

BOX ELDER COUNTY PLANNING COMMISSION

15 December 1988

Meeting of the Box Elder County Planning Commission held 15 December 1988 in the Commission Chambers of the County Courthouse. Members present were:

Mr. Richard Kimber, Chairman
Commissioner Robert Valentine, Member
Mr. Don Christensen, Member
Mr. Steve Grover, Member
Mr. Devon Breitenbeker, Member
Mr. Jon Thompson, Member
Surveyor, Mr. Denton Beecher, Ex-officio Member
Clerk, Mr. Allen Jensen, Ex-officio Member

Chairman Kimber called the meeting to order at 7:00 p.m. and asked for approval of the Minutes of 27 September 1988. Mr. Grover made a motion to approve the Minutes as prepared. Mr. Christensen seconded. None opposed. The motion carried.

Mr. Kimber began by pointing out the Agenda (Attachment Number 1), Item Number One was a request by Darrell Nielsen for final action on his request for a gravel pit in Willard. He stated the Commission had been at this for a long time; and it appears final documents have been received for consideration. Many people have questioned the accuracy and completeness of the documents. However, this Commission has reached a point that it needs to take more definitive action; and there are several directions that can be taken. One: If they feel the conditions have been met, take action for approval of the pit. If any of the conditions have not been met, the pit should be denied. If there is still some concern about any of the items or a need for clarification or further study or review by legal council, the item should be tabled for a specified period of time that should be fairly short since the Commission should "get on with it". Mr. Kimber requested the members state their pleasure at this time.

Mr. Grover stated, "I would make a motion that after the documents just received, we give him (Mr. Nielsen) approval for his conditional use permit. Mr. Christensen seconded.

Mr. Molgard stated: "Mr. Chairman, I'm sorry, but we're on the Agenda, too; and before you approve the permit or deny it for that matter", Mr. Kimber interrupted by saying, "Mr. Molgard, we haven't approved anything". Mr. Molgard stated that "He recognized that, he only wanted to make sure they were heard on this matter; and if I allow you to take a vote on this matter, we were told we would have a chance to comment". He stated he found this a little premature.

Commissioner Valentine stated this was going to be his comment. would like to see those documents that have been presented that satisfy those requirements, asking for a review of those documents sure they do satisfy the requirements as the Commission had promised.

Mr. Grover withdrew his motion, pending a review of the documents. Mr. Kimber requested Mr. Beecher review each of the twenty items.

MR. BEECHER: 1. Dust emissions from the premises described in the application shall never exceed that which is allowed by Utah Air Conservation Regulations as adopted by the Utah Air Conservation Committee and the Utah State Board of Health dated September 26, 1971, with all subsequent amendments or addendums adopted thereafter. A copy of said regulations as they currently exist is attached; and by this reference, made a part hereof. Basically that just says that he has to meet their regulations whatever they are.

2. The answer to that to some extent, which is approval of applicant's project in writing; shall be obtained from the Utah Air Conservation Committee and the Utah State Board of Health and submitted to the Box Elder County Planning Commission. That was received on July 21, 1988. Their date was July 21, 1988. We received it August 8, 1988, and with it was a set of conditions that he had to meet to meet their criteria. There is nothing that can be met until you are into operation. We have a commitment from the applicant that he will meet those requirements and that the Air Quality people will be sure that he does that according to their regulations. He has to file certain documentation for their members to review for their specifications with the Executive Secretary before he begins. He has to have monthly reports and everything else that he has to submit to them.

VALENTINE: Just as a matter of discussion, it is my understanding that if the permit is issued, and he is permitted to operate, and someone wishes that particular condition to be reviewed; a request has to be made of the State, and the State would then come and conduct a study. If there is a violation, it has to be either brought back into specifications or he has to cease operations."

BEECHER: Right. He has to comply or he is shut down.

VALENTINE: The one question there that comes to mind, are there standard inspections that will be performed as part of the issuance of the permit?

BEECHER: Without digging back through it; as I recall, there are standard inspections that they have and he has to submit reports on a regular basis, as I remember it. As I remember it, he has to submit reports on a certain sequence of times and when events occurred before he can proceed with other things, and he has to meet them. And I am sure they would be -- I don't know how regular they inspect; but if there was a complaint, we would have to react to it as quickly as possible. We would probably receive the complaint, and we would have to initiate it by calling them in. That is the action I would take. If I received a complaint, I would call them up and have them come up because we do not have the expertise to monitor and check it. We would have to rely on them. They are the ones that issue the permit. They would have to enforce their permit.

KIMBER: Are there any more questions on that particular item?

BEECHER: 3. A written reclamation plan prepared by a qualified expert setting out specific steps and/or procedures as to how the premises described in the application shall be reclaimed following gravel excavation shall be prepared, submitted to the Planning Commission and approved in writing by a majority of said Planning Commission. We have received a document from a Harper Reclamation Company, Inc. (I don't remember the exact name), specifying what they would do in reclaiming the land and a rate that was dated March 22, 1988; and we received it August 8, 1988. That is his proposal to comply with that particular requirement.

VALENTINE: Part of the Willard Flood District's concern was that reclamation plan and the adequacy of the plan, although it didn't really come out at the discussion the impact of that reclamation plan on the flood control. At the conclusion of the project there was some concern on the part of the Flood District and the details which that reclamation plan addressed. Don, perhaps you can recall what was discussed, but, .

CHRISTENSEN: I brought a letter up to them from the last meeting, you got that, didn't you?

VALENTINE: I guess my comment is brought to your attention for whatever consideration. If there needs to be some review or understanding of that, it is probably going to take someone with more expertise in reclamation of grounds than I. The comment that was made at the Flood District hearing was that, and it was from Russ Brown; the reclamation plan, in his opinion, could be done in a better manner to represent or cover the flood control concerns. I would defer to Don or to Darrell, they were both there, if anyone recalls.

BEECHER: Do all of you remember what he proposed? Do you remember what it was? Harper Land Reclamation Company is the company that he has submitted. His plan is to reclaim by seeding the pit with five different types of plants, using a percentage of each of the seeds in that mix with a fertilizer mix of -- he would seed it at 50 pounds per acre; the combination of the five different plants, would fertilize it at 300 pounds per acre with 16-16-8. His method of application on dry land seeding would be accomplished in the late fall or early spring to facilitate germination from natural moisture. The seed would be broadcast on and incorporated into the soil. The fertilizer would be applied on top of the seed bed. Is that an adequate reclamation plan? It would have to be something that we would seek from a soil specialist to see if that is going to do it. If that's what your desires are; to have that reviewed by someone who is a soils expert, reclamation expert, if adequate. It's not an elaborate one. It is just a reclamation proposal.

KIMBER: I think that discussion is important because it was not a part of the documents that he had. Do we need further discussion on that particular item? Apparently there has been an issue raised. Hearing none, we will proceed to the next one.

BEECHER: 4. A written plan with attached diagrams, drawings, and other exhibits covering the entire premises, and showing the areas of excavation and construction, shall be prepared, submitted to the Box Elder County Planning Commission and approved by said Planning Commission. The plan shall include, but not be limited to, descriptions of side slopes, to be left for reclamation, bottom out elevation, detention basin location, and shall describe and depict how the surrounding area shall be protected from flood water through the construction periods and thereafter, and shall describe and depict all access routes, and shall provide appropriate vertical and horizontal data. That plan is the five sheets that ONESCO Engineering Incorporated prepared for Mr. Nielsen, submitted and received on August 8, 1988. That is what he is submitting as his plan to suffice No. 4.

KIMBER: Are there any questions concerning that plan? Do we need to review it, discuss it? No comments, questions?

BEECHER: 5. Written permission from Utah Department of Transportation providing and describing any conditions upon access onto State Road 89 shall be obtained and submitted to the Planning Commission. Said written permission shall include and list any conditions concerning access; any restrictions on access, or crossings, and particular safety requirements imposed and any weight limits for loads. We received it on or about August 18, 1987. It is UDOT Permit No. 01991, where they list the permit for access onto their route and their restrictions they impose and their weight limit.

KIMBER: Would you review those restrictions for me, Denny? Sorry about that.

BEECHER: I think the only restriction was that he had to put up truck crossing signs and the weight limit signs. This is signed by Connie Simmonds, Permit Secretary: "To Whom It May Concern: The Utah Department of Transportation on August 18, 1987, issued permit No. 01991 to Darrell Nielsen for access to SR 89. The permittee agrees to install "Truck Entering" highway signs north and south of the new approach as per UDOT Standards. On talking with Sgt. Hynes of the Utah Highway Patrol in the Salt Lake Office, his instructions pertaining to the weight limits are as follows: 34,000 pounds on tandem, 20,000 pounds on singles, and 80,000 legal gross. If there is any further questions, please contact Mr. Dallin Franks, Permit Officer, at the UDOT Office". And then a copy of the permit.

BREITENBEKER: As I understand, periodically, it would be at their discretion, as to check those weight limits to make sure everything is being adhered to.

BEECHER: There is no normal Highway Patrol truck stop. They would probably have those portable scales as they do for any other contractor or hauler.

KIMBER: Is there any requirement for a record of your weight load?

BEECHER: No, there is not, not with UDOT.

THOMPSON: Those requirements are the same as for any person entering that highway. That's a standard weight load requirement; and

therefore, if somebody violates that, a buck a pound.

KIMBER: Are there any more questions or concerns about that item?

BEECHER: 6. The access road to the premises shall be constructed with an asphalt surface so as to be dust free at all times. The applicant shall submit to the Box Elder County Planning Commission a map showing the location of the proposed access road; and the said Planning Commission shall designate that portion or portions of the road which shall be constructed with asphalt surface. That portion of the access road designated as requiring an asphalt surface shall be maintained and repaired as necessary so as to continue to be dust free at all times. Now, that is part of the plan, as Item Number 4, where the road is shown, and the portions thereof that he will pave; and the rest he will put into a dust preventative material.

KIMBER: Any questions?

VALENTINE: There is acknowledgement on his part that as part of his excavation plan that there be asphalt installed and maintained.

BEECHER: We have had that acknowledgement in some previous meetings that he would do that.

KIMBER: Any further questions?

BEECHER: 7. Applicant shall obtain written comment from the Box Elder County, Willard City Flood District, stating the applicant's activities will not interfere with said Flood District's plans; and further stating that the applicant's activities will enhance, improve, or compliment the Flood District's plans and goals. This document shall be submitted to the Planning Commission, and its content approved by the majority of the Planning Commission. We have received a letter from the Flood District stating that it will; I don't remember the exact wordage, that the issues could be resolved if you issued the permit.

KIMBER: Are there any other questions or comments about that particular item?

BEECHER: 8. Applicant shall produce and submit to the Box Elder County Planning Commission written permission from the Ogden River Water User's Association allowing applicant to cross their canal at specified locations. Applicant shall also produce and submit to the Box Elder County Planning Commission a written agreement from the Ogden River Water User's Association holding Box Elder County and all of its agents and employees harmless from any damages sustained by the Ogden River Water User's Association as a result of the activities of applicant or his agents or employees. To date you have received a letter, a permit for him to cross the canal at specified locations and a letter stating that they will not grant an agreement holding the County or anyone else harmless from any damages.

VALENTINE: What's the impact of that?

BEECHER: Well, I don't know that its an impact. I guess it's a debatable issue, as I have talked to different people, but whether or

not it's a legal maneuver or whether it even is legal. You have a copy of a letter from Mr. Jeff Thorne that was just received yesterday relative to his particular item; and whether you want to review it or not, but I had to give it to you tonight because it just came in yesterday. I don't know whether you want to read that into the Minutes or - - ?

THOMPSON: Has Jack had a copy of it?

BEECHER: No, you are the only ones that have a copy of it. It just came yesterday.

VALENTINE: Has the issue or this requirement been discussed with the County Attorney?

BEECHER: Not to my knowledge, I have not been asked to discuss it with him.

KIMBER: Could I have a motion that we present him a copy of it?

VALENTINE: So moved.

BREITENBEKER: Second.

KIMBER: All in favor -- AYE. Opposed -- , Well, Jack . . .

MOLGARD: I would also like to point out to this Commission that on the 27th of September, we agreed that anything you considered, we would have at least a 30 day comment period.

KIMBER: That's why we have not considered . . .

MOLGARD: I might also point out I was in Denny Beecher's Office the morning when he had the envelope that apparently had this in and he was reluctant to open it; so I didn't really realize what it was, but I'll tell you I knew an hour ago because Jon Bunderson told me, and that was another conversation.

KIMBER: I think Mr. Molgard makes an excellent point. What is your pleasure on that particular item?

VALENTINE: The comments that have been submitted from Mr. Molgard, I think, will have to be considered; and I see no reason that we can't continue. But, I would suppose as we go through this, there may be other concerns.

BEECHER: 9, Applicant shall produce and submit to the Box Elder County Planning Commission a plan showing in detail how all adjacent real property will be protected from any damage. Said plan shall be reviewed by the Box Elder County Planning Commission and approved. The portion of this that you have received that is in the plan is Item No. 4. He shows some of the adjacent property to the north. I guess you would have to define adjacent property as being that property that touches his property, as all he has referred to is the property to the north of him; and his excavation and so forth will cease before he gets to the other property line and will not damage any of their property. This is the only thing that I have been able to find that will satisfy that particular issue. On the west and on the east is his own property; on the north is another landowner. And his plan does show that he will not interfere with that property and does state that. Also in the Air Quality's report, they also specify that he shall secure access to that property by

either fencing or no trespassing signs so that property will not be endangered by trespassing from his location. That is one of their requirements as well.

VALENTINE: Has this plan been discussed and reviewed with the adjacent property owner? And is it appropriate to do that?

BEECHER: The adjacent property owner, I believe, has been here to some of these meetings; and he has given us some documentation that he has a water line in that area that he does not want damaged, and I think Mr. Nielsen has indicated in previous meetings, as I remember, that he would not endanger his property or his improvements on his property. It seems to me that we had a letter from him that he does not oppose to it. I would have to go back, I could be remembering wrong.

VALENTINE: Is this Mr. Gray?

KIMBER: How many individuals are we talking about, do you recall?

GROVER: There's only one that's even going to come over by it, and that's that orchard.

BEECHER: 10. Applicant shall obtain written approval from the Utah State Engineer of all proposed detention basins on the premises and submit said approval to the Box Elder County Planning Commission. If I remember correctly, we have an approval for the expansion of the present detention basin, but as I have reviewed today, I don't find where we have an approval of the proposed one up in his pit area. Now for that one, we would probably have to have one when he gets to that point, I suppose, or he does not have anything drawn up except for the area of 9.4 acre feet in that basin that he proposes on his property. But I do not find that the State Engineer referred to that particular basin in his letter, though he did refer to the expansion of the lower or the existing basin that they have and what he wants done in the way of that expansion and what he will approve.

KIMBER: Any questions?

BREITENBEKER: Basically, what he said, that I recall, is the fact that, of course, you can't really approve something that isn't there as far as the proposed new one, but he felt like by the expansion or the enlarging of whatever of the existing one, that that's more than adequate to take care of the needs at the present until this other is developed to the point that the other is required.

BEECHER: Well, what I was thinking, he was going to have to do before he goes to phase 2, is that you are going to have to have the approval of that other basin.

BREITENBEKER: Right, before he can go on, but at the present time, by enlarging the existing one, that would take care of the proposed needs of phase 1, so to speak.

BEECHER: Right.

BREITENBEKER: Till we get to that point.

BEECHER: Right.

BEECHER: 11. Applicant shall agree in writing with the Box

Elder County, Willard City Flood District to turn over to the said Flood District all detention basins, ditches, and other flood related structures, works or excavations. A copy of said agreement shall be submitted to the Planning Commission. The applicant shall not require any compensation from the Flood District. In going back to the Minutes on this one, I think I found verbal comment that he will do that; and it is a part of his submittals, but we do not have a written agreement signed by him that he will deed those over. They do want the detention basin enlargement, but no other easements. Am I correct in that? Is that what I understood?

VALENTINE: That's what I recall.

BEECHER: And so you say here, you want a signed agreement to that extent. So whatever you want there, we've got the verbal; but the signed agreement, I couldn't find anything on that.

KIMBER: Is there any problem with getting a signed agreement?

NIELSEN: Well, I think you are talking about a warranty deed. I think that's what you are really talking about.

BEECHER: Well, at the present time, we would need an agreement that you would do that, and then I suppose when we get done, there's going to have to be a warranty deed drawn up.

KIMBER: Are there any other questions on that particular item?

BEECHER: 12. Applicant shall have the responsibility of arranging for and obtaining written comment from the following agencies regarding his proposed operation: A. The Utah Geological Survey, B. The U. S. Soil Conservation Service, C. The U. S. Forest Service, D. The Utah Division of Wildlife Resources. You have received copies, or should have copies of all four of those letters from those agencies with their comment. I don't remember, there are some that are basically "no comment" other than the flood control; some that were not in favor of it, and some that were opposed to the wildlife habitat endangerments that it would have, as I recall. This is a comment for you to consider.

BEECHER: 13. Under no conditions shall any blasting ever occur upon the premises described in the application. I think that's pretty well straightforward. It just says we do not allow it.

