

MINUTES
LEMHI COUNTY PLANNING AND ZONING COMMISSION
REGULAR MEETING/PUBLIC HEARING
April 21, 2010

MEMBERS PRESENT: Chairman, Roy Barrett, Vinn Strupp, Bret Heaps, Eleanor Wisner, Raymond Cockrell, Dale Peterson, Ed Tolman, Barbara Miller, and John Ziegler

STAFF PRESENT: Gary Goodman & Teresa Morton

GUEST PRESENT:

MEETING CALLED TO ORDER:

MINUTES OF PREVIOUS MEETING: Minutes of March 17, 2010 were requested to be amended to take Bret Heaps off of the "members present" as he did not attend the meeting. This change is noted. The minutes were approved as amended, motioned by Barbara and seconded by Eleanor.

COMMUNICATION:

PUBLIC HEARING

Mark Dahle: I would like to introduce myself, I am Mark Dahle, I am the owner of Dahle's Red-e-mix, my sister Alisa Peets is in partnership in this business, and we also have Sara Johnson who is the property owner of the property where we are proposing to do this gravel pit. I will start out with the plan of operation an overview of what we plan to do. Val Johnson and his wife Sara own property located 8 miles south of Salmon on Highway 93 towards Challis. They are proposing to establish a gravel pit. Dahle's Red-e-mix will be the operators of the project. Gravel will be extracted with an excavator and wheel loaders. Digging material from existing land creating ponds. The final vision for the property is to have several ponds in various shapes, approximately five acres in size. The ground where the pit is going to be located is currently flat pasture, not irrigated. Test holes have been dug on the North end of the property to determine suitability of gravel and see what depth we need to get. The holes showed a thin layer of top soils followed by river rock and sand. That conditions make it hard for the Johnson's agriculturally do anything with it. It is pretty porous, not much top soil. Surrounding areas consist of Highway 93 on the East and the Salmon River on the West and southern borders and BLM river access on the North. The total acreage of the property is about 50 acres, it will take about five acres of land to set up the equipment to crush and provide areas for stock piles. The plan like I said is to mine five acres at a time and then reclaim those once the gravel has been extracted. Which consists of sloping and re-seeding. Depending on the economic situation we have in the past mined about a half of an acre at a time, that is currently what we are unless things really explode in Salmon, that has kind of been the average of what we have done prior for a year. Typical hours of operation 8-5 Monday thru Friday, occasionally there may be times depending on project or whatever that may need to work longer hours if necessary. That is not something that we anticipate, maybe just occasional just once in a while with a state job. Operations of the pit will not be normally year around, we don't do a whole lot in the winter, it is pretty hard to dig gravel when there is ice, that kind of thing. Occasionally other equipment may be set up, wash plant for screening and washing materials, hot mix plant may also be necessary if there is highway jobs in that proximity. All federal and state requirements and regulation will be complied with in those instances. We have been operating a gravel pit north of town on Tom Perkin's property. I don't know if any of you have been out there and seen that, which has similar type of ground. Just to let you know in twelve years that we have been mining at that site we have only had a hot plant in their 3 times when they paved on Highway 93 North, we anticipate similar situation with the Johnson Pit. I will turn sometime over to Alisa to go through the other parts of the county code and what not.

Alisa Peets: My name is Alisa Peets I am also with Dahle's Red-E-Mix. This is the development code performance standards that we need to go over. The first thing on that was Water Quality: The Salmon River runs adjacent to the area of operation, there are no other drainages, streams, creeks or bodies of water located within a 1,000 feet of the project. There will be a 200 foot buffer from the high water mark

of the Salmon River to the project area, there will be a 50 foot buffer maintained between the identified wetlands and the area of operation. Storm water or Snow Melt: Will not be altered from the present conditions. The property has been reviewed several times during and after a storm event, no signs of water runoff have been found. Due to the porous nature of the soils and the ground is so level it is not anticipated that and storm water runoff will be present. A settling pond will be established for washing the gravel. No water will be taken from the Salmon River for this project and no water will be allowed to flow back into the river from this project. Monitoring of the project for possible changes.

Bret: Where do you intend to get the water from for washing?

Alisa: It is the water that subs up into the ponds, I talked with the Department of Water Resources and they said that would be the way we need to do it, and have it flow back into the pond.

Alisa: Monitoring of project??? Will be conducted at least annually is what it said in the guidelines from the EPA, we will do more often. Runoff and Erosion Control: Located on level ground that consists of well drained soils and slopes away from the Salmon River. After several reviews once again of the property during the rain storm and after the rain storms there has been no signs of any erosion or any water flow on the surface, and it has been determined that no outfalls are present. An outfall is a discharge site from the property, so an EPA, MSGP permit is not required for this operation. Operations will be inspected annually for any changes. Slopes of the edges of the pond, they will meet all regulatory specifications and the Department of Lands has sort of specified what we need to do with that. Should any visible signs of runoff occur, they could immediately be reminded with an urban burm. Wetlands: There was one identified wetland; a 50 foot setback will be maintained from that wetland and the area of operation. Stream Corridors: The mining operation will be 200 feet from the Salmon River high water mark at its closest point. Flood Plain: This project is located within the 100 year floodplain. Slopes: Slopes of the ponds that I already discussed are going to be followed; we are going to follow the regulations set by the Idaho Department of Lands. Expansive Soils: This is not applicable to this site. Wildfire Hazards: It isn't applicable to this site. Air Quality: Air quality for pressures and hot mix plants will be met according to the DEQ regulations. Nuisances: There are not any homes near by other then the Johnson's home. The nearest home we could see other then the Johnson's was approximately $\frac{3}{4}$ of a mile away. On the west and south side there are large cotton wood trees and vegetation that will act as a buffer for both sound and dust. The east side is government land, the BLM or the north side is the government land, the BLM access. On the east I believe is the highway. Dust control will be in compliance with DEQ regulations and the noxious weeds will be taken care of by our noxious weed plan that we have set up with the county. Hazardous Substances: The only hazardous substances that will be present will be the oils and fuels that will be in the equipment itself. These substances will be contained and the equipment will be maintained All refuse, chemicals and petroleum products and equipment will be stored and maintained at least 100 feet away from the surface water and disposed of in such a manner to prevent the entry into a water way. That was something the Department of Lands asked us to comply with and we were happy to do that. Livestock on Residential Lots: Not applicable. Protecting the irrigation System: The ditches are not being used at this time on this property. Land Use Compatibility Factors: On the North side is the BLM access to the Salmon River, Randy Capps has a pit and the Tolman's have a pit and they are located about 2 miles within this area. Everything else nearby is agricultural or has and agricultural use. Connections: Was not applicable. Signs: We are not anticipating putting up any advertising signs, any signs that we will put up we will adhere to the Lemhi County requirements. The mining, safety and health administration does require us to put some signs, no trespassing, safety type signs. Safe Access: A new access off of the highway 93 will be created to allow for better visibility to oncoming traffic and will be in compliance with Idaho Department of Transportation. Any signage necessary or other requirements will be met. There is a traffic impact study that was done by Harper and Levitt; I believe that we have submitted that. A permit has been issued by the transportation department. Access to the Arterial: Access to the river in this area is recommended through the BLM site just north of the property. Alternate points of access: Val Johnson has a small access road that will not be used by this operation and to the property. Roads: Highway 93 South is the western boundary adjacent to the gravel pit, sorry eastern. Off Street and Loading Area: Is not applicable. Utilities: There is a power line running east and west through the property that will not be disturbed. Individual Water Supplies: Not applicable. Onsite Sewage Disposal: We have a port a potty that will be maintained at the gravel site. Private

Utilities: Not applicable. Construction in Utility Easements: Not applicable. Public Access: Not applicable. Fire protection: There is access from the pit road and the other access on the property that is already established and we also have fire extinguisher located on every piece of equipment that we own that would be out there. Additional Facilities Needed: Not applicable. The Residential Development, Maximum Average Density, Residential Development Minimum Lot Size, Exceptions to the Maximum Density and Minimum Lot Size, Density Transfer to Cluster Developments, Density Bonus for Cluster Developments and Cluster Developments Criteria: All not applicable. Chapter 7 Standards for Specific Zoning Districts. Protection of Irrigation Systems: We won't be disturbing any irrigation systems. Fencing and Stock Driveways: Not applicable, we will not be removing any fencing around the perimeter of the property and there is none in the interior. Maintaining Agricultural Operations: The gravel pit will not impact viable agricultural operations. Protecting Productive Land: After the gravels are mined, a wetland pond will be created. The land around the pond will continue to be used for agricultural purposes. Limited Conflict with Mining Operations: Not applicable. Limiting Conflict with Logging Operations: Not applicable. Commercial Locations: Not applicable. Airport Zoning District: Not applicable. Area of City Impact: Not applicable. Under Chapter 9. Utilities and Solid Waste: We already mentioned that we will have the port potties maintained on the property. There is a refuse can that will be located in the generator bin that we will have when we are out there to throw away trash, garbage and anything like that. Utilities: Is just the power line running and we will not be disturbing that. Hazardous Substances: The only hazardous substances once again are those that are found in the equipment. These substances will be contained and the equipment will be maintained. In the event of a spill may occur and contaminate the soils, those will be removed and in compliance with the applicable rules and regulations. There will not be any storage of fuels on site. Chapter 10 was additional performance standards for Lot Splits, Subdivisions and Manufactured Home Parks, that is not applicable. The LESA Evaluation, I will go through that quickly, the areas that apply to this. First was the proposed development or associated improvements that predominantly border land defined as agricultural are considered to have an adverse impact on agricultural. The way that we would mitigate this condition is that we have a 200 foot setback in addition to the Salmon River to buffer from the property lines on the other side of the river. Highway 93 South lies on the east boundary line and we also not have any structures built as part of our operation. The next item on the LESA that apply to us was, proposed developments or associated improvements that are located on prime agricultural land or farm land as state wide important are defined as the NRCS are considered to have an adverse impact on agricultural. We will mitigate this by; the project will be open 100% open space. Proposed developments or associated improvements that are in locations with riparian areas, rivers, streams, lakes, wetlands, floodplains or floodway or other natural surface water are considered to have an adverse impact on the natural environment. We have mitigated this by: having a 200 foot setback of the high water mark of the Salmon River and a 50 foot setback from the identified wetland. The property was reviewed during the rainstorm and no storm water flows were found to be present, we will continue to monitor during future storm events, we talked about putting in an urban berm or something to divert the water. Protection of the groundwater will be obtained by following best management practices of conducting inspections, maintaining the equipment, not storing fuel or oils on site and fueling equipment in areas 100 feet away from the surface waters and following all requirements set forth by the appropriate governing agencies. The next item, the proposed development located within the floodplain are considered to have an adverse impact on groundwater quality. We don't have any mitigation for that. Proposed development located outside of areas where police, fire and emergency services are not able to respond in 10 minutes for 90% of all emergencies are considered to have an adverse impact on public health and safety. Proposed developments or associated improvements that are located within the floodplain as defined by FEMA are considered to have an adverse impact on public health and safety. Proposed developments or associated improvement that are located within the Wild land Urban Interface Boundary are considered to have an adverse impact on public health and safety. Proposed developments or associate improvements that are proposed on or adjacent to land identified by state or federal agencies as critical habitat are considered to have an adverse impact on fish, wildlife and habitat. A 200 foot buffer from the high water mark of the Salmon River and the project operations will be maintained. A 50 foot buffer between the identified wetlands and the project operations will be maintained, that is how we will mitigate that. Riparian habitat will not be disturbed by project operations, that is mitigation. Proposed developments or associated improvements that require a new access to state highway 93 or 28 are considered to have an adverse impact on the overall transportation system. The new access road will be constructed as per Idaho Transportation requirements to allow for safe access. I

