

Malheur County Planning Commission-

The Quasi-Judicial Land Use meeting of the Malheur County Planning Commission was held at the Four Rivers Cultural Center, 676 SW 5th Street, Ontario, Oregon 97914, on March 28, 2019. Chairman Kathy Clarich called the meeting to order at 7:37 p.m.

MEMBERS PRESENT:

Kathy Clarich, Chairman
Linda Simmons
Rob Kindschy
Chad Gerulf
Theresa Ballard
Ed Anthony
Robert Quick
Gary Pearson

Staff Members:

Eric Evans, Planning Director
Tatiana Burgess, Planning Department Management Assistant
Stephanie Williams, County Counsel

NEW BUSINESS:

Owner: Harry Stoddart
5475 Iron Mountain Road
Jordan Valley, Oregon 97910

Applicant: Eco-Site, Inc.
240 Leigh Farm Road
Durham, North Carolina 27707

Representative: Patrick Ewing, 2812 SW Bertha Boulevard, Portland, Oregon 97239.

(1) Conditional Use Permit of an unmanned wireless telecommunication facility consisting of a 500' tower with anchor tenant's tower mounted antenna, radios, and cabling. Ground equipment will be enclosed in a shelter. Applicants request variance approval to setback requirements on the western property line which abuts BLM land. Planning Department File #2019-02-006.

(2) Conditional Use Permit for a sage grouse rule permit pursuant to OAR 660-023-0115, Planning Department File #2019-02-007.

QUORUM ESTABLISHED.

QUASI-JUDICIAL LAND USE HEARING STATEMENTS: *See Eco-Site, Inc., Exhibit No. 1 for full statements.*

Kathy Clarich – Now is the time to hear the request for a conditional use permit, variance and sage grouse rule permit for a 500' wireless telecommunication tower for applicant Eco-Site, Inc. Planning Department files 2019-02-006 and 2019-02-007.

1. There are no abstentions, conflicts to disclose, biases or ex parte communications from any members of the Planning Commission.
2. There are no objections to any of the members of the Planning Commission hearing this application.

Staff Report: *Planning Department Director, Eric Evans, gave his verbal Staff Report, See Eco-Site, Inc., Exhibit No. 2 for full written staff report.*

Eric Evans – This matter before you is for a wireless telecommunication facility a variance from setbacks and also for the county to apply the sage grouse rule permit. The sage grouse rule permit is kind of new; I think tonight is probably one of the first times they've discussed it at a planning commission so it may be one of the first permits that we, in the state, that's approved. So there was a little bit of complications that I will get into with that.

Tonight we are here for the conditional use approval for an unmanned wireless telecommunication facility. The application was originally for a 500' tower, it's now scaled down to a 450' tower, a guyed tower with anchor tenant's tower mounted antenna, radios and cabling. It is requested on a private parcel of 355.87 acres. It is surrounded solely by BLM land.

The address of the property is 5475 Iron Mountain Road, also known as tax lot 200, in township 30, range 38 east, section 2, the County Assessor map 30S38E.

The parcel in question is zoned exclusive range use and everything around it for a long way is exclusive range use as well. Everything around it is kind of sage brush, exclusive range use; pretty typical of what you see down in the Burns Junction area. The access is off of Iron Mountain Road. No sanitation would be required. The wireless telecommunication facility is not within a fire district, so that wasn't an issue. The only zoning history on that 355 acres was a replacement dwelling issued to applicant, Harry Stoddard, back in 2015, to replace a house on that ranch, with a new one.

Basically, all the general use criteria, all the criteria are filled out in the application. I think you actually have two copies of the application. There was mix-up of which one we looked at, so if it looks like our newer form, the one that you got tonight, that's really truly the application. They submitted two applications with us; one initially and then I had revised the application and I

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asked the applicant to use our new form. I apologize for that confusion. I didn't check that when I sent it out to you. They had sent me twelve copies of the original application.

In my staff report there is all the proposed findings that I recommended for you guys.

Additionally, within the last few days, I did an addendum to that staff report that addresses only the sage grouse rules. I did speak with ODFW today and he let me know that he liked, at least, how I addressed two sections of it, both the avoidance and minimization piece of that 660-023-0115 (9). The mitigation piece, they are still not happy, even with the condition that I approved. They do want to continue this to next month. They want to meet with myself and the applicant to formalize and get some specific mitigation plans in place, rather than kind of a blanket condition.

Applicant Testimony

Patrick Ewing – Good Evening, my name is Patrick Ewing, representing Eco-Site in this matter. Of course I'm willing to answer any questions you might have. I think that everything that Eric said, in terms of the shape of the project was accurate. A 450' tower on Mr. Stoddard's property, unmanned guyed tower in form. We have asked for, additionally, a variance in order to place the tower in a location that is most distant from Mr. Stoddard's' home, and that is the reason for the variance request. I'd be happy to go into details but I'd simply be repeating what Eric said, so I will answer any questions you have.

Kathy Clarich – I have a question for you on... it has to do with the variance criteria on page 6. Under (D) of the variance request is the minimum variance what would alleviate the hardships. It says, 'alterations of the configuration would be harmful to both the lease and landowner without being helpful to others'. I just want to know how it is supposed to be harmful.

Patrick Ewing – How it could be harmful?

Kathy Clarich – Yes.

Patrick Ewing – My intent there was to suggest in a normal situation or another situation might be that a variance would cause harm to an adjacent property owner who had a dwelling or something in the fall zone of the tower, typically in a more populated area that would be the concern for an adjacent property owner. That was my intent, in terms of harm. I think my intent, furthermore, was that BLM is unharmed, although BLM certainly has the opportunity to say they are harmed... I don't intend to speak for them.

Gary Pearson – Is that property completely surrounded by BLM land?

Patrick Ewing – It is completely surrounded by BLM... I'm trying to recall the ownership. It is certainly Federal. I think it's possible that one of the parcels is not BLM, it's either State or... I don't think it's USFS but I could certainly clarify that for you.

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Gary Pearson – If this variance were approved you would actually be closer to the border of somebody, BLM or whoever this person might be. Have you heard from anybody, in relation to... no we don't want in any closer to our property, including BLM?

Patrick Ewing – No, we have not heard from the BLM. In all fairness, I don't know that they are necessarily aware of the application.

Gary Pearson – The BLM is not aware of it?

Patrick Ewing – I certainly didn't communicate with the BLM concerning the application, no. I'm not sure of the mechanism by they would become aware.

Gary Pearson – Wouldn't that be a prerequisite of our own procedures, to notify all property owners within so many feet?

Trisha Skerjanec – That's me. The BLM knows. We were notified by your planning commission.

Kathy Clarich – The driveway that you're talking about will go in across BLM ground?

Patrick Ewing – No, the driveway will come in off of Iron Mountain Road, which runs approximately east/west maybe a little northwest/southeast and then it would turn south across Mr. Stoddard's property. It would not touch the BLM land. We would certainly have to gain an easement were we to cross BLM land. I believe there's a set of plans in there that show the spur that comes south on Iron Mountain Road.

