BOX ELDER COUNTY PLANNING COMMISSION

16 February 1989

Minutes of the meeting of the Box Elder County Planning Commission held 16 February 1989 in the Commission Chambers of the County Courthouse. Members present were:

Mr. Richard Kimber, Chairman
Commissioner Robert Valentine
Mr. DeVon Breitenbeker
Mr. Jon Thompson
Surveyor, Mr. Denton Beecher, Ex-officio member
Clerk, Mr. Allen Jensen, Ex-officio member
Mr. Don Christensen and Mr. Junior Okada were excused.
Mr. Steve Grover

Mr. Kimber made mention of two changes to the 19 January 1989 Minutes. Page two, he asked the word "Diciston" be changed to "decision" although Diciston is the word used. Page 5, Mr. Thorne's discussion, change "against 'by' best advice" to "against 'my' best advice". With these changes, Mr. Breitenbeker made the motion to adopt the Minutes as changed. Mr. Grover seconded. None opposed. The motion carried.

AGENDA:

Mr. Clyde Westley, Mr. Darrell Nielsen, Mr. Jack Molgard.

WESTLEY: Tonight, I would like to discuss the twenty conditions which have been deliberated for over a year now. I have a general concern with the fact that these conditions have somewhat of a general concensus, not only of this Commission, but of many people. There is an inequality with other conditions set on previous gravel pits, in the fact that previous gravel pits were allowed to be approved and operate with fewer conditions. The concensus of that inequality has only been of benefit to the developer. Because the only changes that have been made to the conditions have been to weaken them, in my opinion. Now just because no other gravel pit has been required to meet such stringent conditions doesn't mean that these conditions are adequate. To the attitude, that "we have always done it this way" cannot apply. As time goes on, we should learn from our mistakes. In my opinion, the conditions on previous gravel pits and the way they have been allowed to be left without reclamation has been mistakes. We should learn from these mistakes. We shouldn't use these as justification, "well, this is the way we have been doing it, so it's fine now." The fact that there are fairly stringent conditons is a sign of progress, but it doesn't mean we have met what we really need to do. It doesn't mean that they are totally adequate.

I think this Commission should be concerned with protecting Box Elder County and the residents of the County and not so concerned with how stringent the conditions are. I think if this County took just one existing gravel pit that's been left in the past unreclaimed, basically a blemish on the mountain and actually restored it within the confinements and the directions of our Master Plan which basically states"restored to a satisfactory aesthetic condition", that once you ran into the problems and expense of doing that, these conditions would merely be a primary requirement before you allowed any more gravel pits because the County cannot afford to do that. If this gravel pit, for some reason, doesn't go all the way through, and it is left, I would hope the County will stand by the Master Plan and step in and reclaim it, restore it to a satisfactory aesthetic condition.

Now I am not a lawyer, nor am I an engineer, and maybe that's why this Commission has ignored my presentations and concerns in the past. Last month, in relationship to Condition No. 4, and the retention basin, I brought up my concern with that particular item. I didn't feel -- I felt there was a safety problem in the fact that there was going to be a possibility of a ten foot deep basin of water up there on the hillside. But just a few minutes after my presentation and showing of my concern, this Commission approved this condition without any further discussion on safety concerns. I hesitate to use the term "expert" because I know of the response that often brings to this Commission. Usually "whose expert?" is the question. There has been a lot of sarcasm and some humor about the word "expert", and a lot of times a little humor is required just to break the stress on some of these conditions. But in all seriousness, Willard City's experts and Mr. Nielsen's experts both provide valuable information for this Commission to consider. I think that those are the things that need to be looked at and studied. It is information for you to use. In the case when they disagree, which has been the case in the past, and is quite often such, I think it's viable to bring in outside experts for additional information or maybe a more unbiased viewpoint.

Mr. Brown was brought in on the flooding for such a reason. One thing that he made clear in his presentation to this Commission-- it wasn't a regularly scheduled meeting, it was a special meeting for the purpose of listening to him. He made something clear about the proposed pond that I was talking about, and I'll quote what he said: "I think it is imperative that you have a low level outlet because it's not wise to have a pond up there for a number of reasons." And that's in the Minutes of December 29.

In the next Planning Meeting, the retention pond was accepted without that safety factor. The low level outlet was discussed. Mr. Kimber asked about it, and the only reassurance was by Mr. Wangsgard who represented Mr. Nielsen that night that it wouldn't be required. Having a low level outlet makes sense to me because nobody

knows what the perculation rate is up there on the mountain, and nobody knows the location of bedrock. That hasn't been one of the requirements. I recall the Fife pit east of Willard had their plans to drain water runoff to the north. But they hit bedorck and could not fulfill that promise. So Mr. Wangsgard's estimation of three to four days to perculate down ten foot of water is no more unrealistic or unfeasible than my estimation, that it might have to evaporate out of there.

That was one safety factor, among others, that I don't feel has adequately been covered by these twenty conditions. Tonight, we are here to discuss reclamation. In this issue, another expert was consulted, a Mr. Steve Monson from U. S. Forestry Labs in Provo. It was determined that the hydroseeding plan was inadequate and that a more detailed plan was required. Denton mentioned that a plan might consist of showing types of brush and how close they are going to be planted together and where they are going to be located on the reclamation, and I agree with that. I think a very detailed plan is in order. I am not an expert in that area, but it doesn't take an expert to read the fact in this plan that has been prepared. There's a lot of excellent suggestions, I don't deny that a bit. But there is no commitment to back up the suggestions.

Realizing that I am not an expert, I contacted a person up at Utah State University and others that were more familiar with that issue through some of their comments. Some of the concerns they raised were types of forbs suggested and discussed in length such as alfalfa, sanfoine, and flax are unlikely to do well during a normal water year. Even a six inch layer of topsoil over the gravel base would probably not support some of the plants mentioned. You can compare the west side of the Wellsville Range to the east side of the Wellsville Range, and it is pretty obvious that the heat and so forth takes its toll on that mountain. There's not too many plants that are going to survive that afternoon sun reflecting off those rocks. Currently, Gamble Oak and Juniper trees are in the area. They provide not only food for the wildlife, but necessary cover for their existence. It might be feasible to replant these, and it may require fencing off the area for a few years to get them re-established before they are allowed to be used. Otherwise the wildlife would move back in and nip them in the bud. The success rate of establishing shrubs such as sagebrush and bitterbrush from seeds was also one of the concerns mentioned. It has taken thousands of years to have what's there now, and reclaiming it would be a long and a delicate task. In the reclamation plan, the planting of seedlings is mentioned, but it's later disclaimed. It states in there: "however, I see no need for additional planting", and then it refers back to an area where "if fertilizing and seeding are done properly." Another comment that concerns me in the reclamation plan --

THORNE: Mr. Westley, I don't mean to interrupt, but are you talking about -- which reclamation plan? There has been another one submitted.

WESTLEY: The new reclamation plan. I hope that's been understood by the Commission. Another comment that I was concerned about in the new reclamation plan, when it is referring to the top-soil, to reclaim the site, it states: "don't wait to find out you didn't have enough", referring to topsoil, "otherwise the cost of revegetation will be prohibitive". Now I know that a bond is required for the very fact that money or some sort of financing is required for the very fact, that if the reclamation plan is defaulted on; and if nothing is done, that the money should cover to go in and reclaim the land, hopefully, to a satisfactorily aesthetic condition. Now the statement here says, "Don't wait to find out if you don't have enough, otherwise the cost of revegetation will be prohibitive". Would that be the same to say that the cost for the retainer of a bond would also be prohibitive? It's also stated in the plan "there is, however, a good opportunity here to use other plant species which are not grown from seed to improve the aesthetic and wildlife habitat". Now I don't know of any businessman who is going to take a good opportunity to increase his cost of doing business. It's that very wildlife habitat and the aesthetics of the mountains that are two major concerns in the reclamation. Yet the only commitment here is, there is a good opportunity to do something about that. I think that is very vague, and I wouldn't expect anything to come out of it. I think we should be very specific in that, if that's their intention. My contention here tonight is, and I'm sticking my neck out a little bit, but I think I am fairly safe, or may I ask, Mr. Kimber, has this Commission contacted Mr. Steve Monson? In regard to this Plan?

KIMBER: No, I have not. We have Mr. Nielsen and his expert on the reclamation project here tonight, and it will be presented.

WESTLEY: I understand that. OK, so this Commission has not consulted your expert, Mr. Monson, for comment or suggestion. I would think that that would be a minimum. I know that Mr. Nielsen, the gentleman he has, Mr. Richardson, is probably very well qualified. I don't argue that one bit, but I also want to point out the fact this this gentlemen is on Mr. Nielsen's payroll.

KIMBER: May I ask you a question? How can Mr. Nielsen employ someone to develop a reclamation plan without putting him on the payroll?

WESTLEY: I don't expect him to do that. But what I am saying is, this Commission is going to look at this presentation tonight and approve the condition for reclamation upon that presentation. I think you should be cautioned that it may be a little bit biased, and that you should have reconsulted the expert that you picked to begin with to have him at least look at this plan and make some

suggestion for the protection of this Commission, for the protection of the County, and for the protection of the citizens.

KIMBER: Unless my memory is bad, I don't know that this Commission selected an expert. They have made a requirement of Mr. Nielsen, and we will review that project when it is presented. I think you are making some assumptions that are not totally correct.

WESTLEY: Well, let me state my assumption, and then you can tell me if I'm wrong. This Commission didn't feel adequately prepared or have enough expertise among them to make a decision if the hydroseeding plan was adequate or not and what may or may not be required. So they consulted an outside source for additional information to help them make that decision.

KIMBER: Individually, we may have contacted a number of different people, that is correct.

