

MINUTES
LEMHI COUNTY PLANNING AND ZONING COMMISSION
REGULAR MEETING/PUBLIC HEARING
May 19, 2010

MEMBERS PRESENT: Chairman, Roy Barrett, Vinn Strupp, Bret Heaps, Tammy Bailey, Raymond Cockrell, Gina Knudson and John Ziegler

STAFF PRESENT: Gary Goodman & Teresa Morton

GUEST PRESENT:

MEETING CALLED TO ORDER:

MINUTES OF PREVIOUS MEETING: Minutes of April 21, 2010 were approved, moved by Bret and seconded by John Ziegler. Minutes of April 28, 2010 were approved, moved by Gina and seconded by Vinn

COMMUNICATION:

PUBLIC HEARING

Preston Rufe: (Presents Slideshow) Good evening, there is a letter that wasn't received from Mr. Adams, hopefully you have all had a chance to review that, it didn't make it in your packages, it was written April 26th.

Gary: Could you use our mic when you are speaking and people in the back of the audience are not hearing.

Preston: My name is Preston Rufe, my address is 373 Carmen Crk Rd Carmen, I am also the environmental manager of Formation Capital and have been before the board for other capacities so I know many of you, thanks for having us this evening. I would like to go ahead a point out the most salient features of this project rather than go through line by line all of the operations plans that are in your packages and I trust that you have had an opportunity to review those measure that we are implementing on our project. I want to address the key aspects of the project and point out what this is all about and that is the design behind this presentation. I want to start with a quick overview; we all know where we are here in Salmon Idaho, bottom right corner there above the Google, just for perspective. Booker's Retreat is down on the confluence Panther Creek, and Salmon River Road. Next shot is just an oblique of the confluence looking at the down at the mouth of Garden Creek and in this image you can make out in the distance the green area that is the property in question. The black line, outlines the old placer claims that makes the three private properties in the area. We have a symbology, Booker's Retreat, that is the driveway, you will see some orange, it looks like it is projecting orange or yellow buildings, those are proposed, blue are existing, it is kind of small but that is what it is. The next slide is a plan view, looking down north oriented up to the top towards the roof of the building. Again, blue outlines, blue polygons are existing facilities, the yellow or rather orange as displayed are proposed. What is the intent of this project? We are really trying to develop a rustic campground, it is family friendly a place for outdoor experience with good food and dining, enhancing the rich heritage of the site both cultural and natural resources present. In doing so through low impact development techniques, which I will explain here briefly. The place will be open essentially from March 1st to Decemeber 1st. Café will serve breakfast, lunch and dinner as it says. To midigate noise concerns in the evening hours, there will be night time quite hours enforced on the site. Largely the only noise will be individual generators from the individual campers there. What it is, brief overview. Fourty rustic camp sites for Rv's and tents. Rustic campsites, just to put a definition on the way I am going to use that term this evening, rustic means no utilities, this is a flat spot or semi-flat spot to place your camper, that is all it is. Six overnight rustic cabins, again rustic, no utilities, there will be heat planned for those facilities, and light. Café, it is very self explanatory, serving three meals per day, we have applied for a beer and wine license just by the way, it is in process now. Also, facilities for those campers, a private shower, restroom

building for them for the folks that desire to use those facilities, they will be available for them. Very importantly we want to open that property up again for access to Garden Creek Trailhead. For many of you that have been down there and know that trail systems and experienced the Frank Church and access into there on Garden Creek and know you have to ford Panther Creek about a mile up from the confluence. This project we will propose, we will open that, we encourage anyone that wants to come to the property to access the trailhead is free to do so. Everyone realizes we are off grid down there, there is no power provide, but commercial power provided will be using solar and later on following with hydro and I will explain what is going on with our proposal for hydro plant. Mitigations, these are the key mitigations that are pointed out in your packages, I want to reinforce them briefly. There is no new construction in the setback limits, this project does not impact surface waters. You will see a letter in your packets a letter from the Corps of Engineers acknowledging that as a result of that, no activity or no actions on the streams that no 404 permit is required. We are implementing low impact development techniques, this is as I mentions essentially a flat spot, flat grassy spots to park a camper. No impermeable surfaces, no pavements, it will be grass surfaces and gravel on the driveways. No features to convey and concentrate storm water, which obviously enhances the ability for erosion and sediment and mobilization. To the greatest extent possible using the existing topography to maximize the benefit of those campsite, in essence just orienting the campsites so you don't have to do a great deal of cutting. That makes economic sense as well as environmental sense. Septic systems, we are working on that with DEQ, again with your letter from Mr. Adams mentions that we are underway with a hydrological study currently to investigate the condition of the groundwater in that area to determine if the setback limitations of Garden Creek can be reduced to 100 feet. Given the nature of the soil types we have in that area, is allowable if we can show that reach of Garden Creek, that short segment that traverses the private property is losing water, if water is going from service to ground then it is unlikely, unless water learns to flow against the grade somehow that water from the septic system can make it into Garden Creek, so we are underway with that right now to insure that there is no impact to surface waters. I would be glad to explain the nature of that study further if you have questions. Defensible fire practices obviously being in a remote location that is one of the greatest hazards we have down there is the natural wildfires, or I should say man set wildfire, whatever the case may be. We are implying defensible fire practices, the setbacks, clear defensible spaces, fire resistant finishes on the facilities and vegetation management, removing latter fuels for example and maintaining the grasses at low heights. Again most in stream work, this is a wildlife friendly project, flat spots don't tend to deter wildlife from walking anywhere and neither does the landscaping in my yard, but it is wildlife friendly. We are really trying to concentrate on keeping this project with the nature of the site, it is a wilderness area, we are virtually bordering the Frank Church, we are right along the scenic Salmon River and of course it is out in a very remote area. We want to keep the impact as low as possible to keep that character of the site intact. As I mentioned the direct access to the Garden Creek Trailhead, using the resources and energies for our power, for emergency purposes, having emergency phone, or public phone available at all times for people that may need help. You can have seen in the spring going down the Salmon River Road, there is no shortage of fisherman down there, especially when you have good fish counts going out of the dams thankfully. This last spring was a great example of people just camping out wherever you found a flat spot, may or may not have been a car in the road, it is neck down in many places to single lane, in part because of the accessibility to public campgrounds was impeded by snow at the time, so the park service campgrounds weren't available. Those numbers are limited, places for people to camp are limited down there, providing an alternative location to set up their campsites to camp will help midigate that safety hazard along the road.

Roy: On one of your slides you indicated that you would be shutting down December 1st.

Preston: Approximately yes, that is our plan.

Roy: What if it is a great steelhead run?

Preston: I would like to extend it and remain open, we are not going to be doing snow removal, it is going to be the café will be open but I guess my question to you would be what would we do if we encounter a situation where it made sense to stay open for another couple weeks. Generally trends off dramatically that time of year.

Roy: The reason I throw it out there is that you put that limitation on yourself.