Gary Pearson – This area is very sparsely settled. Is the idea of having this tower not for the few that live in the area but more for travelers through the area, is that what we're looking at here?

Patrick Ewing – The anchor tenant for Eco-Site is T-Mobile. So there's a set of T-Mobile antennas that you'll see on the plans. The coverage area that their objective was the Steen Highway, Highway 78, essentially the extent of the highway that is in Malheur County. It covers up to the border of Harney County down to Burns Junction, approximately.

Gary Pearson – So it wouldn't go as far as say, Crane?

Patrick Ewing – Help me out, Crane is further northwest?

Gary Pearson – Yes, its further northwest.

Patrick Ewing – My recollection of the T-Mobile coverage that's a part of the application is that there is some terrain at the very northwest portion of Highway 78 where it enters Harney County that prevents further coverage.

Gary Pearson – Will it go as far as... will go to Folly Farm Road, which is a road that goes directly under Steens Mountain all the way to Nevada.

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Patrick Ewing – I do not know. I do know that the coverage map, following the pink page, that T-Mobile shows the extent... when we talk about coverage, of course, there are levels of coverage. So there's in-building coverage, in-vehicle coverage and then sub in-vehicle coverage, just general coverage. So it's a little bit difficult to answer the question of whether or not RF coverage continues. It certainly continues for a long way where it is no longer useful for a mobile phone holder. So the answer to your question is a little bit difficult for me to ask. Their objective is for in-vehicle coverage in the plot that you see there shows that they're hitting Harney County. The green area, you see the darker green is in-building coverage, which has little practical use in the area. The in-vehicle coverage is the lighter green coverage. Beyond that zone you can expect a dropped call if you're driving down the highway. (For coverage maps see Eco-Site, Inc. – Exhibit 3)

Gary Pearson – Are there any other towers in that area that you're aware of?

Patrick Ewing – There are none that I'm aware of.

Gary Pearson – Does the 450', instead of 500', still require the guide wires?

Patrick Ewing – Yes. Anything over 200', generally speaking, would be a guide tower application. Granted, you can build an Eiffel tower, which is much more than 200' but it requires a base or a mass that becomes impractical both economically and...

Gary Pearson – By reducing it 50' does it change this map coverage?

Patrick Ewing – Yes. It will reduce it down a fraction. I don't know exactly what it is but I can certainly have them rerun that.

Rob Kindschy – On this map, there's a little x just south from the house here, is that the site of the tower?

Patrick Ewing – That is, yes.

Kathy Clarich – So the 10' buffer zone is all going to be on the leased ground? It's not going to be on BLM ground at all?

Patrick Ewing – Right. The 10' buffer, that I think I referenced in there, is a buffer outside the fenced area where the equipment is held as a fire break. So it's at leased by Eco-Site by Mr. Stoddard but a smaller area would be fenced, a smaller area than is leased will be fenced.

Rob Kindschy – And the same with the base of the guide wire and tape cables should be like a 10' area around those with the guide wire cables attached to the ground, that would be back from BLM?

Patrick Ewing – We don't intend to put any sort of fire break around there. There wouldn't be any electrical equipment.

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Rob Kindschy – I just want to make sure it was back from the public ground a good distance, the cables.

Patrick Ewing – So we'd certainly be willing to listen to what setback, if you will, from the BLM land would be required. I don't know that there is any discussion about setback for the anchors. The intent when we moved it away from Mr. Stoddard's home was to move it as far away as possible so that two of the three guide wires were then, essentially, on the property line. I don't mean directly on the property line, I mean in that general area. Now that the tower has been reduced by 50' that will allow for a short guide line, so I don't know exactly, as I stand here, what the distance from the property line would be. But we certainly wouldn't want to anger the BLM.

Kathy Clarich – So it's going to have just two guide lines?

Patrick Ewing – No, guide towers have 3.

Kathy Clarich – So where will the third one be?

Patrick Ewing – 120' from the other two.

Kathy Clarich – So none of them will be on BLM ground, it will all be on the leased ground?

Patrick Ewing – That's true, yes.

Proponent Testimony – None.

Opponent Testimony – None.

Staff Comments –

Eric Evans – I do want to say that one thing that is not on this is if there is any agency testimony, we need to ask if there is any public agency testimony.

Public Agency Testimony – None.

Eric Evans – We did have the request from ODFW to do the continuance based on the last piece of the sage grouse rule permit requirement.

Gary Pearson – So is that your suggestion, to delay it a month?

Eric Evans – Yes. My recommendation would be to delay it a month.

Kathy Clarich – So we need to keep it open to public hearing?

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Eric Evans – I think, like I said before, we will meet with ODFW, with a local wildlife biologist, the State coordinator of the sage grouse rule, with the applicant and myself and come up with a specific mitigation plan that will allow that to go forward. Hopefully next time it will be an easy process for you guys.

Kathy Clarich – So we want to continue it until next month.

Eric Evans – Yes. So Stephanie just said that we do need to continue it to a date and time certain. Our next regular meeting would be April 25th.

Kathy Clarich – Does that give you enough time?

Eric Evans – I think so, yes. Actually, ODFW... we need to talk to the local guy as well. The guy in Salem has time next week to meet so we are going to coordinate a time to do that. If that is what you guys want, my suggestion would be just looking at what our load is going to be next month, I would suggest that we do our meeting a little earlier.

Kathy Clarich – Earlier in the month?

Eric Evans – I also have three other applicants for next month as well. One I might be able to administratively approve if I don't get anybody objecting to it but that still leaves us this one and at least two others.

Linda Simmons – You anticipate that what we need to talk about, just do it with that or are we going to have to go through the whole process again?

Eric Evans – No, you'll adopt all the findings and stuff but you won't have to go through the... we'll still go through all the stuff and allow everybody to testify, the same process but I think you probably heard everything tonight that we're going to hear on that. If the public agency wants to give a little bit more testimony... My guess is that we'll probably get everything buttoned up and we'll probably have a letter from Oregon Department of Fish and Wildlife that says that they are in support of what we've come up with; I think that's what's probably going to happen.

Kathy Clarich – So then it shouldn't take very long to have it at the regular meeting time, to do that.

Eric Evans – Yes. I mean I don't know what else... we may have a couple continued by then, it kind of depends on the next one too what we have going on next month.

Linda Simmons – If we open this, we're not opening it up to new testimony when they come back if they weren't here tonight, is that correct?

Eric Evans – I mean it's basically...

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Linda Simmons – It would be just this piece that you’re talking about? I’m trying to understand that.

Stephanie Williams – No, the record is left open so we would take new testimony from ODFW and the applicant. They’re not going to repeat themselves but they can bring additional new information forward.

Eric Evans – I talked to ODFW, I asked them if I could kind of tell you guys what our conversations was, I don’t like to speak for people necessarily but he was okay with the information that I said. And they’re here; they probably would have thrown a chair at me if I went too far out of bounds.