WESTLEY: At one of the Planning Commission meetings, I think it was the 19th, wasn't Steve Monson used as your source of information?

KIMBER: Would you respond to that, Denny?

BEECHER: I was asked to contact someone from the Extension Office, to have some recommendations as to who could review this plan. Upon checking with Utah State University, Mr. Monson's name was given to us to review that plan. He has not been secured as a County source, as a witness or an expert. He reviewed that plan, and we have not had this plan presented to us in a formal manner other than the written. Mr. Richardson is here tonight to present that plan to us and to answer questions that they might have. What they do from that point, would be up to them.

KIMBER: I think there were members of this Commission who had serious concerns about the original plan before contacting anyone.

WESTLEY: I think that's very appropriate. I think the Commission made the right decision in doing that when they have a question. Even though Mr. Nielsen has met the requirements of condition No. 12, which are the four letters that have come up for discussion at some time or another, I"m not sure that this Commission has met their obligation under the Master Plan where it states, and I quote from the Master Plan, "the broadest possible cooperation should be fostered with the State Parks and Recreation Commission, the National Forest Service, the Bureau of Land Management, and other agencies interested in recreational facilities and services". The broadest possible cooperation, I would think, should include an open and frequent line of communication. The letters that were received were all concerned with reclamation and, have you contacted the Division of Wildlife Resources? Given them a copy of this plan to review, and maybe get some viable response from them? Is it adequate? They might have some suggestions that can actually help. They are possibly the ones with the most concern about the reclamation, especially in the relationship with the wildlife habitat. The Cache-

Wasatch National Forest, they are going to be a very close neighbor to this plan, and both of these agencies has the expertise to give comment and make recommendations that can help this Planning Commission make a better decision to protect the County, and to protect the residents. The USDA Soil Conservation Service, in their letter, their bottom line response was "they have not received enough information regarding how the problems and their concerns were going to be addressed. Reclamation was one of their concerns. I think that this Commission should take the time to give the Soil Conservation Service a chance to review this reclamation plan. I am sure they have criteria of their own that they need to set standards to. I think they could help.

The Flood District was also another organization that has shown some interest in the reclamation plan, and that was noted in the Minutes of 15 December. All of the organizations I have mentioned, I am sure, have a definite interest in how that area is reclaimed. I think in all fairness to those organizations and to help this Commission make a better decision and help protect the County and its residents, that each one of these organizations should be given a chance to make come comment. As important an issue as it is, and considering the time and workloads of the various organizations, I think allowing ample time for their response is very appropriate. That's all I have.

KIMBER: We appreciate your comments, Mr. Westley. Mr. Nielsen, would you and your guest make your presentation.

NIELSEN: I would like to introduce Mr. Bland Richardson. He was recommended by Mr. Steve Monson. He told me if I could get Mr. Richardson to draw up a plan that he thought that Mr. Richardson could do a very, very good satisfactory job. So he was highly recommended. Mr. Richardson's got some slides here, and should we show those first, or do you want to explain anything on how you come up with that stuff?

KIMBER: Is it necessary for your presentation to show the slides first, or would you like to review the plan, and then show the slides? Whichever would be best for your presentation, Mr. Richardson?

RICHARDSON: I'm here to answer questions and make a presentation if you like. In my opinion, it would probably be better -- it will be twenty minutes or so; it wasn't set up for this particular meeting. I teach courses in reclamation for the Forest Service, the BLM, and the Park Service. So I have just selected some for a presentation I gave at the Rotary Club; and rather than try to figure out exactly what the people here wanted, I'll be showing real problems and how to deal with them. Some can be interpreted as this type of reclamation. So all these slides are for is to give people an idea of some of the problems that exist and how we deal with them.

KIMBER: Gentlemen, what's your pleasure on this?

KIMBER: Why don't you just proceed with your presentation, and then we will discuss the particular project with you.

RICHARDSON: Let me preface what I have to say here. I didn't know I was going to have such a distinguished group to talk to. I just thought I was going to talk to these City and County people.

I am a retired Forest Service, and my primary job since 1964 has been to do research on surface mining problems, find solutions to these problems, make recommendations to Federal, State, and private industry in accomplishing their reclamation. So these particular slides were just kind of put together quickly for a Rotary Club session, and I didn't know what to put together quickly for here, so I just thought I would go through some of them very fast. Here is a book. When I was on the Environmental Subcommittee, the Academy of Sciences, gravel excavation was one of the studies that we dealt with. I don't know if this is of any interest to you, but I usually start this off by saying that erosion, and the gentleman before me talked a lost about aesthetics. I'll have to admit to you, in the beginning, aesthetics is not my first priority. Water and wind erosion is my first concern, so here I just usually say that erosion is neither new nor intrinsically bad, but to these situations, man has been added. And man literally moves mountains.

Here the whole top of this mountain is going to be taken off. This is in Idaho. This is a problem that I worked on over a number of years and am still doing some consultant work on for the U. S. Forest Service. Here is another problem, you will see especially the one on the right since we are going to be talking about steep slopes. This is where the over burden and so forth is removed and you can see dumps all over, but especially the one on the right there, you can see the angle of repose is quite steep. It is about one foot horizontal to two foot vertical. Here is a result of coal mining activity in some very critical areas in the west. Here is another dump I am working on in Idaho, the slope on this is fifteen hundred feet long. You can see that the fines are staying on top, the heavy material is coming to the bottom. This permits enough drainage for the water to pass through in what they call a French drain. Here is a result of early mining activities that were just left and abandoned that we have to deal with and do the reclamation work on. Here is a result of previous mining that I have done reclamation work on. Here is a result of acid production from some of the older mines that destroys stream channels and so forth which I have done work on. Toxic materials coming out of old portals.

Here is where one of the petroleum, well, this is the petroleum industry. The Wasatch Forest required that they seal their pond, and then when they weren't looking, they let down some of the sides so that they could get rid of some of the material which goes into the watersheds. Here an abandoned mine that drains toxic material into municipal watersheds. That's in the Greater Yellowstone Ecosystem.

Here is a result of a problem I had of putting dump material into a drainage where you had mass failure. Here is a problem associated with bare tailing ponds. This particular one I used as an example of an ecological example that was at Mt. St. Helens prior to eruption. Those are trees, not matchsticks. It all took place after which we're dealing with the reclamation. Usually I go through a little story here, and I'm not going through it now, but this has to do with the schematic of succession where we are dealing with the ecology of an area, and in the upper right hand corner, you see where the mining actually took place, but it could be a disaster like Mt. St. Helens. It passes naturally through certain stages before it gets down to the bottom on the right hand side. This may take anywhere from five hundred to two thousand years. Of course, our job is to speed this up, and we do this through our research and application, but the point is, if we have a failure, we could revert back to the beginning. I won't go through that whole story, except to make you aware of it.

Now you saw a dump earlier in the picture where I have said the slope was approximately one to two or three. Here is the same slope in the foreground that has been graded out to one to three and reclaimed. But this reclamation wasn't satisfactory. We will talk about that in a minute. Well, here it is here. I made the recommendations to the Caribu National Forest for this particular mine, but the mining people felt like it would cost too much, so they hired a farmer with a grain drill. This was the results. And of course, this wasn't satisfactory to me. So after taking the recommendations, they produced this type of vegetation, ground cover the next year for half the price.

Now you see the dump in the background, we will deal with that in a minute. But even with that problem satisfied, you can see the dark slope on the right hand side which would be similar to the aspect that Mr. Nielsen would be working with and that runs from one and a half to one, to three to one. One and a half on the far side of the black area to approximately three to one on the left hand side, and they have made a number of attempts to reclaim this. I used a helicopter with a tar satellite radiometer to measure surface temperatures, infrared scanner with a Forest Service plane, took ground truth measurements for soil temperatures, and look at what we found. On the left hand side where you see the light soil and the dark soil that was in the shaded area where they had vegetation, the surface temperature never got above 100 degrees fahrenheit. Over on the right side where you had a light soil, the temperature didn't exceed 120. But then where you had a dark soil on this exposed slope, the temperature exceeded 174 degrees fahrenheit which meant this cooked the protoplasm in all of the young plants that they would plant and try to come up. So by modifying the soil surface, we proceeded to establish the vegetation.

Here, this was a result of some of my research. Here is a slope being graded out. Here is a slope which is approximately two to one at this particular angle. Here the vegetation has started to come up, the first vegetation that has ever been on that slope, and here it was two years later. Now there is alfalfa in there, but the little pink flower you see in there is sanfoine. Now to give you an idea of some of the steps that we go through in the reclamation process, we required here that some company had to cut all of their dump slopes from the angle of repose to not steeper than two to one, preferably three to one. Here they are cutting them down. Now this is where in the little recommendation I made reference to, that if these dumps aren't placed on these angles to begin with, the cost is prohibitive to come back and cut them down. You can see this being cut down.

Now here is ripping. A lot of people feel like, "oh, gee, you know these big rocks, you can't plant anything." But rocks come up here two and three feet in diameter. This is wherever the soil is compact or wherever it is dumped on the angle of repose and packed, it has to be graded out. Here it is being fertilized, here planted. Notice up and down the slope. And here is what a seed bed looks like. This is right after snow melt early in the spring when the first plants are coming up. This is what they look like coming up. I won't take the time to go through it, but the little furrows and rows are in this direction so that the sun can't shine directly on any of these plants at any one time, plus the fact it increases the surface area by approximately three times which keeps it much cooler. Here it was by the end of the first year. Now the marks that you see up on the right hand side, the upper right hand side of the screen was where the dozer was sliding down the slope as it was pulling the seeder. And the sheep came, and they completely eliminated the vegetation on the slope, except it was prepared in such a way that it came right back, and this is primarily done at this stage to prevent the movement of the soil and keep the surface cool. Now this is two years later. Three years later. Five years later. You will notice that some of the shrubs and forbs that are planted within this dense grass span are starting to come through. Now the Forest is real happy with it at this time, so they said "let's manage it", and they did. Now you could get some laughs out of that. I see you people are pretty serious. They did put the sheep on it to manage it, but you see how it came back the next year, so now they bring them in every other year. Now this is this year, and you will see there is a mixture of different wheat grasses and some of the legumes in that stand.