BEECHER: 14. Applicant shall arrange for the preparation of a qualified Engineer's estimate in writing for all costs of construction of flood control structures, devices, and ditches, and restoration of disturbed areas consistent with the proposed plan submitted under conditions 3 and 4 hereof. These cost estimates shall be submitted to the Planning Commission for review and approval. Planning Commission may require further details and/or may revise the cost estimate in its sole discretion. Upon approval by the Planning Commission of the cost estimates, the applicant shall prepare a proposed agreement providing for escrow of the funds necessary to pay all said costs. Said agreement shall be reviewed by and be subject to the approval of the Planning Commission and shall provide that Box Elder County have total control over the release of the funds

and shall provide a method or plan for the release of those funds as the improvements and restorations occur. Said agreement shall be reviewed by the Planning Commission and shall be subject to approval of the Planning Commission and the Box Elder County Commission. Now we have received an estimate, and that is all that we have done with it, is receive it.

THOMPSON: But, that's all we asked for.

BEECHER: No. No. We have received the estimate, we have not taken the time to review it, step by step and determine whether we agree with it or whether we add to it or take away from it. Then after we agree with it, we have got to come up with a proposal, or escrow, and assign it and so forth.

THOMPSON: An estimate from a qualified engineer is all we asked for.

BEECHER: That's part of 14. There is more to 14 than just the estimate itself.

BEECHER: 15. Applicant shall prepare and submit to the Planning Commission a proposed agreement wherein applicant holds Box Elder County harmless from any damages, claims, costs, and attorney fees incurred by Box Elder County or its insurers as a result of any claims made or filed arising from the existing operation approval of the applicant's project. We have received in applicant's Exhibit "O" a copy of a proposed agreement; that agreement has not been executed to date. That would have to be done.

KIMBER: Any Questions?

BEECHER: 16. Applicant shall transmit to the Box Elder County Planning Commission documentation showing how noise levels at or emitting from the premises shall comply with Section 10-7 of the Box Elder County Zoning Ordinance. Planning Commission shall approve such documentation. In any event, noise levels from the project shall at all times comply with Section 10-7 of the Box Elder County Zoning Ordinance. In those he has supplied a sample review that has been on another operation to the north of Willow Creek, or Willard Creek. An inspection is what I'm thinking of that Emshaw Mining people, and how they work and how he met those requirements. That's something that he just has to do during operations, and he has agreed to do that.

KIMBER: Any question on that item?

BEECHER: 17. No activity, construction, excavation, operation, or work of any sort shall be conducted upon the premises between the hours of 7:00 p.m. and 7:00 a.m. the following day. In addition, no such activity, construction, excavation, operation, or work shall be conducted between the hours of 7:00 p.m. on Saturday and 7:00 a.m. on the following Monday. Upon application to the Box Elder County Commission for good cause shall only the Box Elder County Commission alter or modify these hours. I think that issue was agreed upon by both the Planning Commission and the applicant.

BEECHER: 18, 19, & 20 are basically administrative items. The anniversary date; we will review it, any violations of any of the conditions will be conditions to be revoked, and any changes or additions must go through the proper channels, and so forth. If you want to go through those word for word, . . .

KIMBER: At this point, I don't believe so, unless the members would like to do that. At this point, gentlemen, I am sure that both items No. 2, 3, & 4 on the Agenda would wish to address some of these particular items. Ladies and gentlemen, you have heard a review of the particular items. Many of you have not had an opportunity to see the documents. Some of you have; and I am sure Mr. Molgard, he has seen all of the items and will want to talk to some of those. Gentlemen, what is your pleasure at this point?

VALENTINE: Mr. Chairman, if I may, I would offer a motion that we alter the Agenda to permit these people that are present to render any remarks they feel are appropriate and then proceed with whatever course of action.

BREITENBEKER: I have a question on that. When you refer to "these people" that are here?

VALENTINE: On the Agenda, only.

KIMBER: Is there any particular order that you wish to address these, Mr. Valentine. Do you want that a part of your motion, or what?

VALENTINE: I see nothing wrong with what's there.

KIMBER: We have a motion and a second. All those in favor.

AYE.

KIMBER: Mr. Harlow - -

Mr. Earl Harlow read from a prepared document on renewable and non-renewable resources, Attachment Number 2.

Mrs. Lavée Hemsley commented on the gravel pit and provided photographs of the dust from a gravel pit east of her home in Willard. She stated her position with the Heritage Council and the concerns of the Council if approval is granted for the gravel pit.

JACK MORGARD: Gentlemen, I guess I am confused by the Agenda. I thought the Agenda, and I think Denny thought too; and maybe at this time it has been communicated, was set there and intended to give everyone a chance to speak to this issue, and I realize you have done it. I have to acknowledge that I kind of don't like to be the heavy of having to step up every time and say, hey I thought we were going to have a chance to be heard. You recognize, I am not embarrassed, I'll do it anytime. I'm not bashful at all. It seems to me that one of the things I have always thought is problems like Mrs. Hemsley has point out with her photos, and they are mighty fine photos. When I saw those at Air Quality a month ago - 2 months ago almost, it seemed to me those type of photos were the only things

that affected air quality very much. And then I got to thinking, just like everything else, if your ox is not being gored, why in the world worry about it. Air Quality did exactly that same thing. They couldn't have cared less about those photos. In the end they granted the permit. Then I had to think about how they really policed things. I'll just have to say how they policed things. Anybody seen those dust storms out at Magna? Anybody seen what happened down in Utah County? They're not pleasant, I'll have to admit. I begin to think, hey, it's whose ox is being gored here. I think the same danger applies here. Don Christensen is the only one who lives down in that direction; and it's really his neighbor's ox that's getting gored, not his. I hope that isn't your attitude. I have to tell you that I have a commitment from Bob Valentine, that if these conditions are not met, he won't grant the permit. The rest of you were kind of cagey with me when I tried to get that on the September 27 meeting. I don't blame you. I would have been cagey, too. But, I have to tell you, in addition; in the beginning, Mr. Nielsen was the only one talking about lawsuits and other things, and he has done that wide and handsome over the years, and I don't have a lot of extra trouble with that. If he truly has a problem, he wants to redress in Court, he should do it. Mr. Nielsen is not the only one, I have to tell you. If this permit is approved on this state of the record, there is going to be a lawsuit over it because these conditions have not been met. I didn't agree when you imposed the conditions, I still don't agree with the conditions; but I recognize that you have imposed the conditions and I will address them, and address them whether they have been met or not. I am not arguing against the conditions at this point. I realize what you have done. I realize Devon Breitenbeker said that he thought many months ago that you had an obligation, and I think that may have been in the March Minutes, March meeting, I don't know that it got in the Minutes, but I remember him saying it, that he thought you had an obligation, if Mr. Nielsen met the conditions, that then you ought to grant the permit.

BREITENBEKER: In essence that's probably what I said.

MOLGARD: Yes, I think Devon Breitenbeker said that; and I think that's honorable; but I think the other side of the coin is that if he doesn't meet the conditions, you have an obligation to the citizens of Willard and to Box Elder County not to grant the permit. Now I just have to say that I think that ought to be verbalized, too, here; and I will verbalize it, because I am going to try to see that you meet these conditions, quite frankly. Some of the conditions are vague, some of the conditions help Willard; some of them help Box Elder County, indirectly helping citizens of Willard. The business about waiving the conditions from the Ogden River Water Users Association, Mr. Nielsen and I both know and for many months, in fact, a letter from Ogden River Water Users was, in August or some time, some months ago, anyway, that they weren't going to do that. They weren't going to grant that. I think at the

very least you should follow the guide, the lead of the County Attorney, there, and I think it is totally unfair to make a decision based on Mr. Thorne's request tonight. I think we ought to have 30 days and a comment period on that. I asked for it; you folks granted it, and I think it's only fair. However, lets get on with it. The approval of the applicant's project shall be obtained in writing from the Air Conservation Committee. Number 2. Denny Beecher knows, from acknowledgement from Mr. Nielsen, and from his conversations from Keith Hansen, that two months ago, pursuant to the appeal from Willard City to the Air Conservation Committee that the Air Conservation Committee put a stay order on the approval. I understand the stay order was just lifted today. Keith Hansen's here today. He can tell us if he will the conditions were changed. There are some things that were changed in it; and I think quite frankly, to approve the permit without knowing what all the conditions the Air Quality has, in fact, imposed; what the new conditions are, if I'm right. I don't have the new conditions. I understand they reduce some of his operating parameters, and I really don't know that anybody has them in writing, yet. If they do, the fact of the matter is, they should be submitted here and considered in the next 30 days. I think Denny will

acknowledge that it was on stay. Is that right? Am I misstating it?
BEECHER: Only what Mr. Neilsen and Mr. Hansen told me. I have never received anything from Air Quality.

MOLGARD: The point really that upsets me slightly, and I have to say it upsets me because I mentioned this specifically to Denny, 3, 4 days ago, Monday to be exact; and I would have thought that he would have mentioned that to you. In fact, you don't have the final permit. The final permit, if granted, was only granted today. The conditions in that final permit are only today. No. 3, and I will emphasize No. 3 very strongly, because I think the answer to it is that No. 3 just doesn't apply, or just hasn't been met. It clearly hasn't been met, and it's one of the most important conditions here to protect the citizens and the people of Willard, and to protect Willard City from becoming another Magna or one of the others down there. And you can laugh if you like, but the answer to it is, it is a very small area that can become very industrial, really quick. Here again, if it were your house next door, what would you do? Would you rely upon the information that has been submitted? It seems to me that from the Minutes of March 17, 1988; and I have taken the time to organize this so that if you all want to see them, go back and look at them. In your own review, in this Commission's own review of that, what was said about Condition No. 3, reclamation plan? A written plan has not been provided by a qualified expert in that particular field. A plan defining how much top soil will be replaced, type of seed used, etc., has not been received, of what is contemplated if the seed fails to germinate. I am a little confused as to why Mr. Nielsen just didn't get at it, but I don't think he got at it. What he, in effect, did is not provided a plan, but provided

a bid proposal from Harper Land Reclamation. We know nothing about Harper Land Reclamation. I can go over to the News and Journal Printing and have all sorts of letterheads printed up; and there's no law in this State that says I can't represent someone.

GROVER: You can't misrepresent yourself that way.

MOLGARD: Oh, come on.

GROVER: Come on? Its a fact, you don't dare misrepresent somebody like that.

MOLGARD: Harper Land Reclamation. That I'm a Harper Land Reclamation. If I go into the land reclamation business, it don't mean I'm an expert.

GROVER: Not without a license, you can't.

MOLGARD: Oh, sure you can. I just betcha there isn't a license required. Be that as it may, I won't argue with you, Mr. Grover. The answer to it is, nobody says Mr. Harper, whoever Mr. Harper is, Doug Harper, is a qualified expert in that area. He does the job. He does the work. He doesn't say he is a qualified expert; and quite frankly, I don't see a thing in that, that says what topsoil is going to be required. What water will be required. What will happen if there are storms that will just wash all that seed right down after it is put on there? What about the wind today? Would that do the job on it? A lot of things. There are a whole flock of things. If this was your property, and this was your property that was being affected by this project, would you all rely upon that? If you do, you take more chances than I would. I hope it isn't the ox getting gored situation. The answer to it is, you should comply with what you thought in March. I don't know why you are in such an all fired hurry to protect Mr. Nielsen by granting him the permit and getting right to it. The answer to it is you have some obligations to the other citizens down there, too. That condition has not been met. I don't have much trouble with saying it hasn't been met; I don't have much in the area of argument to make an argument on that. There is nothing to show you that there is a qualified expert there doing it; there is no specific steps or procedures how the premises described in the application shall be reclaimed following gravel excavation, how it shall be prepared. It just isn't there. Quite frankly, this Commission, on the reclamation plan alone, should say No to this permit; at least as it presently exists. How in the world, we got a pit out there to the north called, what I call the Cox pit. It was dug out below the red rocks there. Don Christensen sees it a lot. He probably is as appaled as I am by that pit. But they dug everything out of there to take it to the freeway; and its a great freeway, it saves a lot of lives, I'll admit that. It saves plenty of damaged cars from deer and saves deer. The answer to that is that I have always been told, and I may be wrong, but Mr. Cox or whoever did that, promised to reclaim that. Has anybody got a clue of what it would cost to truck in enough topsoil to reclaim what it would take. It would be impossible. It might -- if the County jumped

on to that; it might cost a couple or three million dollars, don't you think, Bob? Its a big project. There's no way to set a limit here, unless you know what's got to be trucked in, where the topsoil is coming from; is it available? If so, where from, how much? That's what the reclamation plan was intended to do. I have always said, and said on March 17, that the plans and diagrams set forth in No. 4 was a technical problem that I wasn't really great on. And to be right frank with you, I am not going to discuss that with you because I just don't understand them enough. We'll have our engineer look at them, and we'll just have to deal with those as they come up. No. 5, the written permission from the Utah State Department of Transportation, down at the bottom is the part that galls me; I have to admit because it hasn't been done. It says any particular safety requirements imposed, and any weight limits for loads, the weight limits. Obviously Jon's right that there is going to be a fine for that if they are exceeded. The safety requirements, as you might note, that you post "The Truck Entering" sign. I gather that it's a fairly steep grade from talking to Keith Hansen, our engineer. Maybe as steep as 1100 South out here, and I don't know how many people have died out there because the trucks have lost their brakes. In this instance, this is even behind a building where he proposes to locate the road. The fact of the matter is, I don't see any adequate consideration of safety, the safety factors there. I think this Commission has an obligation to the public at large, particularly the motoring public, to give that some thought. The State Road Commission is not going to do that for you; they got their own grieves. They are just not going to do it. It just hasn't been done. Maybe, technically, Mr. Nielsen has met No. 5. I think that answer to it, however, you have got some leeway there to consider and impose a number of safety regulations, and you ought to do it.

No. 9 is the next one I'm going to and I have to admit that that doesn't -- I don't want that to be interpreted to mean that I think No. 7, which is the Flood Control Approval has been complied with, because, quite frankly, I think it hasn't yet. You folks are the ones who have the obligations to see that this project doesn't affect in an adverse way the safety and surrounding property owners. I think that's part of the reason the Flood Control backed away there and didn't comply with that; and it hasn't been complied with yet. All you gotta do is read the letter and read the particular requirement. But, and of course, I discussed part of No. 8 about the Water Users. No. 9, Applicant shall produce and submit to the Box Elder Planning Commission a plan showing in detail all adjacent property owners; and the reason I do that is because I think the legal word to Mr. Gray is an abutting property owner, not an adjacent property owner. I can be an adjacent property owner if I'm 5 blocks away. Real property will be protected from any damage. I think there is no written plan been produced or submitted here, that talks about adjacent property owners. Mrs. Hemsley pointed this out to me. I have to point you back here to your March 17 discussion of this year,

Item No. 9, Condition 9, Protection of Adjacent Property; Planning Commission to obtain opinion from County Attorney. I haven't seen that. I just urge you to go back and ask Mr. Bunderson what adjacent property owners are. It just seems to me that, well Devon Breitenbeker again, said this early that we would impose these conditions to protect the people of Willard, and I'll accept that. I think that was definitely your intention; and if that's your intention, then you ought to broadly construe what adjacent is. That ought to mean the Woodiyatt Subdivision where Mr. Harlow lives, for instance. It ought to mean many people in the upper part of town, because quite frankly, when Mr. Nielsen runs this pit, and if he allows the dust to accumulate like it apparently was allowed in the KD pit according to Mrs. Hemsley's pictures, everybody in town is going to be affected by that. I wonder how many people are going to have trouble with air conditioning systems, and all sorts of things. How many people are going to be unable to use their back yards at certain times? It just seems to me you ought to interpret that broadly; but at the very least, you ought to interpret it to include the -- at the very least you ought to go back to Mr. Bunderson and get the opinion that you had apparently decided on March 17 that you ought to do. Now, here again, maybe I'm -- Maybe you got that, I don't know. If it is, it doesn't appear to be in writing. Mr. Bunderson isn't quite pleasant to send copies of everything.

No. 10, and I'll hustle right along. Denny's right to the extent -- Denny and I are friends, and we're going to continue to be friends whether he hollers at me or I holler at him. Right? However this comes out, Denny and I are going to be friends.

BREITENBEKER: Are you just limiting that to him?