Ed Anthony – I think we need to make a motion to leave it open until the next planning meeting.

Kathy Clarich – Yes that’s what I think.

Ed Anthony – I don’t think we need to have a special meeting for it.

Eric Evans – No; not a special meeting.

Ed Anthony – We’ll just do it next planning meeting. If we go longer than normal then we go longer than normal, it’s part of the job.

Ed Anthony made a motion to leave the current application open until April 25, 2019. Theresa Ballard seconded the motion which was unanimously approved by the Commissioners present.

EXHIBITS:

- 1.) Eco-Site, Inc., Exhibit No. 1: Quasi-Judicial Land Use Hearing Statement.
- 2.) Eco-Site, Inc., Exhibit No. 2: Staff Report – 2019-02-006/007.
- 3.) Eco-Site, Inc., Exhibit No. 3: SL02674B Coverage Maps.

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NEW BUSINESS:

Owner: Calico Resources USA Corp.
665 Anderson Street
Winnemucca, Nevada 89445

Applicant: Same as above.

Representative: Garrett Stephenson – 1211 SW 5th Avenue, Ste. 1900, Portland, Oregon.
Nancy Wolverson – 665 Anderson Street, Winnemucca, Nevada.
Carlo Buffone – 665 Anderson Street, Winnemucca, Nevada.

(1) Conditional Use Permit for an underground gold and silver mine. Planning Department File #2019-01-001.

(2) Sage grouse rule permit pursuant to OAR 660-023-0115

QUORUM ESTABLISHED.

QUASI-JUDICIAL LAND USE HEARING STATEMENTS: *See Calico Resources, Exhibit No. 1 for full statements.*

Kathy Clarich – Now is the time to hear the request for a conditional use permit and provide a recommendation to the County Court for a Sage Grouse Rule Permit for an underground gold and silver mine for applicant Calico Resources USA Corp. Planning Department File 2018-10-012.

1. There are no abstentions, conflicts to disclose, biases or ex parte communications from any members of the Planning Commission.
2. There are no objections to any of the members of the Planning Commission hearing this application.
3. There are no challenges to the County Planning Commission's jurisdiction to hear this matter.

Preliminary Staff Report: *Planning Department Director, Eric Evans, gave his verbal Staff Report, See Calico Resources, Exhibit No. 2 for full written staff report.*

Eric Evans – This hearing is for planning action no. 2019-01-001. This is a request for conditional use permit and to provide recommendation to the County Court for sage grouse rule permit for an underground gold mine for Calico Resources USA Corp.

The property is identified as Tax lot 101 on the Malheur County Assessor's map, 22S44E. There is no address on this piece of property, so that is as good of a description as we have. It is located approximately 22 miles south of Vale. It's accessed by driving south from Highway 20, on

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Russell Road approximately 2.7 miles, and then continue south on Cow Hollow road for 4.1 miles and then continuing for approximately 15.2 miles. Tonight we are looking at a 61.98 acre patent parcel that is zoned ERU and is surrounded entirely by BLM land; Federal land managed by BLM. The land use primarily is livestock, range, hunting and recreation.

As you can see in your packets, the proposed mine is an underground mine. On this patent parcel that you are considering tonight the only major site improvement is the mine portal, the entrance into this underground mine. The entire project area will be fenced to prevent wildlife or livestock from entering, including the patent parcel. The processing area and everything else is on BLM land. It's our belief that the County does not have jurisdiction over the BLM land. We've had a long standing... we've never done our zoning regulations on Federal BLM land. The patent parcel was created within the BLM land through the staking of Calico's mining claim in 1986 and then it was later patented in 2001.

The applicable (INAUDIBLE) criteria can be found in the application. The critical points should be outlined in the staff report. I've reviewed the application and find that it meets all the applicable criteria. It's the County's belief that the County's applicable conditional use criteria are met both due to the design of the project and also the location away from any population centers.

There may be some improvements that the County roads need to serve the project. Those will be subject to review and approval by the County Road Master. For this application, the applicant has not proposed any new roads for the project.

With respect to the Sage Grouse Rule, the staff finds that the project cannot be altered to avoid sage grouse habitat. I mentioned last time; there is three pieces to this, to make it simple. There is avoidance; avoiding the sage grouse habitat, for large developments, minimizing any impact, direct or indirect impact to that sage grouse habitat. Finally, if you make it past those two steps there is some mitigation, meaning that you have to mitigate that harm or potential harm/impact to that sage grouse habitat. It's our belief that both the avoidance and minimization pieces of that have been met. The applicant will be required to coordinate with ODFW regarding the mitigation piece of that. So there is condition five and I believe there is a letter addressed that actually changes that condition five from the original staff report.

The parcel is outside the rural fire district but it is within the Vale Rangeland Fire Protection Association and that's going to be a proposed condition in the staff report, that they join the Rangeland Fire Protection Association.

There are no Goal 5 protected habitats on the patent parcel and the applicant has submitted a wildlife report that found no threatened or endangered species on the patent parcel. There are also no known natural hazards.

The applicant currently has water rights, you received that from water resources, it's the G10994 in the State of Oregon's water resources.

Applicant Testimony

Kathy Clarich – Please state your names for the record.

Carlo Buffone – Calico Resources USA Corp. based in Winnemucca, Nevada.

Nancy Wolverson – Calico Resources USA Corp. based in Winnemucca, Nevada.

Garrett Stephenson – Counsel for Calico Resources.

Garrett Stephenson – I want to appreciate all of you for turning up tonight. It's an important job that you do reviewing these sorts of proposals and we certainly appreciate your time and attention in this matter. The way I'm going to run our presentation tonight is I'm going to say a few things to provide some general context for what this application is all about and at that point I'm going to turn it over to Carlo who is going to give a presentation on what the mine is really intended to do but the scope of it is the timeline and provide some really important details on what this project will look like going forward.

I want to speak, before we get to that point, a little bit about what sort of conditional use application we are proposing here and how that conditional use application fits within a larger context of a number of other permitting exercises that we have to go through. What you have in this proposal is for a gold and silver mine. It's going to be located, as Eric mentioned, 22 miles south of Vale and over five miles from the nearest occupied structure or farm that we could find. The mine is proposed to be underground. And what is before the Planning Commission tonight is the question of whether that mine itself, the use of the mine and mine portal, the vents and some of the roadways around the top of the mine, which you probably saw on that image, whether or not those are consistent with the Malheur County codes and Malheur County Comprehensive Plan. A large portion of the mine processing center is going to be located on surrounding BLM land and those have to go through a different set of permitting requirements that are extremely onerous. For example, we have to do an EIS, an environmental impact statement through NEPA, we have to do a consolidated permit program through the Oregon Department of Geology and Mineral Industries. What that consolidated permit program does is apply through one process every applicable state law and regulation on the books, the entire mining site will have to go through that. However, in working with DOGAMI it has been represented to us by that agency that in order to first apply for our permits to DOGAMI we need what is called a land-use compatibility statement, which is an indication from Malheur County about whether or not the activity of mining itself is consistent with the County's Comprehensive Plan and with its applicable codes. That's what's before you tonight. As Eric mentioned, the message we've gotten from the County is that it exerts its jurisdiction only over private property. In this case, the only piece of private property we're dealing with happens to be the actual mine site. So it's that 62 acre piece of property, underneath which you will have the actual mine being dug and mined from the bottom up. This is entirely permissible in the ERU zone as a conditional use. We are not asking for a variance tonight, we're not asking for a zone change. The zone that we're in anticipates this as a conditional use and our application reflects the criteria that would apply to any other conditional use for a mine in a zone that would allow it.