Now here is another area that I was involved with. The material that came out of this particular pit was at first right up on the side of this mountain which is primarily a lodgepole pine stand. At this particular picture, this dump was nineteen years old, and there wasn't any sign of any type of vegetation or living organic matter, living organisms. Here you will see the checkerboard effect of my

particular research plots. You will see that some are healthier than others, but the healthiest plot is not necessarily the best one. But after these treatments, here it is in natural color. After these treatments, I have selected the best treatment to use later on. Here is some of the problems where the snow is lifting the acid material up from the pyrite minerals on the surface. Here the dust that carries pyritic materials and sulfide mineral deposits in the snow. When it melts in the spring, the Ph goes down to about 2.8. Battery acid is about 2.3 to 2.4. Now, of course it doesn't have the same exchange comparison.

Here is a site I have selected after the research was done as a demonstration area for the industry which was a mining company. The material was analyzed. It was what we call oxydized to see how much calcium carbon it would take to neutralize it which turned out to be two hundred tons of calcium carbonate per acre per slice of soil. But it wasn't going to need that much so we calculated about how much which turned out to be fifteen tons to the acre. Now here it is being loaded into the spreaders. Here it is being spread on the dumps. Here it is being ripped into the dumps, and it so happened that the best treatment in this particular area was topsoiling, so here it is being topsoiled, a view from the distance. Here it is being planted. Here the steep slopes are treated with calcium hydroxide and calcium carbonate from a hydromulcher. That's the first vegetation that has ever been there in some, by this time, twenty-two years. That was in the spring, and this was the next year.

Now this is grasses in a lodgepole pine. Now one of the first questions, why do you put grass in a lodgepole pine? Now the grasses came before the conifers, and that's why we use them to rebuild the soil which is necessary. Now here are the plots that you saw that were so pretty in the beginning. Their grasses are going out, but what's coming in their place? Natural vegetation, lodgepole pine, Douglas Fir, some spruce, all coming in naturally. We didn't know that was going to happen, but that's what we had planned on and was hoping would happen.

Now here is an area that was treated but had no research or anything else done on it except a little topsoil spread on it. Notice how the natural vegetation is coming in. Now I don't have it in here, but the area which wasn't treated has absolutely no vegetation. Now Steve Monson mentioned earlier, Steve has cooperated in this particular part of the study that you see here, where he wanted to plant trees just in case the natural vegetation didn't come in, but he was concerned it wouldn't grow in this dense stand of grass. The picture you just saw was 1975, this was 1980, and this was this past year. But you will notice in the foreground the grasses that you saw so pretty and green before are gradually going out, but you will see shrubs and forbs coming in. Now in the distance you will see the dark material that was never

treated, there is still nothing there. And of course, never will be. Now all of this contamination was going into a stream and destroying a stream channel. Here is what would come out of the stream channel in the spring and go into Panther Creek which is a tributary of the Salmon River and eliminated all inanimatus fisheries and most of the domestic fish. Here is a stream from a distance, here it is up close. So the Forest Service, this is the Salmon National Forest, they agreed to clean out the channel if I would rehab the channel. Here they are cleaning the material out of the channel, putting it up on the sides. Here it has been rerocked, energy dissipaters put in, this is my particular work, rehabing this channel side. That's to show I was there, I guess. Here we are treating it with calcium carbonate after it has already been treated with calcium hydroxide, there are a lot of reasons for that. But notice the color of the water. Here it is completed. Here is the first year's vegetation, and you will notice the water is getting a little bit clearer. Here it is this past year. Now, I am really not trying to prove anything to you people, I put this in for the Rotary Club, but they say that the proof of the pudding is in the eating. So in this stream now they are catching cutthroat trout. Now this is in the greater Yellowstone Ecosystem, not in the Park, but outside of the Park. It's actually in the Tetons.

This is to show when an oil company comes in and drills a site, we require, if they don't strike oil, that the road be taken up and rehabilitated. Also at the drill site, here's what it looks like, taking up a road. You can see how steep that is. It was a better job of engineering than it was of reclamation, although it has been replanted and it is doing quite well now. Here is the drill site which was four acres. Here it is when it has been reshaped to the original contours. Here is a ranger looking it over. Her is when I was putting my first instruments in after the - - . Now here it is six years later. You can see that the natural vegetation is moving in from right to left into these dense grass fans and this is what we expect.

Now this is in here, this is one of the last publications I put out dealing with plant community developed over petroleum sites in the Greater Yellowstone. I will show you this one real quick. This is a very sensitive area in the Shoshone National Forest, fourteen miles from Yellowstone Park. They wouldn't permit roads into the area so they had to do all the drilling by helicopter. Here they are doing the actual drilling, now their mud pit, they have a tank that they pump the mud out into the tank. A helicopter comes along and carries the mud back down to the bottom of the mountain. There's a little story in this. I won't go into that. Here we are sampling the vegetation in order to make the recommendations for rehabilitating this site. And since it is a very sensitive site in the Yellowstone Ecosystem, then some of the plants we dug up and took back to the laboratory, split them out from 900 to 3,000 and took them back and replanted them. Here is the equipment going back in. We used ATVs to do it because everything had to go in by helicopter. Here it is. It has been planted and rolled, and that's the result. Now it's not that I want to show you a lot of flowers.

You will notice that there is rabbit brush in there. There's sage brush, a number of different kinds of sage brush. The flowering plants that you see are flax and Western Yarrow, which are both native to the area, there are just more of them. Now, that's really all I have that's dealing with the reclamation part. If you want to ask me any questions at any appropriate time, I don't know, that's up to you. I'll be happy to.

QUESTION: One question, do you represent the U. S. Forest Service?

RICHARDSON: No. I'm retired from the Forest Service. Mr. Nielsen called me late one night and said that he had been to the Forest Service, and they suggested that he contact me, and so I did this plan for Mr. Nielsen after I went down and sampled the soil, observed the area.

COMMENT: Your whole film was of pine trees, practically every film. Did you notice a lot of pine trees in Willard?

RICHARDSON: Well, there was more than woody pine trees on the area that I showed you, the various treatment forms -- That is strictly the kind of vegetation that you have here, sage brush, rabbit brush. There is no oak. It is too dry for oak.

WILLARD RESIDENT: Well, I've lived in Willard all my life and I've never seen any grass as beautiful on the mountainside like in your film.

RICHARDSON: As this? Well, it's like I told Mr. Nielsen, I said, well, I'll go along with it provided you follow the instructions. Like I say, my job is to make recommendations to the industry, to the Federal government, to the State, teach courses in reclamation. I'll be teaching another one in March to the Park Service, the BLM, and for the Forest Service, and I do this every year.

KIMBER: Mr. Richardson, would you come up here and join us. Jeff, would you and Mr. Nielsen also come up here. Why don't you, at this point, Mr. Richardson, just quickly review with us this particular project. I think the one gentleman makes a good point, that there are not that kind of grasses on that area. To reclaim it to the particular condition it is now would not be the same as you are looking at in the Yellowstone Ecosystem. But -- Would you review this for us, please.

RICHARDSON: Now, I don't have the species list here. The species lists are the same; most of them are the same ones used by Steve Monson. From an ecological point of view, when you disturb an area, it's not the same as it was prior to disturbance. It's not even the same as it was a hundred years ago. That's not necessarily bad, but if you change the soil color, you increase the temperature. If it's darker, it gets hotter. The lighter the material, the cooler it is, because it reflects much of the radiation. Now, the plants that I selected to go up there are primarily plants to establish root systems into a newly disturbed area, many of which won't survive over one or

two, or maybe three years. But this is intentional because they grow down into the profile some three or four feet, and the alfalfa is down as deep as thirty feet. Sanfoine -- twenty, twenty-four feet. They anchor the soil in place, and they go through a building process whereby you are putting nitrogen into the soil. The organic matter on these particular materials were very carefully looked at. We sampled them, took them to Utah State, had them run in the lab. I examined them all, and these plants were selected on the basis of the organic matter, anchoring the soil in place, insuring that no erosion took place. As much vegetation as possible, 90 to 100 percent, at least by two years, present in the first year. Now that's a lot of vegetation, and you can't establish that type of vegetation with some of the native grasses there. But there's a number of these grasses that are native to that particular area. But that particular area is not fertilized. It's not recently formed, so to speak, and the purpose of treating this with fertilizer and so forth is to rebuild the soils that the native plants can come back in and at no time will the area be bare. The disaster comes from the area being bare. Now it may not erode that much, but if the material settles, the ---

END OF SIDE ONE, TAPE ONE,
BEGINNING OF SIDE TWO, TAPE ONE

--- called an erosion pavement, the wind just blows the seed off. It's just exactly like you would plant a garden in many respects. If you don't get the seed in the ground, if you don't cover them with some soil, and if you don't pack them into the seed bed, they won't survive when they come up; so all of this has been considered in this plan. Now the gentleman made reference to a couple of things, I don't remember what they were, they were taken out of context. One was, and I tried to make that point in the slides, that unless the reclamation process takes place as the gravel operation takes place, then you have to come back and redo with equipment, and so forth, and that's what I had in mind, and Mr. Nielsen understands that, that all this takes place at the same time, as it moves. Now that doesn't mean on a daily basis, it may be on a six month basis. But all plantings will be called plantings,and that's because you couldn't plant satisfactory in the spring, because by the time the area was dry enough to plant, then there wouldn't be enough moisture to get the plants up, so they would just die. And it won't hurt many of these plants, and some have been considered on that basis that if they come up prior to winter, like you have a late winter, and they come up prior to winter, they will survive all the way through.