MOLGARD: No. Let me just put it this way, Denny and I have hollered at each other more than I have hollered at you folks, and so I gotta make it clear to him that we are friends. The answer to it is in my business, if I end up disliking people because they happen to disagree with me, or don't accept my point of view, I would be a very unhappy person. I don't happen to be that way. He is correct that the State Engineer has only considered and approved the enlargement of the upper retention basin, which by the way, is within the limits of Willard City. I gather that is going to be the first item that is going to be done according to the flood plan. I may be wrong about that, Bob, but it seems to me that was the first item; but the plan clearly provides for a second detention basin that's located above the canal. I think it would be one of the most critical ones, and the design of it and the approval of it by the State Engineer is what was contemplated. It says, "Applicant shall obtain written approval from the Utah State Engineer of all", not just one of them, and not one that's going to be in the future, that we won't get it until it gets down to us. You have the obligation to see that this program is going to work from beginning to end. They just

haven't approved that second, I don't think it's even been considered, and that's part of the problem here, again, that not everything goes to the State Engineer, not everything goes to him. There was one brilliant thing I was going to say about the reclamation plan that I want to point out briefly, if I may in going back. Russ Brown didn't just say that he had some reservations about it. What he said was something stronger than what he put in writing. He did put something in writing. The reclamation plan involves seeding with a mix that is similar to that used by UDOT on the freeway. Its not a freeway, it's not even the same sort of structure, I don't think. Without top soil, it may not be possible to re-establish ground cover on the excavated slopes since all of the local run off is being trapped in the excavation. This should not adversely affect the District's facilities, what he is saying. The next one that I want to discuss is Number 11, and that really is the crux of the Flood Control's problem, I think. It says "Applicant shall agree in writing," etc., that he has submitted all these things to the Flood Control. I think that condition quite frankly anticipated that the Flood Control would take those structures over and take the right of ways and all the rest and maintain them. I think that was the thought of the No. 11, and that hasn't been done; and there is no indication here the Flood District will do it. In fact, there is a clear indication according -- I think that's what Bob said again, and Don, too, -- that if the Flood District wasn't interested in taking all of those structures over. It seems to me, the reason they imposed that was to see that in perpetuity the flood related problems of this project were going to be taken care of. I think it requires that No. 11 be met by the Flood Control agreeing to take them. I may be wrong. I am a little miffed by No. 12. It says "The Applicant shall have the responsibility for arranging for and obtaining written comment from the following agencies regarding this proposed operation. Then you list the Utah Geological Survey and so forth and we'll go through each one at a time. When you initially discussed these, I think that, and maybe I was in the back and didn't hear everything, but it seemed to me that, well maybe they were not really adverse and maybe they were adverse, you know. The answer to it is all four of them, with the exception of one, are completely adverse to this project. And Number 1 is at least moderately adverse to it. I thought about them; and hey, why in the world make a condition like that unless you tell the people what the project is? They haven't seen what the project is other than a gravel pit in a certain area. No. 1, there, the Utah Geological Mineral Survey was by far the most positive to the project in what it says. We have performed a brief review of the Darrell Nielsen proposed excavation, Township 8 North Range 2 West Section 25 in response to request by Mr. Nielsen. As long as adequate measures are taken to protect the nearby canal, and they didn't get to see what the measures were going to be to protect that canal; we foresee no adverse condition created by this excavation. It seems to me that

condition only makes sense if you always get the comment after they have seen what happened. The united States Forest Service which is, the Soil Conservation Service has been asked to comment on a conditional use permit requested by Darrell Nielsen for a gravel pit near Willard. The SCS has some concerns with this proposal since it has the potential to pose erosion, safety, and asthetic problems. Periodic high intensity storms hit the Willard area. When this occurs, large volumes of water, mud, and gravel can inundate the area below causing heavy property damage and danger to the people in its path. When the slopes are steepened by mining gravel, this hazard is severely heightened. The steep slopes, low rainfall, and low soil fertility, and water-holding capacity make the area very difficult to reseed when mining is complete." Then it has something to do with the reclamation plan again. "Without reseeding, the mountainside will become a permanent blemish on the landscape. I am sure that the people of Willard must also be concerned with the potential for dust, noise, and safety hazards that this project might bring to their community. I have not received any information regarding how Mr. Nielsen plans to overcome any of the above problems. Therefore, I cannot comment on how successful his efforts might be." That condition, to have them comment without knowing what had taken place, is meaningless. I don't know how in the world you folks can consider that to be positive at all. The Natural Resources Letter, Wildlife Resources, which was, I have apparently missed the Forest Service letter, now I got the Forest Service Letter, same thing. I will forego reading the two of them, because they are long; however, they are adverse, and both of them were very adverse, very negative to this project.

No. 14, "Applicant shall arrange for the preparation of a qualified engineer's estimate." I am not sure what a qualified engineer is; I don't think every engineer is qualified to do everything. They may be like lawyers; they may think they are, but not us lawyers even, you know, are qualified to do everything. Yes, I agree with Mr. Nielsen, that's correct. However, we do know what we want, I'll admit that. We are fairly logical to analyze problems. It does seem to me; hey, how in the world can you say that a reclamation plan is going to work, that it's going to be carried out unless you've got a true estimate of what the cost of it is. I think Denny pointed this out in his notations. There is nothing that says what it is going to cost, other than with Mr. Nielsen's own equipment. It assumes the County has to do it, if it isn't done. It seems to me that if you grant the permit on this state of the record, you have just violated your trust in making sure that they were all cared for.

No. 16 is the, -- One other item about 15, the. . Excuse me, No. 15 is the next one that I am going to go to which is "The Proposed Agreement to hold Box Elder County harmless". Quite frankly, I couldn't care less if Box Elder County gets stuck for a bunch of damages here. The answer to it is that I care, obviously, because it affects my taxes, too. The thing about it is Box Elder County is biting off

this problem. You are biting it off for them, and that's fine. If you grant this permit, I have to tell you that I think the enforcement problem here is going to cost Box Elder County plenty. No question about it. The trouble with the condition there is; if you will note on your March 17 thing again, it says "Agreement concerning damages refer to County Attorney". I haven't seen that in my documents, that the County Attorney responded to that at all. Maybe Denny disagrees, I don't know. If it is there, I haven't see it. I looked pretty hard yesterday while I was trying to assemble this information. I don't think he has. I may be wrong. If he has, great. I think that is something to protect Box Elder County, and you do what you like with it. It's Box Elder County's loss, more than Willard City's. The last item I want to point out is the noise business. I don't see any, and that's Number 16. It says, "Applicant shall prepare and submit to the County Planning Commission documentation showing how noise levels at or omitting from the premises, shall comply with Section 10, Box Elder County Ordinance." If we rely upon the promise from Emsshaw, that's what that meant, that they are going to come up here and inspect this, we are going to get -- to take photos like Mrs. Hemsley can of the dust, you are - thousands of them. There is going to be a bunch of noise, and that noise is not necessarily going to be reduced. The fact of the matter is some of the factors such as the trucks coming and breaking up that road are going to create more noise. There is not a written plan here as the condition is. I think that the answer to it is on the state of record, you ought to just say "We can't grant it at this point, and you had not to grant it." You might notice, also, that I put myself on the Agenda, or asked Denny to put me on the Agenda, sort of cagey like to allow officials of Willard City to also have a word, and Mayor Thorpe is here. I want to give him an opportunity to have a word if he likes.

MAYOR THORPE: There are two items that I would like to address. One of them, you asked Mrs. Hemsley if these problems have existed with other pits; what pictures have been taken? We met with the pit operators several years ago when Don Chase was the County Commissioner. Cliff Woodland, sitting in the back, and I have to tell you that Cliff Woodland has adhered to the dust problem with the road and with this pit up there very well. I have not had any complaints on it; and usually I get the phone calls. They water the road regularly, and there has been no dust problems out of his pit. Air Quality is just like anything else. Air Quality works on a limited buget. For Air Quality to get from Salt Lake up here while the dust is still there; and even when they looked at the pictures, fantastic pictures, but "we would like to see it ourselves".

The other one is, the time frame that you are allowing Mr. Nielsen to work under; the 7:00 a.m. to 7:00 p.m. with a condition, also, in that if he comes to you again and wants to run later or work on a weekend, you will consider that. I would hope that you would give Willard City consideration on that also before you grant him the

extra time on that. Because it is Willard City it is going to affect again, not Box Elder County. We are the ones who are going to have to listen to the equipment late into the night, or on the weekends. Please give us consideration on that, if you will. Keith Hansen has been involved with Air Quality for the last month or so, or two months on this permit that Mr. Nielsen has applied for, and he was in the meeting today and last Friday. I would like to give Keith a moment or two, if he would like at this time.

VALENTINE: Mr. Chairman, before Mr. Thorpe leaves; Lonnie, have there been any complaints regarding noise or noise emission to date with the operation that have been identified as a dust problem?

THORPE: With noise?

VALENTINE: Yes.

THORPE: Yes, there was, and I don't know as that would be something that we ought to discuss. I believe that was a problem that was worked out with Mr. Nielsen, and dealt with. It was taken care of. It was the bell, and it was taken care of. That's what I'm telling you. Mr. Hansen is our City Engineer.

KEITH HANSEN: Lonnie asked me to address several issues, and there are several others that came up during the discussion here. I'll just touch on them as I put my notes down. On reclamation, hydroseeding is not reclamation. That's all there is to it. It's not reclamation. It's a method that the State uses to protect slopes. I have been involved with experts on reclamation and re-establishing areas similar to what this area would probably be when Mr. Nielsen gets through with it. And it takes some experts. They have to analyze the soil. We don't know if the bedrock is going to be exposed with the slopes that he has got proposed. We don't know the soil, or what materials there are, if the plants will re-establish on it. I think the pit to the north of Willard Creek indicates that it will be difficult, and then just go up above my house, and you will see another example of a gravel pit that's just unreal. On the reclamation, there is confusion with the Bureau of Air Quality. I met with them on November 8 and went over, incidentally, so you will understand, I have been in contact with the Bureau of Air Quality since February. My file is about that thick, analyzing their data, and looking to see what they are proposing. There have been about seven or eight changes in their calculations; and as of today, there was still some confusion in parameters that they had used in their calculations. Now I have prepared a report, and I will give a copy to Denny tomorrow, so he can read it so that he can understand what has been going on. But as of today, Air Quality approved--they have reduced his production down to 300,000 tons per year. They have limited him to 240 days to occur between March and November 1. Their calculations are based on 173 working days, and that coincides with your saying he can't work Saturdays and Sundays. They use 12 hours in their calculations. They reduced the impact; well, the initial impact by Mr. Nielsen's experts showed 21 tons of PM10 being distributed over the City of Willard. Then after Air Quality got into it, it vacillated back and forth between 11 and 12 tons of dust; I'll

call it PM10, very small stuff. And the PM10 is the thing that is very damaging to those, to everybody, especially to school age children. There is a report out; I don't have it, but I know the expert that can get it. It says that if the level is above, is 140, it's damaging to kids. The limit that the State has set is 150; and I guess that's an EPA regulation. The State vacillated between 11, between 12 and 11 for, up until November 15. On November 15, when they went through this new calculation, their last estimate as to number of tons that would be deposited in the Willard area is 7.8 tons. In order to do that, they reduced the production to 300,000, so you can't approve the permit you are looking at today. He has to pave the road all the way from the highway up to the pit. That was a condition; that was a change. He has to maintain moisture content, between 4 and 5 percent in all of his operations so that there is no dust. That's the major ones. I am sure you will be getting a copy of it. I had a copy, and I didn't get back until 6:00, went home and had supper; and I went down to the office, and I made a print. I got a ghost in that damn office every time I print something. It steals it and hides it from me. I couldn't find it to bring it to you. So that's what has gone on with the Bureau of Air Quality. The Bureau of Air Quality, there is some confusion with them as of November 8. They were under the impression that this estimate that you've got of 44,000 or 45,000 is a County generated document. This is what the County has approved as a bond amount, that it will guarantee that what will be reclaimed. We did our best to impress the Bureau of Air Quality, that No, that is not; that is what Mr. Nielsen has submitted to you, and it has not been reviewed, and I have discussed it with Denny, and that's true. It has not been reviewed nor approved. I think there is some concerns, that you have some concerns with its adequacy. There is also some confusion on the reclamation as far as chemical and hydroseeding. When I brought up the fact that he is limited to five acres. He can have two acres of storage piles and five acres of exposed ground, a maximum of five acres. When he gets that, anything he does beyond that, he has to, his reclamation plan has to be in effect and effective. He can't go over. In other words, as he exposes it, he is going to have to reclaim it in order to keep moving through the property. The other condition that came out of this, our efforts, and it has been difficult, and its, I think I'm an official of Willard City now, the amount of money I have been paid. But, anyhow, there is some confusion as to whether or not, chemical or hydroseeding, which one is to be used on it. The option is up to him. I think the analysis that has to be made is, is the chemical and hydroseeding compatible? Can you re-establish the plant life fast enough so that he can move through the project as he wants to? He can move back into that property about 250 feet; and with that slope, he won't be able to take an awful lot of material out before he has exposed 5 acres. About 250 feet is all that he can go, and that's according to these drawing right here. So there is a real problem with reclamation; and I think it should be addressed by an expert, not by a

man that's going out with a truck and blow some green stuff on a side-hill, and that's all it is. Will it grow? If you approve hydroseeding, and it's done, you are going to be in for a difference of opinion between Mr. Nielsen, yourselves, and the city, and everybody else involved. Well, was this reclamation or not? If you don't want the argumant, define it right now. The question of inspection has been discussed here. I'll send you a copy of the Minutes of a meeting, of the Willard Flood meeting. In it, it says that the Bureau of Air Quality will inspect once a year. And there is some language in it about additional inspections. I'll send you a copy of the Minutes, and you'll enjoy them. What it basically says, I didn't think they work on 5 acres; they probably need 30; and that they would need more inspections. This individual wrote: Dave Koptus says one inspection per year. They want more. Ferdinand, let them do it themselves. You interpret that. It's exactly what he said. And that's part of the Minutes. Bob was at the meeting. I'll send you a copy. You will enjoy it. They also said that the permit is granted on one violation per year and it is shut down. He can't exceed the limit of 150 or it is shut down.

Item No. 4, I have reviewed the plans, and it's hard to review plans being from the same area, because people think that you have got an axe to grind; and I have been accused of that. That's not the case. I'm an engineer. My opinion is not for sale. I call it as I see it, and that is it. That is all. I give it my best shot. This is the area to be excavated. Phase one is about 10 acres. It shows the retention pond here. And when you measure the size of the 9.4 acre feet, that's taking up all of the land. This brings up another point: Mr. Nielsen will be restricted to keeping his crushing equipment right in the south end. That's spelled out in the new permit. He can't move it back. They have to haul the materials from there up to the plant. That's spelled out; and that again is a result of our -- we had to push like hell to get the Air Quality to look at it, so they run a model through; and when they moved beyond this point, the impact got on to this adjacent property, and so they said you have to stay right in the south end.

The side slopes shows, and these plans are wrong; what does 2 to 1 minimum mean to you? If that's the minimum, can I go on a 1 to 1? That's exactly right. You can't get this material to stand on a 1 to 1. In fact, he can cut this vertically, if this is approved.

BEECHER: 2 to 1 is as steep as he can go.

HANSEN: All right, then he has got to put 2 to 1 maximum. I have brought that to the attention of them several times. But they refuse to change it. It's got to be 2 to 1 as the maximum. Two feet horizontal to one up. You can go flatter. You can go three horizontal to one up. It's flatter, but if you want, this is the minimum, you can go steeper than that. You can go 1 to 1, you can go straight up, right? And that has to be changed and identified. The location of the detention pond down here at the south end creates a real problem.

I don't think there is enough land down there if he has to put his crushing equipment in it. I did some quick calculations, and with the permission of the mayor, I will get them to Denny so that he can look at them. That excavation is going to have to be a sizeable pond, and it is going to go down quite deep. We don't have any data to indicate what kind of materials they are going to run into as they go down. If they go down and maintain, its a gravel structure down to 50 feet or so, and then it hits a claylands, or whether it hits a claylands or not. The water is going to travel horizontally, nothing says the water has to go down. Right? Well, think of it. But it can go horizontal. Pipe out underneath the canal; and I can tell you of an irrigation pond that was built by an engineer that had something very similar to this, piping started, how it failed. You can have the same thing happen right here. There's the canal. It's right there. That should be addressed. How they are going to seal that thing. This may look impressive to some, I guess, but there is nothing here to show how this channel out of Cooks Ganyon is going to be controlled once they get into it. Absolutely nothing. You got to have some detail. That water is going to come down out of that canyon like the mill tails of hell; and all they are showing is it coming across here. If they are in a gravel strata, if they are still in gravel, when they get to this 2 to 1, it's going to erode that, and it's going to fill this pond, and you've got the pond no more. It's going to top the canal. It's going to come right down and wipe out the road, and I don't know who is going to end up getting the bill. That's what will happen. The responsibility that you have is great. He's got to show you how this is to be constructed. This is a very steep channel. Right? 2 to 1? You come down on that 2 to 1, very steep, the velocity is going to be great. Based on that there are . . . end of tape.

New tape: . . . We got boulders like that. This has to be addressed. And it has to be shown on plans; because if you approve something like that, and you don't have a document over here, it becomes a difference of opinion of what's been approved. You are going to remember . . . tonight. That's all there is to it, because there is nothing here, it's got to be shown. The area, you know, it is very narrow down in here; and so the trucks are going to have to move from here to here, to haul this stuff out, and that has to be looked at a little bit more as we go along. I think that's the major problem with the plans. They do not show all of the details that you have to comply with. I would not approve it. The Air Quality letter that you probably will be getting right shortly does say that the road will be paved all the way from the highway up. It is not optional. In order for them to keep the emissions down, it has to go all the way through. As I have reviewed these plans, their runaway truck facility per UDOT Standards; this runaway truck facility is still going downhill. You are going to have a truck loaded with 20 tons of gravel, and it weighs 20 tons; he shows a little slip here for a truck stop going downhill. I don't know,

I can't recall any runaway truck lanes that go downhill. I think you have got to turn them kind of uphill and put a lot of gravel on them.