Preston: If we seek a variance from that I guess we will re-approach the board at the time it is appropriate to do so. I just wanted to point out here that 40 campsites in rustic campsites, no utilities, no water hookups, no electrical hookups, no sewer hookups, they are arranged across the site taking advantage of the topography at the site so that minimal amount of landscaping, cutting or grading is necessary is needed. These campsites by the way look quite clustered, they are 25x50, typical camp trailers are 8 ½ feet wide, a lot of them around 24ft, of course you see the big fifth wheels down there too for sure. Typical trailer size is 8 ½ x 24. The sites as is required, we sized them 25x50, 50ft is actually 40 plus 10, 40ft for the campground, 10 ft for vehicle parking, that is the scale of the campsite came in. Next is talking about cabins, we have six cabins outlined there as the little structures located there, those again are rustic cabins with heat and light. This is the existing building, building is currently there will house the future café, with an addition in the back, the back in this case orientation is to the west, the addition for the kitchen and there will be a deck and associated restroom with that building. As I mentioned earlier working with DEQ on the groundwater study and also the groundwater quality analysis on the existing well. There is a well on site and we are conducting the necessary analysis to see if we can use that for a public water system. Shower and restroom building siting where the red circle, men's and women's separate facilities, showers, ada compliant as our package states. Ultra low and waterless fixtures will be used to the greatest extent possible. Water is a premium down there just like power, it takes power to get water so we will be using ultra low fixtures again with the groundwater studies. We have a rendering here of the proposed building for the shower/restroom building, again keeping with the spirit of the site, being an old placer claim, we wanted to make it resemble something of a mining building, something you might see, typical finishes and construction types. I commissioned an architect Don Stamp to do this for us and I am quite please with the rendering of what is before you. With that, that really concludes the briefing, I do want to point out one clarification on the hydro, we have applied for a water right from the department of water recourses and you can see that and we eluded to that in the letters from the Forest Service from district ranger Nelson that we will have to seek a special use permit to access a point of diversion on the National Forest Lands to do so in its current configuration that is in order to achieve the necessary total dynamic head we need to power a hydro plant. By the way this is a small hydro plant this is 300 gpm plant just a .3 cubic feet per second, it is quite low. Usage is non consumptive, we would put the water back into the creek, it will be alternated. Some hydro plants use heat their low sheddings into water heaters and discharge back into the stream, this system will not do that, it is a small turbine generator, you can find them in the front of your car, is all it is, pretty similar system, so it uses a little bit of water. Point of diversion where we would like to get the head for that system is National Forest Lands, we will be seeking a special use permit to do that as our package states. With that I would say that if the board has any questions for me.

Tammy: Several years ago when Panther Creek blew out from the flash flood thing there, Garden Creek, it came over the bridge there I know, how much of your existing plan did that effect then?

Preston: The north side of that site, the north portion of the property, north of Garden Creek saw a great deal of deposition as a result of that blow out, serious actually, I would say maybe 10% of the land area there was affected, there was a lot of rock and debris that was washed down there. Since Garden Creek is down cut in size, a very deep channel, it is about 12ft deep now, it is unlikely unless we see a 500 year event that is could occur again, but because it is so incised now it is unlikely it will leave it's channel. We are taking that into account. Fortunately when water bodies flood, they tend to build natural dikes themselves to help contain themselves as part of a process of water flooding and decreasing the velocity quickly and everything falls out suspension, so the topography that is now there is favorable, more favorable then it was previously to avoid that in the future. None the less we are going to be doing some landscape to help midigate that protective facilities, campsites, flat spots, no risk of anything.

Vinn: You said that you were doing a study to see if your ground was going to meet the requirements for public water, what if it doesn't

Preston: What if it doesn't, we would have to build a new well, quite frankly. The reason first behind that

is as I begin as the letter in the packet states, the letter from DEQ states that the well is constructed to residential standards. The seal depth were not, is not deep enough under the current rule for a public water system. I didn't mention earlier, I should add that I am a licenses professional engineer in the state of Idaho as well as other jurisdictions. I have done well designs, simply put, that is the issue, the seal doesn't meet. However if we can show that the well is not influenced by surface water, groundwater influence analysis, as the agency refers to it. If we can show that it is not influenced by surface water, there is no connection then they may wave that requirement for the seal depth. What that is in brief summary is just an analysis of what you draw out of the well so you run the well through a filter, through a fiber well filter, you run a particular volume of water, a 1,000 gallons or so through it, take the filter out of its housing, send it to a laboratory, they look for things like cypsaridian, jardia, viruses and other parasites you might find in surface water. You do that not once, twice likely three times, you can do it as few as two times if everything goes swellingly, three times is sometimes necessary, and generally it is done on a chart of hydrograph so you want to capture it during the rising limb like now when you are having melt off and runoff, when it is has been reseeded and in low flow conditions. That study is underway.

John: Where you provided with this paper here?

Preston: For the record I guess you should say what that paper is. This is a Lemhi County Planning & Zoning staff report, I have not received, I did receive this as a notice of the hearing as an attachment to the letter announcement.

John: Can you comment on the questions there.

Roy: That is Gary's staff report, that is next on the agenda and then Preston can address that in the rebuttal. The question I have for the board is has everybody read this part of the packet, the Lemhi County Code Compliance for Booker's Retreat? In times past and basically this is required reading, I am assuming everybody has, the applicant has literally read this to us, you don't necessarily have to but I want to make sure everybody is up to speed. Any other questions at this point folks. Gary we will have the staff report now.

Gary: Are you done with your slide show, how about we turn that off for Raymond's sake. I am Gary Goodman, I work for Lemhi County as the Planning & Zoning Administrator. Teresa was so kind to put together a staff report, I did review it also. The application was submitted under our newly adopted development code in October of 2009 is when we adopted that. Notices to government agencies and property owners was sent out on April 20th 2010. Notices were posted in the paper, the newspaper of record on April 22nd and 29th of 2010. The property was posted May 10th 2010. And the LESA system was scored at a 75 and mitigated it down to 15 points, which is pretty good, I have to give them credit for that. In my report I have a little bit of history but the real issues there are our code requires main access roads including parking must be at least 2 lane 24 feet wide, the applicant has suggested an alternative design. Location of Service Buildings is to be within 200 feet, once again there are facilities or parking spaces within 200 feet range there are some that are out on the fringe a little bit. Fixtures, plumbing fixtures, it is a rather small shower house, there is a report on that. Laundry unit is not being proposed, number of lav/showers/bath does not meet our current code requirements as purposes, that is more a plumbing issue then a planning & zoning issues but so you are aware of it. Lemhi County Road and Bridge has no concern. Department of Environmental Quality has submitted numerous letters on this matter and they are working on their hydrological study of Garden Creek as explained to you earlier. The Department of Army Corps does not have a concern at this time. Idaho Department of Fish and Game states that its agency would like the opportunity to review specific plans when they become available for the septic, proposed hydro sytem. Lemhi County Weed Department, has approved a weed control plan. The United States Department of Ag, does not have to have a special use permit and you have all the letters from the various state and federal agencies supporting those. That is my staff report on the application and paperwork.

Roy: Teresa at this time let's make note of the written correspondence. These documents are on file and are at your disposal if you would like to review them. Once we just received tonight I will read from the

Eastern Idaho Public Health Department. Dear Commission Members, as indicated in the Booker's Retreat Addendum to the Operations Plan, dated March 31, 2010, this projects full expected involvement is contingent upon the outcome of the data collected in the hydrologic study. The information from this study will determine whether subsurface sewage disposal permits can be issued to the proposed shower/restroom and the proposed café. At this time there is a preliminary proposal for subsurface sewage disposal systems for the shower/restroom facility and café. Both systems will need further review and approval if the hydrologic data supports the ability to reduce the setback to Garden Creek. It needs to be pointed out that the existing structure discussed in the applicants narrative does not have a valid sewage disposal permit for a residence or any other use. The applicant has proposed a groundwater supply for potable water and its approval is pending issuance of a food establishment license. The proposed café will require a facility plan review and final construction approval prior to the issuance of a food establishment license. If you have any further questions regarding this project please contact me. Sincerely, Steve Adams

Roy: (*Summarizes written correspondence*)

Written Correspondence – Dated April 26, 2010

Eastern Idaho Public Health

Dear Commission Members,

As indicated in the Booker's Retreat Addendum to the Operations Plan, dated March 31, 2010, this project's full expected involvement is contingent upon the outcome of the data collected in the hydrologic study. The information from this study will determine whether subsurface sewage disposal permits can be issued to the proposed shower/restroom and the proposed cafe. At this time there is a preliminary proposal for subsurface sewage disposal systems for the shower/restroom facility and cafe. Both systems will need further review and approval if the hydrologic data supports the ability to reduce the setback to Garden Creek. It needs to be pointed out that the existing structure discussed in the applicant's narrative does not have a valid sewage disposal permit for a residence or any other use. The applicant has proposed a groundwater supply for potable water and its approval is pending DEQ review. The proposed cafe will require a facility plan review and final construction approval prior to the issuance of a food establishment license. If you have any questions regarding this project please contact me.