But the primary object to this is not aesthetics. Now to some, aesthetics is a difficult word to define. What looks good to me may not look good to somebody else. They may think that rabbit brush is the most beautiful thing in the world. I primarily start with something to get the rabbit brush, the bitter brush, for the deer and so

forth, back in. If the oak are planted with this type of vegetation, they wouldn't survive. The competition would be too great for them. That's the reason I suggested, and it could be required, that after the vegetation is established, then you come back and you spray a three foot area to kill the vegetation, then you plant an oak, or a Utah Juniper or some of these other plants that are native to the area to gradually bring this back to the original appearance. Many of these plants do exist there.

Now if you will look at Steve Monson's, and I don't know where it is, I saw it -- he recommended Louis Flax. He recommended alfalfa. He didn't recommend sanfoine. But the deer love sanfoine. It's great for the deer. It's good for the rodents, for the small animals that are going to come in and start creating this so-called niche that's going to bring in seed from the outside, bury them in this dense, cover it up, and are going to come these other plants. This is based pretty well on my knowledge over the past twenty-four years of doing research and its application on a fairly large scale of reclamation.

So when Mr. Nielsen asked me if I would do this, I said, "well, I can't do anything until I get soil samples. The ground's frozen, but I have an impact sampler that, if you will get a generator, I will come down and we'll sample it before we could do anything. So he furnished a generator and a pcikup, and I went down, and we dug soil samples, and I think there was 15, 16, 17, they're in here. Then I went over to a gravel pit and sampled 50 to 75 feet deep, because it's an alluevial fan, which means in some respect, the material is loose, the roots would penetrate it quite rapidly. But on the other hand, so would it slough and move quite easily. So I went over and sampled that, because I wanted to know what was going to take place fifty or seventy-five feet down in terms of this alleuvial fan, because its coming off of the mountains, and some of the best soil comes with it. Now the organic matter wasn't that good, but it still had a fair amount of organic matter, fifty to seventy-five feet deep in this alleuvial fan. So I thought that was a good sign, so I think the potential for rehabilitation is very good, but I think it should be done, you know, as the process, as the mining activity takes place, some few hundred feet behind him. Of course, I have discussed some of this with him about how much area would be buried at any one time. I put some plants in here that grow very fast, especially the crested wheat, which I don't like crested wheat. Cattle don't like crested wheat, especially after it has matured, but that's good, in this case. But it is tremendous in holding soil together, and it will grow without hardly any moisture at all. I set that up for these different areas, anywhere the soil was disturbed for roads and berms and things like this, was to get it in crested wheat, plus Pubescent. You saw some Pubescent on that hot slope, I told you about 174 degrees. That was Pubsecent, so was sanfoine. Louis Flax on the berms creates a little color, aesthetics. Its' not that good

of a soil binder. But there is some flax up there on that slope. That's one of the ones that Steve -- now Steve and I have worked together some twenty years. In fact one of the instruction papers that I furnished to Mr. Nielsen for kind of to follow was a paper I wrote for the Society of Mining Engineers. You will notice that Steve participated in the plants that were selected for those. I have really no objection to Steve or Ben Albrickson who is a reclamation man for Region Four. However, I have already conctacted them because they are excellent sources. But they usually contact me for this information. I work for nothing for the Forest Service because I can't take pay from the Forest Service, and I agreed to do this, and he is aware of this only on the basis that he would follow the recommendations.

KIMBER: That's kind of like our pay on this Commission. In your professional opinion, if this plan is followed as you have outlined it, you have been on the site out there, you have seen the vegetation that is there now; would this be better or worse wildlife habitat following the reclamation?

RICHARDSON: Well, it would probably be better from the standpoint of food, but we have to be careful about that, because if they start eating it up, we are going to have problems. Sanfoine would probably be the most attractive thing, but it adds a lot in nitrogen to the area. So far as trees are concerned, it would be worse for the simple reason that deer like cover as they move down the slopes. They are in the town of Logan. They are coming to town, and they don't seem to be worried. So these winter ranges, they do not need to graze those slopes in the spring and in the summer, to browse them, the deer. I don't know there may be elk in the area. But certainly in the winter the snow, for the most part, would be covering most of this vegetation. I am a little concerned about the sanfoine, but I think it is certainly worth what it can contribute to those slopes in soil rebuilding. Some of the grasses won't last over two or three years. One of the pictures you saw of a dump, in the ripping marks, the vegetation, the above ground biomass by the third year was 4,000 pounds of biomass per acre. The underground biomass was five times that, meaning that we are looking at up to 20,000 pounds per acre of root, not living necessarily, but root that has been penetrating this profile, tying the soil together, using up the fertilizer, storing the fertilizer because now it's dead and decaying, and all of these things act to bring back this native vegetation.

KIMBER: I have been one of the Commission who has raised the concern, the issue on this, probably more than anyone else. In your opinion, is this a viable reclamation plan?

RICHARDSON: Yes. I wouldn't know how to improve it. Now, I have told him, and I gave him a paper to go with it, that some of the things, there are techniques he might not understand,

and I would be happy to make myself available to him, to you, or to the City of Willard. I am about as neutral as -- Well, I wouldn't make it if I didn't think it would succeed, because I would be embarrassed by it.

KIMBER: Gentlemen, do you have any questions?

VALENTINE: Mr. Chairman, I would like to ask a question. The restrictions, or the twenty conditions that were placed upon the issuance of this permit, they have been established, and I think this body becomes the body with which complaints or noncompliance would be offered to, is that correct, Denny?

BEECHER: Yes.

VALENTINE: So that his body could at their inspection, which would include the reclamation of the property, if the plan or any of the other conditions were not being met, could revoke the permit?

BEECHER: Yes.

KIMBER: Are there other questions of Mr. Richardson:

BREITENBEKER: I think it's been very enlightening. I enjoyed seeing what they started with and what they wound up with. I think, from my standpoint, we always talk about expert, but I certainly feel like it's been impressive, what Mr. Richardson has shown us. I feel he certainly looks to be qualified, I guess, is what I would like to say to address this issue that we are concerned with because none of us are qualified to address it. I appreciate his coming and talking to us.

KIMBER: We really appreciate your time. An excellent presentation.

RICHARDSON: Will you need me any more? I'm perfectly happy to stay if -- In fact, I'll stay for questions if you like.

QUESTION: There are several gravel pits in the East Bench of Willard, now. Has this Committee gone down there and looked at the good reclamation job that's been done on those pits? I would like to see one good reclmation job done by whosever responsible before we dig another pit. You looked at the pits, did you see the reclamation job served?

RICHARDSON: Well, I disagree with more people than I agree with. But I am more disciplined than most of you people are. I cannot have anything -- I have had a lot of problems with the Forest Service because I will condemn some of what they accepted. So I am more critical than most of you people, but I can't say, and it's not my job to say you cannot use a mineral just because I don't want you to use it. Now I can say you can't use it if we can't recover it, and that's been my work for some twenty something years to do research to find solutions to problems so they can mine it. Now if I go over to a gravel pit that's already been dug, shall I answer this? Are you pressed for time?

KIMBER: We're pressed for time, but I think your direction is well taken.

RICHARDSON: If I go over to a gravel pit like you are talking about, and it has to be backfilled in order to do the reclamation and then the whole thing slips out in the spring, then that's a problem that should have been dealt with before the mining took place. It's too late, I don't mean it's too late in what you are talking about, I am not familiar with them. But it's too late to do things after you have done the mining. That's where the prohibitive costs come in. That's the reason I talked to him about doing this in the process so I can't be responsible for what somebody else did. But I will certainly be responsible for the recommendations that I have made in what I have done.

KIMBER: Thank you Mr. Richardson. We appreciate that. Sir, if you would like to visit with Mr. Richardson out in the foyer --

RICHARDSON: I'll stay.

THORNE: Mr. Chairman, there's two other items which were raised in a letter from Mr. Bunderson, and I would like to briefly address, if I may. The question was raised about the insurance policy, the five thousand medical pay, whether that was adequate. Do any of you have questions about that? Could I address that? Or do you want to stay with reclamation?

KIMBER: Go ahead and address that. We are addressing all of these unfinished issues, and that was one of them.

THORNE: I am not sure, but I believe his comments were made before the last insurance binder was there which showed the County as the named insured. Secondly, I think the requirement was that there be a million dollars liability insurance, and that is clearly stated. The five thousand medical pay is a bonus, what that means is irrespective of liability, somebody gets injured up there, they trip, they fall, they hurt themselves by their own clumbsiness, that amount of money is there to assist them, very similar to what we would have in a home owner's policy. I really don't think the medical pay is an understood term. I think, in his comments.

QUESTION: Who is that remuneration going to?

KIMBER: I understand that. Appreciate that. Mr. Beecher, would you review with the Commission the engeineering estimates?

BEECHER: He has listed that in order to just upgrade his access road, to get it prepared for the gravel base, that it would take him about a days work or so, a day and a half, cost about $525.00. Now the reason there is no other items relative to that road in the estimate, is that if he doesn't do it, if he doesn't get it prepared; he doesn't operate. So it is something that he has to do. If it isn't built, he isn't operating, we don't want to have to go in and build it, because we don't want the gravel pit to operate. So we haven't put an estimate in there for the rest of the construction of the road with the exception of the sand runaway pits which are a safety factor if he builds the road, they have to go in.

The modifying of the debris basin, the existing debris basin, he has got a figure of seven thousand into that, and Mr. Brown has also agreed that that is adequate to handle that expansion that he needs to do there. Now that would be something that if he doesn't do that, we would have to go in and reclaim that and do it. So we do have a figure in there for that.