BEECHER: This is a sandtrap. It's not a turnoff, it's a trap, is what they are proposing. The truck will sink into it and stop.

HANSEN: But he has got to put the details on it. Just say per UDOT Standards, what UDOT Standards, I don't know. It is his responsibility to show this; so that when you approve it, you know that you have given this County the best they can. This document right from here to here is in Willard City, so they are going to have to review it also, I believe. You know, I looked up that word, tried to find that word "palative", "dust palative", and I can't find it. But it means to keep the dust down. But he has got to pave it. The question was raised about this road being steeper than 11th South. Well, there are portions of this road that are where it's 12 to 13 percent; and I believe 11th South is limited to 6 or 8. So it's quite a bit steeper, and you have got a loaded truck coming down. So the hazard out here when Jack brought this up about this existing building, that truck coming down. How many wipe outs have we had on 11th South because those trucks couldn't stop? And you know UDOT made a turn to try to turn some of them so they could come back up Main Street. But our City put a big mound there so that nobody could see them coming. Maybe the morticians had something to do with it. But anyhow, the existing building; if you look at it -- In the City, you say you got to be back 40 feet, and you can't have anything like this. This is a problem. That big building is going to be blocking the view, especially from the people that are going to the north. Going south it won't be too bad, but his guy won't be able to see them, and they won't be able to see him until they are almost together. If he has a fender, you have truck fenders. That's why they got this stop up here at the top of the hill. They want everybody to stop and check. Once they get on this, they got 3,000 feet; and hopefully, one of these two things will stop them. So that is a hazard; the State hasn't addressed it. I have looked at it and tried to get them to answer, and it's difficult.

OK, on flood control. As I said, flood control has been going on again. That file is quite thick. The reason it has been going on is because, first of all, let's put it this way: It's awful hard to be an expert and live in your own community and make an analysis and have anybody believe you because they know you personally. "Oh, he doesn't know what he is talking about." I have two computer programs, and I recognize computer programs are no smarter than the guy that's running it. But I have run the calculations through. I bet I have got 15 different ways trying to figure out what's going on. I don't know who to leave this with. I guess you, Richard. Mr. Brown, representing the Flood Control District, has stated that a two hour flow, or the hundred year two hour precipitation would create the greatest flood. And he shows it as being 216 CFS. He shows the 24 hour as being 134. The two hour requires an 18 acre foot storage pond, but the 24 hour requires a 71 acre foot. You got a problem right there to start with.

They have based this detention pond here at 9.4 acres on the 18 acre feet. But, if you have the 134 second feet, by Mr. Brown's own calculations, you need 71. He has assumed that half of the 18 is lost through the alluvium before it gets here, and the other half would get here. If you have the 24 hour flow, even with his low flow of 134, you need 71 acre feet. So the 9 is not going to be adequate, is it? What's going to happen; and I will promise you this, you will approve it with the 9 acre feet; and within the next week or the next month, and possibly the next year, you are going to get the hundred year flood, and that god dang thing is going to run right over the top. So you have to look at that very close. I know from my experience that the 24 hour flood flow that he has calculated here is inconsistent with his own reports and that it's not right. He has submitted to me his calculations on his HEC 1 program, that's prepared by the Corps of Engineers. He has his precipitation data right here of how the rainfall accumulates. Then he goes through and here's a whole bunch of figures that's confusing as hell, except you get down here to the 10th hour, and that's what that reflects, a highlight of it. And I'll make more copies, if you want. OK? The 10th hour, he shows that 134 second feet. And down here he shows the 71 acre feet. So that more or less justifies his letter. But since, I have gone through it, and I come with about 798 acre feet. Try as I may, I have put everything into that damn computer that I could think of to see how I could get to this, and it's impossible. He represents, in his calculations; he states 100 year, 24 hour discharge, SCS 24 distribution. Because I am questioned on it, I had an expert. He works for the State of Utah. He is a hydrologist. He has developed a program. He has used the SCS Program, but he has developed a program also for the Salt Lake airport which would probably be better than the SCS; because the SCS kind of generalizes this area, say like Nevada over to Colorado; Montanta down to Arizona; along the California Coast, you have a Type I-A storm. In our area, we have a type 2 storm. As you go east, they go to 3's and 4's. But they have this other program that the Corps of Engineers developed. I had Norm Stauffer. I told him, I said, Norm, I'm up against a tree, I don't know what to do with it. I keep running against a brick wall. He is a friend. So he run it. Independent. I just said, this is what it is. But the 12.25 hours flood flow that he calculates is 748.78 acre feet or second feet. Now that's only 5, 6, about six times greater than what is being presented here. As a County and as a city, and as far as the city is concerned, we are oing to keep pushing to try to get the answers. I have asked Mr. Brown where he got this curve data from. It was asked in September, and we haven't received anything; and that's why I believe that letter that Wayne sent doesn't mean an awful lot because what it says is it can be done. Yes, it can be done. You can solve that flood problem, but when, at whose cost? This one, again, he comes up with 70.8 five acre feet, so the quantity is the same. So you are going to have somewhere between 35 and 71 acre feet of storage. You are not going to get by with 9. I give you those.

Now I'm going to give you one more. This was taken out of a report by Roger Boisjoly. Some document he had, somebody in Willard has it now. I will give you each a copy of this. Look where it's kind of grey. I didn't have time to yellow them all. If you look where the grey area is, I'll read what Mr. Roger Boisjoly wrote August 6, 1981: "I was told by Mr. Russel Brown, of Rollins, Brown, and Gunnell, Consulting Engineer that the cost to contain a hundred year storm would perhaps exceed by many times the net worth of the whole City of Willard." I submit to you there is a problem with the estimate, there is a problem with the size of the pond and there is a problem with the calculations which much be addressed and must be resolved; and I have tried my best to cooperate with Russ, but I can't do it if he won't give me the information. I don't want to talk to those adjacent property owners. That's an attorney.

Now this same type of calculation I have, and I didn't realize it, I'll give it to you. The frontal canyon, the one just to the south of Cook's, the little one; I'll give you a copy of the calculations that Russ Brown has made on that and a copy that Norm Stauffer made on it. The enlargement proposed for the existing detention pond is only adequate to serve that frontal canyon. It will not help Cook Canyon at all. I will send it to you. I am sorry I wasn't better prepared, but I didn't expect to be in Salt Lake until the sun went down. The estimate, the lower pond is under sized, the detention pond is under sized, and I will send you all of the calculations that show you that.

The noise, I have raised that issue from the Day 1. There is an expert in Ogden, that that's what he does. I have talked to him, and he went out and looked at the site, and he gave me a proposal of what it would cost to make a noise study, and I don't recall what it is right now. But he did tell me that that mountain right behind will act as a reflector for anything that is done, and the noise will come back down. And so that should be addressed by more than just saying, well, we can do this. It's got to be addressed as to how you are going to accomplish it. Now I had to do that for St. Benedicts. We did the Environmental Study for the new St. Benedicts. We did the Environmental Study for the new St. Benedicts, airplanes go over it, traffic around it, the new road down it. We had to do the Environmental Study like that; a noise study for them, and prove that we could build it there without impacting the people. There is also one other thing, my last statement. Whatever this Commission does, and the Flood Control District, there is a provision in the law that not many people know. I think it's 1126 that states that essentially all public entities have to comply with the zoning ordinances of another public entity. So I think what it is saying is you got to all cooperate together to solve the problem. Any questions?

KIMBER: Presently, what is the capacity of the detention basins, there?

HANSEN: I think 8 acre feet. I think that is all it is. They are going to double the size, something like that. It's not very big.

I think it shows on the plans. I think it is to double it. They are going to enlarge to 6.4 acre feet. It's not very big right now. It's very small. They are only going to enlarge it to 6.4. That's why I say my calculations, not mine, Norm's show that this is only big enough to take care of that. And this water is going to come from that frontal canyon. It's going to come down that road, and I think they have proposed now to put a culvert underneath it and conduct it into that pond.

KIMBER: What you are saying is what they have right there now is less adequate than what would be there. But it's all inadequate.

HANSEN: That's right. I think in my talking with Russ and the Soil people, I believe that was something that was constructed to get something constructed. It was something that was expedited to get some control. The same with the ponds just to the south. They got these to control the water to stop all of the flooding that was coming onto the highway. I guess they have done some. I don't know if we have had storms of the magnitude that we used to have or we had, but they did do that. But they haven't even put the band-aid on it yet.

BEECHER: The existing Cook's Canyon basin from its current capacity of 2.1 acre feet to 6.4. Three times.

HANSEN: But three times is not very much when you bring a hundred year storm out of the frontal canyon to the south. Any other questions? Can I go home now?

KIMBER: Mr. Nielsen, would you like to speak now?

DARRELL NIELSEN: First of all, I would like to get back to the Air Quality deal. Now, Willard City. We were issued the permit in the first place, and Mr. Hansen, Willard City, raised quite a bit of problems over it; so one of the -- there's a board down there, and there must be at least 12 to 15 members of this board, that Willard City, and one of our people from Air Quality get together, have a meeting, and see what they could compromise on how they could best work this Air Quality out. So Mr. Hansen wanted to come down and look over the things. So they said, fine, come down; and they gave him all of the information that they had or whatever they wanted to give him, I don't know. But, as I wasn't invited to that meeting. But then they scheduled a meeting for November 30 at 1:30 between Air Quality, myself, and Mr. Hansen. So I was going to Phoenix on a business trip; and I thought it was very important that I stick around and see what happened. So I said I would be to the meeting, and Mr. Hansen agreed that he would be to the meeting and Willard City said he would be, somebody. Well, the day before the meeting, he calls up, or somebody calls up, and says Mr. Hansen can't make the meeting. So they tried to schedule another one. But Mr. Hansen wanted all this information. He didn't want to sit down and talk. So then they scheduled another meeting, I think it was on December 8 or 9. I don't remember which day it was. So we went down there. I started to give things to make this thing work with Air Quality so that I would work with Willard City. But, do you

think Willard City would give one thing? Not one thing. So they had their meeting today. Mr. Hansen, and I timed it, took one hour and fifteen minutes of Air Quality's time. And I took five minutes. Well after it was all said and done, they approved the permit. I gave some things here to see if we couldn't see if we couldn't get this thing off of square one and going. So I agreed to take and black top the road all the way to the top if that would help the situation. It's not even going to change that much, but I said, "That's fine, we're going to black top it one of these first days anyhow." So, we agreed to do that. There was 2 or 3 other items in here, and I can give you a copy of this.

KIMBER: Is this permit tht Mr. Hansen was talking about?

NIELSEN: Right. But they are going to re-issue the permit, or a different one than what you guys have got. They will bring it, so I imagine one of these days you will get it. But anyway, at least I tried to take and do the things that I thought was fair. So, they asked, they said "Do you people want to stop this gravel operation, is that what you are trying to do?" "Well, I don't know if we are trying to stop it or not. I'm just hired by the City to bring you these facts." So Mrs. Hemsley said, well, or somebody said on Air Quality, "Why don't you buy that property? Well, we would love to buy it, but we have only got a few dollars, and Mr. Nielsen wants a lot of money for it." I have never really seen anybody try to buy that property, come up and want to buy it. All they want to do is stop the gravel operation. So I don't know, but I get a little irritated on some of the things. There are always problems, like Keith Hansen, and you know, Mr. Brown is you guys' engineer, Flood control's engineer. He is not my engineer. He is not mine. But I can't tell you what Mr. Brown or anybody's things are or how right his figures are. But if Flood Control, and I mean this Commission, Planning Commission, wanted Mr. Brown to look these things over and do it, I think he is a pretty decent man. I think his figures pretty good. I don't know that much about them. But, you got Mr. Beecher, here. He's an engineer. But I think you could go and get sixteen einengineers, and it all depends on who they work for and what the deal is, how they come up with the figures. So I don't know what you want to do on that. And there are other things that I could mention as far as the dust goes up there. I mean they could take pictures of my deal. I haven't had a crusher in there since June, or even the last of May. I can't help cause we get a windstorm like we had last night. But Air Quality takes that into consideration. They take that when they issue the permit. They take the worst day that you could possibly get, and everything else to come up with these permits. They took, Mr. Hansen talked to them for an hour and fifteen minutes. Well, they came back, and said Darrell, we are going to OK this permit for you. So, I don't know how bad those engineers are for the State, maybe they don't know what they are doing, I don't know. I have no idea, but I didn't put the figures down. Where do we go to take an experts? Who do we get as experts?

I don't know. If somebody said, are you an expert at your job? I think you would be qualified at the job you are doing. So I think you would be considered an expert. I think some of these other guys that have made these decisions of what we can do and what we can't; I think they are qualified. I have got equipment. I think I can do the work cheaper than somebody else. You have got an engineer here that has looked at the work. I don't know if he thinks that we can do it for that figure or not. But, I think that pretty soon, we gotta say, "well, what have we done, what haven't we done?" And either give us the permit, deny us the permit or whatever. Because I think the canal company isn't worried about us flooding out their canal or they wouldn't have given us the permit or the crossing, and that. I don't think they are worried about it. In fact, I know they are not. In fact they would like to see all of the gravel moved. That's what they would like to see done. So, I don't know where these people keep coming up that the canal company has a problem. They don't have any problems, or they wouldn't have given me this in writing. They wouldn't have given me a letter. So, that's about all I've got to say about this. I hope that we can do this, because they are going to bid Willard Bay next month, and I would like to have an opportunity to bid some of that work. So, you know, Air Quality was an awful tough deal. They took a year to make their calculations. I just got another bill from what Willard City wanted them to do and everything. It's another almost \$3,000.00. That is \$6,000.00 I've spent with Air Quality plus twenty some odd hundred of my own with the people that drew up what we are supposed to do. That is \$8,000.00, almost \$9,000.00. I just don't think that you can keep going through these things, and then to do the roads and to do everything else. Like I say, I don't -- I'm not very happy with some of the things that I have had to do. Look at the time. Air Quality, clear back in, I don't know what day it was -- Well, they wanted to give Willard City a chance to talk about it and do things. And that's what one of the members said. In fact he apologized to his Air Quality people after. I mean, this Board Member, he said "I thought maybe you people could have got together and talked about this." Nobody wanted to talk. Willard City didn't want to talk. I'm the only one that's agreed to do any of these things. We have cut the production down. We done a lot of things just so that things would be better for Willard City. So, I don't know. But that deal was, they gave us the permit. They just told us that we had the permit now. So we have a permit from Air Quality. And I imagine you people will get one, but when I get mine, I'll make sure you people get a copy.

KIMBER: Were they instructed to send a copy to the Commission?

NIELSEN: No, they were not.

THOMPSON: This permit, Darrell, this is a permit for your other operation? Is that what we are talking about?

NIELSEN: For the new one over there, that you people asked me to get.

THOMPSON: This is the permit?

NIELSEN: This is the permit that you people asked me to get from Air Quality, and which I . . .

THOMPSON: And it's been this long getting that permit, now?

NIELSEN: Plus \$8,000.00, \$9,000.00, Jon. And I agreed to some of these things so we can get this job going. I mean, it's not the best permit, but we are going to try to live up to it. We have never had a chance to try to live up to anything. We are going to try to live up to these things and see if we can't do some things.

THOMPSON: Do you know what those provisions are? That's in this new revised permit? Now, I don't need to read it, but are you familiar with those things? Is it still going to make it profitable to continue an operation like this? Is it going to restrict you to the point that you are going to lose interest in it?

NIELSEN: You know what? It's going to restrict, a lot. But you know what, I still got my day coming. And so all I want to do is get everything done, and we'll live up to what we got to do. . As far as those people worrying "can we do this, and not?" Hey, I don't know if we can or not, but I sure want to try. And that's the main thing.

VALENTINE: Well, Mr. Chairman, I have a couple of concerns that need to be addressed. The first being that which was brought out earlier regarding the 30 day review and the request of an opinion of Mr. Thorne that was submitted this evening. Also I believe there has been sufficient issues raised, that I would feel far more comfortable if this body were to talk with the County Attorney regarding a couple of the issues, specifically the one that Mr. Thorne introduced tonight, and also the one that was brought out regarding the adjacent/abutting property owners, and their concerns. I think what we were told that we did have a document from Mr. Gray that listed his concerns, but do we need something further? I also have a concern regarding the, and would like an opinion from Mr. Bunderson, concerning the liability involved with the agreement to hold Box Elder County harmless. Those are some issues I think, with those, if we could. I would like to have that understanding, and have that discussion before we proceed. The other issues that came out, and I think they are going to have to be worked, if Darrell has submitted some things that (1) that becomes most prominent regarding lack of adequacy, is the reclamation plan. And I guess we are back to who is an expert? I don't know who an expert is, but I think it behooves us to consult one regarding the reclamation plan itself. Again, I think it is very important that we talk with Mr. Bunderson.

KIMBER: May I add one other item to that. That is I am a little chagrined at the events surrounding the Air Quality thing. If you talk about the 30-day provision, that this body was not informed that that was on hold, and then we get hit cold with this, this evening. That concerns me a little.