think that completes the LESA evaluation. We would also like to address some of the comments that we received from the public and other groups. The first item on this is; the risks associated with landslides and erosion in the 7 mile area. This project is located on flat terrain within the floodplain and is not associated with the erosion process of the upland terraces in this area. The second one that we wanted to discuss is; the noise levels and acceptable limits that are established by the comprehensive plan. We will adhere to all acceptable limits. Concerns about unforeseen discharges into the Salmon River from the operations; we will monitor and mitigate; we will go and review the property for any changes that have been established. Questions regarding the MSPG requirements of the EPA; After discussing the project with Julie Congdon and Joan Midle, after spending hours and hours of time reviewing regulations, walking the project site during storm events, watching webcasts, reading the guidelines on their website, reviewing sample SWPPP (storm water pollution prevention plans) and reading the monitoring guide, we came to the conclusion that we did not have any outfall. It is my understanding that the EPA requires us to go out and review the project and follow their guidelines to determine if we need a permit or not. It is our intent to do whatever is required by the EPA. The next one that was brought up was the NOAH Fisheries; that they had designated the Salmon River and areas within 300 feet as critical habitat for the Salmon and Steelhead. Unless it is determined by the EPA that we need a federal permit for storm water discharge we do not anticipate needed to complete consultation with the fishery service. If a federal is necessary we are fully prepared to complete consultation under section 7 of the ESA. Without a federal permit we are held to the same standard of any other private land owner under section 10, this site has already be considerably altered from its natural state by a levee and agricultural practices. Critical habitat has been designated for Chinook salmon at 300 feet from the high water mark; however this doesn't require that a 300 foot buffer be established along the entire length of the river. Our project will not disturb established riparian, habitat and will allow for a 200 foot setback which we adopted and initiated as a best management practice. This setback is not required by the ESA or the county. A local representative of the National Marine Fishery Services, Chad Fealko visited the project area and agreed that the 200 foot buffer as well as the 50 foot setback from the wetland was a good conservation measure for the project. He also concluded that the project would have limited potential impact provided adequate setbacks were established. The next concern was adhering to all agencies, government agency requirements. We have been in contact will all of the required government agencies in regards to this project. I have spent 2 years working on this project, contacting and making sure they understood what we were doing. The NOAH fisheries and the Army Corps of Engineers have both physically walked the project site and have offered recommendations that we have adopted into our project design. All of the required agencies are aware of what our plans of operations are. At this time no further actions where required by any of these agencies. Last, this is regarding the hot mix plant; the hot mix plant operators are aware of the requirements to get permitting from the DEQ and they will adhere to all regulations. We have also taken some photos that we have of a the other pit on the North end of town that we have been working on. You will see that geese and ducks, hundreds of geese and duck and other birds have made this pond their home. Several photos show the west boundary of the pond where reclamation has been started. There are some cattails and some willows that are starting to grow along the edge. We have planted grass twice and the geese keep eating the seeds, so we are going to have to figure out a new method there but we are working towards that. Some of the photos are standing next to the highway to show that the operations look like. Once this pond is finished it is going to beautiful. It is a really neat area, there is a lot of wildlife that comes in there, we see deer often and a lot of birds, fox and other animals. I also have some pictures of the Johnson pit property. These pictures show the rocky ground, the flat terrain and the levee that is next to the Salmon River. Thank you for your time.

Bret: When was the last time that property flooded?

Alisa: The Johnson's property?

Bret: Yes it is in the 100 year floodplain, when was the last time any idea? Mid 70's... from ice or winter time or spring.

Sara Johnson: Spring

Bret: So it wasn't running through that? It was just subbing

Sara: Right next to the highway.

Mark: That low depression there that is identified as a wetland

Bret: That goes right along the highway and then

Mark: West of the barrow

Roy: You are saying the water didn't go over

Sara: ?????? It is lower than the rest of it ?????????? (speaks from the audience)

Bret: Are you guys going to be mining in the area that flooded?

Alisa: No, we will not be next to the highway and we have to stay the 50 feet, we don't have to but we will stay the 50 foot away from that wetland.

Roy: I guess I have a comment and we will move on, one of the things you keep hearing about and what we are thinking about is because this is the Salmon River and the scenic byway and all those things that it means and Salmon is largely dependent on tourism. Has any thought been given to some sort of landscaping or screening, something like that, maybe when the pit is done, the pond will be beautiful, but is there a possibility or given some thought to screening it so it is not an eye sore? That is a thought not a statement.

Alisa: We have given some thought to that, one thing, especially for the BLM for their access site, one of the things we thought of was maybe planting some trees along that edge, along the fence line right there. I don't know about planting all along the whole river there but we have tried to think of some things to do.

Bret: If you are only going to mine ½ an acre a year or close to that, you are going to be there 100 years, that is a long time.

Mark: We are over half completed, we have fifteen acres permitted at Perkins, we probably have 8 acres of that already dug in the last 12 years.

Bret: So about an acre a year, you are still looking at fifty years

Mark: if you did it on 50 acres.

Bret: That is what the thing is calling for is 50 acres

Mark: That is what we are trying to permit that we can do, not all of that is going to be disturbed, it will be small sections disturbed at once.

Alisa: Each five acres will be reclaimed after that

Bret: Are you guys going to have the same kind of equipment set up there as you do down... the grizzlies and the conveyors?

Roy: You say when you do five acres at a time, am I envisioning that at the end of the day whether it be 50 or 100 years from now, will this be one pond?

Alisa: No, we are going to do several ponds. I think that was in the Idaho Department of Lands permitting that I needed to establish what the idea, what the final vision of the property was. There was several different shaped ponds throughout the property.

Mark: If you take into consideration the Boise Valley area, some of the prime subdivisions where gravel pits at one point. The problem here being is that we don't have the, they would mine those out have them done in 3 or 4 years. We just don't move that type of material, we don't have the economic base to get that done.

John: If a big project on the highway comes in do you have a limit on truck traffic that can come and go, the daylight hours, do you have a plan drawn up on the work of it.

Mark: On that traffic impact study there are guidelines set out for that, probably what would happen in that case they would have to flag that and that would have to be part of the highway operation, whoever got the, HK or Western or whoever got that particular project. They would have to be in control of the traffic part of it. As far as hours of operation, in times past we have never seen that they have gone past daylight hours.

John: But you are not limiting it to?

Mark: We are not proposing to, I guess that would come from zoning guidelines.

Roy: More times than not you don't see a lot of paving at night because of the cost associated with it. You will in places like Boise because it is the only time they can get to where there is no traffic on the road, so they will do some paving if temperatures allow, because of traffic circumstance. In more rural areas it is rare because of the cost associated with over time.

Bret: On your 50 foot setback on the wetlands, on sewers we want 100 feet between the sewer and the well. Will 50 feet clean the water that is flowing from your gravel cleaning pit before it hits that wetland.

Mark: That settling pond won't be near the wetlands.

Bret: I guess I don't know how you clean the gravel

Mark: Basically all we do is pump water out of a pond and then we excavated a hole and left that whatever fine material that washed out settle into that and that we will push right over the top of that and it will turn into reclaimed ground just like we had before we started.

Bret: The topsoil washes in

Mark: Any pines will wash into that, there is not a lot of pines in there, it will just fill up, the grasses will grow right there, it will be reclaimed when it is done, it will pretty much reclaim by itself. Those areas are going to be contained within the areas we have excavated so none of that dirty water cannot go anywhere other than right there where we are putting it. You dig a hole 16 feet or however deep you can get and that is where that material is going to end up, it can't get outside of that, it can't leech through the gravel.