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The other thing that we're going to talk a little bit tonight is the Sage Grouse rule. As you've heard from the Planning Director, we're still working with ODFW and the State to get our grip on what that actually means and requires. In principle the Sage Grouse rule applies by the force of State law, it's not something that is in the Malheur County Code, it's not something that is in the Comprehensive Plan. So we're applying that rule directly as a State law. The rule came down in 2016 so it's fairly new to all of us. As Eric mentioned, really what it requires us to do is:

1. Identify whether there is any significant habitat on the parcel. If there is, what class of habitat is that? On the other hand, what the County has to determine is whether or not the use that we're proposing is sufficiently locationally dependent. In other words, could it be moved to any other place to avoid that habitat? Obviously our position is, it can't because the minerals are where they are.
2. Assuming that it can't be moved is there a way to minimize the impact on that habitat?
3. And then what sort of mitigation would we be needing to do, to avoid any impacts or to restore that habitat.

I'm going to talk about that a little bit later after Carlo gives his presentation. I want to make a few remarks about what you are probably going to hear throughout this process from project opponents. I think what you're going to hear is that the County is somehow obligated to apply a myriad of State and Federal laws. One of the scenes that I think is important for me to set tonight is that this is an application under the County's code and to the extent that the County code incorporates other State and Federal law, we address that. But I think you're going to hear tonight and perhaps later on in the written record a lot about a variety of other State and Federal laws that, frankly, we don't believe are applicable in this particular process. That is why there is the DOGAMI consolidated permit process. At that point, I'm going to go ahead and pass it on to Carlo who's going to give you a fun presentation on what this project actually looks like and then I will follow up with a more boring legal presentation.

Carlo Buffone – (*See Calico Resources, Exhibit 3 for Power Point Presentation that goes with this portion of testimony.*) Hello everybody. Good evening. It's a pleasure to be here on behalf of Calico Resources. This is a pretty important night for us. We've been involved with this project, Calico, as a company since 2012; the leadership team which is here tonight, since 2016. What we do as a company is we move projects to the production decision and this is why we chose Grassy Mountain in 2016 because we felt it was a compelling project, not only for our company but for this community and the State.

So what is a mine? It's probably, in an area where you don't have mines, you can generally get a lot of misinformation about what a mine is. I think you've heard tonight, this is an underground mine. So what is it not? It's not an open pit mine and it's not a mine that's going to process its minerals on a heap leach. So you're going to hear a lot of things about cyanide and chemicals and how they apply to this mining process because this is a chemical mine. So, hopefully over time, and we've been working hard to make sure we educate the community and everybody else that is interested, what this is and what this isn't. This underground mine will process all the minerals in a contained setting and it's a very responsible way for mining. So we chose the underground route to mine this project simply because it's low impact and it's a responsible way

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to mine. This is a small mine. You can go south to Nevada and you can see gigantic mines and they're open pits and they're heap leach and they're big but they are also mined responsibly. But this mine, for Oregon's first modern day mine, we think is the right approach and that's important for us to share with you.

I think Eric and Garrett made some comments about the details of where the package is so I'm not really going to get into that. One of the things that we say when we talk about this project to interested parties is that there are no trees, there's no water, there's no streams or creeks. The first time Glenn and I sat on top of that hill, we stood there for about a half hour and we didn't even see a bird fly by. It's really, from a mining prospective, an ideal place to put a mine. It's really an extension of Nevada's dry arid mining sector.

Location wise, we are close to many communities. We are close to Boise. We think that a mine ecosystem can be supported in this setting. One of the things that people always ask is, 'do you have enough local talent to be employed here?' The answer is yes. One of the things Paramount and Calico as a company is committed to, is to hire locally. When we think about this community, one of the things we've been pleased to hear about, there's a group many of you have heard about that's called Poverty to Prosperity. What I understand is that organization was set up to provide a pool of potential applicants for this mine. We plan to hire as many locally and we will train them. One of the things that I'm sensitive to, I travel a lot for work and one of the things that I have to do is miss kids recitals, soccer games, hockey games and so we've had a couple of open houses in Vale. We've met a group of people that live in this community and they drive 7-8 hours to work in the mines in Nevada and it breaks my heart to hear that they can't work in the community that they want to live in and be around their families. So that is something sensitive to me and I think that it's very important that what this project will bring is jobs. One of the things that is important to understand is, this is a small mine with big impact. We plan to invest \$110,000,000.00 to build this mine. It will take two years to do that. That will bring near temp jobs and about 150 construction jobs. Once the mine is in operation, there will be 110 mining jobs that will be at the mine site.

We've talked about some of the upgrades that we'll have to do in terms of roads and access lines, I won't repeat any of that information. That is in the investment that we do, we will make all those upgrades and investments to get power to site and make sure that the roads meet design standards to the satisfaction of the County's Road Master.

This project has been around 25 years. I think a lot of people have heard about it. But that deposit has been around for 22 million years. To take a deposit like that to production, we hear odds of 1 in 3000. For every discovery it takes 3000 chances to get it into production so we're working hard to make this one of the deposits that actually makes it to production. The key to that deposit is that green middle part of the ore body. That's what makes Grassy Mountain very special. Why is it special? There's a lot of value in that green. Today's prices, the in-ground value of that is just under 500,000,000.00 dollars. That is a big top line number and it's exciting to hear big numbers like that but one thing that deposit really brings to us is that if gold prices drop substantially, the quality of that deposit allows us to sustain the mine and keep it open for the life of mine. It's a really robust economic mine. It makes high margins. You will hear that

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there's a boom and bust to the mining industry. And mining is (INAUDIBLE), there is no way around it. The Grassy Mountain deposit, what it provides is an excellent insulation to that boom or bust because that deposit is special. It is high grade, concentrated and it's really compact so we're excited about that deposit technically.

Some practical mining things... There's going to be a portal access and we're going to build a system of ramps and access ramps to access the ore. I won't get too technical but if anybody ever wants to learn about mining we're always available to kind of go through the aspects of how you underground mine. But essentially we build this system of underground workings and we mine from bottom up. What happens when the mine is completely mined out? That will all be filled with ore from the borrow pit and other waste material that is available so that is all underground, there's nothing on the surface that you will see as an impact. So it's a very low impact way of mining.