The construction of the two sand runaways that he has submitted plans for now, we would estimate the cost of around five thousand dollars for those. I feel those would be adequate.

The dust control in watering the excavated area, that's sprinkling system and so forth that he would have or he would have to sprinkle at nights, so the soil would be moist when he goes into operation. That's a per year cost. That could be flexible one way or the other, depending on how much he has to do.

Furnish and install a thirty-inch corrugated metal pipe under the haul road at twelve hundred dollars would be adequate to place that in.

Finish grading and seeding the excavated slopes as per Mr. Richardson's plan which he has estimated would cost between five hundred and seven hundred and fifty dollars an acre for the surface area, to reshape, to redo it, and if he does it as per his plans, in other words, he proceeds as he comes down in the fall of each year. He reseeds that which he has put in, he will be able to do it at this cost. And that's the thing we would have to insure is that he does it in this manner in order to be congruent with this figure.

BREITENBEKER: Excuse me, Denny, this is basically a three thousand dollar per year cost, then, we are talking about?

BEECHER: Yes, if he exposes four acres. So each year as he goes into another phase, we would have to renegotiate, so this would be basically his first phase, based on what their plan is to open up.

KIMBER: And you say that is congruent with Mr. Richardson's plan?

BEECHER: Yes, that's based upon his estimate. So their total escrow figure would be $17,225.00 that he would need to post to cover those improvements, and I feel that they are adequate to suffice the needs for which we would have to guarantee to insure the plan as submitted. And then each phase, or each year, we would have the option of relooking at it, re-examining it to see if it is in line and reopening it if we have to.

VALENTINE: Excuse me, Denny, are you stating that at any one time the exposure of the County to go in and complete clean up, reclaim, what have you, will not exceed $17,500.00?

BEECHER: Well, there are several things that will be done, like the debris basin, that's a one-time shot. And that has to be done right at the beginning of his project before he gets into

anything else. That's the first thing he has to do. Once that's there, we don't have that cost again. Once it's constructed, approved, and everything's satisfied. The only ongoing thing that we would have would be the sprinkling system and the reclamation. The culvert, once it's installed, it's in and in place, there isn't an ongoing cost on that. Once he gets all these preliminaries up to the pit, then it's the reclamation that is the biggie from then on to insure that the reclamation is done. And that we are going to have to look at every year. And we'll have to move that right along with him as he moves into his area when he gets into it. Each year we are going to have to look at it so that it doesn't get ahead of him.

KIMBER: Thank you. Gentlemen, I believe that covers the issues that we had not addressed. Mr. Molgard is on the agenda, and at this point, I would recommend that prior to taking any action on these particular conditions that we refer to Mr. Molgard, and let him address this group.

MOLGARD: Mr. Chairman, I had really concluded tonight that I didn't want to come and address the merits of the issue. I am really fearful that Jon Thompson will -- I'll make Jon Thompson mad if I do that, so I am not going to do it. I really came to ask one specific thing and one specific thing only. It seems reasonable to me, I realize a lot of things that seemed reasonable to me throughout this process didn't to you folks. My request is, and I'm assuming that you are going to vote to approve this permit. My request is that you put a ten day stay on it at least, so that the County Commission, through our appeal process which we intend to take, will have a chance to review it before anything actually happens out there on the ground. It seems to me that wouldn't prevent Mr. Nielsen from making his bid any more than just a straight appeal or anything else. Based on the weather, there is plenty of time to get started out there. It seems to me in addition that if the County Commission, on the appeal, seems it's appropriate, not appropriate to have a stay on this permit, then they can dissolve that or refuse to extend it beyond the ten days. That would be my only request.

KIMBER: Thank you, Jack.

THORNE: May I respond to that briefly? My response to that is, and I think the Planning Commission needs to be very careful that what they do is consistent with your ordinance. I would strongly recommend before you make any such condition that you consult with your attorney to see if that is in fact advisable, and secondly, legal. I think you will find that the case law on these things is such that it wouldn't be prudent for you to issue any stay orders if you decide to make approval until such time as you have got competent legal advice.

MOLGARD: And I would indicate to you that I would agree totally with that. In fact I have talked to the County Attorney

about this specific issue, and I hope that if that is the case that before you issue the permit, you will consult with him about that whether it's appropriate to give the ten day stay.

VALENTINE: It's certainly an opportunity to make the whole process contingent upon the County Attorney's approval. And that can take forever if you wish.

THORNE: Well, no, my concern is not with the approval; my concern is with issuing stay orders. I am not sure this body is appropriate to issue stay orders. There are courts that issue stay orders.

VALENTINE: There is a vehicle with which to accomplish that, Jeff. That's simply part of a motion.

KIMBER: Gentlemen, I believe we have reviewed the items. Is there any further discussion on any of the items that we have discussed this evening? New items that were examined?

VALENTINE: I would like to ask one question, Mr. Chairman, as part of this process, as long as we have been at it, are we confident that each of the twenty issues or conditions have been satisfied and we have taken appropriate action? Regarding review and approval? And specifically, I think there's one that came up today -- the one regarding the adjoining, adjacent property, depending upon the definition that we are going to place in there, has that been satisfied, and is there a Minute entry to that effect, Denny?

BEECHER: There is a Minute entry, that's, I believe, Item 9. We have not commented to any excess on that item, but on January 5, it was approved as an item. There is one property owner that is contiguous to this operation on the north if he ever gets that far to the north end of phase three, that we have not addressed other than in his plan. He shows that he does not touch or go into that party's property, and that he has made statements to the fact that he would not affect their property, and that's about the extent of what we have discussed on that issue. It was approved as an item on January 5. A motion and a second.

VALENTINE: Regarding the other nineteen, then, we are confident that they have all been satisfied.

BEECHER: No, they have not all been satisfied. We have been discussing some of them here tonight, but you haven't acted on them. There's Item 3, it has not been approved, which is the reclamation. Item 4, which is the plan, has not been approved in its totality. You have not moved on it. Item 5 was a conditional approval with the stipulation that the plan shall show the truck escape ramps. Item 8 was the insurance policy. Item 14 was the engineer's estimate and the bond. The others you have approved either on the 5th or the 19th of January.

VALENTINE: I would ask then, Mr. Chairman, if we need to address them individually or collectively, but I think it important that they be addressed.

KIMBER: Do you want to address them individually?

VALENTINE: Well, I feel, we addressed all of the others individually. I think maybe to keep a little bit of continuity, that we should do these individually, also.

KIMBER: OK, Let's begin with Item No. 3, then. The reclamation project. Any discussion or concern relative to that particular reclamation project? Denny, as our in-house expert, our consultant. Following Mr. Richardson's presentation, and reviewing his reclamation plan, I feel fairly comfortable with that reclamation plan.

BEECHER: Well, we certainly have seen evidence of his credentials and that he knows what he is doing in his business. He is not just an individual who has been doing it for a short time, or as was quoted to us earlier, spraying hydroseed on a slope. The man evidently has very high credentials in his profession and knows how to deal with the process. I think that as he indicated he wouldn't be making the recommendations if he didn't think it would work. Now if you wish to have someone else review it, that's entirely possible.

KIMBER: Well, I have had concerns expressed several times by members of this group and by Mr. Thorne. I think there is never going to be total agreement on any of these items. I guess I don't feel a need at this point of getting other "experts" to address that particular issue. Maybe members of the Commission feel differently, but ---

VALENTINE: Well, I would comment, Mr. Chairman, that it's my opinion that our annointed expert, Mr. Steve Monson, recommended the gentleman, and I'm sure that from what we have seen, he certainly has the credentials. I don't know how comfortable Clyde feels with the presentation of what he saw.

WESTLEY: If I may, I would suggest that you check with Steve Monson, because I have, and he was not as comfortable as everyone seems to think.

VALENTINE: Well, I certainly have no objection to that. In my opinion, it has become a very foremost issue with these people that are sitting here tonight. A simple phone call would clarify that, Denny.

BEECHER: I wonder if he's available. Right now.

KIMBER: Denny, would you see if you can make that call? I think you know the question. - -

KIMBER: If we could have a motion on the reclamation item - - -

BEECHER: May I make a suggestion that if you want to have a third party review it, because Mr. Monson and Mr. Richardson have pretty much collaborated on it already, have it reviewed by Ben Albrickson from the Ogden District Forest Service who does the same thing for them, so that it's put to rest once and for all. There were the three names that I was given, Mr. Richardson, Mr. Monson, and Mr. Albrickson.

KIMBER: What's your pleasure, gentlemen?

BEECHER: Or a conditional approval on it, contingent that you get the confirmation of these other reclamation men.

KIMBER: Would you feel comfortable with a confirmation by Mr. Monson? In a phone call in the morning?

BEECHER: My only question -- I don't know whether Mr. Monson has seen the plan that Mr. Richardson has produced.

VALENTINE: By implication in your comment that there was a collaboration, there would certainly have to be some participation.

BEECHER: Mr. Richardson indicated that he had talked to Steve during his producing of the plan.

VALENTINE: I would suggest the best thing you could do is a conditional approval.

BEECHER: Of this item, and then subject to that.

THORNE: I am not sure that I -- what are the questions that anyone's concerned with? Is it a concern of the adequacy of the plan?

VALENTINE: The concerns that I harbor, Jeff, are those that Mr. Westley cited, that perhaps there are some improvements that are possible, as such, is it appropriate that this body hastily approve this plan? I'm saying at best, it could be conditionally approved, subject to the review of either Mr. Monson or the other name that was suggested to us, and if they found nothing wrong with it, I guess it would fly.