Bret: I guess the water is coming from somewhere, so it is leeching into the pit that you are using so I am wondering if it can leech out

Mark: Not with any materials is in. You can see the delineation where we are washing out on the Big Flat Pit and there is no within a five foot section of gravel between the settling pond and the wash pond, there is no cross contamination. It doesn't leech, the particles are too big to leech through.

Roy: Anybody else. That concludes your testimony. At this time we will take testimony by the staff, Gary.

Gary: Members of the public, board members, thank you all for coming, and thank you board for being volunteers and volunteering your time. As staff there are several jobs we have and our most important job is presentation like this to make sure they are prepared to come forward to you folks. As you well

know we have a LESA system. For those that don't know LESA is an acronym that stands for Land Evaluation Site Assessment. It was put together as a result of our new comprehensive plan and our development code to be a tool. It was meant to be a tool to raise the awareness levels of the areas of concern. This is the first project that has come before this board with a LESA system in place. I would like to say it worked pretty good. It did show the areas where there were concerns. The areas we have concerns are too cumbersome and beyond the capability of this staff to address and so we require that the applicant go to the actual federal agencies, DEQ, EPA, Idaho Transportation Department and deal directly with them, and bring a letter from them that states they have complied with the rules and regulations that are imposed upon the site. My opinion is that worked pretty good. The LESA systems actually showed us what we need to be concentrating on. The Dahle's did go forth and address those issues, as you go through the documentation that they presented, you will see that they do have letter from the Department of Army Corps, basically saying that a permit is not applicable. Idaho Transportation Department, there was a traffic study done, they hired an engineer, Harper, Leavitt to the traffic study, it was submitted to ITD and ITD came up with a plan and said yes, do it this way. They do have a weed control program in place with Lemhi County Weed Department. They met with the Department of Interior and this is where the 200 foot buffer setback came from, was from those meetings. That was what was determined was the best management practice and complies with it. National Marine Fisheries, has a letter into us that says the 200 foot buffer things should be fine, basically they are saying it is fine. Wetlands, they did a pretty extensive wetlands study on the property, if you look at the report that they turned in it actually has a biological assessment and it is determined that they are complying with all rules and regulations. Department of Lands made a comment on here on how they were to do there slopes. Road and Bridge has no concerns because it is not there road it is the highway. Even though they are concerned it is a state highway and they have left it to the highway department to deal with that. We did receive a number of letters on the project all of which you guys have. I don't want to stand up and talk as we are supporting or not supporting because as staff we have to remain neutral. But I just want to make everyone aware of the fact that we did have a LESA in place and it did show us what we were after, these folks did go deal with all the federal agencies that our code requires them to comply with and they do have responses.

Roy: At this time I will have Teresa note into the record the documentation we have. Gary eluded to this, we do have a letter from the Department of Army, ITD, Department of Interior, Weed Department, NMFS, Aspect Wetland, Road & Bridge, Department of Lands.

Gary: In addition Roy I think you have a second document from Aspect Wetland Consulting, amended biological assessment.

Roy: Letters from Susan Peter Davis, Bill Oldham, NOAH, Idaho Conservation League, Trout Unlimited, Western Watershed Project. All of these are on record and can be reviewed.

Department of the Army- Dated September 25, 2008

Dear Mr. Dahle,

This is in response to Aspect Wetland Consulting July 1, 2008 and August 31, 2008 letters requesting our comments on your proposed development of a gravel pit near Salmon River. Section 404 of the Clean Water Act (33 U.S.C. 1344) requires a Department of the Army permit be obtained for the discharge of dredged or fill material into waters of the United States. This includes most perennial and intermittent rivers and streams, natural and man-made lakes and ponds, and wetlands, as well as irrigation and drainage canals and ditches are tributaries to the other waters. The Salmon River and a narrow fringe of wetlands along the river are waters regulated under section 404. Activities regulated under section 404 include excavation and mechanized land clearing activities, which result in the discharge of dredged material, and destroy or degrade waters of the United States. Based on the information provided and a brief field site visit on August 13, 2008, it appears that the proposed project will not involve work in areas subject to our jurisdiction and a Department of the Army permit will not be required. It is our understanding that there would be a minimum of a 200ft setback from the Salmon River. If you have any questions concerning regulatory matters please contact me at 208-522-1676.

James Joyner
Regulatory Project Manager.

Idaho Transportation Department- dated July 9, 2008

Dear Michelle Tucker

Thank you for the opportunity to review and comment on the development plans you have submitted. At this time the Idaho Transportation Department has concern regarding the traffic and safety impacts this development will have to the state highway. The Idaho Transportation Department requests that the developer reviews with the county, city and ITD the development impacts and consider all options to minimize these impacts to the state highway. If you have any questions please contact Derk Williams.

Sincerely,
Matthew Davison

Idaho Transportation Department – dated March 23, 2010

Dear Mr. Goodman

Thank you for the opportunity to review and comment on the development plans you submitted. At this time the Idaho Transportation Department does not anticipate any significant impacts to the state highway system.

Sincerely,
Derk Williams

United States Department of the Interior- Dated February 4, 2010

Dear Sir

In January we received notification via a letter from Dahle's Red-E-Mix Inc, of a proposed gravel pit located approximately seven miles south of Salmon, Idaho. The proposed site is located on Val and Sarah Johnson's private property which is located adjacent to a Salmon Field Office recreation site. Members of the Salmon Field Office staff reviewed the information submitted to their office and would like to submit the following comments regarding the proposal. 1. Based on the information in the packet, it appears there will be a 200' buffer along the river on the south end of the Johnson property and a 50' buffer on the remaining portion of the project. The BLM supports a buffer and would like to see a 200' buffer along the river for the whole property. 2. Based on the information in the packet, it states that approximately five acres at a time will be mined and once those five acres are completed the next five acres would be worked. The BLM would like to propose that as work is completed on five acres and the next five acres is worked that rehabilitation of the land is completed as the project progresses. The BLM would like to see a rehabilitation plan developed for the area. The BLM would also like to propose that work on the gravel site begin on the south side of the property and not on the north end next to the recreation site. 3. The BLM has been working with Lemhi County to help stop the spread of noxious weeds throughout the County on both private and public lands. The BLM would like to see a weed management plan developed for the project. 4. The proposed project is located along the Salmon River Corridor, an area traveled by visitors to the area coming to enjoy the scenic values of the area. The development of this gravel site along the Salmon River corridor will diminish some of those scenic values. At the same time, the BLM acknowledges the need for additional gravel sources in the area. 5. The proposal also includes setting up a Hot Mix plant on site when needed. The BLM is concerned about potential water quality issues should this happen and the potential of materials finding their way into the groundwater system or Salmon River. BLM would suggest eliminating the Hot Mix portion of the operation on this parcel. If it is completely necessary and no other alternative exists, we would like to see a spill containment plan included in the proposal. Additionally, BLM would propose the operator coordinate with Idaho Department of Environmental Quality for water quality monitoring. Thank you for the opportunity to comment on this proposal and if you have any questions, please contact

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Gloria Jakovac, Realty Specialist, at (208) 756-5421.
Sincerely,
Steve Hartman Field Manager

NMFS- dated January 12, 2010

Alisa,

Thanks for the call this afternoon. From our discussion, NMFS understands the lack of a discernible storm water outfall at the proposed 7-mile gravel pit site negates the need to obtain a Multi Sector General Permit (MSGP) from the Environmental Protection Agency (EPA). The MSGP represented the only potential Federal nexus for your project. Now that a MSGP appears unnecessary NMFS is unaware of any Federal nexus and thus consultation under the Endangered Species Act (ESA) is not required at this time. The fact ESA consultation is not required does not eliminate the need to adhere to Section 9 of the act. As such no incidental take of ESA-listed fish is exempted and all efforts to avoid take should continue to be taken. NMFS encourages Dahle's Redi-Mix to pursue implementation of best management practices designed to protect water quality as well as channel geomorphology. You have previously identified a 200-foot no dig buffer around the Salmon River as well as designated equipment fueling/maintenance sites. These provisions are commendable and their implementation is important to avoid potential adverse effects to ESA-listed species and designated critical habitat. Please keep us informed if permitting conditions change. Thanks for your continued cooperation.
Chad Fealko

Lemhi County Weed Department- Dated January 29, 2010

Re: Johnson gravel pit

To whom it may concern:

This letter is to inform you that I have approved the planning and zoning request for the special use permit for a gravel pit located on Val Johnson's property approximately 10 miles South of Salmon. Noxious weeds will be managed through the use of herbicide application and mechanical removal on an annual basis to any area of disturbance. If you have any further needs or questions please feel free to contact me.

Sincerely,

Daniel Bertram

Lemhi County Weed Superintendent 200 Fulton St. Suite 201
Salmon, Id. 83467

Idaho Department of Lands- Dated March 22, 2010

Lemhi County Planning and Zoning Attn: Gary Goodman
200 Fulton St., Ste.204
Salmon, ID 83467

NOTICE RECLAMATION PLAN APPLICATION

The State of Idaho, Department of Lands (IDL), as required by the Idaho Surface Mining Act, 47-1505 (6) Idaho Code, is giving your county or city notice of the individual or company proposing mining activity. NAME: OF OPERATOR: Dahle's, Red-E-Mix, Inc.... ADDRESS OF OPERATOR: 522 River St., Salmon, ID 83467 PLAN NUMBER: 2901 LEGAL DESCRIPTION: Section 7 T20N, R22E LOT 4 LESS T-3588 Section 18 T20N, R22E LOTS 3 & 4 LESS 9 ACRES BEING EAST OF HIGHWAY 93 & ON PARCEL # RP20N22E1 83001 Section 12 T20N, R21 E LOT 2 Section 13 T20N, R21 E LOT 1 FR LOT 4 IDL has reviewed the application for completeness in accordance with Section 47-1506, Idaho Code. If the application could impact surface waters, it has been submitted to the Idaho Department of Water Resources, Department of Environmental Quality, and Department of Fish and Game with a request for comments within 30 days. This review process must be finalized and the operator notified within 60 days or the reclamation plan becomes automatically approved as submitted under the statute. Cities and counties may review the non-confidential portions of the plan at the Lands' office nearest the county or the state office in Boise. IDL works with other agencies to ensure environmental, water quality

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and reclamation standards maintained. We rely on cities and counties to address multiple-use issues, including planning and zoning and other operating requirements, i.e., hours of crushing and hauling, etc. If you have any questions or comments you may contact me at the above address, telephone (208) 525-7167.