The processing, so this is... let me go through just quickly. The ore comes out of the mine and then it gets to the processing facility. The first step is to crush the ore. We crush it three times to get it to the size that's required to maximize the recovery of gold from that ore. By getting to the right size you also minimize the amount of chemicals that you use in your process. The chemical parts of the process are all contained in tanks so there's no cyanide floating around in the area and it's not being sprayed and people aren't ingesting it; it's contained in tanks. When you get to the end of the process you have a gold bar that's produced, it's about 30 pounds, its call a gold doré bar. You also get some tailings and tailing is the waste. What happens to the chemicals in the tailings? Before it gets to the tailings it's destroyed in a separate tank, again, that's not exposed. So by the time the discharge from the mine goes to the tailings storage facility it meets the levels required by the State and Federal Laws so there's no highly toxic cyanide sitting somewhere, it's been completely destroyed and detoxified through that process.

For every ounce we produce out of this mine there is a buyer. For every ounce of gold that's produced in the world there is a buyer. Again, it's not one of these things where you have to look for buyers: it's sold. For everything that is produced here it will be sold and I think that is important to understand.

Again, this is kind of a layout of the mine. I think it's been mentioned that the only thing that sits on the patent parcel is going to be the portal, a water tank and a couple of ventilation shafts. The ventilation shafts provide fresh air circulation for the underground workers. You can see the rest of the footprint of the mine, you've got the tailings storage facility and you have all of the components of the mine. I won't get into all the things about the layout. But what I can say about the layout is we have hired the best mining consultants to design this mine; they use the best practices, the latest technologies. We take pride in the fact that this mine will be designed for efficiency, low impact and safety. Safety is critical in mining and we're going to take every precaution to make sure it is safe for our employees.

So time, what's the length? What are we looking at? The construction time is about two years. That's an error on that slide but it should be two years. We think the mine will last at least ten years. In most mining situations, if you think a mine is going to last ten it will usually last longer.

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You find more ore when you get down to... when you get actually mining, that's the only way you find out if there is more ore down there. Hopefully we can get extended to maximize our investment and keep the mine going for a lot longer than ten years.

And then reclamation and closure, I want to talk about that a little bit. Our team has experience in reclaiming mines. We have a mine in Nevada and we've been reclaiming that and we've been acknowledged by the State and the BLM for that reclamation work. What happens in reclamation, it's going to be financially secured through a bond so the money will be there to reclaim it. Pretty much, everything is removed from site and we try to put everything back the way it was before we started. That's really what reclamation looks like in today's mining. We're not going to leave buildings and we're not going to leave things that relate to the mining operation after the mine shuts down because we've exhausted the ore (INAUDIBLE).

Back to the economic positive impact, again, I won't repeat the numbers I mentioned earlier in the presentation but there are significant job impacts for this community. We expect our payroll to be ten million dollars on an annual basis. The construction period, again, will have a short term but very healthy impact to the economy. One of the things, that are important to remember about this, is that these things also create spinoff benefits for the local community. Some of the stats that we've seen are that for every one mining job there's five spinoff jobs in the local economy so there will be lots of opportunity for entrepreneurs in this area to benefit as well.

I think I'm going to hand it back to Garrett.

Garrett Stephenson – Okay, I'm really going to scare Nancy because I'm going to go off script a little bit. I want to talk about the criteria that you are entrusted with implementing in this permit process. In the County's code, in the ERU zone, as I said before, this is a conditional use. It is permissible as a conditional use based on three sets of criteria. There are the big daddy major criteria. There's a set of general criteria and then there are specific criteria. The first criterion is whether or not this mining activity, specifically on the patent parcel, is consistent with the applicable goals and policies of the County's Comprehensive Plan. I'll return back to that slide in a moment but we analyzed a number of goals, they're not necessarily all here on this slide, but I wanted to talk about a few of the ones that are important; both goals the project clearly furthers and also goals that may raise some concerns and how we've addressed those concerns.

So Goal 3, Agricultural Lands, and that applies because of course we are in an ERU zone. There's a number of policies related to that goal but suffice it to say what we're doing in terms of agriculture here is, at least with respect to the patent parcel, fairly harmless. I know... I'm sure people are bristly at the fact that I used the word harmless and mine in the same sentence but it really is. What we have here is open range land. I think the nearest cattle watering trough is substantially north of where the patent parcel is. And we actually go out onto Grassy Mountain is, which is basically what the patent parcel is made out of, it's a rocky outcropping. I put in the application some data on soils, it's composed of Class 6 and Class 7 soils. In our view those are not realistically farmable. I even showed some pictures in the application of what those soils look like. I've been out there. It's a lot of pebbles, there's some sage brush but for the life of me I can't imagine somebody actually being able to farm it. There is some open range land out there

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but as far as we know people are not running the cattle up on top of the hill that Grassy Mountain is, simply because there's not a whole lot to forage there, it's extremely rocky. At least from our stand point, there's really no issue with this causing a problem to agricultural lands or somehow burdening agricultural practices around the parcel. One of the things that Carlo mentioned and I think Eric mentioned as well is we're going to have a pretty significant fence around the entire operating area. That serves a couple of purposes; one, I think it helps keep people out but also we want to make sure that animals, both wildlife and cattle, are not getting into the mine processing area. That's a pretty important objective of ours. The other thing that occurred to me when I was looking at this is whether or not we would have a whole lot of noise. Well, in this case we're dealing with an underground mine. You're not going to have open-blasting like you might have with a gravel pit or open pit mine. And then the processing center is all enclosed, it's not a heap leach mine. To the extent that you can put a mine into a factory setting, that's really what we have here.

The next has to do with Goal 5, which is Open Space, Scenic, and Historic Areas and Natural Resources. We've provided some pretty detailed findings on this in the application, supported by some exhibits. What we've found is that there are no Goal 5 inventory natural resources on this patent parcel. In other words, the County has not decided that there are any protectable wildlife habitats or important natural resources on the parcel. Now I'm not saying that there is no wildlife habitat on the parcel, of course there is, but the point I'm trying to make is that the County hasn't deemed this a significant Goal 5 area.

The next one is Economy. I think Carlo went over that pretty well so I won't belabor that point. But for all the different complexities and all of the ways that we could have arguments about what the impact of a mine is on the economy of community, we think it's going to have a positive one. I will freely admit that this mine is being proposed to make money but we also think that it could make a lot of money for people living in this community. We believe that it furthers a lot of the goals and policies in the County's economy section of its Comprehensive Plan.

The Public Facilities and Services, we're fairly self-sufficient at Grassy Mountain because we have water rights that are fairly extensive so sufficient water is available to not only take care of the processing but also to handle fire suppression. The mine site itself, and the surrounding processing area, is going to have a complete fire suppression system with standpipes and firefighting equipment. We spoke with the Vale Rangeland Fire Protection Association and they were very happy to have us out there because we said look, we will give you access to this water for your firefighting and they said great, will you be a member and we said absolutely. In terms of septic and sewage, obviously there's going to be a lot people working out there so they have to go to the bathroom so that's going to be handled with a fairly typical septic drain field facility. In terms of power, initially construction will start under diesel powered generation and then we're going to work with Idaho Power and the County and BLM to run a new power line, not a transmission line, but a distribution line down to the site.