THORNE: On the basis of Mr. Westley's comment that Mr. Monson wasn't in favor of it, is that what you are telling us today, Mr. Westley? He has some concerns with it? Well, we are surely willing to have -- if you want to conditionally approve it upon his review of it, my own feeling is Mr. Westley has overstated his case somewhat, which is always subject to hearsay. That's why we generally don't allow people to quote other people in legal proceedings.

VALENTINE: But that would be easily proven by 8:30 in the morning.

THORNE: I'm not sure from his wife's comments -- he may be out of town.

QUESTION: How about Mr. Albrickson?

BEECHER: Well, he would not have any knowledge of the plan. All he could do was give me a recommendation on Mr. Richardson, I would assume. I doubt that he has seen the plan.

NIELSEN: That ought to be good enough, hadn't it?

THORNE: If you can get word tomorrow, if there is a serious problem, if they have a serious problem with the plan. Obviously it is to Mr. Nielsen's interests to have as good a plan as possible. I don't think that's a particular problem. You are aware of the time constraints under which this operation has been going. So if you feel comfortable, and you can get some sort of word by tomorrow, I don't see any problem in approving it subject to Mr. Monson's review or comments. If later on it has to be improved on,

I don't think that's a serious problem for Mr. Nielsen.

KIMBER: I think that has been left open for review.

BREITENBEKER: The only thing that concerns me about this. I certainly want all the input that I can get into this, because as we have stated before, none of us are experts in this type of thing, but on the other side of it, what if, in other words, we give a contingent approval upon this? What do we do then if we get back? Let's say we talk to Mr. Monson, as a hypothetical case, and he says, well, yes, it all looks pretty good, and I think it's pretty good. But if I was doing it, I would recommend that instead of using this particular item, maybe he should have used this particular item over here. Now I don't know that that's really an approval, then do we have to go back and re-analyze that situation again? And get somebody else to look it over and see if he agrees with that. I guess what I am saying is I could see this going on forever. In other words, each expert, so to speak, that we talk to can make other recommendations.

WESTLEY: I would say that there is a lot of free advice available, by the organizations I mentioned. I would think it would be appropriate to get all of their considerations, and as a group pick the ones that you think are appropriate and then make your decision. But I think that at least looking at their recommendations should be a requirement. I think this group has to make the decision. But I think you need to base it on a wide variety of opinions by the experts, not necessarily one or the other.

THORNE: Well I think we have had a year of wide opinions.

WESTLEY: Not under our Commission.

THORNE: You've had yours for at least five months that I can recall.

WESTLEY: And I'm still concerned.

VALENTINE: I would agree with the comments that Mr. Westley has made from the standpoint that there ought to be additional consideration. I would also suggest that having heard the thing, that this obdy ought to be intelligent enough to make a decision based on whatever comments Mr. Monson or whoever makes regarding the plan.

KIMBER: Do you have a motion to make to this group, then?

VALENTINE: I don't wish to make a motion.

KIMBER: What would your suggestion be?

VALENTINE: I think the best you can do is conditionally approve it. That's the very best you can do this evening. It's just my opinion, Mr. Chairman.

KIMBER: What's your pleasure, gentlemen?

BREITENBEKER: Well, you know, I'm always the bad guy, anyway. I don't have any reservations. I would like to make a motion that we conditionally approve the reclamation plan with the understanding that we do try and get a contact with Mr. Monson and get his input into Mr. Richardson's plan.

KIMBER: We have a motion. May I suggest one word change, that we "get", not "try", that we "get".

BREITENBEKER: That's fine.

KIMBER: We have a motion, gentlemen, do we have a second?

THOMPSON: I'll second it.

KIMBER: Any discussion on this item? All those in favor? AYE. Any opposed? Thank you. It passes. Item No. 4 is the other item, Denny, that you suggested that we discuss.

BEECHER: That was the plan of the entire project, and you basically approved the plan with the exception of the submittal that you gave thirty days notice for Willard City to have thirty days notice on the retention basin, and that modification on that upper level of where the pit would be. So you have not fully acted upon that issue.

KIMBER: Have you received any comments from Willard City?

BEECHER: I have received Molgard's. I have received no comments from anyone on any matter.

THORPE: Denny, would you re-read that, that what you said about Willard City? I don't think Willard City was even under the impression that they had a time thing on it.

BEECHER: Well, we could go back and read the Minutes. I believe your attorney made the stipulation that you have thirty days notice on that plan.

MOLGARD: What date did I do that?

BEECHER: January 5, I believe. I don't have the Minutes with me. Well, I can go back and get the Minutes, if you want.

MOLGARD: I'm not even sure I was at the January 5th meeting, Denny.

BEECHER: The plan was submitted to us on the December 29 meeting, and that was the one you had to have the thirty days. Mr. Wangsgard was here. I believe you were here the day Mr. Wangsgard was here.

MOLGARD: No, Denny, I don't believe I was. I believe the thirty day notice thing took place in December, and it was to cover everything until it was changed.

BEECHER: I don't have the Minutes here, but Mr. Wangsgard presented that plan, and at that day, whichever day it was Mr. Wangsgard presented that plan, you held that because Willard had not received notification, and was given thirty days to respond, and that was again addressed at the next time we met, and the plan was sent to Willard City along with all of the other issuances. Mr. Molgard was given that plan to comment on.

KIMBER: Have you received the plan, Mr. Molgard?

BEECHER: I hand delivered it to your office. I hope you received it.

MOLGARD: Was that in the package of stuff that you brought?

BEECHER: Yes, there was a copy of the plan. I made a copy of it and I hand delivered it to your office.

MOLGARD: If it was in the package that you brought, yes, I have it. All I am saying is that, hey, there wasn't anything specific in regards to the plan and the thirty days ---

KIMBER: Gentlemen, your recommendations on Item No. 4. The plan has been delivered to Willard City in sufficient time to comply with your stipulation. No response has been received either way on it. Could we have a motion to either accept or reject the Plan?

VALENTINE: Just as a point of information, didn't we already accept the plan, other than the fact that we need to -- and we just needed them to have the opportunity to go over the Plan.

KIMBER: Right.

BREITENBEKER: Mr. Chairman, I would like to so move that the conditions of Number 4 have been met, the Plan has been approved.

KIMBER: Do I have a second?

GROVER: I would second that.

KIMBER: Is there any further discussion on that particular item? Hearing none, all those in favor? AYE. Any opposed? Thank you.

BEECHER: Item No. 5, you conditionally approved. It's the access onto 89, the safety factors, and so forth. Basically, you approved that, when you received plans for the truck escape ramps, and you have received that plan, showing the plans for the ramp, how they are to be built and constructed, the size of material, the gradation of the aggregate, the quantity of material, and so forth that would be put in those escape ramps.

KIMBER: Were those to be built to UDOT Specifications?

BEECHER: Yes.

KIMBER: And the plan so indicates?

BEECHER: Yes, they do.

KIMBER: Any further discussion, gentlemen? Could I have a motion? I think what you are approving is the addition. You have already approved the access route with that stipulation placed in it.

THOMPSON: Mr. Chairman, I make the motion that we accept Condition No. 5 as fulfilling the new plan showing the safety runaway as fulfilling our requirements.

KIMBER: Do we have a second?

GROVER: I would second it.

KIMBER: Any further discussion on Item No. 5? All those in favor: AYE. Opposed? Thank you.

GROVER: That thirty day thing Denny was asking for is on page 7 of January 5th's Minutes.

BEECHER: No. 8 is the insurance policy, which you have copies of.

KIMBER: As I recall, that has met the requirements as specified by - - - -

END OF TAPE ONE, SIDE TWO:
BEGINNING OF TAPE TWO, SIDE ONE:

BEECHER: As you will note, it has been changed that Box Elder County Commission is named as additional insured with respects to the gravel operation conducted by D. N. Land. I think that we ought to also make a condition out of that, if it changes hands, then the whole thing has to stop, as Jon indicates in his letter, because it has to be with D. N. Land and no other. In other words, if he sells the operation, if you approve it, to someone, that it has to start over again, or you have to make sure that it's covered both ways. I think Jon indicates that in his letter - - -

THORNE: I don't think we have any problem. For continued operation, the insurance policy has to be in effect, whoever the entity is.

KIMBER: I know Jon had raised one concern, and with the revised policy, by naming the County Commission as an additional insured. I feel that that requirement has been met.

BEECHER: Now the policy, Attorney Bunderson felt we needed a copy of the policy, and we agree with that. But that will be forthcoming when the policy has been received by the applicant.

KIMBER: You understand that, Jeff.

GROVER: There is nothing in there about being contingent on anything.

VALENTINE: There was a subsequent letter from the County Attorney on that it was recommended that the verbiage on the policy be changed, and I believe that's here.

THORNE: I don't believe that's a problem.

KIMBER: What it does, it just adds the County to the policy, Steve. I think it strengthens what we already have done on Item No. 8. I think all the motion would have to be on this, is that this Commission accepts the addition of adding the County Commission as the insured on the Policy.

THOMPSON: Mr. Chairman, I would like to make that motion, that we accept Condition No. 8, the addition that the County Attorney has asked for, placing the County, named as one of the insured.

KIMBER: Do we have a second?

BREITENBEKER: I'll second it.

KIMBER: Any discussion? All those in favor? AYE. Opposed?

BEECHER: Item 14 is the engineer's estimate. Approve that amount and then a bond must be drawn up for your approval. You have got to agree on an escrow amount or some sort of a figure that is set aside that will guarantee that money, either a surity, or a trust, or an escrow, or a bond, or whatever you feel you have to have to insure that you will have those improvements or those conditions fulfilled, and if not that you will have enough money to come back and reclaim it and re-establish it.