Sincerely,
Steve Adams, REHS

Department of Environmental Quality – Dated January 25, 2010

Dear Mr. Rufe:

On December 14, 2009, Steve Adams of the Health District forwarded a package prepared by you on the proposed Booker's Retreat project. I had several discussions with you and Matt McKeegan on the project and understand the site limitations. I consulted with DEQ State Office personnel knowledgeable with hydrology and Idaho onsite wastewater rules. I reviewed the package and have broken my comments into several sections. 1. Technical evaluation of the surface water and ground water interaction The November 9, 2009 correspondence to Steve Adams included a proposed demonstration that Garden Creek was a losing stream along the reach that traverses the property. Information provided was flow data calculated from velocity averaging stations along the stream reach on the property and 1991 static water level of a water supply well log, although study specifics were not included. The determination of Garden Creek's hydrology is a critical component of the proposed development. DEQ believes a more thorough technical evaluation needs to be conducted and offers the following suggestions. A detailed analysis including seasonal variability of the groundwater and surface water elevations and flows, cross-sectional steam segments, velocity probe instrument standard range of error including type of meter (e.g. Price-type, pygmy-Price), duration of velocity measurement, and scientific establishment of hydraulic gradient is needed to accurately determine the site hydrology and to establish if Garden Creek is a losing or gaining stream. A hydrologic investigation should be of sufficient duration, typically early spring through mid summer or fall. A written protocol or work plan should be developed, A groundwater map

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should be constructed by measurement of water levels from a dedicated network of at least three monitoring wells or piezometers. The wells should be located to provide for adequate triangulation and separated by enough distance to allow calculation within accuracy of the measurements taken. An accurate elevation and location survey should be performed to establish the relative elevation and location of the monitoring wells. Detail on monitoring well or piezometer construction will be needed including the frequency of measurements. I have attached a link to DEQ's manual "Beneficial Use Reconnaissance Program (BURP) Field Manual for Streams" to assist you. The link is : http://www.deq.idaho.gov/water/data_reports/surface_water/monitoring/burp_field_manual_2007_entire.pdf The BURP manual focuses on integrating biological and chemical monitoring with physical habitat structure assessment to characterize the integrity of a stream and the quality of its water. Please see Section 3.3.8 of the manual for suggested protocol on stream discharge determination. Measurement of flow at locations with back eddies should be avoided as total discharge will be overestimated. The hydrological study conclusions should be included in a report with a discussion of the surface and groundwater data and correlating geology. The suggested references are not the only standards or protocol for a technical evaluation of the surface water and ground water interaction. The USGS has flow meter specification standards that may be useful. As we discussed, a variance is not required for the reduction of separation distance between permanent surface water and drain field to not less than 100' for all soil types when it can be demonstrated that: The surface water is sealed so that there is no movement of ground water into the surface water body or: The surface water body is discharging into the ground water and: There are no limiting layers between the elevation of the drain -field and the elevation of the surface water. Please see page 2-8 of the DEQ's "Technical Guidance Manual for Individual and Subsurface Sewage Disposal Systems" for further information. Septic Tank and Subsurface Disposal Design DEQ reviews project submittals and takes into consideration all components or phases as one project. For example, flows for the entire project must be summed to determine applicability with the "Individual/subsurface Sewage Disposal Rules (IDA.PA 58.01.03). We believe the estimate of wastewater flows (IDAPA 58.01.03.007.08) is more appropriately categorized as "Designated Camp Area: Toilet and Shower Wastes 90 gpd/space" not as "Public Restroom: Toilet and Shower Wastes - 15 gxl/person." Additionally, the café/restaurant should be classified as Conventional Food Service toilet & kitchen wastes with 13 gpd/meal, There are no references to meals/table top. The combined flow estimates affect the design and size of the onsite wastewater system and may meet the definition of a Large Soil Absorption System (LSAS), The Health District or DEQ can offer assistance on the interpretation of categories of wastewater flows from various establishments. We are aware that parts of this property were impacted by major mud flows from the Garden Creek drainage from catastrophic fires within the watershed. I do not have personnel knowledge if proposed infrastructure lies with past debris flows. You need to investigate if proposed components of the drinking water system and wastewater system lie within past debris flow to achieve adequate setbacks and protect your client's infrastructure investments. I have attached photos taken by DEQ staff for your information. 3. Alternative System We discussed the possibility of a smaller development with the means of wastewater disposal consisting of holding tank/RV dump station that the waste could be pump periodically and transported to a secondary treatment plant. Please see Section 4.15, page 4-42, and Section 4.21, page 4-63 of "Technical Guidance Manual for Individual and Subsurface Sewage Disposal Systems." 4. Drinking Water The existing well was drilled for a single family dwelling and does not meet the construction requirements of "Idaho Rules for Public Drinking Water Systems" IDAPA 58,01.08,510 For example, the casing thickness and annular seal do not meet the standards. The well must be located a minimum of 50 feet from streams and demonstrated not be under the direct influence of surface water. We understand that the preparation of the documents was performed with respect to Lemhi County's Large Scale Development process. If you have any question, please contact me at 208.528.2650.
Greg Eager, PE Engineering Manager

Department of Environmental Quality – Dated March 29, 2010

Dear Mr. Rufe:

We have reviewed your proposed work plan for a hydrological study of Garden Creek reach along the Booker's Retreat property.

I believe data collection during your proposed period of May 1 to late June will capture peak flow and the return to base flow conditions. It is important to capture peak flow and the return to base flow

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conditions which may necessitate that the length of the study be extended beyond the proposed period as a result of the dependency of weather and hydrologic conditions.

Your proposed work plan for a hydrological study of Garden Creek is acceptable.

If you have any question, please contact me at 208.528.2650.

Sincerely ,

Greg Eager, PE Engineering Manager

Email Correspondence from Department of Army Corps of Engineer – Dated December 17, 2009

It is our understanding from your message below and from information previously submitted that you are proposing no work below the ordinary high water mark of either Garden or Panther Creek and/or their adjacent wetlands. As described your project would not require a Department of the Army, Clean Water Act permit. Hope this helps.

James M. Joyner Regulatory Project Manager

US Army Corps of Engineers

Department of Army Corps of Engineer – Dated March 16, 2010

This is in response to your November 18, 2009, letter requesting our comments on the remodel of Booker's retreat for your proposed special use permit process and application. The US Army Corps of Engineers. authority in this matter is based on (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 that are tributaries to other waters. Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) requires that a Department of the Army permit be obtained for any structures or work in or affecting navigable waters of the United States.) The is navigable water regulated under *{Section 10 and 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, it appears the proposed project will not involve work in areas subject to our jurisdiction and a Department of the Army permit will not be required. If you have any questions concerning these regulatory matters, please contact me at 208-522-1645,

Sincerely,

Irvin T.. Joy

Regulatory Project Manager.