The last goal that I want to talk about is Transportation. The County's code has in it a 400 average daily trip threshold, beyond which you'd have to actually hire a transportation engineer

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to do a transportation impact analysis which would look at intersections and all those sorts of things. We actually did hire a transportation engineer to look at the traffic impacts of folks going in and out of the mine. Before I tell you what he found, what I will say is that the plan right now is to the greatest extent possible is to put everybody on shuttles and take them down. It's a long drive down to Grassy Mountain and for security reasons I don't think Calico is interested in having a whole lot of different vehicles on the site. The plan always has been, as I understand it, to put people on shuttles, take that 20 mile trek down the gravel road and back again after their shift. However, the transportation engineer that we hired conducted an analysis based on what's called a 'reasonable worst case' and what he did is assume that every single person who was working at this mine in a single shift would be driving their own car. What that analysis found is that even under the worst case scenario we would have 250 trips, so far less than the trigger under the County's code to do a full transportation analysis.

Since Carlo really did cover about everything that I wanted to talk about... I wanted to talk a little bit about some of the written materials that came into the record yesterday. I don't know if you've had a chance to review them but we have a 21 page letter and 563 pages of exhibits from the Oregon Natural Desert Association/1000 Friends of Oregon. What they have requested is a continuance of this hearing to presumably the next Planning Commission hearing. Frankly, I can't sit down and digest 580 pages in 24 hours and I would not presume that any of you can so what I would ask is that once everybody is done testifying, I'd like to have the 15 minutes for rebuttal. After that I think we would be fine with continuing the hearing to the next Planning Commission meeting and the reason why we want to do that is we're not so arrogant that we don't think that these organizations raise some important points and we want to be sure we have time to address each one of those and where we do think that we need to provide additional evidence to cover some of their comments, we want to do that.

With that, I will go ahead and sit down and we will allow the public to testify.

Proponent Testimony

Ken Poole – 601 NW 12th Street, Ontario, Oregon 97914.

Ken Poole – I'm a proponent of the proposed Grassy Mountain Mine. I have been a resident of Malheur County since 1961. I have a family business here. I'm a second generation owner of a family business in Ontario. We sell fuel and lubricants to consumers of those types of products, including farmers and ranchers, mines and the traveling public. Our economy is pretty seriously agriculturally based. Diversification is important in order to make the economy well rounded. I think a mine here in Malheur County would help family wage jobs would be a big asset to our economy and help to keep the people that reside here, here, rather than migrating out. We have what's known as brain drain, youngsters that go up through our school system and aspire to do well don't have the opportunity from a job stand point to make a good living. I think that the proposal here is a well thought out proposal. It's been studied ad nauseam through the DOGAMI process that was referred to earlier. I think it would be a great asset to Malheur County.

Brian Wolfe – Malheur County Sheriff.

Brian Wolfe – Thank you, I appreciate the opportunity to speak. I'd like to speak on two different fronts, my name is Brian Wolfe and I'm a resident of Vale. I've been a resident of Malheur County also since 1961. I'm also the elected County Sheriff for Malheur County. So, I'd like to speak on two things. One, the economics of this proposed project and how it would benefit Malheur County and secondly, public safety.

I think it's a shame, as Mr. Poole also mentioned, to see our young people leaving the area as quickly as they graduate from high school or college to be gainfully employed. Anytime that we have opportunities for livable wage jobs that don't take away from our culture and our customs, here locally, I support it and I support this project. Not only will it benefit those who would be gainfully employed it would also benefit our other local businesses. As studies have shown, usually a dollar will roll over about 7 times in your community. What a great thing that would be for us in our community.

The improved road would be beneficial to those who enjoy the recreation of the Owyhee Desert, they could get there easier. It would also benefit those who raise livestock in that part of Malheur County. They would be able to transport their cattle to and from that part of Malheur County more efficiently.

I know, as all of you do, that any time you have a mine there could be a potential risk. I can tell you that I have watched Calico Resources since 2012. They have been very responsible. They have been friendly to our community and to the economics of Malheur County. I believe that they will run a sound and very responsible, environmentally responsible, operation.

The improved road access would also assist the Malheur County Sheriff's office in search and rescue events. The Twin Springs area, the Dry Creek area has multiple search and rescue events or missions on an annual basis. The improved road would possibly even help us save lives.

I can think of... there are no, as far as we have been able to determine, there are no anticipated public safety issues that would be of a negative effect, as far as we at the Sheriff's Office can see. From a public safety and from a citizens standing point, I can think of no reason why Calico Resources and the Grassy Mountain Mine project should not be permitted. I would obviously prefer to be on the record as in support of the Grassy Mountain project. Thank you.

Steve Russell – 4189 Crowley Road, Harper, Oregon 97906.

Steve Russell – I'm Steve Russell. I've been a resident of Malheur County for 56 years. I kind of grew up right where this mine is going into place, so I've watched it right from the start. I'm a proponent of this. I feel it's important for Malheur County to have something like this come in because I've seen it... what it has done for other communities, like Winnemucca, when that mine really got rolling how the businesses grew down there. I'd really like to see that happen for Malheur County. That is mainly my concern, is keeping Malheur County economically viable for the next generation and I believe this mine will help with that.

Opponent Testimony

Dan Morris – Conservation Director, Oregon Natural Desert Association 50 SW Bond Street, Suite 4, Bend, Oregon 97702.

Dan Morris – Good Evening. My name is Dan Morris and I am the Conservation Director for Oregon Natural Desert Association. ONDA, together with 1000 Friends of Oregon, did submit extensive written comments in advance of tonight's hearing. I point you to those comments and the issues they raise and ask that you continue this hearing until a complete application has been submitted and this proposal can be fully considered. We readily acknowledge the extent of those comments and hope that they are informative and pertinent to the issues that you need to consider.

Tonight though, I'd to share some perspective on the mining project that is part impartial of this application and the concerning impacts that could result for the people, the way of life and the environment of Malheur County. I'd like to emphasis that this is the first major chemical process mine proposal in Oregon, maybe ever but certainly in many years. For better or worse, Oregon doesn't have much large scale modern era hard rock mining. So our experience with mining impacts is limited. Tonight I'd like to relate to you my own experiences living with the impacts of mining.

