventories. Our Goal 5 flora and fauna. Policies in inventory. So it's an extensive work program, Commissioner. It's really – I'd have a hard time just putting a number on it. But it would probably run two or three years and be a very expensive process.

Male: If I don't mind, I would... It's my understanding and I think in November we're going to have a discussion, a work session, with Land Management. Is it possible maybe by then you might be able just to give a feel as to time and cost and process just for our information.

Lydia: So is the question in November or when we come back to talk about Land Management, could we give you an idea of what type of resources it would take to do a _____ inventory of the counties. Yes and we can give you a rough idea again, scope it completely out, but we could spend a little bit of time to give you a better sense, but it would be, I think, I would think it would actually be several years in order for us to complete that. But we can – we'll include that in our discussion with the boards.

Male: OK. I appreciate that. Is there any other questions with staff at this point? Commissioner Bozievich?

Bozievich: Thank you. So there's been a lot of discussion about [Big Game] resource which we do not inventory. Specifically, in Lane County and there's some discussion about we didn't because in Four Stones, we considered them to be preserved by the forest zoning, but this is a rezone of forest zone to another zone. So this may be more of a legal counsel and maybe I'm not expecting an answer today. But I have a lot of questions in my mind whether we should be applying Big Game – sorry about that – Big Game resource to this site or not and whether we then... then we need to see whether they're impacted and what the mitigation is. I'm thinking about other requests for rezone from F1 down to marginal lands where we actually looked at Big Game impact and clustering and other things off of Gimple Hill recently. This is going from forest zone to mineral ... it's a rezone. Does Big Game apply? And I need to ... and if that takes some research and looking into case law, just tell me that, but I'll want an answer of that before we have to make a decision.

Male: I'll give you my seat of the pants and I'm sure Mr. Pfeiffer's better opinion over this and Deanna can speak to it as well. But, inventorying Big Game would be good, but it would ... it doesn't have any application to this application right now because it's only those inventoried items you can analyze for conflicts with the mining operation that's proposed. Big Game is not on the inventory list right now, so it can't be compared for conflicts with the mining operation.

Bozievich: Then how do we grade in on marginal lands?

Male: Because the Gold Five Rule that applies to these aggregate mines sets out the specific things you can look at for conflicts and that same restriction doesn't apply in a marginal lands application. There you can look at ... I can't remember what the rights or the standards are, but you can look at those sorts of things. The mining outprints are much more limited in terms of what you can look at. There's only three things ... I can't remember which ones was ours.

Bozievich: Yeah, that's why I asked that question about what specific inventory Gold Five resources because I understand that after restriction it's got to be inventoried, but I also understand that our inventory failed to do Big Game which means it was, you know, there's no inventory for Big Game and in other rezones, we've actually applied that because there's no inventory, then there has to be actual EC work done to establish that where there's Big Game impact and that was one of the ways we got in to EC's in the marginal lands and I'm just, I'm kind of not quite getting why we don't get there with this application.

Lydia: Because within the Gold Five Rule, we only do the EC analysis if the applicants cannot demonstrate that the conflicts are minimized. So, again, that's something that...

Bozievich: Without an inventory, how do we demonstrate?

Lydia: Well, we only can compare it to things that are actually inventoried. I think the rule is written that way. What I'd recommend that we do, Commissioner Bozievich is that staff again will discuss the open record period and staff can provide the information that we have but we can also ask the applicant to specifically address that so that we can bring that back to you for our deliberations and have an informed discussion.

Bozievich: Thank you.

Male: Commissioner Park?

Park: Thank you. I'm going to thank you all for being here in a little bit, but, Ms. Smucker, I have a request. One, just Maurice and I from Kevin Matthews had some pretty serious allegations and I would like a verbatim transcript of his testimony and I would like to be able to answer those allegations. Thank you.

Male: Other question for staff? Right. So at this time, I'll offer the applicant a rebuttal.