Idaho Fish & Game – Dated December 11, 2009

Dear Gary,

Idaho Department of Fish and Game personnel have briefly reviewed the Booker's Retreat planned development adjacent to the confluence of the Salmon River and Panther Creek. We would like the opportunity to review specific plans for the septic system and the proposed hydro system. Thank you for the opportunity to review this proposal and provide comments.

Sincerely,

James R. Lukens Regional Supervisor

Email Correspondence from Idaho Fish & Game – Dated December 14, 2009

I am providing this information as a follow-up to our phone conversation and letter. Our concerns with the Booker's Retreat proposal are twofold: 1) The septic system. Panther Creek, Garden Creek and the main Salmon River all support ESA listed fish species and septic breaches or leaks could negatively impact these fish species and/or their habitat. We would defer establishment of adequate safeguards to Steve Adams and his permitting process. 2) Hydro water withdrawals from Garden Creek. This requires a permit from Idaho Department of Water Resources and we have input to this process. Therefore, our concerns should not delay the Lemhi County Building permitting process.

Jim Lukens

Lemhi County Weed Control – Dated December 2, 2009

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 Booker's Retreat located at the mouth of Panther Creek. Noxious weeds will be managed through the use of herbicide application and mechanical removal on an annual basis as part of the general maintenance of the facility. If you have any further needs or questions please feel free to contact me.

Sincerely,
Daniel Bertram

United States Department of Agriculture – Dated December 14, 2009

Dear Mr. McKeegan,

I have reviewed the two letters sent to me on October 19, 2009 from Mr. Rufe and on November 18, 2009 from you. It appears we need to begin the process of your obtaining a Special Use Permit on behalf of Mr. Rufe to occupy National Forest Lands. As it has been explained to me Mr. Rufe already has the necessary valid and existing water rights through the State. I have attached a publication titled; Obtaining a Special-Use Authorization with the Forest Service and a Application for Transportation and. Utility Systems and Facilities on Federal Lands. We need to begin by arranging a pre-application meeting as specified in the attached publication. However, we do not have a Special use Permit Administrator in place currently that would assist us in this process. We hope to have the position filled after the New Year. Please take some time to review the attached material and prepare the necessary materials as described so that we have all the information necessary prior to the pre-application meeting. I will contact you as soon as we have a person in place and we can schedule a meeting to further discuss the process. If you or Mr. Rufe has any questions, please feel free to contact me at 208756-5247.

Sincerely,
KIMBERLY D. NELSON

United States Department of Agriculture – Dated May 10, 2010

Dear Administrator Goodman:

In response to your April 20, 2010 letter please find email correspondence to Mr. Preston Rufe regarding his request for a Water Right Diversion at Garden Creek on National Forest Land. In this recent email I have informed Mr. Rufe of the need to obtain a Special Use Permit to establish a diversion on adjoining National Forest Land. This action is necessary only if Mr. Rufe intends to request a Point of Diversion established on National Forest Land for his hydropower plant. This is the only issue of concern the Forest will have with Mr. Rufe's request submitted to you on December 1, 2009. We look forward to continuing the work with Preston and Dan as they conduct upgrades on Booker's Retreat.

Sincerely,
KIMBERLY D NELSON

Lemhi County Road & Bridge – Dated April 22, 2010

The Lemhi County Road and Bridge Dept. has no problem with the Booker's Retreat LLC. Project at mouth of Panther Creek.

Thank you
Kerrie Cheney
Road and Bridge Supervisor

Roy: That takes care of the applicant and the written correspondence, we are about to get into the oral testimony, because of the number of applicants here, were are going to limit testimony to five minutes, so that means you will have to cut to the chase and get to the meat of the matter which is probably more important for us anyway, so we can focus on the main agenda items, the main topics and issues of concern, it will help us keep our minds clear as well. With that we will have testimony by those supporting the application.

Grant Duncan: My name is Grant Duncan and I have the property adjoining the Rufe's venture and I want to let everybody know that I am very much in favor of what they are doing. They are doing a very nice job, the area needs it very very bad, I don't know if you guys are fisherman or not but if you would seen what was down there this year and what took place, we very much need this, very much so. Dan and Jessie are doing a very good job and what they are laying out there and stuff over there and I welcome them to the neighborhood. That is all I got thank you.

Vicky Brooks: My name is Vicky Brooks I live on Trail Creek, 7 ½ miles from the river of Panther Creek. I drive Panther Creek by this place many times a year. I want to address the subject of the traffic. I certainly believe that this new retreat will help get some of fisherman from parking on the river road which is a major problem. I am hoping in the fall it will be a place where a lot of the hunters can park instead of parking on Panther Creek Road, they are horrible when hunters park on Panther Creek Road in such of ways that you can hardly get down. I don't believe that the months they will be open will cause more road maintenance on the river road. We get very little road maintenance on Panther Creek Road anyways but I don't believe that there business hours will cause more maintenance on river road. Spring, winter or fall. As far as the mud slides affecting Garden Creek, I have lived here going on 14 years, John Booker was a very good friend, in the 14 years that I have been here, the short 14 years, the two mud slide occasions that you spoke, there were two of them. Garden Creek itself is much, much deeper then it was 14 years ago when I first saw it, so as far as Garden Creek overflowing it's banks along this area is not an issue. Thank you.

Roy: Anyone else would like to speak for the applicants. With that we will move on to those uncommitted to the application, seeing no response, testimony by opponents, seeing no response I will move to the rebuttal.

Jim Herndon: Us slow guys are getting old you move to fast. Jim Herdon, as most of you know, I have a place across the creek. My only concern was basically environmental water and sewer, I think the engineer has pretty well outlined those that it complies with all the permits, not going to be happy with a lot of noise down there, but we will make him the deputy sheriff so he can control it. My family has no problem with it, the way he has outlined it providing he gets his permits.

Roy: I will try and slow down.

Preston: The Fish and Game letter, I have addressed the concerning regarding the permits, again, I would stress that matter is being handled directly with District Health and Department of Environmental Quality. The setback that you are talking about are accordance with the rules so there should be no concern over being dramatically different from what is allowable. I would like to reiterate that because that is our agency and our state of Idaho that is charged with insuring that our groundwater and our service water is protected, so we are working close, hand to hand with them to insure that. The points Mr. Goodman mentioned in here, I think the access roads, it is not practical to put 24 ft wide two lane roads on the site. We are talking about driveways, in order to midigate that we have placed turnouts along the driveways to insure the one traffic can proceed safely through the property. As you saw on the plan, it is not a back up turn around, we have looped turn around at the end of the road. The campsites the vast majority of them are pull through so that a camper can pull in one end, camp and drive out the other side. The proximity of the service buildings to the camp site. We are again spatially challenged. It is not practical to cluster the campsites that close, all of them to the restroom/shower facilities. They are spread across the property, also to reduce the impact, to reduce the visual impact of a large cluster of campers, campers sitting there. I would encourage the board to consider that, we are trying to spread this all across the property that is why we are not able to do that. Plumbing fixtures, as I mentioned previously, like electricity, water is a premium in the west and likewise down at this site, so we are minimizing to the greatest extent possible, the number of fixtures we have to put down in the restrooms and showers. Many of you camp and experience the outdoors, you don't generally take three to four showers a day when you are out camping. The demand in those environment, is a lot lower then it is in our homes. An average American takes a shower and it last about 7 minutes, you many vary from that one way or the other, but that is a documented average across the U.S. and so the usage of water and ultra low flow fixtures and

the nature of the site being a campground, rural, almost a wilderness on the border, just doesn't see the demand that you will see in town for example a more developed campground. That is why we are proposing minimizing the number of fixtures to what is proposed in the shower/restroom facility. I don't think that there was anything else I wanted to rebut, the only other issue again was with the U.S. Forest Service, the hydro power is not a critical aspect of this project. We want to use renewable energy, solar is our primary source, our prime power, backup with generator. Later when we resolve the special use permit with the U.S Forest Service we will be exploring hydro, I just wanted to point out that it is not essential to the project and can proceed with our current plan as stated with the solar. Thank You.