Joseph Larsen
Sr. Resource Specialist — Lands

Lemhi County Road & Bridge- Dated April 13, 2010

To: Teresa Morton

Subject: Val Johnson Gravel Pit

Terrie ask me to let you and the P&Z know that The Lemhi County Road and Bridge has no issues with the Val Johnson Gravel pit proposal. Thank you

Jay Davis

Access Specialist/Office Manager Lemhi County Road and Bridge Dept. 206 Courthouse Drive
Salmon, Idaho 83467
208-756-2861

Idaho Department of Lands- Dated April 6, 2010

This correspondence is notification the following reclamation plan was approved on April 6, 2010:

PLAN NO. ACRES COUNTY

RP- 2901 44 Lemhi

LEGAL DESCRIPTION

Section 7 T20N, R22E LOT 4 LESS T-3588 Section 18 T20N, R22E LOTS 3 & 4 LESS 9 ACRES BEING EAST OF HIGHWAY 93 & ON PARCEL # RP20N22E183001 Section 12 T20N, R21E LOT 2 Section 13 T20N, R21E LOT 1 FR LOT 4, B.M., Lemhi County, ID. The plan was granted approval subject to the following terms and conditions: 1. All refuse, chemical and petroleum products and equipment shall be stored and maintained in a designated location, 100 feet away from any surface water and disposed of in such a manner as to prevent their entry into a waterway. 2. State water quality standards will be maintained at all times during the life of the operation. Should a violation of water quality standards occur, mining operations will cease immediately, corrective action will be taken, and the Department of Environmental Quality will be notified. 3. Erosion and non-point source pollution shall be minimized by careful design of the site access and implementing Best Management Practices, which may include, but are not limited to: a. Diverting all surface water flows around the mining operation. b. Removing and stockpiling vegetation and slash, except merchantable timber, for use in erosion control and reclamation; c. Removing and stockpiling all topsoil or suitable plant growth material for use in reclamation. 4. In accordance with provisions of Idaho Code title 47, chapter 15, an initial reclamation bond in the amount of \$12,500.00 will be submitted to and maintained with the Idaho Department of Lands prior to conducting any surface mining operations. The reclamation bond may be reviewed and updated annually to ensure adequacy. 5. If the reclamation plan is not bonded within 18 months of approval, or if no operations are conducted within three years, the department may withdraw this plan. This shall not prevent the operator from re-applying for reclamation plan approval. 6. Acceptance of this permit does not preclude the operator from obtaining other necessary permits and approvals from state and federal authorities, i.e. Storm Water Pollution Prevention Plan (SWPPP), waste water generation and/or air quality permits, consultation with the National Oceanic and Atmospheric Administration Fisheries, U.S. Army Corps of Engineers 404 Permit and Stream Channel Alteration Permits for each production process. 7. At the beginning of each calendar year the operator or plan holder shall notify the director of any increase in the acreage of affected lands which will result from the planned surface mining activity within the next twelve (12) months. A correlative increase in the bond will be required for an increase in affected acreage. For your convenience I have enclosed bond forms and instructions. Please note -- pursuant to Idaho Code section 47-1512(a), operations cannot commence unless the bond established in Stipulation No. 4 is submitted to this department. Failure to submit the bond before mining commences may subject you to legal action by the state pursuant to Idaho Code section 471513(d), which may include issuance of an order by the district court to temporarily restrain your mining operations without prior notice to you. This reclamation plan will be considered in

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good standing upon receipt of reclamation bonding. If the department does not receive a written notice of objection from you regarding these stipulations by April 30, 2010, the stipulations will be considered as accepted. If you have any questions, you may contact me at the above address or telephone (208) 525-7167.

Eastern Idaho Area Supervisor

Susan Peters- Dated April 4, 2010

To: The Lemhi County Planning and zoning Commission

I am an Idaho Native and I know, and love the Salmon River Country. Hence, I am sending this email to voice my anger and dismay that the Lemhi County P&L would even entertain the thought of issuing devastating impacts on the critical habitat that affords the Salmon River eco-system the ability to provide the incubation for the eggs of our salmon and steelhead trout. Let's face the facts.. this proposed gravel pit will benefit "the few" monetarily while in the meantime, destroy some of the main reasons that people live and visit the Salmon River Country-the fishing and wilderness preservation.

If you persist with this, the entire area, not just the river, will truly be "The River of No Return."

I sincerely hope that you take the time to truly study the "cons" of this monumental decision as there certainly no "pros" in this endeavor.

Sincerely,

Susan Peters Davis Salt Lake City, Utah

Bill Oldham- Dated April 2, 2010

Mr. Roy Barrett, Chairperson

Lemhi County Planning and Zoning Commission % Gary Goodman, County Administrator 200 Fulton Street, Suite # 103

Salmon, Idaho 83467

Re: Johnson Special Use Permit Application

Dear Mr. Barrett:

I am writing the Lemhi County Planning and Zoning Commission asking that the application for a special use permit for a proposed "Industrial/Mining" gravel pit on a 56-acre parcel owned by Val and Sara Johnson be denied, Comprehensive Plan Issues The approval of the applicant's petition would be in conflict or at least tinker with the policies and goals of Lemhi County's Comprehensive Plan. • Historic Vistas — The Plan designates the Salmon River Canyon as "... one of our greatest gifts and it is what draws people to the region to live and to recreate. We cannot afford to destroy it." • Lemhi County economy — A policy statement of the Plan, highlights "... the economic value of clean water, open space, and fish and wildlife habitat to property values and the community's quality of life." • Natural Resources — The Plan places a premium on the value of the county's natural resources and how those resources support our economy, especially"... outdoor activities such as hunting and fishing; cultural and historical values; and finally contribute to the quality of life for Lemhi County residents and for all those who visit the county." Questions and Problems with Special Use Permit for Surface Mining Operation • Will conditions be in place to reclaim the property after it is defaced and properties in the area have been devalued because of the mining impact to the property? • Will there be a time line for the reclamation of the pit? • Who will pay for the reclamation? • Will the surface mine—pit—be left with large rocky craters of little or no resemblance to the original parcel of ground on the shore of the Salmon River? • What conditions will be placed on the surface mining operation to control dust, noise, unsightliness, and truck traffic on U.S. Hwy 93? • If conditions were tied to a special use permit, who would monitor those conditions? Conclusion It is incumbent upon the Commission to apply the Comprehensive Plan and Development Code with discipline. The integrity of the Commission relies on enforcing county policies and standards without being subject to the whims of property owners pursuing their own self-interest at the expense of the community. Do what is best for Lemhi County—deny the special use permit; enforce the Comprehensive Plan's mandate to maintain the very special character of "one of our greatest gifts," the Salmon River Canyon.

Sincerely yours,

Bill Oldham

P.O. Box 1427

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131 Redwood Rd. Salmon, Idaho 83467

Ted Trueblood Chapter of Trout Unlimited- Dated April 11, 2010

Mr. Roy Barrett, Chair

Lemhi County Planning And Zoning Commission c/o Gary Goodman, County Administrator 200 Fulton Street, Suite 103

Salmon ID 83467

Re: Special Use Permit of Val and Sara Johnson

Dear Mr. Barrett:

The Ted Trueblood Chapter of Trout Unlimited has learned that Val and Sara Johnson have applied for a special use permit which would allow them to mine gravel on a site approximately 6.5 miles south of Salmon, Idaho, on the Salmon River. We strongly urge the Planning and Zoning Commission to deny this permit for the following reasons: 1. Wild salmon and steelhead, as well as wild trout, are iconic species which have been historically a part of the culture of the Northwest in general, and Idaho specifically. It is important to ourselves and our posterity that these species be preserved and, to the greatest extent possible, be encouraged to procreate and prosper. 2. Sport fishing has become a vital part of the economy of many parts of Idaho, and especially of the Salmon River and the Lemhi Valley. 3. The Salmon River, known far and wide as "The River of No Return" is, in itself, an Idaho icon drawing many tourists each year who bring in much business. Many of our members are part of the large number of sportsmen who travel to Lemhi County to fish, and along the way we spend money at local retail and lodging establishments. 4. NOAA Fisheries has designated the Salmon River and areas within 300 feet of it critical habitat for Snake River Chinook and sockeye salmon and steelhead trout. The US Fish and Wildlife Service currently is considering a similar critical habitat designation for bull trout. A gravel pit located on the proposed site would undermine each of these beneficial purposes. Its runoff would go directly into the Salmon River. This would inundate critical spawning habitat and potentially destroy generations of future salmon, steelhead and trout. By lowering the land within one of the bends of the Salmon River, the pit could change the entire course of the river under a situation where a flood would change the course of the river and pit capture would result with unintended consequences for the river channel both upstream and downstream (potentially affecting Highway 93). Sport fishing could suffer. And the River could be altered forever resulting in added effluent being washed into the river and inundating downstream spawning beds. We ask that you carefully consider the attached documents concerning the effects of gravel pits on fish habitat and rivers prior to your decision: • NOAA TM NMFS-F/SPO-70: National Marine Fisheries Service national gravel extraction guidance: a review of the effects of in- and near-stream gravel extraction on anadromous fishes and their habitats, with recommendations for avoidance, minimization, and mitigation, by D. B. Packer, K. Griffin, and K. E. McGlynn, 27 p. Access the document at <http://spo.nwr.noaa.gov/tm/tm70.Pdf> •Kondolf, G.M. 1997. Hungry water: Effects of dams and gravel mining on river channels. Environmental Management 21(4):533-551. Access this document at <http://www.russianriverwatershed.net/docManager/1000000485/kondolf1997.pdf> Millions of dollars have been spent on restoration of salmon, steelhead and trout habitat. The proposal before the Planning and Zoning Commission would enrich a small number of people for a short span of time. At the same time, it would damage, perhaps forever, a section of the Salmon River that not only provides critical habitat for species which are icons of our heritage, but also provides great economic benefit to all people living in the Lemhi Valley, not to mention those living upstream and downstream. The future of the Lemhi Valley is not in rocks and gravel, but in the money people will spend in future years to visit, to fish, to hunt, and to understand the legacy of Lewis and Clark in the exploration of the west and our great state. The Ted Trueblood Chapter of Trout Unlimited strongly urges a denial of special use permit.