Applicant: Thank you, Commissioner. In taking in reverse order before I forget, I'll make an offer with regard to the transcript because you probably have some staff constraints. If I can get an audio of tonight's hearing, I can produce a transcript that I'll be happy to distribute to anybody including the Board. It's going to be ... It's always tough for those transcripts to identify the speaker with particularity, so I give you that caveat, but I will do it for myself and I'm happy to share with anybody including the staff and the public. So going in reverse, I know it's late, but technically there's probably an opportunity tonight, but having been here before, I would suggest that a better course... It's clear from the testimony tonight, that there will be additional information that people would like to submit. And, in turn, because of that and because we bear the burden of proof, I can assure you that I'd like ... we collectively would like the opportunity to respond. Secondly, the Commissioners, you yourselves, have raised a number of questions that can be answered by any number of us or all of us. Some of us specifically, including me. I've kept a record of those and that's frankly one of the reasons for the transcript because then my subsequent written testimony I'll address not only issues that other people have raised, but I'll also try and address the questions that I heard tonight. I'm happy to stay with our team tonight to do so. That's your call. I'm also happy to commit to doing so in writing and the transcript will make sure I don't miss some of those questions. The last question, Commissioner, I agree with your staff and with counsel about the nuance in the Gold Five Rule and what the reason that doesn't apply to marginal lands is the comment that I made out of the box and you've caught that point. This has reminded us from the beginning. The one place where you're going to operate, everybody will operate – all of us, but particularly the Board and the staff – under a very different set of criteria which is the aggregate rule, Section 5 of the Gold Five Rule. And, for better, for worse, without judgment, it has a very constrained set of criteria. It's actually six things that you can consider. And, to your point, one of these as was testified actually by somebody tonight speaking, is conflicts, if any, with inventory Gold Five resources. And, as the staff just explained, you have three. In the same geography, another county might have six, another county might have one. The only thing I'll leave you with is, Commissioner, your last comment about how your Gold Five inventory approach toward habitat didn't – I forgot what phrase you used, I apologize – but it wasn't up to snuff, to the contrary. And I said at the outset, in my experience and I served on LCDC for six years and shared the Commission, so I have a pretty good sense of – and I also chaired the subcommittee that wrote the Gold Five Rule. And I have a pretty good sense of how it operates and what was intended there. But the point is, to the contrary, your Gold Five program with regard to habitat isn't not in compliance with Gold Five, it in fact was acknowledged by LCDC as being in compliance with Gold Five. It just happened to be a different approach than some other communities took. As I mentioned to Shoots, they've inventoried vast swathes of their county as critical Big Game habitat as has Douglas County. That resulted in Code provisions which you don't have in your Forest F1 and 2 zones which force the location of houses to be compatible with habitat migration and other of the features of that habitat, clustering or spacing, depending on how it worked. You

didn't have to do that because you don't allow houses in your forest cells and that's what LCDC ultimately said. Different way to do it, but it works the same. Those houses or residences in those habitat areas are not going to conflict with Big Game habitat because they can't be allowed on your [Base]. Other counties allowed houses in resource cells. You didn't. Just a different approach. I just wanted to clarify from my perspective unequivocally you were acknowledged as in compliance with Gold Five. Now, updates. Very valid point that everybody has raised and others. Updates are a problem that we've got cities and counties throughout the state which we all know. You better than anybody or Schraft. You've got a lot of priorities, a lot of demands and limited resources. It's a question that you'll invest on priorities. So with that, we're happy to answer questions tonight. Any others including anybody on the team or we'll try and do so in response. The point I'd leave you with by process, I, and I'm going sideways a little bit with the conversations I've had with staff and counsel, I was going to suggest the process, and of course it's up to you but I'll just suggest it because we used it I believe in front of the planning commission, which would be – leave the record open in phases. Phase One is the record's open for a specified period of time for anybody to submit anything that they want to submit. No limitations there. It's an open record period because that's what it should be, frankly. It's the same place we were tonight. That's a specified period of time. Phase Two would be followed by a second period, generally of the same time frame that would have people to be able to submit information but this time it's specifically limited to response to information submitted in the first phase. A bit of a winnowing – it's not perfect but it does tend to get focused information to you as opposed to just continuing to get volumes of material and then the last phase required by statute is a period of not less than five days unless the applicant agrees otherwise for written argument only. No new evidence, which must be adhered to very carefully and I will and do. I also am willing to shorten that to three days if it saves anybody the schedule. The where I'm going sideways is, earlier tonight I assumed that would be a two-week, two-week, five-day window after which the record closes and you would schedule your time for consideration of what you received and then deliberation and make your decision. I'm going to suggest instead that you make that a three-week window and a second three-week window and you can do what you will three or five days on my argument only, written only. I say that because I think there's a lot of information yet to come in. I think to give you the record you need to respond to all the issues raised however you decide, the more information we can get you, the better quality it is, the better it's going to be for you, the Board, to make the decision. So I'd ask additional time. The reason it goes sideways, I think there was a tentative date for your deliberation of late November which was based on two weeks, two weeks and five days. I just extended that into December if you accepted that recommendation. But with that, I'm just going to leave you with that and you can discuss with staff how you want to proceed, but that's where we will be able to offer our response and others will be able to offer a response to what they heard from us tonight as well as anything new. With that, any other questions?