NIELSEN: Mr. Chairman, let me say, it wasn't on hold as far as I am concerned. You can . . .

KIMBER: I'm using the terms that someone else used.

NIELSEN: Well, that's right, but that's an attorney talking. It wasn't on hold. They wanted to give us time to do a little talking and see what we could come up with and then they were going to. Well, Mr. Hansen, and everybody, didn't get everything done in time, so they stalled it another month. Now, you know, we can stall them and stall them, and stall them; and let me apologize to this Committee for not being here for the special meeting that was held. I never received any word on that meeting whatsoever. And so things were passed in that meeting without my presence of being here. Which I don't think is kind of fair to Darrell Nielsen. When I especially wasn't -- when I think there was only the two of you, and Denton, and Jon. But there wasn't enough people here. So they held a special meeting, and I never got notified and I told this to Commissioner Valentine, and he said, truthfully, if I'm stepping on your feet, Bob, I don't mean to. He said, I didn't even know about the meeting myself until I walked in this office and my secretary told me. Is that right? Is that the way it was? So, you know, I'm not trying to say anything about things, but, you know, I'm the one that's trying to get the permit, and I ought to have been around to listen to some of these 30 day deals, and stuff.

KIMBER: And I can appreciate that. I guess the issue I raised concerned me, because we have a new permit that this Commission has not even seen yet. The term, "The permit was on hold" and was being discussed, and this Commission, as far as I know, had no inkling that those things were going on. That's the concern that I have. We'll look forward to receiving a copy of that, but the 30 day provision that this Commission has put in place, I think comes into play with that particular item also. And I appreciate you're anxious. We're nervous and anxious and concerned. This is a very sensitive issue. We want to protect you and your rights, but we also have to protect the rights of citizens of Box Elder County. Maybe this Commission is just being super sensitive and cautious. I hope they are. It's a tough one, Darrell, you know that.

NIELSEN: Well, I agree with you one hundred percent, but just let me get back to square one again. You know, there's 19, 20 questions, here or conditions, and don't you think pretty soon I ought to know what conditions I've met and what conditions I haven't met; and if I haven't met them, let me have a few days or a few weeks, or whatever I have to do to get the conditions done. As far as Box Elder hold harmless, I'll gladly sign a deal with Box Elder Hold Harmless that I will hold Box Elder harmless for anything I personally do, but I don't think I should hold Box Elder harmless if they get in a lawsuit. I mean, why, what, I don't understand why I should.

KIMBER: And I think you are absolutely correct, in have the right to know which ones of the conditions you have met at this point, and I think that with the new issues that have been raised this evening, I am assuming what Mr. Valentine was suggesting was that we need to take time to follow our own policy; establish my list. And in the process of

doing that, review some of these things with our County Attorney because that issue has been raised. We want to protect these and let you know which ones of these you have and have not, and think that at this point, I have some serious questions about several of the items. Those have been raised tonight. You have had an opportunity to hear some of those concerns here.

NIELSEN: Has there been anything raised that hasn't been raised in the last year or so? To speak of?

THOMPSON: Yes there has.

NIELSEN: Which ones?

THOMPSON: Do you want me to go through all of them again, Darrell? There has been. As far as I am concerned, there's been some questions here. But, I'm like you Darrell, I'm frustrated, too. Because I don't know which engineer is the expert witness. And now we have heard two different opinions. Frankly, I'm frustrated with the results. Neither one of them are even close. Which raises a question for the safety of these people sitting here. On the other hand, you have spent \$8,000.00 to get a permit that's six month or a year, and I can understand your frustration. But nowhere have we ever been told that that noise is going to reflect off of that mountain. We have never even had a chance to read that thing yet. And so, I feel like I have to have some time to look at that and see what has been proposed there.

BREITENBEKER: Well, another thing, too, where does this stop? The guy that says that the sound is going to come off the mountain, what does he know? Who is he? Well, I could tell you that the sound isn't going to come off the mountain. I don't know. Here again, how long, and where does it stop, this circle that we have gotten involved with? In other words, this expert thing can go on forever. Who is an expert? Where do we get the definition of what an expert is? When we say this guy that proposed this hydroseeding, and so forth, is he an expert, is he not? I don't know. I don't have any idea. How do we find out whether he is an expert or not?

THOMPSON: Well, I would hate to have to find out the hard way, Devon. That's the only thing I'm concerned with. I would hate to find out in litigation as to what you intended and what we intended, and come to find out that things were not properly addressed and we were lax in not covering all of our bases. That's what I am concerned with. And you can't blame us for being concerned with that, Darrell.

NIELSEN: Jon, I don't, I don't blame anybody. but I can't keep coming back and back and back and, you know, if this Commission would say to me, Darrell, we want this done this way. Then maybe I could do it that way. But, if I don't know what I am doing, if I think this is good enough and I show it to the engineer, your engineer, and different people, and they think its all right, what am I supposed to think? I mean, I don't know. It's confusing to me. And it was confusing to Air Quality, but it didn't take them long to take and make the decision to give me the permit.

VALENTINE: I think that's why it's necessary for us, Darrell, to talk to our County Attorney. Wehn we went through the list of what we had, I had some questions. Mr. Molgard identified some questions and some problems. And that discussion, I think, will put the thing much closer to resolution.

KIMBER: This is the first time we have had all of the documents to look at, and we still don't have them all.

NIELSEN: But I couldn't help that. I had the permit, and I still got the permit as of today, but if they want to revise it, that's fine. I mean, I can't help that.

KIMBER: And I understand that.

BEECHER: How do we know they'll do it again?

NIELSEN: Well, they all voted on it, so I don't know what's going to happen.

BEECHER: Well, you already had one permit, see they have revised it already.

BREITENBEKER: Personally, and I'm talking now only of me. I don't understand why them revising the permit changes anything. We had a permit before, we now have a permit which is revised, which is more strenuous. There's more provisions that have to be met. So why, that particular issue, which I guess is no. 1, or whichever one it falls under, I don't know that that issue in my mind hasn't changed anything. We had a permit before, we have a permit today. Evidently, tomorrow, we'll have a different permit, but we still have a permit. Now if they had revoked the permit, that would be a whole different issue. But we still have our permit. So I don't know that that really changes anything, as far as the conditions that you need to meet. There are other things I have questions about. But that particular issue I don't.

NIELSEN: What I'm trying to say, there's a bid coming up. And I know it's not important to you people whether I bid the job or not. But it's important to me. It's very important to me. I want the opportunity the same way as anybody else wants an opportunity to bid a job, or whatever happens. You're in the building contract business. If something comes up, you would like to bid it, you would like to bid it. And so, I don't know what we are going to do; how long it's going to take this committee to make up their mind at what they want to do. You guys are going to have to tell me. But I think I have met the conditions as good as -- you know, maybe there is some problems that the attorney's raised. But of course, that's nothing new to me. That's every meeting that we go to they raise questions, so it's nothing new, see.

KIMBER: Mr. Beecher, at this point, are there items on that list, we have to turn to you as our expert. Are there items on that list that you feel, at this point, this Commission could not accept as meeting the requirements established?

BEECHER: Yes, there are.

KIMBER: Coule you enumerate those items for Mr. Nielsen so that it will give him an idea of what he needs to do to meet those standards?

BEECHER: I'm not going to tell him how to design his operation.

But as we went through them, the issue of the Air Quality thing came up, which we weren't aware of. I was told it was being done. But we still had a permit. And so I wasn't concerned with it. If they come up and revised it, that's just after the fact. The Reclamation Plan is still questionable. We have heard that again. The Ogden River Water Users Association is the issue that Mr. Valentine raised. We have to get the attorney's opinion on that. The agreement in writing to turn over the land is still not completed. You need to resolve the commitment of the four agencies. I mean the comment of the four agencies that you have. Do you accept them? What do you want to do with them? And the estimate has not been reviewed and approved by this Commission. And the whole Harmless clause that Mr. Nielsen referred to earlier has not been executed, and agreed upon totally. Things have been submitted, but you have not agreed upon them.

KIMBER: I guess with Item 12 we asked for the comments, and I think we will just have to waive those comments. I would say we have the item.

NIELSEN: You have the item, what you do with it is up to you.

KIMBER: Well, I think that has to be a factor as review the total. But we have them. As far as I am concerned, we have them.

BEECHER: Now, each of these items, you are going to have to determine along with the agency comments that you have had, if he has met them to your satisfaction. These are just the items that he still has something incomplete as I reviewed them again today.

VALENTINE: I believe from a standpoint, here again, it is the County Attorney's opinion that's probably going to guide my judgement, but the questioning of Mr. Hansen, and the adequacy of Mr. Brown's engineering regarding flood control, you know, that gets you into the question of liability that somebody's got to say "you are either on the hook or you are not on the hook." I know that we agreed, or at least it was my opinion, that we agreed, that Mr. Brown was probably Mr. Flood Control in the State of Utah and that we would trust his judgement. But at this point, with the question again, I feel much more comfortable with the County Attorney's opinion regarding that issue, plus several of the others.

THOMPSON: Bob, may I ask a question? What's the County Attorney got to do with the flood control question that has been brought up here concerning whether or not Mr. Brown is an expert, or Mr. Hansen is an expert, I don't understand that. How can he answer that question?

VALENTINE: In my mind, Jon, if we were to accept Mr. Brown's recommendations to the flood control district from that individual through that body that the flood control issues were addressed, and now you have been exposed to another opinion that says, it's inadequate, and then we had a problem down there, did we ignore the

recommendation and consideration that perhaps it wasn't done adequately, and therefore, you are on the hook.

THOMPSON: Next question, this attorney on the Hold Harmless Agreement, his opinion, that's just concerning the Hold Harmless, that's just one of those questions.

VALENTINE: You know, there's the other, the State Engineer's approval of the new basin.

NEILSEN: They have approved it, the State Engineer has approved it. He has approved it.

VALENTINE: I'm merely saying, Darrell, that I would feel far more comfortable with Jon Bunderson sitting there for about three hours, and let's talk to him.

GROVER: How are you going to get Jon to come and sit there, though?

VALENTINE: That's easy.

GROVER: Let's do it then, we've only been trying for a year.

VALENTINE: All you do is tell him to come.

GROVER: And every time you do, he sends some peon in. I would like to see him sit there. If you can get him there . . .

VALENTINE: No, that's my feeling, I feel rather strongly on that. GROVER: Let's not drag it on for another two or three, or four or five or six months down the road. It's already gone on for two years while I been here. And I know some of you have sit here for 7 or 8 years on this same thing. And the questions are still the same, still hammered out the same old way.

KIMBER: I really think we have made a little progress, it's been mighty slow. I think what I would suggest to this Commission, at least consider it, and that is to, within two weeks, see if we could get a meeting with the County Attorney. Do you think there is a possibility that within two weeks we could get a meeting with Jon?

BEECHER: It all depends on whether he is in a murder case, or something, I don't know.

KIMBER: I would recommend that we really try to get a meeting within two weeks so that at the January meeting we could make a decision on this. I think those few items, Darrell, and I think you will need to - -

NEILSEN: Can I get a copy? I want it written in your handwriting, Mr. Chairman, so that I know exactly, so I don't misinterpret anything. I want it in your handwriting, what you would like me to do so that I know that if I have to do these things, then I'll get them done. And then I guess I'd love to see that meeting in two weeks to get with your County Attorney, because, you know, maybe we can get some of these things resolved. It's just like, if Willard City would sit down with Air Quality; but if nobody sits down and talks about it, it's pretty tough to get anything done. Isn't that right, Jon?

THOMPSON: That's right.

KIMBER: Darrell, I don't know that I want to give you a list of those in my handwriting. On the issue of the reclamation, the issue has been raised "Is that individual an expert in reclamation? Certainly

I would want to know what his qualifications are.

NIELSEN: He give you a list of them, of jobs that he had done.

KIMBER: Not jobs that he has done, his qualifications.

NIELSEN: I spent \$32,000.00 on a red and blue book that you people had a copy of, you know. And do you know what, one mayor told me, he says, "hey, I've seen this garbage before." And it was supposed to be expert stuff. You know, I don't know where to get experts anymore, because everybody's an expert. But when it comes to figuring this out, nobody's an expert. So if you tell me exactly where I go for an expert -- I went to the State to get how much cost it would cost to reseed. Didn't I give that to you people, Denton? I gave how much, everthing. I thought that was expert enough.

THOMPSON: Yes, but the question comes up, reseeding is really not reclamation.

NIELSEN: OK, Doug Fife, or Fife's pit down there, Wells' pit got reseeded, didn't it? Have any of you people been down to look at it to see how it is going? It's the same thing as we're going to do. They didn't do anything different than we did. They did the work all by theirselves. You know, if I put up a bond to do it, it looks like I got to do the work or part with the bond.

THOMPSON: But then, you get this question, the whole City of Willard, if they couldn't sell all of their property and make enough money to reclaim that piece of property. Where did I hear that statement here tonight? That kind of stuff is what makes you wonder what the heck -- these are supposed to be expert people that's talking to us.

NIELSEN: Would you call Mr. Beecher an expert?

THOMPSON: Yes, I think he is more or less, aren't you a surveyor, Denton?

NIELSEN: So I don't know who is experts and not. Well, I think you people think Denton is. Denton, how far were we apart on the cost of these things? I mean, I'm going to ask you because nobody else is going to ask you.

BEECHER: \$3,000.00

NIELSEN: \$3,000.00. Now is that pretty close to being? Nobody brings it up.

BEECHER: That's going to have to be amended with this new permit from Air Quality, now. Because we got to asphalt more of the road. Plus that didn't include any of the upper basin, that was just the lower basin.

NIELSEN: All we are going to do on that upper basin is let the water run over; and that's the reason the State Engineer said he didn't need that. He didn't need to approve anything unless you put in a holding deal with an overflow and the whole shebang. That's the reason he approved all the rest of it, because he says you can't get closer than 25 feet of the area where the spillway is going out, and this and that, you know. He says, you can't do it, so he said, "I don't care how far you go back up that mountain. You are not going to hurt anything. All you are going to do is help the flood control. So, you know . . . I can revise a reclamation plan, but I don't know who to get the . . .

BREITENBEKER: Well, maybe what we need is a second opinion. You know here again, I have a real hard problem with this thing of experts. But at least, I guess; if we get more than one person's opinion on it, at least we would have two, so called experts.

BEECHER: I think what you do on this flood control, is you have Lou Wangsgard design it, and you have Russ Brown review it. They have reviewed each other's figures. And you have Mr. Hansen review it with Mr. Norn Stauffer's review of Mr. Hansen's figures. And they both agree, and these other two agreed. You may have to get them here to discuss them and have them explain to you their calculations and why they based their calculations on what they did. For reclamation, you may have to hire your own experts to review the proposal and come up with what you want. There again, are you going to design it. Are you going to have Mr. Nielsen design it and you review it?

THOMPSON: But we got these engineers coming from points of view. Mr. Hansen, his point of view is, that all of the water that comes out of that Cook Canyon, or that canyon out there, should be impounded; and if it isn't impounded, it's going to go roaring down through there and tear everybody's houses out. That's his point of view. Mr. Brown's point of view is, that what's up there now isn't adequate. It's not going to hold it, but it's better than nothing. That's his attitude. And so if we double the size of it, we are going to prolong the agony for those people down below twice as long. That's his attitude, am I wrong, Denton?

BEECHER: That's your interpretation of his rights.

THOMPSON: But what do we expect him to do, that's my concern about it, he want's an answer.

BEECHER: And he's entitled to it.

NIELSEN: Well, like I say, we got two engineers, three engineers, or four engineers that's looking at this, and I guess everybody could give a different opinion. It all depends on what side they are working on.

BREITENBEKER: There's a key to it, Jon, also. Mr. Brown is not working for anyone. Mr. Hansen is working for someone. Mr. Hansen is on a side, if you will, so to speak. He can say what he wants to, but he sits there and he gives a professional opinion. But he gives a professional opinion, and he puts it in the direction of who's paying the bill. That may sound very harsh, but that's true. Mr. Molgard, as an attorney, is working for Willard City. Whatever he does is going to work in that direction, just like Mr. Thorne is working for Mr. Nielsen, and he certainly is going to interpret the law in the direction of Mr. Nielsen, rather than in the direction of Willard City. So I think we have to be a little bit careful, expert wise, as to who is paying the bill.

THOMPSON: Well, Jack, he just makes me mad, is what he does. But Hansen got my attention because he told us some things here that I think are legitimate concerns.

NIELSEN: I think he spent an hour and fifteen minutes with legitimate concerns down at Air Quality. But you know what? He didn't get the permit denied. So I don't know where his expert deal is. You know.

BEECHER: I think before you cut Mr. Brown's, you ought to hear his explanation. I can't repeat it to you, because it is only hearsay, but he told me his reasons . . . and why he won't respond. I think we need to hear it from him, though.

THOMPSON: Let's get this thing hashed over and get it done with.

KIMBER: What's your pleasure, gentlemen, at this point?

NIELSEN: First of all, can we get all these others passed that you think is OK? Tonight? Is that fair? I mean all the things are in. Are we still going to go back to square one and have to do them all? Because I don't know what's done and what really isn't done.