For about 10 years I lived in the small town of Crested Butte, Colorado. Some folks would know it as a ski town and that's true. But Crested Butte has also been a mining town for about 140 years. Coal and hard rock mines in the area were developed in the 1880's up until pretty much present day. One of those, the Keystone Mine, was a zinc (INAUDIBLE) mine from the 1950's to the 1970's. It has been proposed to become a major molybdenum mine several times over the last several decades. But in the 1970's people in Crested Butte noticed that the creek running through town had turned bright orange and all the aquatic life, the bugs, the vegetation, the fish had died. It didn't take much to figure out that the murky orange run off coming into the creek was coming out of the Keystone Mine and straight into the ground water at the creek. That is what most folks don't know about Crested Butte. Right above town, in the watershed where the town gets its drinking water, draining into the creek where the kids play, there is a highly polluted acid mine drainage mine site. For those of you who might not be familiar with what acid mine drainage is, or AMD, I might refer to it as, this is a chemical reaction where sulfur-bearing rock is exposed to air and water and creates an acid. That acid then breaks down the minerals it comes into contact with and causes heavy metals like lead, cadmium and zinc to leach out into the water and that makes it toxic for aquatic life and harmful to human health in high enough concentration. The most important thing about AMD is that it's permanent. In the early 80's a proponent of the new mine at the Keystone site was required to construct and operate a major water treatment facility. It was to stop the flow of that AMD and those heavy metals from leaching into the creek and into the drinking water. That plant came online and began to reduce water pollution and that sounds like a pretty good outcome, except there's more to it. Mining companies aren't interested in running expensive water treatment plants unless there is an income stream from mining to offset those costs. So when the proposal to open that mine didn't go, the owner was settled with the million dollars plus per year of annual operating costs of the

plant and they had no income to pay for it. So since then the mine has gone through a succession of owners and they've tried to (INAUDIBLE) a new mine but they've never gotten very far. Usually they go belly-up or they sell the property trying to escape the every present water treatment liability and the costs. If you fast forward a few decades and that 40 year old plant still sits there. It's treating huge quantities of polluted water every day. The plant is old, the upkeep is expensive and it's nearing the end of its useful life. So it may end up that the town of Crested Butte, surrounding Gunnison County and the State of Colorado are going to end up paying for at least a part of the very expensive new water treatment plant. They'll do it to protect their citizens. They'll do it to prevent more impact and they'll do it because mining companies are adept at limiting their liabilities and not paying to clean up their mess. So, why does all this matter for Malheur County and the Grassy Mine proposal? That's a fair question. Goal 11 of the County Comprehensive Plan has a water quality provision in it. It's important for you to know about AMD because the Grassy Mine could become an AMD site. If it goes forward they will be excavating sulfur-bearing rock, they'll expose it to air and they'll dig down to the groundwater. Once those key ingredients are combined there is no going back. They'll leach heavy metals, they'll be in the water, they'll be in the waste rock and they'll be in the tailings. They're going to tell us, they're very good at it, that they have the technology to deal with it and you shouldn't worry. I'm here to tell you to worry. The track record is nowhere good as claimed. There are credible studies indicating that more often than not there are failures in containing this kind of AMD and the result is permanent pollution and costly treatment. It matters because you have control, Malheur County has control over its own destiny here. I hope your County reviews this proposal, considers its impact and requires the applicant... and requires things of the applicant... sets the stage for the (INAUDIBLE) in the long run, for the way of life, for the environment. And I urge you to learn as much as possible about the risks of AMD. I suggest careful examination of the promises companies make to get that green light and I hope that Malheur County takes the steps necessary to (INAUDIBLE) the social, financial and environmental wellbeing of the people here. Thank you.

No State or Public Agency Testimony

Staff Comments

Eric Evans – So, as we talked about, my recommendation would be, as Mr. Stephenson pointed out, to continue this. I think the final conclusion tonight is to continue until next time.

Applicant Rebuttal

Garrett Stephenson – Thank you again. Sitting here listening to Dan's presentation... and I appreciate him coming out because I think it does kind of paint a stark picture of what this County is confronted with. You have a project in front of you. Obviously institutional environmental organizations are going to have a problem with it. I would direct you to the first thing that Mr. Morris started out with and he said 'this is the first chemical process mine in Oregon or indeed maybe the first big mine in Oregon, that he's aware of' and when I read between the lines, and I've read his letter, I think that what this is really about for ONDA and 1000 Friends is it's not really about Grassy Mountain Mine. I don't think it's about Grassy

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Mountain Mine because Grassy Mountain Mine is 22 miles from Vale; it is 5 miles from the nearest home that we could locate using aerial maps and I'm not sure that is even a continually occupied home. Trying to analogize to the town of Crested Butte, Colorado, I think it's a false equivalency. One of the reasons, and if you've read our application and staff report, one of the reasons that we have found in a lot of cases that these criteria are met is simply because this site is so isolated from population. It has got no surface water on it, it has got effectively no tillable ground and it's not very good for running cattle on, at least certainly not the patent parcel. I think it's important to ask yourself, if this isn't the perfect site I don't know what is. Certainly, I think that if we were proposing a mine, perhaps like the one in Crested Butte, Colorado, that is much much closer to Vale... that maybe has some sort of surface or groundwater connection that can be demonstrated between that mine and a population center maybe Mr. Morris's comments would have a little more ring to them. I think we need to look at the facts on the ground and the fact is that I really don't see orange rivers emanating somehow 22 miles from site that has no surface drainage. As far as the technology involved, I think it's pretty clear when you listen to Mr. Morris's arguments that there's really no technology we could offer that would satisfy either ONDA or 1000 Friends. When you talk about the history of some of these mines over the years, a lot of them have been mined for decades. This is a brand new mine and it is going to comply with some of the stringiest mining regulations that I'm aware of in the United States. There's an entire group that has been put together at DOGAMI to review this application and apply all of the relevant regulations.

I want to make four points about ONDA's presentation and the written materials they provided. I actually did read their letter. Obviously I couldn't get through the additional 500 plus pages of attachments.

I think when you read that letter and you look at the arguments made you'll see a lot of attempts to bring into this conditional use permit every single environmental law that can be come up with. What we're trying to do again, this is what I started the presentation with, is to determine whether the applicable laws of this County support this mine or not and that is entirely up to the Planning Commission. If it's appealed then it's up to the County Court to decide. I want you to be aware of that when you're seeing references to things like the Migratory Bird Act and a number of State Statutes that don't apply. I don't think that's right on the law, I think that the law is the law of the County Comprehensive Plan and the law of the County Code and that's what we're applying today.

The other problem I really have with ONDA's written materials is that a lot of what they are saying is you can't apply for this permit until you've gone through the process with DOGAMI and you've gone through the process with ODFW and you've gone through the process with DEQ. The problem with that is we have been told, very clearly, that even in order to apply for those permit processes we need to have a conditional use application and an approved conditional use from this County. We certainly have a cart before the horse problem if we were to accept ONDA's view of the law.

At the end of the day, there are questions that they raise that we are definitely going to provide some feedback on and provide some additional evidence. I don't want to make it sound like

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ONDA and 1000 Friends don't have valid concerns here but I think we need to view their comments in a reasonable amount of context. I don't want to make this out as...we have an outside company trying to do an economic development project versus outside environmental organizations trying to fight it. Certainly I'm going to give their comments a fair look but I was stricken by how wrong they are on some of the legal points in their letter. So I'd appreciate it if you kept that in mind.