Male: Questions? OK, so thank you very much. So I'll load the Phase One, Phase Two, Phase Three component and the request for three weeks, three weeks and then I made it a week. It looks to me like, if you're following me, we would leave the oppose to close the public hearing tonight. Leave the record open until November 8th for anybody and any comments – three weeks. Then Phase Two which would allow for response to Phase One comments, would be November 29th to close and then have the applicant's final response due December 6th or maybe the week before?

[Unintelligible comments from off-mike.]

Lydia: November 2nd not the 8th. So we would do the first three week open record period through November 2nd; the second response to the new information would be – well it's either the 22nd or 23rd. We're on a Wednesday today, so I think that is the other thing is that you're used to dealing with a Tuesday, so... One, two three weeks is November 2nd.

Male: Today is the 12th.

Lydia: That's right, so did we want to try and move the record period to Tuesday instead of Wednesday and then all the things here won't try to do?

Male: That was what I was working on but..

Lydia: OK.

Male: One day shorter.

Lydia: I think if the applicant agrees then we'll say November 1st is the close of the first open record period.

Male: November 1st?

Male: That's a little less than three weeks.

Lydia: Right [unintelligible] on Tuesday. So it's one day less. And then we would have to set the response period be through the 22nd of November and then we'll be doing five days so then it would make it Monday, the 28th, would be the close of the record and then Commissioners, we would need Saturday.

Male: Do we need to give an extra day in there?

Lydia: What?

Male: Do we need to give an extra day in there, I thought. [unintelligible]

Audience: Why are you bothering? It sounds like there's no choice. You don't have choice. It sounds like

Male: Sir.

Male: ...that he's going to do this to us whether we want it or not.

Male: Sir. Thank you.

Lydia: So the five days is the minimum required by the State for the Applicant's reply and we have the time and the applicant agreed to the five days.

Male: Yeah. With Thanksgiving in that five days, do we want to go to the 29th?

Lydia: That makes sense and then we would need the next Board hearing we could be at would be the...

Male: December 6th?

Lydia: December 13th. Let's schedule the third reading and deliberations for December 13th.

Male: And, Lydia, that gives every person the opportunity to add to the record, not just the Applicant. Everybody else.

Lydia: Absolutely. Yes. Those first three weeks, anyone can submit anything into the record. The second three weeks, people can submit a response to anything new in the record, so if either the appellants or the applicant wants to respond to that information with that second three week period, it is. And we can put this information online also for people to make it very clear. And then the Applicant has that final five days only for them say that part of the response.

Male: So it's clear that the record _____ time in for everybody.

Male: So at this time, not hearing any requests for additional public hearing, we've been able to hear everybody. I'm going ahead and close the public hearing and I'll look to Mr. Bozievich for motion.

Bozievich: So I'll move the second reading and set the third reading and deliberations to December 13th with leaving the record open for any new testimony – written testimony – for until November 1st and then supplying a period for people to respond to previously submitted testimony until November 22nd and that's 5:00 PM on those days. And providing the applicant till November 29th, 5:00 PM to provide any additional written testimony on the application.

Male: OK. So I have a motion.

Male: Seconded.

Male: We made it the first to move it to Tuesday so it lines up with our Board dates. It's one day less than three weeks.

Male: I'll second the motion.

Lydia: [off mike - unintelligible]

Male: Everybody gets the same.

Male: Everybody gets the same. You're allowed to respond to anything they submit in that first period. Citizens can respond, too.

Male: OK. Any further discussion on the motion? OK. All in favor?

All: Aye.

Male: No opposed. It passes four - zero with Commissioner Leiken excused. So at this time, before we adjourn tonight, I would like to thank each of you again for being here tonight and taking the time to provide comment and to get involved in the process. But I'd also like to thank our staff who worked to put the materials and handle logistics for tonight's meeting. Our planning staff has done a wonderful job of guiding folks to the process and have expressed to me how highly they value opportunities to get the community involved in this kind of work. So please get home safely this evening and goodnight.