VALENTINE: Well, I can identify those concerns that I have and be willing to do that, but I'm not going to say what you have got to do to satisfy those, Darrell, without talking to Jon Bunderson.

NIELSEN: There's a lot of things in here that I think we've met. I would like to scratch them off the list as far as I'm concerned. Now if we can't do that, than I guess we can't do that.

GROVER: What would be wrong with having him and his attorney come that same night, then? -- You might just as well get all the cats in one barrel, let's get scratched up and get it over with. Let's either do it or forget it. Or else, let's make the proposal like Darrell did. Let's have the Willard people give him an offer on his property. Then they ain't gotta worry about the mountain down there. Nobody's going to scratch it.

WILLARD RESIDENT: I'll give you 39 cents.

GROVER: Will you take that much for your property?

WILLARD RESIDENT: Sure.

GROVER: 39 cents?

WILLARD RESIDENT: On the condition that he will take it on his.

MOLGARD: Mr. Grover, I have to tell you that I think Willard

City would entertain a reasonable offer . . . end of side of tape.

GROVER: The Planning Commission don't have to worry about it if he sells it.

VALENTINE: Mr. Chairman, I have no objection to all parties being present, but if we are going to have a work session, its going to be a long one.

BREITENBEKER: If you get Mr. Nielsen and his attorney here, that's certainly Mr. Thorne, and Mr. Molgard also, and then you got the County Attorney here. I am sorry, Mr. Molgard, but I think that if you get three attorneys in the same room, we are never going to accomplish anything. I'm sorry to say that, but that's the way I feel.

BREITENBEKER: You know, I think if we are going to get any answers from Mr. Bunderson, we need to talk to Mr. Bunderson. Here

again, sometimes it's easier to talk to attorneys, but it's more difficult to get an opinion from him.

BEECHER: Well, why don't you schedule a work session. It would have to be an open session, but you don't have to entertain anybody. Just have a work session. If they want to listen, they are welcome to listen. It's an open meeting. We could still have a work session. I think that's what we need. The more you can hammer through each one of these, because it's so difficult to hammer through them again. But, I do think, and I agree with Mr. Nielsen to a point, that if there are some issues on here that we feel comfortable with, let's not take another three hour meeting like we have tonight and go back over these and read them all. Let's get them out of the way.

KIMBER: I think Mr. Nielsen has a pretty good idea of those where we have concerns. There are a few items that I think, just by discussing them with our attorney, we can let past, go through and give you a list of those that have been accepted, and those that have not and the reason for it. We would like to do that within two weeks.

NIELSEN: Will you make me a list? And when you do that, what you would like me to do. I am not going to waste any more time, because the time is too valuable, and I just feel like I could do a reclamation plan over again, and get another person- I know people, they cost a lot of money to get these things. But, you know, maybe I don't need all that kind of stuff.

KIMBER: Maybe after talking to our attorney, you won't need to.

NIELSEN: I think we ought to take and go down and see the hill side that Fife has redone. It's got beautiful grass on it. I've got Air Quality up there. They were concerned. I've got them up there. But Keith Hansen says he's never seen it. And it doesn't look that bad, does it? Why spend a lot of money if you don't have to spend it. If you can do the same thing.

KIMBER: We don't want to impose that on you, Darrell. We just need to meet with our Attorney, that is, assuming one of this body will make the motion for that.

VALENTINE: So moved.

BREITENBEKER: I'll second it.

KIMBER: Any discussion? Do you just want to let Denny work on setting a date and contact us?

BEECHER: First of all, what date can you people meet? I mean if I go get one with him, and then the seven of you can't meet? . . .

BEECHER: The 29th of December? What time? 7:00 if we can get it.

KIMBER: OK we have a motion and a second, all in favor? Unanimous.

THOMPSON: I would also like to make the motion, Mr. Chairman, that we adjourn this meeting for tonight.

GROVER: Second.

KIMBER: MEETING ADJOURNED.



CIRCA 1890'S

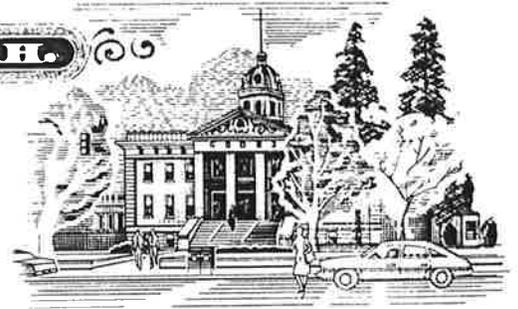
Box Elder County,

STATE OF UTAH

COUNTY COMMISSIONERS
FRANK O. NISHIGUCHI
ROBERT G. VALENTINE
JAMES J. WHITE

OFFICERS

AFTON R. DARNELL, COUNTY TREASURER
ALLEN L. JENSEN, COUNTY CLERK
ROBERT E. LIMB, COUNTY SHERIFF
MARIE G. KORTH, COUNTY RECORDER
JON J. BUNDERSON, COUNTY ATTORNEY
VON R. CURTIS, COUNTY ASSESSOR
DENTON BEECHER, COUNTY SURVEYOR
DORIS L. OLSEN, COUNTY AUDITOR



CIRCA 1980'S

12 December 1988

Planning Commission Agenda for December 15, 1988.
Meeting begins at 7:00 p.m.

No. 1. Darrell Nielsen, asking for final action on his request for a gravel pit.

No. 2. Earl Harlow, Renewable and nonrenewable resources regarding gravel pits.

No. 3. Heritage Council, Mrs. Hemsley, comments on gravel pits.

No. 4. Jack Molgard/Willard City Officials.

Denton H. Beecher
Box Elder County Surveyor

Denton H. Beecher

LAW OFFICES
MANN, HADFIELD AND THORNE

A PROFESSIONAL CORPORATION
ZIONS BANK BUILDING

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BRIGHAM CITY, UTAH 84302-0906
(801) 723-3404

WALTER G. MANN, RETIRED

REED W. HADFIELD
JEFF R. THORNE
BEN H. HADFIELD

December 12, 1988

RECEIVED
BOX ELDER COUNTY
SURVEYOR

DEC 14 1988

Box Elder County Planning Commission
County Courthouse
Brigham City, Utah 84302

Filed _____
Brigham City, Utah

Re: Conditional Use Application - Darrell Nielsen

Gentlemen:

Darrell Nielsen has now submitted all items requested by the Box Elder Planning Commission except for one matter contained on paragraph 8.¹ The Ogden River Water Users have indicated that based upon their legal counsel's opinion that they do not want to become a party to such an agreement.

RELIEF SOUGHT

Darrell Nielsen requests that this provision be deleted entirely as a condition for the issuance of a conditional use permit.

REASONS FOR REQUEST

The condition imposed by condition No. 8 is invalid and does not meet the purposes of the County's Zoning Ordinance. The specific criteria set out in the Box Elder Ordinance to determine whether a conditional use permit should be issued is:

1. Such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.

¹The portion of paragraph 8 which has not been complied with would require Darrell Nielsen to obtain written agreement from the Ogden River Water Users to hold Box Elder County and all of its agents and employees harmless from any damages sustained by the Ogden River Water Users Association as a result of the activities of Darrell Nielsen or his agents or employees.

December 12, 1988

2. That the proposed use will comply with the regulations and conditions specified in this ordinance for such use.

3. The Planning Commission shall itemize, describe or justify the conditions imposed on the use.

County zoning authorities are bound by the terms and standards of the applicable zoning ordinance and are not at liberty to either grant or deny conditional use permits in derogation of the legislative standards. See Thurston v. Cache Cty. 626 P.2d 440 (Utah 1981).

There is no criteria or standard in Box Elder County's Ordinance for this requirement, and therefore there is no legal reason to try to compel the applicant to get the "water users" to hold Box Elder County harmless.

This part of condition No. 8 as requested by the County Planning Commission and/or the County Attorney is beyond the standards provided for in the ordinance and is, therefore, invalid. See Thurston v. Cache County, 626. P.2d 440 (Utah 1981).

Likewise, the Utah Court of Appeals in the case of Davis Cty. v. Clearfield City, 82 Utah Adv. Rep. 38, 42, has indicated that where a review of the record indicates that a decision was "based on public clamor", it is clearly an illegal basis for denying a permit or including a condition.²

²It is difficult to conceive of a case wherein any people within the State of Utah could put up a bigger "public clamor" than certain residents of Willard City who desire to dictate their wishes to the County Planning Commission. Their continued presence at the Planning Commission Meetings may justify a Utah Court to remove most of the conditions now imposed.

Ltr. to Box Elder Planning Commission
Page 3

December 12, 1988

Mr. Neilsen has been required to meet the most stringent conditions ever required for a conditional use permit within Box Elder County. The requirement to make Mr. Nielsen get a written agreement from the Ogden River Water Users Association holding Box Elder County harmless from any damages sustained by the Ogden River Water Users as a result of the activities of applicant or his agents or employees is clearly beyond the scope of the standards required by the ordinance, and as such is invalid.

In addition no other applicant i.e. White Orchards, Fifes, or the Wells family has been required to obtain such an agreement. This requirement has nothing to do with the determination as to whether or not the applicant is entitled to a permit. It appears merely to be a legal maneuver to protect Box Elder County. This requirement seems even more superfluous since the applicant is also required to sign an agreement with Box Elder County to hold and save them harmless.

The applicant has received permission of the Ogden River Water Users to cross their canal at specified locations and that should be all that is reasonably and rationally required under this condition.

Finally, the applicant has been required to provide adequate security to the County for all "costs of construction of flood control structures, devices, and ditches, and restoration of disturbed areas, consistent with the proposed plans submitted under conditions No. 3 and 4". It would appear that these conditions adequately protect all adjacent property owners, should any incident occur wherein the crossing of the Ogden Canal could possibly cause damage.

Very truly yours,

MANN, HADFIELD & THORNE

BY Jeff Thorne

JRT/pj
cc: Darrell Nielsen
Jon Bunderson, County Attorney

August 6, 1981

being referred to as a f-
where I want to such st
porary attention ponds a

19/10/88

Refer to my reports
ers for flooding, and tem-
ign the project.

Russ:
What has
changed?
Keith

Now, since the repor-
a viable way to control 1
jumped on the bandwagon.
states that, "effective f
project could be achieved

ood control district shows
5 year storms, Nielsen has
statement on page 50
drainage area above the

area an additional five feet on a level grade. This would provide
sufficient flood storage to completely control 100-yr floods from the
three canyons and intervening area." He doesn't say he will do it. To my
control "could be achieved." Note that he states that flood
knowledge, the firm responsible for the flood control master plan has
never contended or pretended that a 100 year storm could be or should
be contained. I was told by Mr. Russell Brown of Rollins, Brown and
Gunnell Consulting Engineers that the cost to contain a 100 year storm
would perhaps exceed by many times the net worth of the whole city of
Willard. Now Nielsen is stating that he can contain a 100 year storm
without any back up except what he thought he heard. Apparently the
problem with retaining a 100 year storm is not a practical solution
since the high flow rates coupled with the high total volumes present
extremely expensive diking and channels to ultimately remove the water
to Willard Bay. The present access to the bay, with some modifications,
is apparently capable of handling a 10 to 15 year storm. I have heard
the flood control study oral presentation but have not read the detail-
ed report so this is the extent of my knowledge about the study.

Nielsen also proposes that the flood storage be released through
a concrete riser and piped through the city. Again no mention is made
of where the water would end up or what size pipe is required or if
5 days is an acceptable time from a seepage standpoint. The flood study
talked about a matter of hours to retain the water to eliminate the
peak flow but never suggested days as the time factor.

I consider this last section in Nielsens supplement as indicative
of his total disregard for facts. His only inter est is to gain ap-
proval of his project without supplying the necessary supporting data
and concise detail plan on how the project will work.

Gentlemen, please do not ruin the peaceful community life of Wil-
lard City by granting a conditional use permit to Darrell Nielsen for
his gravel project. To my knowledge, only one resident of Willard
(Wesley Perry) has spoken in favor of the gravel pit and he has a
vested interest in his property being used as a gravel pit. I am re-
ferring to what is known locally as the Ron Kingston Pit which I un-
derstand Nielsen has acquired control.

You have in your possession two reports in addition to this one
which provides more than enough supporting data for you to reject
Nielsens application.

Please do not neglect the 320 people who signed the petition sub-
mitted to you in my report plus those who made statements concerning

Russ - 3/25/14

BOX ELDER COUNTY PLANNING COMMISSION

15 DECEMBER 1988

RENEWABLE AND NONRENEWABLE RESOURCES

This is not meant to be a lecture as to what the Planning Commission should or should not do, it is intended as an informational discussion.

Tonight I represent my family, which now includes the next generation. I now feel an increased responsibility to provide an environment for the next generation that is at least as good as the current environment and hopefully better.

I would like to encourage the members of this Commission to read about the environment, and I can recommend Renewable and Nonrenewable Resources by Philip H. Abelson and Allen L. Hammond as a beginning. This Commission controls the abundant resources of Box Elder County. This gives you tremendous power over the future of Box Elder County and an equally heavy burden of responsibility to the people of Box Elder County and future generations. You will determine the uses, preservation, destruction, or reconstruction of these resources. It is our natural resources that make up our environment.

What is a nonrenewable resource? Let us take oil. When burned, the by-products are hydrocarbons that can not be reconverted to oil. This compares to lumber, a renewable resource. Trees can be planted to replace harvested trees, but even trees must be carefully managed to avoid senseless waste. In the case of oil, it took millions of years to create oil, and will only take a couple of generations to use up the world reserves. The Hubbert pimple is a scale drawing of world oil consumption. Note, the consumption is increasing exponentially, and oil reserves are not increasing. It is obvious then that the world will run out of oil, it is left to the scientists to determine when.

atc m. 2 (1)

Let us first consider the past performance of Planning and Managing natural resources in the United States. I would like address some of the more memorable examples that I have personally witnessed.

How many of you have seen the mountains of Pennsylvania? When I saw these mountains for the first time, I understood what the history books were trying to tell me. Strip mining of these mountains in the 1800's and early 1900's was ruthless. Can you imagine driving along and seeing a decapitated mountain. The destruction was done a long time ago, and yet today, it is devastating and an open scar. Attempts to revegetate these areas have been unsuccessful. The large broken rock masses have been covered with topsoil and replanted only to find a few years later that the soil has percolated down into the crevices in the rock and left the roots of the plants exposed, which in turn kills the plants. As with the mountains here, 100's of years were required to get the proper gradation of materials to allow top soil to have proper percolation drainage.

In sharp contrast to this is the Allegheny National Forest. The mountains in this part of Pennsylvania have been preserved for all to enjoy for today and tomorrow. I am not suggesting the country be made into National Parks, but instead I suggest we carefully PLAN the use of our resources. Once destroyed, the mountains can not be reconstructed. These mountains are more than a pile of material, they are a delicate balance of plant and animal life. I wonder how this compares to the Gravel Pits of the Wasatch Front?

Next, let us look at another resource. The air that we breath each day is a most valuable resource for most living things, and air is a nonrenewable resource. What have we learned from history about our air? Los Angeles, California is well known for its air. What makes Los Angeles unique? The level of pollution is probably no different than other large cities, but the landscape is unique. A ridge of mountains to the east of the city tends to hold the

pollutants and prevent them from leaving the area. Does a ridge of mountains along the east side of a metropolitan area sound familiar in Utah? Utah has been given the gift of slow development. We can look at the mistakes of other communities, and learn from their mistakes. We can not change the landscape of the state, but we can PLAN our Economic Development to promote businesses and economic activities that do not reduce our air quality. Is another refinery in Bountiful Planned Economic Development or Planned use of our natural resource when we are concerned about a coal fired power plant in Nevada?

The flip of the coin is Pittsburgh, Pennsylvania. Who hasn't heard of the tremendous improvement of the air quality since the control of the emissions from the steel mills.

Water quality is also a vital resource, and should be carefully managed. An example of poor management are the many chemical spills each year. The Fairchild spill in south San Jose, California left the city water contaminated, and 6" wells were drilled around the area to try to prevent the spread of the chemicals. The wells were pumped for the 3 years we lived there, and I expect they are still being pumped. Who pays for these errors?

I am not an environmentalist, I am a realist. Many of our resources are limited. There is only so much oil in the world, we must plan the uses of these resources to optimize their benefit to future generations.

What environment do we want to pass on to our children? Will there be any natural resources left and in what condition will they be?