Sincerely,

Chris Jones

President, Ted Trueblood Chapter

Idaho Conservation League- Dated April 13, 2010

Dear Members of the Planning and Zoning Commission:

Thank you for the opportunity to comment on Dahle Red-E-Mix's proposal to mine gravel near the

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Salmon River. For over thirty years, the Idaho Conservation League has been Idaho's voice for clean water, clean air and wilderness -values that are the foundation for Idaho's quality of life. For more information (or to become a member!), go to www.idahoconservation.org. As Idaho's largest state-based conservation organization we represent over 9,500 members, many of whom have a deep personal interest in ensuring that Idaho's clean water and special places are protected. The Idaho Conservation League has serious concerns with the proposal to conduct gravel-mining operations adjacent to the Salmon River. The Salmon River is one of Idaho's most precious resources and we feel that gravel mining adjacent to the river is inconsistent with the stewardship and protection of this resource. For over 100 years, widespread mining and habitat alteration within the Salmon River sub basin has left a legacy of water pollution, limited watershed resilience, and impacted aquatic and riparian-dependent species. Instead of continuing to exacerbate problems within the watershed, we encourage you to redouble your efforts to restore and conserve the critical functions that the riparian system -provides, and to provide protection to the-Salmon-River commensurate with its value to the State of Idaho and the citizens of Lemhi County. Lemhi County adopted a Comprehensive Plan in 2007. The Comprehensive Plan includes guidance that is pertinent to this proposal. In keeping with the Comprehensive Plan, it is incumbent on the Planning and Zoning Commission to carefully weigh the Dahle Red-E-Mix proposal. The following excerpts from the Comprehensive Plan should be considered: II. Recognize Landscape Diversity - Provide for Future Planning Efforts Idaho Conservation League comments on the Dahle Red-E-Mix Carefully consider natural site characteristics (slope, soil type, proximity to surface water, etc.) in evaluating proposed land uses and densities to prevent degradation of the County's base soil and water resources. Policy Goals: • Ensure multiple and sustainable use of all natural areas in a way that does not degrade the environmental qualities that make the area so appealing, including discouraging use in fragile areas. This will ensure long term survival of our wildlife and fish and increase capacities. • Encourage the protection of habitat and wildlife migration areas and other areas of critical concern (such as floodplains, streams, mitigation trails and - -ranges, and avalanche-areas)-by-identifying these and-adopting performance standards. • Protect and restore riparian areas. • Measure the cumulative affects of all development along stream corridors, not one at a time, especially in areas of critical concern. • Encourage the protection and enhancement of the fish and wildlife resources and habitats of Lemhi County. • Recognize and implement land use performance standards that protect critical fish and wildlife resource areas identified and mapped by the Idaho Department of Fish and Game. Preserve, protect, and enhance water quality and quantity of lakes, streams, rivers, wetlands, and groundwater for the-benefit of aquatic species and other water dependent wildlife. II. Avoid Natural Hazards - Maintain Natural Assets Protect Water Quality. The Lemhi County Development Code will strive to protect grater quality by requiring all developments that disturb slopes, to implement a runoff and erosion control plan, and requiring that largely undisturbed vegetated buffer strips (meeting code setback requirements) be left along rivers and streams. The code will also require the developer to demonstrate compliance with all state and federal water quality standards and wetlands and stream protection requirements. Page 27 in the Comprehensive Plan calls particular attention to the risks associated with landslides and erosion in the Seven Mile area. Where the Dahle Red-E-Mix proposal may worsen existing erosion-risk, the Commission should carefully consider the impacts, based on the intent of the Comprehensive Plan to protect areas of concern. Idaho Conservation League comments on the Dahle Red-E-Mix Other direction provided in the Lemhi County Development Code offers guidance on acceptable noise levels and establishes a maximum standard of 75 d.b.a. that must be adhered to at least 90% of the time. The application from Dahle Red-E-Mix fails to indicate whether any consideration has been given to this issue.

In addition to the impacts to the natural setting, county amenities and sense of place, we are concerned with the direct impacts of the project on air and water quality. Even though the project file indicates that no storm water or pollutants will discharge into the Salmon River, past experience has shown that unforeseen discharges from open-pit mining is likely to occur. We are also concerned that similarly unforeseen hydrologic connections between the gravel pit and adjacent wetlands and river will lead to unpermitted discharges.

The Amended Aquatic Biological Assessment (January 2010, Aspect Consulting) prepared for the project appears to inaccurately portray the determination and advice provided by the Environmental Protection Agency (EPA). After direct consultation with Julie Congdon, Storm water Compliance Assistance Coordinator', who was referenced on Page 1 of the Biological Assessment, Ms. Congdon informed me that she did not advise the applicant that a Multi-Sector General Permit was not required. Rather after

direct consultation with Ms. Congdon, her advice was that pending a professional inspection by the EPA, that if the applicant maintained that no discharges would occur, that the applicant could assume liability and proceed without a permit. Instead, the Biological Assessment reads as though the EPA concluded that permits were not required. In addition, guidance from the EPA is clear that permits are required even if no apparent discharges are likely, i.e. if discharges would result from a 100-year storm event, a permit is required². A letter, dated November 1, 2009 from Aspect Consulting confirms that the project area is located within the, 100-year floodplain. In addition, we are concerned with the potential for subsurface discharges and groundwater contamination associated with the gravel pit, operating machinery, fuels, and other contaminants. Where a hydrologic connection with the wetlands and/or the Salmon River may exist, the applicant must obtain necessary water discharge permits from the EPA. It seems unlikely that a hydrologic connection does not exist, based on the close proximity to both wetlands and the Salmon River. - Based on the project file, a Hot Mix processing facility may be situated on the site on an as-needed basis. Air and water pollution as a result of the processing 1 Personal Communication, (April 12, 2010), Office of Compliance & Enforcement, NPDES Unit 1.800.424.4372, x. 2752 congdon.julie@epa.gov 2 See EPA Guidance, page 6, Question #8 at <http://bit.ly/9Ea7mK>

Idaho Conservation League comments on the Dahle Red-E-Mix facility at the site raises additional concerns. Toxic chemicals, solvents, and other pollutants could be introduced into groundwater through the gravel pit, and could contaminate the adjacent wetlands- and Salmon River through existing hydrologic connections. In addition, a Hot Mix plant would require additional air quality permitting through the Idaho Department of Environmental Quality. Hot Mix plants can be a source of volatile organic compounds, carbon monoxide, sulfur, nitrogen oxides, and polycyclic aromatic hydrocarbons. The fuels and oils utilized in Hot Mix are generally distinct from the standard fuel used by excavators and other heavy equipment. We are concerned with the potential for introduction of fuels, solvents and other toxics into the area and encourage the Commission to consider requirements for storage of fuels, solvents and chemicals, as well as adherence to the State of Idaho's rules and regulations for storage of toxic materials. Specific consideration regarding air and water quality protection should be made public for review and comment when more information is available on the specifics of the Hot Mix proposal. Notwithstanding the proponent's assertion that discharges will not occur, the Idaho Conservation League asserts that discharges are likely occur through unforeseen overland flow, subsurface hydrologic connections, erosion (as a direct result of the project), and/or through maintenance and construction of access corridors. As a result, a MGSP or NPDES permit is required pursuant to section 402 of the Clean Water Act prior to the discharge of any pollutants into the Salmon River. Issuance of a permit would require ESA Section 7 consultation with the U.S. Fish and Wildlife Service and NOAA Fisheries to consider the impacts to listed species and their habitat and to develop mitigation measures in accordance with the Endangered Species Act and the Magnuson-Stevens Act Fishery Conservation Act. In addition, the Idaho Department of Environmental Quality is required to provide certification in accordance with Section 401 of the Clean Water Act. --We are concerned with the cumulative effects of this project considered in combination with other. past, present and foreseeable impacts to the river and the riparian ecosystems that it supports. We argue that the past, present and foreseeable impacts to the Salmon River increase the effects of the proposed gravel mine, and that the impacts are compounded as a result of the existing stressors on the aquatic and riparian systems. The BA also provides discussion of monitoring that would result in adjustments to extraction levels, yet fails to provide clarity on thresholds and/or specific activities that would be modified. The BA states, "monitoring, coupled with adjustments to extraction levels would reduce potential for erosion and increased sedimentation within the action area." Neither the application nor the BA describes what triggers Idaho Conservation League comments on the Dahle Red-E-Mix would be incorporated to warrant modifications, or what those modifications would be. In closing,, the Idaho Conservation League recognizes the need for gravel sources for construction, roads, and other projects. At the same time, the Lemhi County Planning and Zoning Commission should recognize the importance that a clean and scenic environment plays in attracting and retaining residents and businesses. The Salmon River represents the lifeblood and heart of -Lemhi County and should be protected from incompatible development. Based on the anticipated impacts and the sensitivity of the resources in the proposed project area, we respectfully urge the Commission to deny the proposal. If you have any questions on these comments, please do not hesitate to contact me at (208) 345-6933 ext. 26 or at joppenheimer@idahoconservation.org

Sincerely,
Jonathan Oppenheimer Senior Conservation Associate

Trout Unlimited- Dated April 13, 2010

Dear Commission. Members:

This letter is in response to the proposed gravel pit located 7 miles south of the City of Salmon. I respectfully ask the commission to consider: • the extraordinary unique scenic and wildlife values that would be impacted by the propose mining activity, • the potential for channel cutting by the Salmon River • negative impacts to neighboring property owners • increased heavy truck traffic on a winding section of Hwy 93 • difficulty of reclamation: efforts on a pit of this size • the vast amount of money being spent by rate payers and tax payers to fund river and stream restoration in our region due to past riparian zone mining activities • impacts that the extraction activity will have on river recreation users • noise and dust impacts to neighbors While I respect the private property rights of the applicants, a larger community responsibility to protect natural values outweighs the need for a gravel pit at this location. Thank you for your consideration and for the many hours you all commit to serving Lemhi County.