Roy: Questions? With that we will close this hearing, we have 35 days to make a decision. Given what we have going on tonight I don't think we will get to it, thank you for your application.

PUBLIC HEARING

Robin Mavros: My name is Robin Mavros, I am from Darby, Montana. I am requesting a permit, a special use permit for a small placer operation at the Granite Mountain Road at Gibbonsville. This requires about 2-4 people, this operation is going to have. There is going to be a pond system that is not linked to river. We have already applied and got two of the necessary permits. Temporary access permit from the Forest Service, to cross a small portion of Forest Service ground to this property. Multi Sector General Permit from the environmental protection agency, there are several other permits that are in the works right now including water rights. There is a reclamation permit, dredge and placer permit from the state and those are both pending along with this permit. This is expected to take two to three years depending on how much we accomplish. Actually it is supposed to improve, or we plan to improve the aesthetics of the property. This property at one time was a piece of ranch or farm land and is overgrown, a lot of brush in there and stuff. When we complete it and do the reclamation, we plan to reseed the property with grasses and some trees planted back in there too, to replace the ones we take out. There will be clumps of trees left. There is a setback from the river 80-90 feet so all the vegetation in that setback is going to be left that way they won't be hardly visible from the highway. The noise level will be minor, there are a couple of other operations, the state or the county gravel pit or the road department is across the highway and this one won't exceed any of the noise that they produce from their operation. There is a gravel pit on Granite Mountain road right next to the property that does put out a little noise to. This operation won't exceed present operation noises. It won't because we are working in the gravels in the bottom there it won't create any dust. I don't know what else to say, that pretty much sums it up. We are going to push the overburden off, first pile the topsoil in piles, we are going to do it acre by acre and reclaim the property one acre at a time after working. It is almost like a gravel operation, it is not crushing or hard rock mining. I am required through the environmental protection agency to test the watershed. That was the main thing that there has been some concern about. I will be testing twice a week for the first year and if my test all come back without any problem, the second year I won't be required to test. I will be testing for trebitiy, this is below the operation and above, to tell if there is anything leaching across into the North Fork of the Salmon River. We test for trebitiy, for PH and sulfur and sulfide. The sulfur, sulfide and Ph are only quarterly which is four times a year and the trebitiy will be tested twice a week, at least for the first quarter. If there is no problem with the trebitiy, then the EPA can grant me just to be tested quarterly like the other two tests are required. Let's see if there is anything else. In order to get this multi sector general permit to the EPA I was required a biological assessment, we had a water quality specialist, not from Idaho but from Montana do the biological assessment on the property. I think you guys have a copy of all of this stuff. I can't think of anything else right off, that pretty much sums it up. Any questions?

Gina: I have a question, who would be testing, doing the twice a week and quarterly water quality testing

Robin: I am required to do that.

Gina: Do you have experience doing that?

Robin: No, the man that did the biological assessment is a friend of mine and I have known him for about

12 years, he works for the NRC in Helena, Montana, he is going to help me with anything I need. For the turbidity and the Ph, there is actually a little gauge that you can test the water with, you take a sample and then for the Ph it is a light meter, you run a light beam through the water to tell the turbidity, then the Ph is got a couple prong on it and you take a ditch sample and stick it in there. The other one, the sulfide and sulfate has to be sent to a lab, because I can't qualify to do that.

Bret: Is this all on the west side of the river?

Robin: Yes it is, it is approximate an average of 600 feet from Highway 93 and west of the river. There is going to be a 80-90 foot buffer of vegetation and trees left along the river so that will act of a buffer for site and noise of any kind not to travel across very much anyway.

Roy: Is there anything else you would like to share with us?

Robin: There is problem something else I could think of here to. The pond system is not linked to the watershed, it is using surface water. It is got a setback of a minimum of 150 feet from the river so that nothing should leach across but they wanted me to do the testing just to make sure. There won't be anything coming out of that. There is some preventative measures to keep anything like storm water runoff reaching the river. We are putting a 12ft straw waddle along the river at 50 feet away from it. The Forest Service and other regulations are 6 inch what they use to stop sediment flow from going into the river. We opted to 12 inch to make sure nothing reached the watershed, or I did I should say since I initiated this. Go ahead.

Gina: Your application I was a little confused on what type of road construction you were proposing, could you describe that.

Robin: There is an old road that runs the full length of the property and we plan to reconstruct that as we move along from the south end of the property to the north. We will start at the south end and proceed north. There is just that one access road that will run the full length of the property.

Gina: You say that there is not new road construction, you are just talking about an existing road.

Robin: It is an old road, there was an mining operation up above it back in the 30's and 40's and shot a bunch of the gravel and stuff right off the bench there and on to this property so a lot of the road has been covered over by overburden, in places you can see the old but other places it is covered over, I was going to reconstruct it and use the old road course, there is one spot where the road was too close to the river and that is the one right around the point. There is a spot where the river actually 130 feet from the edge of the property and we have to construct the road around corner through the rocks there and through, there was some questions about that. Through the environmental or the fisheries biologist, I got approval to put that in but it is in a limited timeframe, it is like August 28th to September 28th is the time frame that I am allowed to do construction around that point in case if anything goes down the hill and goes into the river then the aquatic species won't be affected by it.

Gina: July 15th

Roy: You mentioned that you will have a 150 foot buffer to the river

Robin: The pond will be setback 150 feet from the river minimum

Roy: You said another setback was 80-90 feet what was that

Robin: We are not going to get inside that 80-90feet from the river with any equipment, we won't take out any vegetation so there will be a buffer left 80-90ft from the river the whole length of the property, even where the road is going to be constructed around the point there. We are still going to have 80 from the river to the edge of the road. Around that point where the road is going to go is kind of a rough spot. The old road was right down next to the river and through the marine fisheries, Chad Fealko is the one

that has been working with me on that, he approved the road going through there as long as we do it in this time frame, he said he wouldn't have any problem with it as long as it is in this timeframe, July to August, July 15th to August 15th I guess, I would have to refer to my notes that are in my briefcase to know the exact date that the guys said. It isn't going to be a certain year it is going to be when we work for that point, then we will build the road and construct the road around there to get to the other property on the other side of that point.

Roy: Any of the board have any questions?

Bret: You are not removing anything from the property but the gold, everything else goes back into the hole you dug?

Robin: There is a possibility, there is a lot of clay that has been deposited from the mining up above, if we can get rid of some of that, the owner would like to get rid of some of that too, and the gravel, the overburden that has been dumped on the property. In places it is 20feet deep that has been dumped from up above. You reach topsoil after digging down in spots, one of the test holes that we dug it is 12ft down from the topsoil, the original topsoil layers. If we could remove some of that then he would have some topsoil.