The last thing I want to talk about is you will see in your materials that were delivered today a letter from Oregon Department of Fish and Wildlife, it's a joint letter with the Department of Land Conservation and Development, in that letter they recommend a different condition 5. So if you can think back to Eric's presentation, condition 5 basically requires that before we can begin mining of any kind that we abide by any sage grouse mitigation requirements that ODFW ultimately produces. I want to talk really briefly about that before I let everybody go. As we discussed earlier there's going to be a joint permit program for the entire mine site and part of that involves applying the Sage Grouse Rules to the entire mine site, so all 900 plus acres. In the case of the patent parcel, Grassy Mountain, you just have a tiny little sliver of sage grouse habitat, that's the habitat that we addressed in the application. However, about 9 months ago, I think it was in late August or early September 2018, we met with representatives of those agencies and we discussed what would make the most sense from a conservation and mitigation stand point. Since ODFW and we are going to develop mitigation strategies for the mine as a whole what we thought made the most sense for the County is to simply require that the applicant, in this case Calico, comply with whatever mitigation strategy came out of that process. We thought that made it simpler for ODFW, DLCD and DOGAMI but also made it simpler for your county staff and yourselves. Otherwise we'd be developing potentially two similar but different mitigation strategies; one for the patent parcel and one for the large mine site. With that background you'll see a letter from ODFW and DLCD recommending a change to that condition. We think it does the exact same thing as the condition recommended by staff so we have no problem with it. We encourage you to consider applying that condition, it's in the first or second page of their letter and we address that condition in our letter.

With that I want to conclude by thanking all of you for your time tonight. I really want to thank Staff. They've done a great job; we've been working with them for a long time. I will be the first to admit that we'll have a continuance so you'll see us again. This is going to be, I think, a fairly lengthy process both locally and at the State level. For us tonight it was a good opportunity to introduce the project to you, to explain how we view the project and while I'm certainly not going to ask you to vote tonight, we hope that you will continue to support the project if you're inclined to do so and if not I hope we will be able to convince you at further meetings.

Gary Pearson – I note that your water permit dates clear back into the 80's. Was the option to have an open pit mine?

Garrett Stephenson – Yes, so the water permit is currently undergoing an update. I believe we have a permit into Oregon Water Resources Department. One of my colleagues, Shonee Langford, is taking care of that but we'll go ahead in our submittal before the next meeting... we'll give you an update on what the status of that is.

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Gary Pearson – Is it still 2.0 cubic feet as it was 30 years ago?

Garrett Stephenson – Yes, I believe so. I don't think there has been any reduction in flow. As I understand it, it's more than enough for our needs.

Kathy Clarich – I just have a general question. If you're going to be shuttling people in, where are you parking them at?

Garrett Stephenson – That's a good questions. I'm not sure that we know the answer to that yet. Do you have any idea or any discussion?

Nancy Wolverson – We haven't had that discussion yet. It's also going to depend on where the employees are. We aren't going to necessarily have one spot where all the employees have to come to if there are employees in Nyssa and in Vale; we could have two different shuttles going in. We can accommodate wherever the employees live as best possible.

Gary Pearson – Is that going to be a mandatory process?

Nancy Wolverson – Mine sites usually do make it as mandatory as possible. Often there are a couple of high level people who work in the mine and drive their own vehicles and that's because they have to use them during the work day also. Generally the employees are going to, yes, as mandatory as possible.

Chad Gerulf – Do you guys just use the one road out of Vale or if people are employed from Nyssa will they go out the Mitchell Butte route?

Garrett Stephenson – So we've always kind of had the concept of that. Would it be okay if I pulled up a map and showed you the road? So if you look at the application, we have a couple images there showing the road route in different ways. We've always kind of thought of those as if you're coming down from Highway 20 what would you turn on to; so you start on Russell Road and then you end up on Cow Hollow and ultimately to Twin Springs. I'm pretty sure that once you get down to the bottom of Russell Road there's no other route in or out unless you want to go cross country; so that is going to be the primary north and south route. Once you get into County surface streets I suppose that it's up to whoever is driving down there to decide which route they want to take but that is certainly the route that we have proposed. As far as the road improvements go, the way that we're approaching this is we have a proposal before the County and we're going to work with the County Road Master to see what roads need to be improved and if so, how much. All of that is going to be based on an engineering analysis that the County will do. We are not proposing new roads to serve the project.

Ed Anthony – Will they be gravel or paved roads?

Garrett Stephenson – They will be whatever the Road Master wants them to be. We think that most of it will be gravel. Certainly on BLM land they will be gravel.

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Nancy Wolverson – The main road down from Vale, the one he's showing here, that will be the one that is useable for heavy traffic; so semi's and the bigger vehicles. If there's ever going to be anything coming in from this side it will be a small car.

Garrett Stephenson – What I was working through, the trip generation analysis with the traffic engineer, we discussed what would be the heaviest traffic impact. In his opinion, you're going to have the heaviest traffic impact, in terms of both the weight of the vehicles and trips, most likely during the construction process, especially if the folks are being shuttled down there.

Kathy Clarich – So there will be some widening in spots of roads in?

Garrett Stephenson – If the roads are not up to snuff, yes. None of the vehicles that are going to be running up and down the roads on a regular basis are really exotic, if you will. Some of them will be heavier so when you're doing road work basically you have engineering standards that determine, for example; if you're going to turn, how wide does that turn need to be? I'm not a traffic engineer but I spend enough time around traffic engineers to be able to be dangerous. What we would do is we would look at any turn movements that need to happen or any curves, that's typically where you'd see widening. You'd see widening where the road is below standard. So the idea, in simple terms, is to bring all these roads up to the applicable County standard; so where they're not wide enough already, they'll be widened; where there's no drainage, we'll install drainage.

Kathy Clarich – The reason I was asking is because of tractors that go up Russell Road and through some of the Cow Hollow Road.

Garrett Stephenson – I can't imagine it's going to be any worse for those folks. I think they're going to see a much better road.

Gary Pearson – Can we ask questions of the witnesses?

Robert Quick – I had a question for Dan. Have you guys been on site at this place?

Dan Morris – I haven't personally. Members of our staff have.

Robert Quick – They've actually done their reports based upon the onsite inspections?

Dan Morris – When they've been onsite.

Kathy Clarich – Any other questions?

Ed Anthony made a motion to leave the current application open until April 25, 2019. Theresa Ballard seconded the motion which was unanimously approved by the Commissioners present.

Malheur County Planning Commission
March 28, 2019

There being no further business to come before the Malheur County Planning Commission, the meeting was adjourned at 9:30 P.M.

Respectfully submitted, Kelsey Sullivan.

Minutes approved by:

Name: Kathy Clavin Date: 4-25-2019