THORNE: I think that what we have discussed as attorneys was that similar to a subdivision, there will be an escrow agreement in which the bank will certify the money is on hand to complete these improvements, should the developer not honor his commitment to complete them, there will be money available for the County to. I don't think it was ever itemized that it had to be one specific way or another.

BEECHER: That has not been agreed upon. It just says in the stipulation -- that will be done after the amount has been agreed upon, then that must be drawn up and approved.

KIMBER: As our consultant, do you feel the engineering estimate to be within the limits that are acceptable to this group?

BEECHER: Yes, I do.

KIMBER: What was the total amount on that?

BEECHER: $17,225.00. That is contingent upon those yearly things that would have to change each year. We would have to review it at the end of the year, when we have the renewal for the next period of time.

NIELSEN: May I make one comment? We have the retention basin up there that's worth $7,000.00. We have got these other items. As quick as they are done, do I get my money back off these, or do I have to keep them in escrow for a year, or what happens?

BEECHER: Well, the normal procedure is, as he has the improvements completed and they are finished and improved and accepted, that we release that fund, that amount of that fund to cover those costs. So the only thing that would be pending is that what has not been completed. We would have a guarantee that it was there for assurance that it would be completed.

THORNE: That's a fairly standard clause, like in subdivision escrows where you may have to escrow $250,000.00 to begin with, and once your street and your curb and gutter and your sidewalks and sewers, lines are all in, you get a periodic release when they meet the needs, so I assume that agreement can be reached so that the County has protection, and yet a person's money isn't unduly restricted. I don't see that as a significant problem.

BEECHER: That's a normal procedure on those types of things.

KIMBER: What amount would you recommend, based on that engineering estimate?

BEECHER: Well, I don't know that we could ask for anything more than what is there, what is the actual. But it would be for the one year period. It's not for the life of the project.

KIMBER: That may be a reducing amount or an increasing amount.

BEECHER: Depending on what is to occur. This would be reviewed annually. That way it won't get away from us.

VALENTINE: How do you see the thing increasing?

BEECHER: I don't know right now, unless we got into something up there that had to be changed and we had to have -- maybe he was going to open up a bigger area and we had to reclaim it, and he had to show a bigger area to reclaim in the next phase he goes into. He is going to have to come back before he goes into that next phase. He is going to have to show that he has reclaimed that which he has already opened up and that it is working, before you go into the next phase. And you work out those agreements at that time. I don't know that it will be more than this, because the $7,000.00 and the $1,200.00 is already going to be in place. You are looking at the reclamation primarily and the dust control and those other things that have to come into it. Now if he isn't up there actually working, he is not going to be up there sprinkling, because he is not going to be stirring up the area. That which he has stirred up, he is going to have to reclaim.

VALENTINE: My only -- the question is based on - I would hope that if a performance bond was posted, that it wouldn't be viewed that "OK, then we can do this this year, just put some more money in to cover that for next year." Thereby have a performance bond, grow in size. The agreement is that somebody is going to do something on an annual basis, and that's what the bond is there for.

BEECHER: Right.

VALENTINE: Otherwise, the permit can be withdrawn.

BEECHER: Correct.

BREITENBEKER: My understanding then, what has been said here, is, in other words, these figures add up to $17,225.00. However, as has been stated, there is a number of these items which are going to be a one time situation, and then be gone. When I check those over, it looks to me like on a yearly basis we only have Item 4 and Item Number 6, that's going to be a yearly situation. Those two only total $3,500.00. That, to me, represents quite a small, insignificant sum, to try and do anything with. At this stage, what concerns me is we are cutting the pie awful thin to give us any type of protection with $3,500.00, in some escrow or whatever. I personally would feel comfortable with a much more realistic -- I don't think that's a realistic sum. In other words, even though that may be what it's taken each year to do it, but if at some point down the road he walked away, I don't know that $3,500.00 would do us very much good to try and do this.

KIMBER: Based on that, you are saying that $17,000.00 is inadequate for the first year, but I personally would feel more comfortable if we said "OK, $17,225.00 is kind of an odd figure, let's say $20,000.00 in round figures. But if we are going to put $20,000.00, even though some of these things are a one time thing, I would feel much more comfortable if there is $20,000.00 there, period. Continually. Because of the fact that, yes, this is what it is going to take to do that, but here again, like I say, let's just take a hypothetical case and Mr. Nielsen went bankrupt. There he's got old pieces of machinery sitting up there that no one ever hauled away, that we are not addressing here. There's items which some of the creditors may come in and take part of it and some of the creditors may not take part of it. I realize this is strictly hypothetical that I am talking about, but in today's business world this happens every day. Then I think we need more than three or four thousand dollars sitting in that fund to do that. I realize we are tying up some of Mr. Nielsen's capital, but in turn, we are trying to protect the County, also, and also the citizens of Willard.

THORNE: My impression is that I think the way the conditions are worded, you can come in on an annual basis and determine that anyway, can't you? I'm not sure you can hard and fast make a rule today, depending what happens in the future, it may be more, it may be less.

BREITENBEKER: It may have to be altered, but like I say, I didn't feel comfortable with the idea that we start out with $17,000.00 today and a year and a half from now, we may only have $3,000.00, there or $3,500.00 there.

THORNE: Nor do I think that's necessarily what will happen. I think you determine what you think is adequate after you consult with your consultants, or whoever, to determine what's an appropriate amount to guarantee adequate reclamation or adequate rehabilitation, or whatever you want.

NIELSEN: DeVon, can I say something, first. First of all, we are only opening up so many acres of property. Those slopes are -- you have to go up there to get it first, so you are tying up a lot of money until down the road type deals. OK, what did you charge Fife, and what did you charge, and I know it's a different ball game, but I think that bonds were $5,000.00. Now you want me to put up three times that much or four times that much. It sounds a little out of line.

BREITENBEKER: Hey, we have been out of line from day one from both sides, Darrell. In other words, we are out of line on your side, but we are also out of line with the people of Willard. In other words, almost everything we do, we are out of line, so we are used to that situation. I appreciate your concern.

NIELSEN: Most of it is going to be done in two or three weeks, the retention basin will be done the very first thing, that's

seven thousand dollars, the runaway truck deals will be done real quick, as quick as the snow is gone, so we can do them. They will be done. The culvert will be put in. Why do I have to spend $20,000.00 and leave it sitting there for a plan that we are not going to even be close to doing any reclamation for a year or so down the road?

BREITENBEKER: I guess just to make me feel a little more comfortable. If you stay in operation, I agree with what you are saying. Everything is going to go smooth. Every year you are going to reseed part of it back as you move along, and all that is going to work fine, IF everything is going well, All of a sudden, there are unforeseen things in today's business world, that anything can happen.

THORNE: Again, it seems to me that what you need to do is determine whether this one meets it, and next year you can determine what you need. That's the only fair way to do it. I am not sure that you can make -- your figures you are using now may be too low, they may be too high next year, you can't foresee it.

BREITENBEKER: I guess I would feel comfortable along that same line, Jeff, is that we set up a specific amount. If we need to review it a year, two years from now and reduce it or whatever we feel comfortable with. That's fine to do it at that time. The reason I brought this up, is that I did not make the motion contingent to the fact that it was going to be diminishing as these things are done. As Darrell stated, this basin is going to happen right away. In other words, I am sure that as soon as he can get in there, that's going to happen. Then I didn't want sixty days from now, for an example, that $7,000.00 released. The five thousand dollars for the runaway things released to the point that come 365 days from now, time for us to review, we don't have any money. If it's a problem.

THORNE: Again, I can understand your concern. Basically, the way that it normally happens, is the engineer makes an estimate, which is approved by the governing body's people. Before the completion of those things, there's generally a release. For instance, if I bid to build a courthouse, after I get through I ought to get paid. You may keep a retention there to make sure that everything is satisfactory, but it seems to me that's the position of your staff people that make a determination of how much ought to be released, and then upon the next year's time, you make a determination of how much ought to be escrowed to meet the needs of that project again. You know, I think we are all talking the same language, but I am not sure I feel comfortable in tying a specific amount without a rational basis for it.

BREITENBEKER: I understand your point.

BEECHER: Maybe you will want to set the figure high enough that when you have the releases off of it of the places that you still have the remainder that you want to have in there.

VALENTINE: Are we not talking about something that's really a moot point, because if this body's going to decide when some money is going to be refunded, if everyone feels comfortable with the $20,000.00 number, that's what's going to be.

KIMBER: I didn't have the understanding that that would be sixty days. I was thinking, maybe it was because of my perspective, that it would be a one year --

BREITENBEKER: Well, that's fine under that circumstance. That is what I thought, too, until we started talking about it, and that's what aroused my concern and my comments is that when we started, as Mr. Thorne indicated, as you complete a subdivision. If you put the curb and gutter in, you get the release of the curb and gutter. As you put in the roads, and so it became of concern to me of what we were really talking about is to how these funds were going to be controlled.

KIMBER: I think your motion can determine that.

BREITENBEKER: My motion?

KIMBER: Any other discussion on that particular item?

THOMPSON: It is the concensus, then, from this discussion, that this bond, or this escrow amount of money can be increased or decreased, depending on the wishes or the problems or the things that happen up there could warrant such an increase or decrease on an annual basis. If that what we are saying, now?

KIMBER: As determined by this body, yes.

TOMPSON: Right. In other words, if we go up there and we look at that situation and we can see some problems, and I don't know what they could be. But if there was a problem up there and it looked like it would take ten or fifteen thousand dollars to remedy it, it could be increased, then? To cover that before that permit would be given for the next year, or it would be revoked, is that what we are saying? Are you shaking your head, Bob? Is that because you are scared, or just what does that mean?

VALENTINE: I am shaking my head, yes, that if this body determines that there should be an increase to that bond figure, and Mr. Nielsen's unwilling to pay it, you revoke the permit. That's your only course of action.