Roy: Where do you planning on moving the overburden to.

Robin: Well if somebody wants to buy it. The county road department across the highway might be interested, I haven't talked to them yet. Everything would have to be permitted, the only issue would be with the road department, putting signs in, I already talked to them to have signs up there. There is a paper in the paperwork that I handed in that addresses that issue too from the road department. We don't have any plans on selling anything off of their except for the gold but if somebody is interested in the gravel like the overburden there is a possibility that we.

Roy: You recognize that takes in another aspect when you start to talk about selling gravel and the topsoil, when you are moving it from the area, you are talking about more traffic on Granite Mountain road and access and so on. You just broke out from mining on site mentality into a gravel pit perhaps.

Robin: I have asked around and everybody I have talked to says that it is too far to haul the material. We wouldn't haul any topsoil off the property. The only thing we would haul off would be the overburden if we could get rid of it. Everybody says it costs too much to move it even to Salmon so I haven't had any takers on it otherwise I would have amended this beforehand. Just put that in there that there is a possibility in the future. If somebody asks about it I will come in and try to get any permits that are necessary if the option comes in the future, that is not my objective, my objective is to get the gold out of there.

Roy: Any questions by the board? Have you told us what you wanted to tell us. Basically it is your responsibility to communicate to the board in a clear and precise manner what your intent is and how this is going happen, you recognize that?

Robin: Yes sir

Tammy: I do have one question I am sorry. When you get to the actual extracting the gold out of the rock, you are not going to crush it, what method are you going to use, I haven't found that to look at it.

Robin: We have a screening plant, it is a shaker, they use it for grading gravel, that is what the ponds are required for, a water source and we have a big sluice box there.

Tammy: So it is not going to be crushed, no coincide or mercury.

Robin: No

Roy: At this time I would like Gary to give a staff presentation

Gary: My name is Gary Goodman, I am the Lemhi County Planning & Zoning Administrator. This application was submitted under our newly adopted development code which was adopted October 2009. Notice to government agencies and property owners was sent out on April 20, 2010. Notice was posted in the paper, the newspaper of record on April 21st and 29th 2010. The property was posted on May 10, 2010. The LESA system was done and this development scored 110 and mitigated to 0. In going through his application and paper work and comparing it against what our code said we found numerous discrepancies so please bear with me. Under our definitions of a single family dwelling we go through and we say that it can be a national manufactured home construction as long as it has all the hitches wheel and chassis permanently attached to the ground. Manufactured home that does not qualify for a single family dwelling may be used for temporary quarter. Recreational vehicles shall not be used for single family dwellings. Applicant states in the plan of operation that they will camp on the property part time. An approved home and required utilities would be need to be placed on the property in order to meet the county requirements for living. Nuisance, potential nuisance and hazards. Applicant has addressed sections 6.13-6.15 as not application. Protecting Irrigation Systems, all developments including adjoining irrigating lands are including the irrigation works, diversions, head gates, canal, pumps, drainages, shall be reviewed by the responsible irrigation entity. The applicant does not address this section in the performance standards but does have correspondence and a permit from IDWR that he has a irrigation there. Land use compatibility, the applicant is required to be compatible with neighboring uses, the proposed lot coverage and landscaping compatible with neighboring use, single family dwellings subject to building permits reviewed, it shall be assumed that any lot coverage is less than 50% provided they meet the setbacks maintained for all property lines. The proposed building height is compatible with neighboring uses. It has a 35 foot limit. The proposed bulk compatibility compatible with neighboring uses, is the proposed activity level compatible with neighboring uses, the level of activity shall be measure by the projected traffic generation, noise level, proposed hours of operation, proposed size and number of signs and similar factors. Does proposed development block scenic use from existing use or public recreation uses. The applicant has marked these in the development code as not applicable. Buffers and Landscaping shall be provided as outline in Appendix F of this code. Applicant does refer to a type of buffering with the biological assessment but doesn't go into the detail of appendix F of our development code. Connections, all developments shall be design to optimize functional connections with adjoining development including shared access, arterial roads, shared parking and services, shared buffers and open space and shared pedestrian circulation. Applicant refers to this section on access but the biological assessment reference the newly construction road leading onto the property, no construction documents for this newly constructed road have been submitted. Safe access, the approach road needs to approach at 90 degrees be 50feet wide at the intersection, 3% grade for the first 50 feet maintain a clear vision triangle be at least 100 feet from any other point of access. Where individual driveways access a state or federal highway an access permit shall be obtained from the Idaho Transportation Department. I won't read the rest of that section. The biological assessment submitted by the applicant references a newly developed road on the property, no construction document for this proposed road has been supplied. Alternative points of access, the applicant does not provide a distance from the newly developed access road to the nearest public road maintained year around. That has a requirement to be 660 feet or less. Farm Roads, farm exempt road in riparian areas are limited in width to 16 feet, the applicant indicated that the farm road in the riparian are will not be more than 16 feet in width, plans to not indicate a road being located within a riparian area. Large Scale Development Locations, large scale developments should be buffered and landscaped when located along state and federal highways with the exception of home occupations that must comply with there is I code section. The applicant does address screening but does not specifically state that it will conform to the buffer requirements of our code. Impact on Fish and Wildlife Habitat, applicant indicates that there will be an 80-90 foot buffer from the river and the biological assessment indicates that within the Upper Salmon River watershed all habitats downstream of natural barriers including a 300 foot riparian buffer on each side of the stream is considered to be critical habitual for Chinook Salmon. The North fork of the salmon River within the action area is also designated critical habitat for Snake River Basin Steelhead and is proposed critical habitat for Bull trout. Listed below are suggestions based on previous proposed application and or input from government agencies. Lemhi County Road and Bridge has no concern. Idaho Department of Water Resources has submitted an application to the agency that is marked

received. United States Department of Agriculture, this agency has submitted numerous letters concerning this project. The latest letter has indicated that they have authorized temporary access through National Forest Lands to access private property. The access is authorized, the access authorization is good until December 31, 2010. Indicates that if a gate is placed it must be placed on private property and mark it clearly for public safety. Department of Army states that based on the information provided, it doesn't appear that a permit would be required by the agency. Idaho Department of Transportation states that the applicant has told this agency they will not be utilizing the highway. IDT has stated that the applicant is not allowed to utilize the highway for commercial use. Below are summarizations of letters that are submitted by public, please review these letters as they were sent in your packets. William Suggs, concerns on impacts to the river, groundwater and property values, river pollution and improper location in the middle of a residential community. Tom Townsend, concerns on impact of environment and community, also has concern on application that was submitted and the neighboring uses, pollution, nuisance and failure of the mine. Concerns on the impact on the existing Granite Mountain road, concerns on water rights and the effect it could have on the aquifer, humans, and wildlife, concerns on hours of operation and the use of highway 93. Suggests the commission visit the site. With that.

Roy: We have other correspondence, has everyone read the correspondence? I want to make sure we have it on record that all of them had been read by you. (Roy summarizes correspondence submitted)

United States Department of Agriculture – Dated August 19, 2009

Dear Mr. Usher:

By this letter I am authorizing temporary motorized access across National Forest Lands for the purpose of accessing your private property located in T26N, R21 E, sw 1/4 section 36 (map enclosed). The temporary access is being granted to facilitate a proposed mining operation on your property to be conducted by Rob Mavros. Access is granted for the period of August 21, 2009 until December 31, 2009. It is important to note that you will need to apply to the Forest Service and obtain a special-use permit to continue motorized access after December 31, 2009. I encourage you to start the application process immediately. I can either answer or direct you to the appropriate person to answer any questions you may have regarding special use applications. Your authorization for access includes: • Use of the existing two track road. • Incidental tree removal to gain the necessary clearing width (2-3 bull pines as explained by you and Mr. Mavros to Russ Bjorklund). • Filling a short section of the two track road in order to reduce the grade. Since the two track road has no drainage features we require that the road is not used under • extremely wet or saturated conditions when rutting may occur. For further information please contact me by calling 208-756-5247.