Respectfully,

Jerry Myers

*Upper Salmon Project Manager — Trout Unlimited 194 Indian Creek Road
North Fork, ID 83466*

Western Watersheds Project- Dated April 14, 2010

RE: SUP proposed gravel pit along the Salmon River — Val & Sara Johnson property

To the Lemhi County Planning and Zoning Commission:

This is in reference to Val and Sara Johnson's application to Lemhi County. Planning and Zoning Commission for a Special Use Permit to construct and operate a gravel pit on their property along the Salmon River (Sec 13,120, P.21; Sec 12, T20, R21 in Lemhi County; as described in the Public Notice in the Recorder-Herald 3-25-2010). The proposed gravel pit is described as approximately 56 acres, which will be leased to Dahle's Red-E-Mix for construction and operation of a gravel pit. The proposed mining site is approximately 7 miles from the City of Salmon, Idaho along Hwy 93 South. The SUP will allow the use of the property, which is now agricultural/rural as Industrial/Mining. This reach of the Salmon River is designated critical habitat for Endangered Species Act ("ESA")-listed endangered Snake River sockeye salmon, threatened Snake River spring/summer Chinook salmon, and threatened Snake River Basin steelhead, and is proposed designated critical habitat for ESA-listed threatened Columbia Basin bull trout. Under the Magnuson-Stevens Fishery Conservation and Management Act ("MSA"), this reach of the river is also protected as Essential Fish Habitat ("EFH") for Chinook salmon. Unlike the critical habitat for Snake River Basin steelhead and proposed bull trout critical habitat, the designated critical habitats for Snake River sockeye salmon and Snake River spring/summer Chinook salmon as well as the EFH for Chinook salmon include beyond the Salmon River and its banks and reaches beyond in the riparian zone, referred to as the Riparian Habitat Conservation Area ("RHCA"). The RHCA is a minimum. of 300 feet beyond the river channel along each bank, but for as large of a river as the Salmon River, is certainly much larger. The RHCA often contains wetlands, springs, seeps and other jurisdictional waters of the U.S. that are tributary to the Salmon River. As such, the construction and operation of the gravel pit by Dahle's on the Johnson's riparian property requires a Section 404 Clean Water Act permit from the U.S. Army Corps of Engineers ("COE") and a Section 401 Clean Water Act certification from the Idaho Department of Environmental Quality ("IDEQ") with oversight by the U.S. Environmental Protection Agency ("EPA"). Bald eagles, formerly listed under the ESA, but still under the jurisdiction of the U.S. Fish and Wildlife Service ("FWS"), regularly use this reach of the Salmon River. Nearby cottonwood galleries along the Salmon River near Ellis have recently had yellow-billed cuckoos, a Federal candidate species, also sighted. With occupied designated critical habitats plus other jurisdictional fish and wildlife species in this reach and downstream of the proposed gravel pits, the Federal nexus among the COB, the FWS, and the National Marine Fisheries Service ("NMFS") creates the need for Section 7 ESA consultations and answers to the questions jeopardy/no jeopardy and adverse modification/destruction of designated critical habitats by the proposed construction and operation of the gravel pit including the transportation corridor for the heavy equipment hauling the gravel and fuel to and from the site. Consideration has to also be made concerning the risk of take, which includes lethal as well as nonlethal take of listed species at the proposed site, but also downstream. Consultation may result in alternatives to this project or mandatory terms and conditions that help reduce the risks, extent,

*and amount of take associated with the gravel pit and transportation to and from the site hauling materials and supplies. This reach of the Salmon River is also valuable for public outdoor recreation as recognized in the Lemhi County Development Plan. The corridor including this reach has been also valued for its scenic and recreational values and the county plan directs it for preservation intact. In this reach of the Salmon River, the BLM manages the river corridor, including commercial and private float trips. Allowing this proposal to proceed in a site not conforming to the Lemhi County Plan will also harm commercial outfitters and take away the public's enjoyment of this scenic river corridor with the dust, contaminated runoff, noise, truck traffic and heavy equipment operations, and because it will be tapping into the Salmon River alluvial waters, will also be harming the river, its fishes, and protected habitats by encouraging water evaporation (decline in base flows), water warming (adverse effects to salmonids particularly fluvial bull trout), increased turbidity (lower water quality and poorer feeding conditions for salmonids), increased siltation (lower water quality, poorer aquatic prey production, poorer salmonid spawning and rearing habitats), with an increased risk of toxic spills of fuels, lubricants, antifreeze, and other pollutants associated with constructing and operating a commercial gravel pit. Also, this gravel pit does not adhere to the Section 404(b)(1) guidelines under the Clean Water Act since operating a gravel pit is not a water-dependent activity. More suitable sites could be located, even within Lemhi County and therefore the COE should not issue the necessary permits. If they do, under Section 404(b)(1) guidelines, the EPA can still veto their decision. The canyon is beautiful, as is the river vital and full of dependent fish and wildlife. The Hwy 93 S in this reach and downstream towards Salmon is not suitable for heavy truck traffic including dump trucks hauling heavy loads of gravel, particularly in the winter when the road is icy, but also in the summer when it is heavily traveled by tourist traffic including RVs, hauled boats and trailers, horse trailers, tourist buses, and other vehicles driven by unfamiliar drivers. Many accidents, some lethal, already occur between Salmon and Elk Bend, and this SUP will create more hazards, with increased risks to the river and its dependent biota. We oppose this SUP and hope that you deny it Thank you for providing us this opportunity to comment.
Sincerely,*

Roy: At this point we will go into testimony by those supporting the application. If you wouldn't mind we would ask that you go to the podium, state your name and address.

Roger Grenier: My name is Roger Grenier and I live on Tower Creek. I would like to comment as a private citizen and a member of the Lemhi County Transpiration Committee. As I understand it the Special Use Permit we are discussing is for the operation of a quarry to provide Dahle Red-E-mix with gravel and aggregate, a very important service to our community is the availability of high quality specification grade concrete. Dahle Red-E-Mix has been and is the principal provider of this material in Lemhi County. As previously stated I live on Tower Creek I drive by the existing quarry every time I come to Salmon since this facility has been in operation. Their operating practice has been exemplary for this type of operation and I know of no reason that this would change with this special use permit for a new facility were to be approved. Not long ago we experienced a near wash out of our gravel county road on Tower Creek. Micro burst are not uncommon here in the summer and one was the cause of this event. In times such as these, cycle times for County Road and Bridge Department to obtain suitable fills to prevent a washout is critical. It is an advantage to the entire county to have a gravel source available for such emergency responses. When we work through the process of updating our county comprehensive plan and development code, there were concerns voiced about the number of gravel pits that exist in Lemhi County. I can only wonder if those voices substance are ????? economics of hauling heavy material such as gravel. By this I mean there is a practical working radius around a gravel pit beyond which it becomes economically unfeasible to haul material. This is a case for public entities such as the Idaho Department of Transportation and Lemhi County Road and Bridge Department as well as for private entities such as Dahle Red-E-Mix. It is indeed true that there are several gravel pits in Lemhi County, but it must be recognized that only a very few are actually in use at a given point and time depending on where gravel is needed. It might be prudent to define permissible operation hours in terms and conditions of the special use permit, other than this restriction I respectfully request that the permit application be approved. Thank you for your time and consideration.

Roy: Are there any others that would like to speak in favor of the application. If not the next topic is

folks that would like to speak up neither for or against the application, the good thing is that we have nobody on the fence. The next piece is for those opposed to the application that would like to testify and Mary Carroll is first on the list.

Mary Carroll: First I want to thank the board for giving me the opportunity to speak on this subject. My name is Mary Carroll, my address is 71 Fife Lane in Salmon. I want to start out by saying that within ½ mile we have county gravel pit which is in operation a lot of the time, we also have a private pit close to it. About 2/10 of a mile away we have another private gravel pit that has in the past had a hot plant, crushing all of that when road work was going on. The new pit that is being proposed would only be a little over 1 mile away from us, so there would be another gravel pit in our immediate vicinity. I am speaking as a citizen here who is concerned about the operation of a gravel pit. Obviously the crushers, the sorters all of those things are extremely noisy, even when they are operating within all of the restrictions. The dust, huge clouds of dust, once again those are perfectly allowable. The hot plant, pollutes the air, here again I speak from experience. It obviously smells pretty awful, the hot plant that we had in the vicinity was one of the ones being operated by the big Idaho Falls contractors that was doing highway work. They were not interested in following the rules and regulations of the pit. They started their hot plant before they were supposed to because they wanted it up and ready when the hour came that they were actually going to use it. I also have to feel that the operation of something as evasive as a gravel pit would severally degrade the BLM recreation site, again if anyone spends a lot of time there when the pit is actually going, it is right on top of it. Restrictions and those types of things are great, I have no serious concerns that Dahle will not operate this pit in a responsible manner. I feel confident that they have met all the rules and regulations that they have to. My concern once again is the fact that as a citizen in the vicinity I am going to be impacted. The very nature of a gravel pit operating even under the rules and regulations is still a horribly evasive thing. In closing I would like to say that I can understand why the Johnson's would want to do it, I have no problem with that, because obviously they will be compensated for themselves having to put up with the nuisances of the pit but the people that live in the area will not be compensated and we will put up with it. Thank you.