I was disturbed to be told by a county employee that the people of Willard worried about air quality should move to the city where it is controlled. The last time I looked south to Salt Lake City, the air did not look very clean. I hope this body does not hold these same beliefs. In the past, the agricultural communities were the healthiest to live in, is it PLANNED Economic Development

to change this?

atch no. 2 (4)



DEPARTMENT OF HEALTH
DIVISION OF ENVIRONMENTAL HEALTH

Norman H. Bangerter
Governor
Suzanne Dandoy, M.D., M.P.H.
Executive Director
Kenneth L. Alkema
Director

288 North 1460 West
P.O. Box 16690
Salt Lake City, Utah 84116-0690
(801) 538-6108

BAQE-169-88

PROPOSED

Mr. Darrell Nielson
DN Land Development
944 East 800 South
Bountiful, Utah 84010

Dear Mr. Nielson:

Re: Approval Order for Crushing Plant
Box Elder County, CDS B

The above-referenced project has been evaluated and found to be consistent with the requirements of the Utah Air Conservation Regulations (UACR) and the Utah Air Conservation Act. A 30-day public comment period was held and all comments received were evaluated. The conditions of this approval order reflect any changes to the proposed conditions which resulted from the evaluation of the comments received. This air quality approval order authorizes the project with the following conditions:

1. DN Land Development shall operate the gravel plant with crushers according to the information submitted in the notice of intent dated December 8, 1987 and subsequent conferences between the owner/operator and the Bureau of Air Quality.
2. The approved installations shall consist of the following equipment located at the site:
 - A. El Jay 1145 crusher SN - WR5STP759
 - B. Universal jaw crusher SN - UN24-1278
 - C. Screen deck
 - D. Conveyor systems
 - E. 2 loaders
 - F. 300 KW diesel generator
 - G. Other associated equipment
3. Visible emissions from the following emission points shall not exceed the following values:
 - A. All crushers - 15% opacity
 - B. All screen decks - 10% opacity
 - C. Conveyor transfer points - 10% opacity
 - D. All other points - 20% opacity
4. Opacity observations of emissions from stationary sources shall be conducted in accordance with 40 CFR 60, Appendix A, Method 9. Opacity observations of intermittent sources shall use procedures similar to Method 9, but the requirement for observations to be made at 15-second intervals over a 6-minute period shall not apply.

5. All unpaved roads and other unpaved operational areas in use shall be water sprayed and/or chemically treated to reduce minimize fugitive dust. The application rate of water shall be a minimum of 0.5 gallons per square yard. Application shall be made at least once every two hours during all times the installation is in use unless daily rainfall exceeds .10 of an inch or if the roads are snowy or muddy. If chemical treatment is to be used, the plan must be approved by the Executive Secretary of the Utah Air Conservation Committee. Records of water treatment shall be kept for all periods when the plant is in operation. The records shall include the following items:
- A. Date
 - B. Number of treatments made
 - C. Rainfall received, if any, and approximate amount
 - D. Time of day treatments were made

Records of treatment shall be made available to the Executive Secretary upon request and shall include a period of two years ending with the date of the request.

6. The truck haul road shall be paved and cleaned as needed to minimize fugitive dust.
7. The sulfur content of any fuel oil burned shall not exceed 0.85 pounds of sulfur per million BTU heat input as determined by ASTM Method D-4239-83. The sulfur content shall be tested if directed by the Executive Secretary. Diesel fuel consumed by the loaders, bulldozer and generator shall not exceed 300 gallons per day. Records of fuel purchase and operating days shall be maintained on a monthly basis. Records shall be made available to the Executive Secretary upon request and shall include a period of two years ending with the date of the request.
8. In addition to the requirements of this approval order, all provisions of 40 CFR 60, NSPS Subparts A and OOO apply to this installation.
9. For sources which are subject to NSPS, visible emission observations which are performed during the initial compliance inspection shall consist of 30 observations of six minutes each in accordance with 40 CFR 60, Appendix A, Method 9. ~~It is the responsibility of the owner/operator of the source(s) to supply these observations to the Executive Secretary.~~ Emission points which are subject to NSPS shall include the following:
- A. All crushers
 - B. All screens
 - C. All conveyor transfer points
10. Water sprays or chemical dust suppression sprays shall be installed at the following points to control fugitive emissions:
- A. All crushers
 - B. All screens
 - C. Conveyor transfer/drop points
11. The minus 40 screen size fraction of the pit run material and the material being screened shall have a moisture content of no less than 4% by weight. The moisture content of either shall be tested at the

request of the Executive Secretary using a test method approved by the Executive Secretary. The total area of unstabilized disturbed soil shall not exceed ~~four~~ five acres at any given time. The storage piles are not included in the unstabilized area.

12. The source shall operate only from March 1 to November 1 of any given year.
13. The following operating parameters shall not be exceeded without prior approval in accordance with Section 3.1, UACR:
 - A. Aggregate production -- ~~500,000~~ 300,000 tons per 12-month period
- 104 tons per hour through the plant
 - B. Bulldozer hours of operation - 714 per 12-month period
 - C. Plant hours of operation - 2,880 per 12-month period

Compliance with the 12-month limitations shall be determined on a rolling monthly total. On the first day of each month a new 12-month total shall be calculated using the previous 12 months. Records of the parameters listed above shall be kept for all periods when the plant is in operation. Records of the parameters listed above shall be made available to the Executive Secretary upon request, and shall include a period of two years ending with the date of the request. Aggregate production shall be determined by use of weigh scales and maintenance of sales records. The hours of operation for both parameters shall be determined by maintenance of an operations log which shall be kept at the plant. Daily entries shall be made for both parameters.

14. All installations and facilities authorized by this approval order shall be adequately and properly maintained.
15. The north edge of the unstabilized area shall not be located closer than 465 feet from the common border with the Jensen property. The plant shall not be located closer than 1220 feet from the common border with the Jensen property.
16. The owner/operator shall take measures to ensure that the land owned by Gordon Nicholas is not open to public access. These measures shall include actions such as posting no trespassing signs, installing gates on access roads, and fencing the property. If this land is sold, the Executive Secretary shall be informed, and this approval order shall be changed so as to continue to ensure that the land is not open to public access or that the NAAQS are not being violated on the land.
17. The Executive Secretary shall be notified in writing upon start-up of the installation, as an initial compliance inspection is required.

Any future modifications to the equipment approved by this order must also be approved in accordance with Section 3.1.1, UACR.

This approval order in no way releases the owner or operator from any liability for compliance with all other applicable federal, state, and local regulations including the Utah Air Conservation Regulations.

The fee for issuing this approval order is \$2,867.33. The amount is payable to the Bureau of Air Quality, sent to the Executive Secretary, Utah Air Conservation Committee, 288 North 1460 West, P.O. Box 16690, Salt Lake City, Utah 84116-0690 and is due within 30 days after receipt of this approval order.

THIS HEC-1 VERSION CONTAINS ALL OPTIONS EXCEPT ECONOMICS, AND THE NUMBER OF PLANS ARE REDUCED TO 3

HEC-1 INPUT

PAGE 1

LINE ID.....1.....2.....3.....4.....5.....6.....7.....8.....9.....10

*** FREE ***
 *** LIST ***

1	ID	WILLARD - COOK'S CANYON HYDROLOGY									
2	ID	100 YEAR - 24 HOUR DISCHARGE - SCS 24 HOUR DISTRIBUTION									
3	ID	ROLLINS, BROWN & GUNNELL, INC.									
4	IT	15	0	0	100	0	0				
5	IN	60									
6	ID	1									
7	KK	COOK	FLOOD DISCHARGE AT MOUTH OF COOK'S CANYON - ELEV. 4930								
8	BA	0.54									
9	FB	3.80									
10	PI	1.8	2.1	2.1	2.1	2.1	2.4	4.7	5.9	13.9	13.7
11	PI	10.2	6.7	4.8	4.5	3.3	3.0	2.6	2.5	2.4	2.2
12	PI	2.0	2.0	1.8	1.2						
13	LS	0	37								
14	UD	0.26									
15	KK	FRONT	FLOOD DISCHARGE FROM FRONTAL AREA - ELEV. 4900								
16	BA	0.12									
17	LS	0	50								
18	UD	0.10									
19	ZZ										

WILLARD - COOK'S CANYON HYDROLOGY
 100 YEAR - 24 HOUR DISCHARGE - SCS 24 HOUR DISTRIBUTION
 ROLLINS, BROWN & GUNNELL, INC.

6 IS OUTPUT CONTROL VARIABLES
 IPRT 1 PRINT CONTROL
 IPLOT 1 PLOT CONTROL
 OSCAL 0. HYDROGRAPH PLOT SCALE

17 HYDROGRAPH TIME DATA
 NNIN 15 MINUTES IN COMPUTATION INTERVAL
 IDATE 1 0 STARTING DATE
 ITIME 0000 STARTING TIME
 NPER 10000 NO. OF HYDROGRAPH COMPUTATIONS

NDTIME 0043 ENDING TIME

COMPUTATION TIME .25 HOURS
TOTAL TIME CASE 24.75 HOURS

ENGLISH UNITS

*** **

* *
7 KK * COOK * FLOOD DISCHARGE AT MOUTH OF COOK'S CANYON - ELEV. 4900
* *

5 IN TIME DATA FOR INPUT TIME SERIES
JXMIN 60 TIME INTERVAL IN MINUTES
JXDATE 1 0 STARTING DATE
JXTIME 0 STARTING TIME

SUBBASIN RUNOFF DATA

8 BA SUBBASIN CHARACTERISTICS
TAREA .54 SUBBASIN AREA

PRECIPITATION DATA

9 PB STORM 3.50 BASIN TOTAL PRECIPITATION

10 PI INCREMENTAL PRECIPITATION PATTERN

.45	.45	.45	.45	.53	.52	.53	.52	.52	.53
.53	.53	.53	.53	.53	.53	.53	.52	.53	.52
.60	.60	.60	.60	1.18	1.17	1.18	1.17	1.48	1.48
1.47	1.48	3.46	3.48	3.48	3.47	3.42	3.43	3.42	3.42
2.55	2.55	2.55	2.55	1.67	1.67	1.63	1.67	1.20	1.20
1.20	1.20	1.13	1.13	1.13	1.13	.83	.82	.63	.82
.75	.75	.75	.75	.65	.65	.65	.65	.63	.63
.63	.63	.60	.60	.60	.60	.55	.55	.55	.55
.50	.50	.50	.50	.50	.50	.50	.50	.45	.45
.45	.45	.30	.30	.30	.30				

13 LS SCS LOSS RATE
STRTL .30 INITIAL ABSTRACTION
CRVNR 87.00 CURVE NUMBER
RTIMP .00 PERCENT IMPERVIOUS AREA

14 UD SCS DIMENSIONLESS UNITGRAPH
TLAG .26 LAG

WARNING *** TIME INTERVAL IS GREATER THAN .29*LAG

UNIT HYDROGRAPH
7 END-OF-PERIOD ORDINATES

493. 590. 206. 72. 25. 9. 3.

HYDROGRAPH AT STATION COOK

DA	MON	HR:MN	ORD	RAIN	LOSS	EXCESS	COMP Q	*	DA	MON	HR:MN	ORD	RAIN	LOSS	EXCESS	COMP Q
1		0000	1	.00	.00	.00	0.	*	1		1230	51	.05	.01	.04	59.
1		0015	2	.02	.02	.00	0.	*	1		1245	52	.05	.01	.04	56.
1		0030	3	.02	.02	.00	0.	*	1		1300	53	.05	.01	.04	55.
1		0045	4	.02	.02	.00	0.	*	1		1315	54	.04	.01	.04	53.
1		0100	5	.02	.02	.00	0.	*	1		1330	55	.04	.01	.04	52.
1		0115	6	.02	.02	.00	0.	*	1		1345	56	.04	.01	.04	52.
1		0130	7	.02	.02	.00	0.	*	1		1400	57	.04	.01	.04	52.
1		0145	8	.02	.02	.00	0.	*	1		1415	58	.03	.00	.03	47.
1		0200	9	.02	.02	.00	0.	*	1		1430	59	.03	.00	.03	41.
1		0215	10	.02	.02	.00	0.	*	1		1445	60	.03	.00	.03	39.
1		0230	11	.02	.02	.00	0.	*	1		1500	61	.03	.00	.03	39.
1		0245	12	.02	.02	.00	0.	*	1		1515	62	.03	.00	.02	37.
1		0300	13	.02	.02	.00	0.	*	1		1530	63	.03	.00	.03	36.
1		0315	14	.02	.02	.00	0.	*	1		1545	64	.03	.00	.03	35.
1		0330	15	.02	.02	.00	0.	*	1		1600	65	.03	.00	.03	35.
1		0345	16	.02	.02	.00	0.	*	1		1615	66	.02	.00	.02	33.
1		0400	17	.02	.02	.00	0.	*	1		1630	67	.02	.00	.02	31.
1		0415	18	.02	.02	.00	0.	*	1		1645	68	.02	.00	.02	31.
1		0430	19	.02	.02	.00	1.	*	1		1700	69	.02	.00	.02	31.
1		0445	20	.02	.02	.00	1.	*	1		1715	70	.02	.00	.02	30.
1		0500	21	.02	.02	.00	2.	*	1		1730	71	.02	.00	.02	30.
1		0515	22	.02	.02	.00	3.	*	1		1745	72	.02	.00	.02	30.
1		0530	23	.02	.02	.00	4.	*	1		1800	73	.02	.00	.02	30.
1		0545	24	.02	.02	.00	5.	*	1		1815	74	.02	.00	.02	29.
1		0600	25	.02	.02	.00	5.	*	1		1830	75	.02	.00	.02	29.
1		0615	26	.04	.03	.01	9.	*	1		1845	76	.02	.00	.02	29.
1		0630	27	.04	.03	.01	13.	*	1		1900	77	.02	.00	.02	28.
1		0645	28	.04	.03	.01	16.	*	1		1915	78	.02	.00	.02	28.
1		0700	29	.04	.03	.01	18.	*	1		1930	79	.02	.00	.02	27.
1		0715	30	.06	.04	.02	23.	*	1		1945	80	.02	.00	.02	26.
1		0730	31	.06	.03	.02	28.	*	1		2000	81	.02	.00	.02	26.
1		0745	32	.06	.03	.02	31.	*	1		2015	82	.02	.00	.02	25.
1		0800	33	.06	.03	.03	34.	*	1		2030	83	.02	.00	.02	24.
1		0815	34	.13	.06	.07	56.	*	1		2045	84	.02	.00	.02	24.
1		0830	35	.13	.06	.08	85.	*	1		2100	85	.02	.00	.02	24.
1		0845	36	.13	.05	.08	101.	*	1		2115	86	.02	.00	.02	24.
1		0900	37	.13	.05	.09	111.	*	1		2130	87	.02	.00	.02	24.
1		0915	38	.13	.04	.09	117.	*	1		2145	88	.02	.00	.02	24.
1		0930	39	.13	.04	.09	124.	*	1		2200	89	.02	.00	.02	24.
1		0945	40	.13	.03	.10	130.	*	1		2215	90	.02	.00	.02	23.
1		1000	41	.13	.03	.10	134.	*	1		2230	91	.02	.00	.02	22.
1		1015	42	.10	.02	.08	125.	*	1		2245	92	.02	.00	.02	22.
1		1030	43	.10	.02	.08	113.	*	1		2300	93	.02	.00	.02	22.
1		1045	44	.10	.02	.08	109.	*	1		2315	94	.01	.00	.01	19.
1		1100	45	.10	.02	.08	109.	*	1		2330	95	.01	.00	.01	16.
1		1115	46	.06	.01	.05	97.	*	1		2345	96	.01	.00	.01	15.
1		1130	47	.05	.01	.05	81.	*	2		0000	97	.01	.00	.01	15.
1		1145	48	.06	.01	.05	76.	*	2		0015	98	.00	.00	.00	9.
1		1200	49	.06	.01	.05	75.	*	2		0030	99	.00	.00	.00	3.
1		1215	50	.05	.01	.04	67.	*	2		0045	100	.00	.00	.00	1.

TOTAL RAINFALL = 3.00, TOTAL LOSS = 1.35, TOTAL EXCESS = 2.45

PEAK FLOW (CFS)	TIME (HR)	MAXIMUM AVERAGE FLOW			
		6-HR	24-HR	72-HR	24.75-HR
134.	10.00	87.	36.	35.	35.
	(INCHES)	1.496	2.453	2.453	2.453
	(AC-FT)	43.	71.	71.	71.

RECEIVED

SEP 27 1988



ROLLINS,
BROWN and
GUNNELL,
INC. professional
engineers

September 22, 1988

double
HaaI
HANSEN & ASSOCIATES INC

Keith Hansen, P.E.
Hansen & Associates
538 North Main Street
Brigham City, Utah 84302

Dear Keith:

You have raised several questions in your letter of September 7, 1988. I will attempt to respond to some of the questions.

On April 21, 1988 I sent to you a draft of the hydrology that I proposed for use by Onessco for analysis of the Darrell Nielson Excavation Project. I do not recall a phone call on April 25, 1988 and had not seen your letter of August 24, 1988 to Mayor Thorpe so your questions regarding the hydrology in the Flood Control meeting of September 1, 1988 was the first time that I was aware that you still had questions on the proposed hydrology.

Included with this letter is a copy of the hydrology presented to the Flood District Board along with the full computer print out of the options considered. I have also made a run using a 24-hour storm for both Cooks Canyon and the Frontal Canyon. I used a 24-hour precipitation of 3.80 inches and a SCS 24-hour distribution. The results of the analysis for the 100-year storm is as follows:

	<u>1 hour</u>	<u>2 hour</u>	<u>3 hour</u>	<u>24 hour</u>
<u>Cooks Canyon</u>				
Peak Flow	204 cfs	216 cfs	196 cfs	134 cfs
Volume	12 AF	18 AF	22 AF	71 AF
<u>Frontal Canyon</u>				
Peak Flow	27 cfs	30 cfs	28 cfs	23 cfs
Volume	1 AF	2 AF	3 AF	12 AF

The 24-hour storm produces a higher storm volume but a significantly lower peak flow. In this situation, the two-hour storm was found to produce the critical condition for the design of both the channels and debris basins, so the two-year storm was adopted as the design flow.