Sincerely,

KIMBERLY D. NELSON District Ranger

United States Department of Agriculture – Dated March 16, 2010

Dear Mr. Usher:

This letter is a follow-up to phone conversations between Salmon-Challis National Forest Minerals Management Specialist Dave Sabo and Rob Mavros as well as my letter dated August 19, 2009 in which I authorized temporary motorized access across National Forest Lands for the purpose of accessing your private property located in T26N., R21 E., sw 1/4 section of 36. A copy of that letter is attached. Mr. Mavros had contacted Dave asking for issues the Forest Service had with his placer mining proposal on your property in junction with the Lemhi County Planning and Zoning application Mr. Mavros had filed. The only issue I have at this time is access across National Forest lands to access your property. A check of the records in our Lands Department indicates that they have not received a special use application (form SF-299) from you for access across National Forest land. I have attached an electronic mail (e-mail) message sent to you from Salmon-Challis National Forest Ecosystem Staff Officer Renee Snyder dated September 3, 2009 that explains the special use form process and contains an application. Long-term access will only be considered if you submit a special use application (SF-299). I believe it is in the best interest of all parties that we meet to discuss your proposal and access across National Forest Lands before any more decisions are made. Please contact Dave Sabo at 208-756-5279 to arrange such a meeting.

Sincerely,
KIMBERLY D. NELSON District Ranger

United States Department of Agriculture – Dated April 12, 2010

Dear Mr. and Mrs. Usher:

This letter is a follow-up to your office visit on March 19, 2010, and our field review with you and Mr. Mavros on April 1, 2010. We discussed a number of issues both in the office and field which I will address. Temporary motorized access I am authorizing temporary motorized access across National Forest lands for the purpose of accessing your private property located in T26N., R.21E., sw 1/4 section of 36. The temporary access is being granted to facilitate a proposed mining operation on your property to be conducted by Mr. Mavros. It will begin immediately and end on December 31, 2010. Your authorization for access includes:

- Use of the existing two track road.
- The road should not be used under extremely wet or saturated conditions when rutting may occur.

This authorization is contingent upon the following items:

1. You continue to follow through with your Application for Transportation and Utility Systems and Facilities on Federal Land seeking a permanent road right-of-way across National Forest lands to access your private property-which you gave me a draft copy on March 19, 2010
2. Mr. Mavro's placer operation meets the rules and regulatory compliance of all Federal and state regulations including but not limited to the following: (a) the Environmental Protection Agency (Multi-Sector General Permit); (b) the Idaho Department of Water Resources (Water right permit); (c) Idaho Department of Lands requirements for mining on private land; (d) Lemhi County Planning and Zoning (Special Use permit application); and (e) the Endangered Species Act. Granting temporary access authorization beyond December 31, 2010 will be determined next year at this time and will be dependent upon your compliance with items 1 and 2 above. To fulfill Mr. Mavro's Lemhi County Planning and zoning application I will sign the review sheet and indicate the only issue the Forest Service has with the placer proposal is access across Limiting access You indicated a d sure to install it up limit access upon your private land. If you choose to place a gate be r private land and make it clearly identifiable for public safety. issuance o t e temporary access which results in Mr. Mavro's placer mining on your property is an interrelated action making it a Federal action. As a Federal action it would typically require Endangered Species Act (ESA) consultation. Since Mr. Mavros has completed a biological assessment of the effects of the proposed placer operation in order to be compliant with the EPA's Multi-General Sector Permit that at this point the Salmon-Challis National Forest will not pursue additional ESA consultation. When the Forest does process your application it will be subject to the National Environmental Policy Act (NEPA) and ESA. In closing, let me re-iterate the only concern the Forest Service has is right-of-way access across National Forest lands to your property which you will address in your application for a road right-of-way. The Environmental Protection Agency, the Idaho Department of Water Resources, the Lemhi County Planning and Zoning and the Idaho Department of Lands will determine all requirements and conditions for the placer operation and be responsible for administration compliance. If you have any questions about this letter don't hesitate to contact Dave Sabo at 756-5279 or myself.

Sincerely,
KIMBERLY . NELSON
District Ranger

United States Department of Agriculture – Dated May 10, 2010

Dear Administrator Goodman:

In response to your April 20, 2010 letter please find enclosed April 12, 2010 correspondence to Mr. and Mrs. Usher regarding a field review conducted on their property on March 19, 2010. The only concern the Forest Service has with this request is specific to the right-of-way access across National Forest lands to the private property. As indicated in the attached letter I have authorized temporary motorized access to the Ushers through the calendar year. At which time I would expect them to continue with the process to obtain an easement for permanent access.

Sincerely,
KIMBERLY D. NELSON District Ranger

Lemhi County Road & Bridge – Dated December 1, 2009

The Lemhi County Road and Bridge Dept. has no problem with the Mavros-Usher Placer Mine project at Gibbonsville.

Thank you
Kerrie Cheney
Road and Bridge Supervisor

Department of the Army – Dated April 30, 2010

Mr. Goodman:

We reviewed your proposed special use permit for Gold Mining in which is described in your letter of April 20, 2010. Your project is located in Sec. 36, Township 26 N, Range 21 E, Boise Meridian, Lemhi County, Idaho. Based on the information you provided, your work will not involve a discharge of dredged or fill material below the ordinary high water mark of or in wetlands. Therefore, a Department of the Army permit will not be required for your project. This determination applies only to Department of the Army permits administered by the Corps of Engineers. Your project may also require permits from other Federal, state, and local agencies. Your project may require a permit from the Idaho Department of (Water Resources/Lands) In addition, your project may require a permit from your local city or county zoning office if they adopted a local floodplain management ordinance under the National Flood Insurance Program. You should contact these agencies to obtain any necessary permits prior to starting construction. We are interested in your thoughts and opinions concerning the quality of service you received from the Walla Walla District, Corps of Engineers Regulatory Division. If you have Internet access and are interested in letting us know how we are doing, you can complete an electronic version of our Customer Service Survey form on our web site at: <http://per2.nwp.usace.army.mil/survey.html> which will be automatically submitted to us. Alternatively, you may call and request a paper copy of the survey which you may complete and return to us by mail or fax. Please contact me at 208-522-1645, if you have any questions. A copy of this letter is being sent to Sue and Milton Usher, at 39 Gibbonsville Road, Gibbonsville, Idaho, 83463.

Sincerely,
Irvin T. Joy Project Manager

Email Correspondence from Idaho Department of Transportation – Dated May 6, 2010

I am writing you on behalf of sue ushers gold mining operation. She told me that they would not be using the hwy (93) for continues operation from the property with big trucks. If they do ITD will have to shut them down and then they will have to provide a traffic control for safety out of the property. The access is for single family only NOT FOR COMERCIAL!

Derk C Williams
Traffic, Permits Manager

William & Barbara Suggs – Dated May 5, 2010

Dear Sirs

We have a summer home in Gibbonsville and have just learned of a proposed placer gold mine just north of our property. We are on the north fork of the Salmon River and are very concerned as to the impact this mine could have on the river and on the ground water. We are strongly opposed to this project and would appreciate your consideration and attention to its potential damage to property values, river pollution and improper location of a mine in the middle of a community of approximately 20 homes, some summer and some permanent. We will not be able to attend the hearing on May 19 This letter is to serve as our objection to this project.