Bret: Where is Fife Lane?

Mary: Across the Shoup Bridge and take a left and we are up river.

Roy: Within, you have lived through this experience at this point, do you see any way that this project could go forward and be mitigated so that it could be neighborhood friendly?

Mary: Everyone that has seen a gravel pit operating I would have to think that it would not possibly think that would be possible unless you totally enclosed the whole operation in a sound proof building and no dust, I can't imagine that anyone would want it close, I said I know we need them but it just, we already have three in area and one more is just, I can't.....

Roy: Mr. Oldham you opposed to it would you like to speak?

Bill Oldham: My name is Bill Oldham, I live at 131 Redwood Rd, in fact I live south on Highway 93 but I don't live near where this project would be. I want to thank the commission for the opportunity for voice my very strong opinion about the Johnson, Dahle application for a special use permit. A permit that is going to change agricultural land to an industrial mining pit on the banks of the Salmon River. Your decision to me is easy, if two principals are followed here; what is in the best interest of the people of Lemhi County and two; are the policies and goals of Lemhi County's Comprehensive Plan adhered to. The application if approved would jeopardize and important part of Lemhi County's economy; tourism, certainly not in the best interest of the people of Lemhi County. The application if approved could threaten critical habitat for Idaho Salmon and Steel Head, certainly not in anyone's best interest, let along Lemhi County's. The application if approved could damage the water quality of the Salmon River, and certainly that is not in the best interest of the people of Lemhi County. The application if approved would make a travesty of the policies and goals of Lemhi County's Comprehensive Plan. Goals and policies such as protect wildlife migration area, protect and restore riparian area, protect and enhance fish and wildlife area, noise level standards are identified by the comprehensive plan. Have the applicants

conformed to those standards. Protecting the Salmon River canyon, is described as in the Comprehensive Plan as quote "one of our greatest gifts" it is this goal that test the creditability of this commission, the goal to protect the Salmon River canyon. With respect to the commitment to the comprehensive plan, hopefully you will stand up for the comprehensive plan which people in this community spent months putting together. This special use application only benefits a few individuals at the expense of the community of a whole. You must decide what is best for this community, deny this permit. I want to mention something else, I hope you review carefully the letters and comments that people around Idaho submitted to this body. There were people that wanted to come here from Blaine County that couldn't make it because of weather conditions, they had written and made other comments I think through email, I didn't hear them all mentioned here.

Roy: Do we have them all?

Teresa: We have them all

Bill: I didn't hear you mention them. The Idaho Conservation League, probably a dirty word in Salmon Idaho, but I am an Idahoan I believe in standing up, I want our water protected in this State and I don't think just because a few people are going to benefit that they should have that???? there is other places they can dig gravel. I want to mention that in the Idaho Conservation Leagues response, which is about 6 or 7 pages and also the Western Watershed Project, the Idaho Conservation League points out that wetlands aspect consulting didn't accurately portray in their report and I believe that Ms. Peets commented that they still are have problems with the environmental protection agency but I certainly hope you do what is right for Lemhi County. It is more than just a pretty canyon it is a valuable, valuable resource.

Bret: Where is Redwood Lane?

Bill: out the Elk Bend way, I live here I was born in Twin Falls.

Bret: I was born in Twin Falls too, I hate seeing Elk Bend when I go that way.

Bill: Don't let me get going on that

Bret: That is an eye sore to me

Bill: That is up to the Lemhi County Planning & Zoning and the Lemhi County Commissioners and what they allowed take place 30 years ago. Thank you very much and good luck.

Roy: Are there any others that would like to speak in opposition.

Member of the audience: If you did not sign up do you wait?

Roy: We are going through that now, are you opposed?

Member of the audience: Yes I am

Roy: Then you can speak right now.

Wesley Rose: I live at 60 Fife Lane, In all do respect to the Dahle's that have presented their position, I worry about some of the things that have been said already. One is the air quality and also the down flow of air whenever we have like last night that all of you know about, the flow of air because it all comes down the canyon and it makes a difference if there is a gravel operation. I wanted to mention something, that is the fact that I lived in Jerome for 46 years and I seen a lot of things happen in the Jerome area. Once of the things that happen, when you have one dairy there is not much of a problem, if you have two, possibly if they are fairly close and larger, then there is more of a problem. Certainly the Tolman dairy had never been a problem to use whatsoever, but the dairies in Jerome were a problem to us and we

moved up here and built a house 3 years ago because of the quality of this area and I think you have to remember that. One of the things that happened with the Planning & Zoning in Jerome is the fact that they did not anticipate what happened, and as they got more dairies that the integrity of the air, the smell and everything else degraded the whole area. Anyone who travels to Twin Falls, when you get to the Jerome board you know what I am talking about, you smell it at the time you get there. Gravel pits can be the same way, just the fact that we do have 3 right around us, Mary Carroll was exactly right in what she said. We moved here because of the quality and the things that have been said about this area and we love this area and this is our home. I would hate to see the area, and I would hate to see, and worry about highway 93 because I travel that road quite a bit, I lived in the house just east of the Johnson's and the road is not the safest road in the world, it is a 65 mile an hour road at the present time, it is not a safe 65 mile an hour road as most all of you know. I worry about those things, what also happens if this operation is sold in the future, will the people that buy this operation live under the same pretence that these people would. I know they are honest in what they are saying, there is no question about it, but what happens in the future. Lemhi County is something that all of us really can be proud of and I think we should try and protect it.

Roy: Any others to speak in opposition. If not we will give the applicant and opportunity to rebut.

Mark: I would like to thank the people of the Planning & Zoning and the people that do serve, and I want to thank those that did comment and we certainly value your comments and understand your position. A couple of things that I see reoccurring here is the dust and noise. Obviously there is some concern for the water quality and that, which we are very concerned about that too, we have been doing this for 53 years now, my grandfather started Dahles Red-E-Mix, my father ran, my sister and I are now trying to keep this business going. I was born, I was not born in Idaho but I have lived here my whole life, raised here. I have as much stake in anything here as anyone else does, we love to steel head fish, hunt all of that, we are not looking to hurt anything as far as quality of people's lives. They talk about the counties pit, obviously Edwards has got a pit there. I want to let you know that there is a difference between gravel sources as Roger eluded to, there are some sources that are not suitable for concrete material, not suitable for road material. Basically they are suitable for crushing, surfacing some dirt roads maybe for the forest service or BLM. The kind of quality of gravel that we are looking for tends to be deposited along the river banks, or deposited by the river. That is a consideration that there is a more higher quality of gravel in some places then others, it is very hard to come by. Ask anybody that works for the Department of Transportation, it is a problem throughout the whole state to find suitable gravel sources to build roads, foundations for house, all of the things the gravel supply. As far as dust and noise, one advantage to digging it out of the water is the material is wet, there is far less dust associated it with. I don't know if any of you have driven past on the big flat when we are in operation, very little dust, not much at all compared to higher ground where material is dry, that is one advantage of that. To respond to Mr. Oldham eluding to that we still have problems with the EPA permit, that is not true, we have contacted the EPA representative in Seattle, Washington, spoke with her extensively numerous times, talked with Joan Midle, who was previously employed by the environmental protection agency. Alisa eluded to it earlier, basically their position is that you go out and monitor and look for those outfalls that they are talking about and identify those and if there are such outfalls you do things such as silk fences, urban burms, things like that to stop any discharge from potential storm runoff. From extensive looking and searching on that site, there is no outfall. The Salmon River, everything runs away from the river towards the highway and there is no outfall on that property. So as far as that we feel very comfortable that we do not need to file a permit under that Multi Sector General Permit because there are no outfalls on that property. Any water that we use will be extracted from the pond and put right back into the same ground that we took it out of. We are really not using any water other than to wash the material and put it right back into the ground. We are creating wetlands, what will be created when we are done will actually be an environmental enhancement more then what is there now. We have carefully planned it to not degrade any environmental quality, we are going to monitor it, we are not cutting trees, we are not disturbing anything as far as the Salmon River that we can see. We are not trying to make a quick dollar as some of the letters and comments eluded to. We are trying to keep the family business that has been going for 53 years. We provide quality jobs for about a dozen employees. I would like to talk about the positive things that come from gravel sources. We produce material for homes, buildings to improve roads. All these tourist that we rely on have to drive on good roads, and roads have to come from somewhere and has to

be from gravel sources. We pour boat ramps for access to the river, one of the big jobs we did was we poured the fish hatchery on the Pashimerio River which I believe puts in a million and a quarter Salmon smolts are reared there as well as the steel head are taken care of there. That was one of the projects that our gravel went towards. Reclamation at the Cobalt Mine, we built a little over a mile of concrete channel to get the surface waters that were running and polluting Black Bird Creek, off of the materials and running through concrete channels, and many fish screens and other things for Fish and Game. We hope to be able to continue to provide quality products and those things and just want you to realize the necessity of gravel pits, there is always a down side to everything, there is always tradeoff and we are working as best we can to mitigate those and do those in a way that is least disrupted and disturbing to other people as possible.