1435 WEST 820 NORTH
POST OFFICE BOX 711
PROVO, UTAH 84603

PROVO 374-5771
SALT LAKE CITY 521-5771
AREA CODE 801



When the hydrology was completed for our report of July 1981, it was assumed in computing the flow at the canal that the alluvial fan was impervious and the fan area contributed to the run off. The storm of March 26, 1981, of September 26, 1982, and other storms after that date were observed and the flows at the mouth and the canal estimated. These measurements indicated that the flows decreased across the fan and an attempt was made to quantify the loss as a percentage of the flow at the mouth. Losses across the fan are not included in our July 1981 computations.

In April 1988, we recomputed the flows from Cooks Canyon and the small frontal canyon to the south. These were computed at the mouth of the canyon so that the impact of losses across the fan could be considered. I am not aware of any method for the computation of run off that has a procedure for a watershed where part of the area has a negative run off coefficient.

You include in your letter of August 24, 1988, some run off computations at the top of the second page. The first column labeled April 1988 are my figures. The 208 figure in the second column labeled July 1988 is my figure. The 95 in the third column labeled May 1981 is also my figure. The 520 and the 347 in the second column and the 158 and 238 in the third column are your numbers, not mine. If the 208 figure at the canal had been reduced for flow across the fan then it would be proper to add the loss back in as the point where computation is made was moved up stream. It is not proper to add the loss back in where it was not subtracted out in the original computation. The same procedure was used by you to compute the other numbers throughout the remainder of Page 2. You even applied it to your 100-year flow of 391 at the canal. I disagree with this procedure.

Your computation of flows were made using the SCS TR-55 program. There should not be a great difference between flows from TR-55 and HEC-1 for the same watershed conditions, the same rainfall and the same rainfall distribution. Please send me your calculations for flows at the canyon mouths so that I can review them. I think the questions of the magnitude of flows needs to be resolved before discussions on other items of your letter.

Sincerely,

ROLLINS, BROWN AND GUNNELL, INC.



Russell O. Brown, P.E.

ROB/cak

cc: Mayor Thorpe
Wayne Braeggar

WILLARD - COOK'S CANYON HYDROLOGY: 100-YEAR 24-HOUR STORM
 STORM HYDROGRAPH RA. 800 DURATION = 24.0 RUNOFF = 2,454
 STORM DISTRIBUTION IS 24-HR
 CURVE NUMBER METHOD CN = 87.0

TIME (HOURS)	RAINFALL (INCHES)	NET RAIN (INCHES)	DISCHARGE (CFS)
.000	.0000	.0000	.00
.083	.0038	.0000	.00
.167	.0038	.0000	.00
.250	.0038	.0000	.00
.333	.0038	.0000	.00
.417	.0038	.0000	.00
.500	.0038	.0000	.00
.583	.0038	.0000	.00
.667	.0038	.0000	.00
.750	.0038	.0000	.00
.833	.0038	.0000	.00
.917	.0038	.0000	.00
1.000	.0038	.0000	.00
1.083	.0038	.0000	.00
1.167	.0038	.0000	.00
1.250	.0038	.0000	.00
1.333	.0038	.0000	.00
1.417	.0038	.0000	.00
1.500	.0038	.0000	.00
1.583	.0038	.0000	.00
1.667	.0038	.0000	.00
1.750	.0038	.0000	.00
1.833	.0038	.0000	.00
1.917	.0038	.0000	.00
2.000	.0038	.0000	.00
2.083	.0038	.0000	.00
2.167	.0038	.0000	.00
2.250	.0038	.0000	.00
2.333	.0038	.0000	.00
2.417	.0038	.0000	.00
2.500	.0038	.0000	.00
2.583	.0038	.0000	.00
2.667	.0038	.0000	.00
2.750	.0038	.0000	.00
2.833	.0038	.0000	.00
2.917	.0038	.0000	.00
3.000	.0038	.0000	.00
3.083	.0038	.0000	.00
3.167	.0038	.0000	.00
3.250	.0038	.0000	.00
3.333	.0038	.0000	.00
3.417	.0038	.0000	.00
3.500	.0038	.0000	.00
3.583	.0038	.0000	.00
3.667	.0038	.0000	.00
3.750	.0038	.0000	.00

WILLARD - COOK'S CANYON HYDROLOGY 100-YEAR 24-HOUR STORM
 STORM HYDROGRAPH RA 800 DURATION = 24.0 RUNOFF = 2.454
 STORM DISTRIBUTION IS 24-HR
 CURVE NUMBER METHOD CN =57.0

TIME (HOURS)	RAINFALL (INCHES)	NET RAIN (INCHES)	DISCHARGE (CFS)
3.833	.0038	.0038	.00
3.917	.0038	.0038	.00
4.000	.0038	.0038	.00
4.083	.0051	.0038	.00
4.167	.0051	.0038	.00
4.250	.0051	.0038	.00
4.333	.0051	.0038	.00
4.417	.0051	.0038	.00
4.500	.0051	.0038	.00
4.583	.0051	.0038	.00
4.667	.0051	.0038	.00
4.750	.0051	.0038	.00
4.833	.0051	.0038	.00
4.917	.0051	.0038	.00
5.000	.0051	.0038	.00
5.083	.0051	.0038	.00
5.167	.0051	.0038	.00
5.250	.0051	.0038	.00
5.333	.0051	.0038	.00
5.417	.0051	.0038	.00
5.500	.0051	.0038	.00
5.583	.0051	.0038	.00
5.667	.0051	.0038	.00
5.750	.0051	.0038	.00
5.833	.0051	.0038	.00
5.917	.0051	.0038	.00
6.000	.0051	.0038	.00
6.083	.0063	.0038	.00
6.167	.0063	.0038	.02
6.250	.0063	.0038	.07
6.333	.0063	.0038	.15
6.417	.0063	.0038	.29
6.500	.0063	.0038	.45
6.583	.0063	.0038	.64
6.667	.0063	.0038	.84
6.750	.0063	.0038	1.03
6.833	.0063	.0038	1.24
6.917	.0063	.0038	1.44
7.000	.0063	.0038	1.64
7.083	.0063	.0038	1.85
7.167	.0063	.0038	2.05
7.250	.0063	.0038	2.24
7.333	.0063	.0038	2.44
7.417	.0063	.0038	2.63
7.500	.0063	.0038	2.82
7.583	.0063	.0038	3.01

WILLARD - COOK'S CANYON - PERCLOSSEY 100-NEAR 24-HOUR STORM
 STORM HYDROGRAPH RA 200 DURATION = 24.0 RUNOFF = 2.454
 STORM DISTRIBUTION IS 24-HR
 CURVE NUMBER METHOD CN =97.0

TIME (HOURS)	RAINFALL (INCHES)	NET RAIN (INCHES)	DISCHARGE (CFS)
7.667	.0063	.0010	3.20
7.750	.0052	.0019	3.39
7.833	.0063	.0010	3.57
7.917	.0085	.0011	3.75
8.000	.0063	.0011	3.93
8.083	.0085	.0015	4.10
8.167	.0085	.0017	4.34
8.250	.0085	.0017	4.72
8.333	.0085	.0018	5.26
8.417	.0085	.0019	5.84
8.500	.0085	.0019	6.35
8.583	.0085	.0020	6.50
8.667	.0085	.0021	7.18
8.750	.0085	.0021	7.53
8.833	.0085	.0022	7.85
8.917	.0085	.0023	8.15
9.000	.0085	.0023	8.45
9.083	.0101	.0023	8.73
9.167	.0101	.0029	9.07
9.250	.0101	.0030	9.57
9.333	.0101	.0031	10.21
9.417	.0101	.0031	10.88
9.500	.0101	.0032	11.50
9.583	.0114	.0037	12.01
9.667	.0114	.0038	12.51
9.750	.0114	.0039	13.13
9.833	.0114	.0040	13.86
9.917	.0114	.0041	14.60
10.000	.0114	.0042	15.28
10.083	.0146	.0055	15.84
10.167	.0146	.0055	16.51
10.250	.0146	.0057	17.57
10.333	.0146	.0059	19.02
10.417	.0146	.0050	20.52
10.500	.0146	.0061	21.85
10.583	.0196	.0085	22.83
10.667	.0196	.0087	24.06
10.750	.0196	.0089	25.92
10.833	.0196	.0091	28.46
10.917	.0196	.0093	31.10
11.000	.0196	.0095	33.41
11.083	.0304	.0151	35.17
11.167	.0304	.0155	37.38
11.250	.0304	.0159	41.32
11.333	.0304	.0163	45.99
11.417	.0304	.0167	52.92

WILLARD - 060K18 ... HYDROLOG ... EAR ... STORM
 STORM HYDROGRAPH ... FLOW ... FLOWOFF = 2.454
 STORM DISTRIBUTION ...
 CURVE NUMBER METHOD CN = 87.0

TIME (HOURS)	RAINFALL (INCHES)	NET RAIN (INCHES)	DISCHARGE (CFS)
11.500	.0304	.0375	58.07
11.583	.1317	.0775	61.91
11.667	.1317	.0824	72.87
11.750	.1217	.0851	107.49
11.833	.0435	.0514	162.97
11.917	.0456	.0527	247.57
12.000	.0436	.0571	384.40
12.083	.0456	.0581	567.24
12.167	.0456	.0585	712.43
12.250	.0456	.0567	748.78
12.333	.0456	.0522	648.33
12.417	.0456	.0451	504.68
12.500	.0456	.0391	377.62
12.583	.0234	.0262	300.00
12.667	.0234	.0262	249.94
12.750	.0234	.0202	210.94
12.833	.0234	.0202	175.26
12.917	.0234	.0203	144.94
13.000	.0234	.0203	120.50
13.083	.0171	.0149	104.33
13.167	.0171	.0143	94.12
13.250	.0171	.0149	87.06
13.333	.0171	.0149	80.56
13.417	.0171	.0149	74.53
13.500	.0171	.0150	69.84
13.583	.0133	.0116	66.92
13.667	.0133	.0117	64.69
13.750	.0133	.0117	62.05
13.833	.0133	.0117	58.75
13.917	.0133	.0117	55.55
14.000	.0133	.0117	53.02
14.083	.0095	.0084	51.46
14.167	.0095	.0084	50.02
14.250	.0095	.0084	47.77
14.333	.0095	.0084	44.67
14.417	.0095	.0084	41.59
14.500	.0095	.0084	39.14
14.583	.0095	.0084	37.62
14.667	.0095	.0084	36.69
14.750	.0095	.0084	36.11
14.833	.0095	.0084	35.77
14.917	.0095	.0084	35.53
15.000	.0095	.0084	35.38
15.083	.0095	.0084	35.28
15.167	.0095	.0084	35.24
15.250	.0095	.0084	35.24

WILLARD - COOK'S CREEK HYDROLOGY 100-YEAR 24-HOUR STORM
 STORM HYDROGRAPH RAIN - 3.800 STATION # 2170 RUNOFF = 2.452
 STORM DISTRIBUTION IS 603 24-HR
 CURVE NUMBER METHOD CN = 97.0

TIME (HOURS)	RAINFALL (INCHES)	NET RAIN (INCHES)	DISCHARGE (CF3)
15.333	.0095	.0004	35.26
15.417	.0095	.0054	35.28
15.500	.0095	.0084	35.30
15.583	.0095	.0084	35.32
15.667	.0095	.0085	35.34
15.750	.0095	.0075	35.36
15.833	.0095	.0085	35.38
15.917	.0095	.0085	35.40
16.000	.0095	.0085	35.42
16.083	.0057	.0057	35.43
16.167	.0057	.0051	34.95
16.250	.0057	.0051	33.26
16.333	.0057	.0051	30.47
16.417	.0057	.0051	27.58
16.500	.0057	.0051	25.26
16.583	.0057	.0051	23.62
16.667	.0057	.0051	22.92
16.750	.0057	.0051	22.34
16.833	.0057	.0051	21.97
16.917	.0057	.0051	21.72
17.000	.0057	.0051	21.55
17.083	.0057	.0051	21.43
17.167	.0057	.0051	21.33
17.250	.0057	.0051	21.37
17.333	.0057	.0051	21.37
17.417	.0057	.0051	21.38
17.500	.0057	.0051	21.39
17.583	.0057	.0051	21.39
17.667	.0057	.0051	21.40
17.750	.0057	.0051	21.41
17.833	.0057	.0051	21.41
17.917	.0057	.0051	21.42
18.000	.0057	.0051	21.42
18.083	.0057	.0051	21.43
18.167	.0057	.0051	21.44
18.250	.0057	.0051	21.44
18.333	.0057	.0051	21.45
18.417	.0057	.0051	21.45
18.500	.0057	.0051	21.46
18.583	.0057	.0051	21.47
18.667	.0057	.0051	21.47
18.750	.0057	.0051	21.48
18.833	.0057	.0051	21.48
18.917	.0057	.0051	21.49
19.000	.0057	.0051	21.50
19.083	.0057	.0051	21.50

WILLARD - COOK'S CR. IRO. 11: 11-YEAR 24-HOUR STORM
 STORM HYDROGRAPH RA. 1.500 DURATION = 21.0 RUNOFF = 2.454
 STORM DISTRIBUTION IS SCS 14-PP
 CURVE NUMBER METHOD CN = 57.1

TIME (HOURS)	RAINFALL (INCHES)	NET RAIN (INCHES)	DISCHARGE (CFS)
19.167	.0057	.0051	21.51
19.250	.0057	.0051	21.51
19.333	.0057	.0051	21.52
19.417	.0057	.0051	21.52
19.500	.0057	.0051	21.53
19.583	.0057	.0051	21.54
19.667	.0057	.0051	21.54
19.750	.0057	.0051	21.55
19.833	.0057	.0051	21.55
19.917	.0057	.0051	21.56
20.000	.0057	.0051	21.56
20.083	.0038	.0034	21.57
20.167	.0038	.0034	21.32
20.250	.0038	.0034	20.46
20.333	.0038	.0034	19.04
20.417	.0038	.0034	17.59
20.500	.0038	.0034	16.40
20.583	.0038	.0034	15.57
20.667	.0038	.0034	15.21
20.750	.0038	.0034	14.91
20.833	.0038	.0034	14.73
20.917	.0038	.0034	14.60
21.000	.0038	.0034	14.51
21.083	.0038	.0034	14.45
21.167	.0038	.0034	14.42
21.250	.0038	.0034	14.42
21.333	.0038	.0034	14.42
21.417	.0038	.0034	14.42
21.500	.0038	.0034	14.43
21.583	.0038	.0034	14.43
21.667	.0038	.0034	14.43
21.750	.0038	.0034	14.43
21.833	.0038	.0034	14.43
21.917	.0038	.0034	14.44
22.000	.0038	.0034	14.44
22.083	.0038	.0034	14.44
22.167	.0038	.0034	14.44
22.250	.0038	.0034	14.45
22.333	.0038	.0034	14.45
22.417	.0038	.0034	14.45
22.500	.0038	.0034	14.45
22.583	.0038	.0035	14.46
22.667	.0038	.0035	14.46
22.750	.0038	.0035	14.46
22.833	.0038	.0035	14.46
22.917	.0038	.0035	14.46

WILLARD - COOK'S CANY (HYDROLOGY) 100-YEAR 24-HOUR STORM
 STORM HYDROGRAPH RA 000 DURATION = 24.0" RUNOFF = 2.454
 STORM DISTRIBUTION IS 000 24-HR
 CURVE NUMBER METHOD CN = 97.0

TIME (HOURS)	RAINFALL (INCHES)	NET RAIN (INCHES)	DISCHARGE (CFS)
23.000	.0038	.0038	14.47
23.083	.0038	.0038	14.47
23.166	.0038	.0038	14.47
23.250	.0038	.0038	14.47
23.333	.0038	.0038	14.48
23.416	.0038	.0038	14.48
23.500	.0038	.0038	14.48
23.583	.0038	.0038	14.48
23.666	.0038	.0038	14.48
23.750	.0038	.0038	14.48
23.833	.0038	.0038	14.47
23.916	.0038	.0038	14.48
24.000	.0038	.0038	14.49
24.083	.0000	.0000	14.50
24.166	.0000	.0000	13.98
24.250	.0000	.0000	12.25
24.333	.0000	.0000	9.35
24.416	.0000	.0000	6.41
24.500	.0000	.0000	4.04
24.583	.0000	.0000	2.56
24.666	.0000	.0000	1.63
24.750	.0000	.0000	1.03
24.833	.0000	.0000	.65
24.916	.0000	.0000	.38
25.000	.0000	.0000	.20
25.083	.0000	.0000	.08
25.166	.0000	.0000	.02
25.250	.0000	.0000	.00
TOTALS	3.800	2.4539	10286.95

STORM HYDROGRAPH VOLUME = 70.65 ACRE-FEET
 MAXIMUM STORM DISCHARGE = 749.78 CFS