THOMPSON: OK.

THORNE: I don't think anybody has a problem with that as long as there is a rational basis, on an engineering estimate what the costs are. Otherwise you are tying people's money up without due process.

KIMBER: You have had the opportunity, Mr. Thorne, to look at that. Do you feel comfortable with that?

THORNE: I frankly know nothing about reclamation, other than what I have people tell me. I am a very minor subdivider, and I could tell you sewer lines and water lines, but I can't tell you that. Mr. Beecher, I think, is qualified to act for the County and Mr. Neil Smith is qualified to make that estimate for the applicant.

KIMBER: Are there any questions or discussion about that matter? I think in essense was that legally, even without that statement, the protection was there.

VALENTINE: We are not liable anyway.

KIMBER: Based on that discussion, could we have a motion to delete that one phrase from that and ask Mr. Bunderson to redraft that particular item.

THOMPSON: That phrase, what is that phrase in particular? Is that for approval of the applicant's project?

KIMBER: It has to do with naming Box Elder County --

THORNE: My letter of January 16 requested that the term "or approval of applicant's project" be deleted off of which basically means it doesn't obligate Mr. Nielsen to pay any legal fees involved in decisions of approval of the applicant.

THOMPSON: Mr. Chairman, I would move then, make the motion that we accept Condition No. 15 with the exception of the last phrase "or approval of applicant's project", that that be deleted and that the County Attorney, Mr. Bunderson draft the proper wording.

KIMBER: We have a motion. Do we have a second?

GROVER: I second it.

KIMBER: Is there any further discussion on that particular item? All those in favor? AYE. Opposed?

BEECHER: The only other item would be that last paragraph of Mr. Bunderson's letter as to how you want to address that other thought that he had.

THOMPSON: Mr. Chairman, I make the motion that this application for conditional use permit be non-transferrable. Or in the event that it becomes necessary, that the new applicant must receive approval from the Planning Commission.

THORNE: May I add just a thought or two?

KIMBER: In just a minute, Jeff. We have a motion. Do we have a second?

BREITENBEKER: The only question I have before that comes up. Is this the proper time for, in other words, my interpretation of the motion that Jon just made is with the assumption that the permit is issued. I don't feel comfortable that we are doing that, I guess one is coming before the other, I guess. That's the only concern I have. In other words, if that's part of the stipulation when and if it is approved, or if it's disapproved, and I think that could be part of that motion at that particular time, I guess is what I am saying. Does that make sense?

THOMPSON: I'll withdraw the motion.

KIMBER: Thank you. The motion has been withdrawn.

THORNE: May I address just briefly? A point of clarification -- When a Conditional Use Permit is issued to a person or to an entity, clearly any other subsequent purchaser of that

operation would have to meet the same conditions. I am a little concerned that the intent I don't think of Mr. Bundersons's is that it can never be transferred. Rather that the conditions imposed upon this applicant be met by whoever may receive the transfer. That seems to be very valid, to make it a personal right for this individual as opposed to anyone else. It seems to me not what I think he is really getting to.

VALENTINE: I think there is one concern, Jeff, that needs to be addressed in that regard. As important as this issue is to some people, I think it appropriate that if someone were to acquire the permit that they really need to understand the severity of the restrictions that have been imposed with this permit and that performance is going to be in accordance with those restrictions.

THORNE: I anticipate that valuable property rights are not going to be transferred.

VALENTINE: I don't think it is inappropriate that issue be addressed as part of -- I agree with what you are saying, but it is still a very major concern to not only this body, but a lot of other people.

THORNE: The concern I have is, if the intent of it is, that if he ever transfers that, for instance D. N. Land, Incorporated, would the Conditional Use Permit have to go through another process? I think that once the condition is imposed, you can guarantee that any transferee must meet the conditions, but not have to go through another new conditonal use permit, or a new application process.

NIELSEN: I might die tomorrow. What would my kids do?

VALENTINE: Operate it under D & N, I guess.

THORNE: Again, the concept is continuity. Conditional Use Permits are not personal rights, but they are uses of land which continue if the conditions are met. I would be more than happy to visit with Mr. Bunderson. I don't think that we have a basic philosophical difference, there, but I think maybe the interpretations which are being placed here as I see are a little different from what I think he is trying to mean.

THOMPSON: Mr. Chairman, I personally don't think it matters who the operator or the owner of it is, but what matters is that they comply. If they don't, we can as easily as we could approve this permit, we could also revoke it, if there was some noncompliance, irregardless of who is operating the pit.

KIMBER: Are there any other comments or discussion on this particular item? Have you investigated the law on that, Jeff? Mr. Bunderson suggests that they are within the law, anyway, but to be approved by this body --

THORNE: I am not sure that I understand -- I would say if I had a Conditional Use Permit to operate the Pie Dump by the Junior High, and I decided to sell it to Denton Beecher, and Denton Beecher met the same conditions I had to meet, he could operate it

for the next year as long as there isn't a lapse in operation. That's just hypothetical.

BREITENBEKER: But he has to go back to the City to get a license, in his name, right?

THORNE: Well, a business license, but he doesn't have to go through a conditional use permit application which may take a year and a half or twelve years the next time, I don't Know. My comment, basically is clearly any operator or any person who has a conditional use permit has to meet the conditions, but not upon a transfer, that condition is revoked, and then they have to go through the application process again.

THOMPSON: And I agree with that. I think that's right.

KIMBER: Are there any other items on which there are any questions, any further discussion? If not, gentlemen, what's your pleasure? Gentlemen, I think we have reached the point where we have rehashed, hashed these, each of the issues. I guess at this point I have a lot of mixed emotions. I have empathy for both points of view, but I guess we cannot delay any longer. I think the issue needs to come to a vote, and then whatever action is taken beyond that, let happen what may, because I think we have hashed and rehashed. He could continue for another eight years. We could come up with more experts, more agreement, and disagreements. In my eight years on this Commission, I have never seen an issue more thoroughly cussed and discussed. I think we are to the point where we need to take some action.

BREITENBEKER: Mr. Chairman, I would like to make the motion that in the beginning we stipulated a list of conditions that we felt were necessary for Mr. Nielsen to conform to for us to try to the best of our ability to protect the environment and the citizens of Willard. It is my opinion that he has met those twenty conditions so at this time I see that we have no other recourse than to issue him a Conditional Use Permit to operate that pit.

VALENTINE: I would like to make a comment if we get a second.

KIMBER: Do we have a second?

GROVER: I would second it.

KIMBER: Discussion?

VALENTINE: Mr. Chairman, I would ask that the motion be amended to include the period that Willard City has asked for, ten days which -- ten days would make it the twenty-sixth, that being a Sunday, that the permit not become effective until the twenty-seventh of February. I would ask for that consideration and change your motion, DeVon. It would become effective on -- issued any time, but could become effective as of the twenty-seventh.

BREITENBEKER: I certainly don't have any objection to making that --

KIMBER: We have an amendment to that motion. Do we have a second to the amendment?

GROVER: Second.

KIMBER: OK. Any discussion on the amendment.

BEECHER: I don't know if I am in order of making a discussion on it, but you have still got the reclamation plan that has not been totally consumated. If that can't be done tomorrow, and get that all in place, is that going to affect your motion?

VALENTINE: Well, it would have to, the approval is contingent upon the financial agreement.

BEECHER: You didn't mention that, and I think that that is one of the most important conditions we are looking at.

BREITENBEKER: We did that as a condition when we approved that particular item, didn't we?

BEECHER: So that one is still conditional.

VALENTINE: I understand what you are saying, but I don't know how to say that.

KIMBER: Would you change your amendment to incorporate that particular item?

VALENTINE: Certainly.

THORNE: What is the purpose of the ten days delay, before it is effective? Well, my comment to you is, there are procedures for appeal, there are procedures for stay. This body, I don't believe has the legal authority to stay issuances whether people appeal or not.

KIMBER: I think you are absolutely right, Mr. Thorne. This body does have the right to establish a date for issuance of the permit.

THORNE: Time is of some criticalness because of bidding procedures, and I think that the comment here, is assuming the reclamation plan is not in error, is that the conditions have been met. To impose that delay may have an effect on the ability to market the gravel. It seems to me to be something that Willard City certainly has the right to seek through legal process and to do it here now is basically a slap in the face of somebody who has been held up for twelve years.

KIMBER: I would disagree partially on that, Jeff. If this body approves the issuance of the permit, a delay of ten days in the issuance of that permit, if they approve it, would not, as I see it, impair anyone making a bid on a project, or that it would delay the start of operation. I concur with that. But I see no significant impairment of any other operation.

THORNE: I think the impairment, basically, is that I think, that as soon as it is done, he is prepared to go in and start beginning work on the flood basin.

NIELSEN: That's a benefit to the flood control, so I don't know why we would have to wait on it.

KIMBER: I appreciate the discussion. But we do have a motion that we have an amendment to the motion, we have a second to that amendment. Any further discussion on that, gentlemen?

GROVER: My second to the motion was before we had some discussion here about two other items, and I would second that motion if they were both incorporated into that motion.

KIMBER: I think we can handle it by passing the amendment and then passing your rule.

KIMBER: All those in favor of the amendment? That they have the ten days. AYE. Opposed? The amendment passes. We revert to the motion. All those in favor of the motion to issue the permit? AYE. Any opposed? The motion passes. Thank you gentlemen.

RONALD NELSON: Don Chase just rolled over in his grave.

GROVER: I move to adjourn.

BREITENBEKER: I second.

KIMBER: Meeting adjourned.

Passed and adopted in regular session this 16th of March, 1989.

Richard D. Kimber, Chairman
Box Elder County Planning Commission

ATTEST:

Allen L. Jensen
County Clerk