Roy: What do your neighbors on Big Flat think of your operation, in the same light, noise, dust.

Mark: I don't know if we have receive, we have received a couple of comments I think at times, I think there was one time we were making chips for cover coat, what they chip the highway with, that is one thing that you really can't do much about, we always put water, spray water onto our crushing operation to mitigate the dust, I think at one time someone drove by and snapped some pictures when it was duster, when you are making chips you can't do that because the chips have to meet a certain cleanliness and if you introduce water as you crush it, it causes the fine particles to stick to it and then they are not suitable for chips. As far as the other neighbors, we haven't heard a whole lot of negative comments, none that have come to our attention. The property owner he is very happy with the pond and I think that he did a little research and said that he will have, that will be the largest inland body of water adjacent to the Salmon River on its entire length. That fifteen acres when we are done will be the largest body of water adjacent to the Salmon River.

Roy: Are you going to continue to mine down there?

Mark : we are almost finished there, we have got a few more years, like I said before, depending on what projects come up, some of that gravel was mined in maybe one year or two years and it is kind of an average depending on what the economy allows.

Roy: How would you qualify the gravel in the other pits that are near this proposed site?

Mark: Randy Capps pit which is obviously off of Corbett Lane, it is suitable, I am not sure where his permitting is at, if there is much gravel available there to continue to mine or not. As far as Edwards it is not quite a desirable for concrete because of it is a dirtier pit, more fines in it, a little harder clean, you know what I mean, you have more waste to wash out of it. I think it is a good quality hard rock and as far as the county pit, they don't sell anything out of there for the public. Any other questions that the board members have?

John: In the pit down on the Big Flat you have some big projects worked out of that?

Mark: Many

John: Did you have any complaints with the truck traffic or the frequency of it.

Mark: Not that I am aware of, one of the other things to consider is, the cost for the tax payer. One of the things that happened was when they paved from North Fork to Gibbonsville, that pit being on the north end of town was a real benefit in that project, they were able to get project done, you can imagine if you had to truck that material from a much further distance, not only that but you wear the roads out that you just got done repairing because you got to haul those heavy loads across it again to keep working. So gravel pits in proximity to projects if very desirable as far as cost of the projects and the feasibility of them. That was one of the projects, the other two were Salmon to Carmen, and Carmen to Tower Creek, I think that was three times that there was a hot plant in there.

John: Do you run the pit up at Nelson's?

Mark: Yes we do

John: Is that rock suitable?

Mark: Yes but it is not as suitable for concrete material because of the dirtiness of it again. There is a lot more clays and fines in it. It is considerably more expensive to wash it and get it clean as far as suitability.

Bret: How much more expensive are you talking?

Mark: Just to give you a number on that, the material out of the Johnson pit would be less than 5% 200. Say if you had a number it would probably be if you dug it straight out of the ground it would be more like 1%. The pit up on the Dahle, Nelson site would be 12%, you are trying to move that much more material, you have to wash that much more out of it in order to make it clean. The other undesirable part of the Dahle, Nelson pit, if you are all familiar with a bedrock type sandstone type of material, that is not very good for concrete, because when you put those softer rocks, anytime they are near the surface, the moisture will go into it and it will freeze and pop the top the off. I know you have seen concrete where there is a place where something has popped the top loose, that is what happens when those soft porous rocks get near the surface, it will pop the concrete off on the surface. As far as that, the river channel type deposits are much more suitable for concrete material and even road material then some of the others. Any other questions?

John: Is there a way that you could buffer along the river with brush or willows or trees or something that would elevate some of the across the river the problems that they are stating?

Mark: The noise and whatever, really on that northwest side there is quite a lot of low ground over there, we actually went over there and took some GPS elevation, there is a lot of cottonwood trees that grow next to the river over there, so there already kind of a natural buffer between any residential other then the Johnson's and the project.

Roy: Raymond any questions, Eleanor, Barbara?

Barbara: This is ignorance speaking what happens with a hot plant as far as other material coming in that could seep into the soil there if they had it at that site.

Mark: A hot plant is basically a batch plant where they mix the sand and gravel with the asphalt oil and they have got a big burner and they have to get it warm. The potential for problems like that probably does increase with a hot plant, one thing that I can say is that every time they have been in any of our sources any of the times we have had a hot plant come in, the pit has been left clean or cleaner then we had it. They don't leave any waste asphalt, they truck all their waste away, they don't leave any clean up or anything like that, everything is taken care of and you wouldn't know that they were there when the project is done.

Barbara: Who monitors all this?

Mark: They are also regulated by the DEQ, EPA all of those, the state as a matter of fact has to do extensive permitting anytime that they do a project even for themselves, they have to meet all of those guidelines as well. The state oversee that in a way but all of those companies carry all of the permitting from the DEQ, they have to do their environmental, all of that has to be done just like we are doing it also.

Barbara: I understand the permitting, who actually comes out and looks at these things?

Mark: There is inspectors from the EPA, inspectors from the DEQ, we have had DEQ inspectors check for dust and air quality and that as well.

Alisa: Every time we move our crushing portable plant, I have to give the DEQ a ten day notice saying we are moving from and where we are moving to, if we are going to be set up with a hot mix plant or any other type of equipment. They are familiar with each piece of equipment that we have, they will be familiar with the hot mix plant operator otherwise the state will not allow that hot mix plant operator to come and be on the job. So they know who is where and what and they have sent out their inspectors when we have been doing jobs like that, and they have sent out inspectors when we have just been in our pit also to see dust and noise. We also have to fill out paperwork for them throughout the year of dust control, days that it was dusty, if there has been complaint, the way we mitigated the dust, what we done, we have to turn that information in to them each year. It is something that is very carefully monitored mostly by the DEQ which also deals with water quality as well as the air quality.

Barbara: Thank you.

Ed: A couple of things, number one, I commend the Dahle's on their thoroughness on their presentation and they have obviously done all their homework. They have addressed every single issue and have got approval from different agencies that do regulate and I do commend them. Two things, being a gravel pit owner I realize that they are noisy, they are dusty, to me that grinding and the gravel and the engineer sounds and the sound of money, to neighbors it is not but sorry. I guess the one thing is, I am not suggesting that you do it, I am suggesting that the Dahle's and Johnson's take a look at, you talked about the trees on the one side, possibly planting some trees along the highway, may address the concerns of people. Trees serve two purposes, everyone loves the trees, trees are beautiful, but they do provide a certain amount of sound and site barrier that would be just general recommendation, not something I certainly can say that you need to take in just a good neighborly sort of thing.

Mark: The only concern about the highway side is it would block our visibility, that was one of the issues with that, on the river's edge, I don't know what the Army Corps is, they came in and removed a bunch of trees along the levee, I don't know if they were supposed to. We have a 200 foot, that would have to be something the Johnson's would like, I am not opposed to that and we also talked about the border of the BLM property, to create something there, something that grows quickly to make kind of a barrier there. Not much water there. Anything else?

Roy: At this time we are going to close....

Gary: Mr. Chairman, if I can interrupt one of the things we are schooled in is when the rebut is given if any new information is given that was not present during the course of the hearing it is appropriate to re-allow anyone who wishes to make further comments. After those comments it is also appropriate to give the applicant the last statement. I do believe in this statement there were a couple of issues that came up that were not mentioned prior to this so in all fairness that is a procedure I would recommend we follow.

Roy: Thank you, in that light do we have anybody in support of the application that would like to speak, anybody neutral, anybody that would like to rebut.

Bill: I would just going to ask Mr. Dahle, that a friend of mine from Gibbonsville told me that this same issue came up in Gibbonsville, a gravel pit up there apparently near the North Fork or on it. The people of Gibbonsville didn't like the idea any better than I think an awful lot of people probably in Salmon, if they had two years to think about this. For sure people in other parts of Idaho don't like the idea of this and that river belongs to them too. Those people in Gibbonsville worked it out, what they did was they went to the forest service and the bureau of land management and the bureau of land management and the forest service apparently found a spot on federal property for the gravel pit. I just wondered if you tried any of that as an opportunity. Maybe you could work on something again. Thank you.

Lynn Dahle: My name is Lynn Dahle, I have been working with gravels for forever it seems like and is Mark said it is really difficult to find, not all gravel is same, there is different hardness values to it, it is just not the same. Within the last 5 years I have approached the BLM at least twice asking for places where we could find suitable gravels and at this point here nothing has come from that. So yes, we are

continuing, everywhere I go I see gravel, just like these cattlemen, wherever they go they look at how many cows are there and that sort of thing. It is very difficult to find good gravel in a suitable place. For example the ones on Kirtley Creek, those gravels would be really good to mine where Raymond is at. We were wanting to work in that area and we did, the rock was too soft for what we needed to have, we could not get it to meet the specifications for the particular work. Yes, if anyone has any ideas of where we could find some good gravel we are really open for that and we would really like to find a place where we would not impact one sole. I don't know where we are going to find that, I have looked and looked all over this county. Thank you.

Roy: With that I will close the public part of this hearing, the board does have 35 days to render a decision. Thank you for coming and participating we listened to you all. Thank you.

DECISION

The board will hold a special work session on April 28, 2010 at 7:30pm to review the decision for the public hearing held on April 21, 2010.

DISCUSSION

The board reviews a letter that has been put together to be sent to Mr. and Mrs. Ford in Elk Bend concerning their proposed development for a "Turkey farm" located on their property in Elk Bend. The board reviews the letter and would like an addition added stating that it is important that the public have a chance to comment on this type of development. This statement will be added and the letter will be sent as soon as the chairman signs it.

Motion to adjourn made by Ed Tolman and seconded by Bret Heaps

Respectfully Submitted

Teresa L. Morton