Sincerely
Barbara Wray Suggs William J. Suggs

Email Correspondence from Tom Townsend – Dated May 12, 2010

attn: planning commission

Please note the proximity to the proposed Mavros/Usher site to my home on 8 Granite Mountain Rd. As you can see, the area South of the proposed dig is not public land, but my home and acreage. I ask you, would you want a mining operation complete with new dirt roads with access/egress directly across from you farm gate and home?

Thank You

Thomas W. Townsend

Email Correspondence from Tom Townsend – Dated May 12, 2010

My name is Thomas Townsend, I own the property located directly South of the property Usher/Mavros propose to placer mine. My address is 8 Granite Mountain Rd. I am writing this letter in regards the proposed Mavros/Usher gold mine which is proposed adjacent directly across Granite Mountain Road from my home. It is located approximately one (1) mile South of the small community of Gibbonsville. After learning about the proposed mine from a letter written to me by a neighbor, I went online and looked at the proposal on the Lemhi county web site. To say I was shocked would be an understatement. Although I am not an expert in the mining field, I do know that a mine allowed where and how the Mavros/Usher placer mine is requested would not be in the best interest of me or my the entire community, nor would it be in the best interest of the environment. This operation if allowed to be conducted as requested would not only possibly be devastating to the environment, it is also a prime example of a "nuisance" as defined by law. I am bringing this to your attention since perhaps this was not a consideration because on the Mavros/Usher application it stated that ALL of the land surrounding their proposed mining operations was either undeveloped or USFS land, this is not the case. On the Mavros/Usher application I found it odd that on page 2 item # 6 reflected that the land South of their proposed mine was (Public) land. Since my home is located DIRECTLY (South) across Granite Mountain Road a road that is less than 50 feet across probably from the area that they propose to push a road into their land and start mining. It would seem logical for a person would think that they would have noticed my home/horse barn and pole barns. All of these are clearly visible and are probably within 100 or so yards from their property line of the area that they indicate they would propose to build a "pond" where close by I assume they plan on setting up a sluice box operation that they plan to run 6 days a week from Sam until 6pm. As you can see, this NOT public land as indicated on page 2 of 6 on the Mavros/Usher application, but a residential area, It is the beginning of "Nyman Subdivision", an area that is home to numerous homes "downriver". Concerning Item #5 on the Mavros/Usher, the applicants state that there are no ditches/canals on the property as indicated by the word NO, someone should note that they then write in "North Fork of Salmon River" as if they had answered "Yes" to the above question. This is very confusing to say the least. It makes me wonder what the applicants meant by that type of answer. Are we to assume that they will use water from the North Fork as though they have water rights for that purpose although they have indicated they will use "seepage" from ground water. This "seepage" will have to then go directly into either the North Fork of the Salmon river, or the aquifer, a situation that could have dire consequences for both humans and wildlife. As commissioners I am not sure what your powers are, but I would hope that they would be such that you would not allow a commercial mining operation to function 6 days a week, 8am until 6pm 8-10 months of the year right across the dirt/gravel road (Granite Mountain Road) from a residence. The entrance to this "mine" appears to be directly in front of my farm gate, and I can only assume that they plan on using this as a roadway at any time of the day or night, this roadway would only 100 or so yards from my house, and in full view of my back deck/house and where my bedroom is located. I question not only the morality of this, but the legality of this type of intrusion on an individual's home and well being. I am wondering if anyone in government knows if the Forest service is aware that Mavros/Usher is planning on using Granite Mountain Road in a commercial fashion? A road that when wet becomes highly rutted even by pick up sized trucks. It is my understanding that the IDT has concerns about using Hwy 93 as a route to move Mavros/Ushers truck from the proposed mining site, this was stated in a letter dated 6 May from Derk Williams of IDT. It is possible that the traffic from this proposed mine could require a "flagman" for trucks entering/exiting Hwy 93. There also is no firm answer as to how a road will be constructed without possible damage to the surrounding environment, this area is a pasture, it is soft and who knows what kind of an environmental mess this heavy equipment listed in their list of equipment to include front-end loaders, excavators, bulldozers and trucks will cause.

My residence is directly downwind from this operation and is only approximately 100 yards from the initial open pit/holding pond as I can determine that they have drawn on their attached map, it is the map that has Cyanide Gulch on it. I ask simply ask, would you consider it a "nuisance" to have heavy equipment resplendent with the accompanying toxic fumes, probable toxic dust that would include cyanide and mercury vapors dredged up from past mining operations and almost constant noise. Add to that heavy duty water pumps, sluice boxes with their noise and fumes, and camping trailers with people living in them just feet from your house and deck the right thing to allow? Imagine this happening 6 days a week, from 5am until 6pm up to 10 months a year basically in your back yard. I simply ask, should be allowed to happen to a family and neighborhood ? I am not sure if any commissioners have been to the site location but I would recommend that before any binding decision is made that a field trip would be a good thing, this would allow you to actually see the impact a operation like the one being that requested will affect not only me and my well being, but all of the "neighbors" both North and South. You are welcome to enter my property at any time I am not there to make a educated/informed assessment of the proposed mining operation. I am not trying to prevent Mavros/Usher from exercising their right to use their land, but conversely I assert that they do not have the right to bring a "nuisance" to the area and to harm to me, my family and others in the area. It is obvious that the applicants Mavros/Usher are planning to address any and all toxic spills to include diesel/gas/grease, with hazmat absorption packets. Of course these will be used AFTER the spill was found. Any damage done while mining will be felt by homeowners and anyone downriver. It is important to note that the North Fork of the Salmon River terminates in the Pacific Ocean. Any and all pollution will naturally "seep" its way onto not only my land, but all lands to the south. There is are "drainage" pipes that go under Granite Mountain road from the proposed gold mining area. Mainly during summer months, I believe water is released by Maurice Usher to flood irrigate the "pasture" that is the proposed gold mine site. I am not 100 % sure about how this land is flood irrigated, but this is my understanding. This water is to my knowledge to be used by water rights holders that draw water from Dahlonega creek, and I am wondering if this water is some of the water that is proposed to be used by the Mavros/Usher operation. To my knowledge (I have not been on the property so I have no firsthand knowledge) there is no water "seepage" from the North Fork of the Salmon unless holes are dug on this property, and I wonder if any commissioners know if this is the case. (Mavros-Usher work plan paragraph 2). I do know that if there is the potential to fill ponds on the property by "seepage" then it is logical to assume that the reverse will happen possibly leeching toxins into the North Fork of the Salmon. The potential for contamination of all the wells in the area is very high in my opinion. As you might be aware, the entire west is covered in failed mines with bad results that will linger with us and or grandchildren for lifetimes because of "honest mistakes". There are many factors that tell me to that this proposed operation should be either banned, or that a closer look be taken at the obvious ramifications on the local community regarding the quality of life of the human inhabitants both in proximity to the proposed dig and "downwind" from it. As you are most likely aware, the area around Gibbonsville is a well known gold mining region. Gold was mined and in the process toxic chemicals to include cyanide, mercury were either used or were by products of this from the late 1800's until past 1900. Not only will humans be exposed to potentially toxic dust from past contamination and equipment clouds but all animals will be potential victims of this process. It is not in the best interest of either the wildlife or humans to allow unrestricted mining to be conducted 6 days a week in an area that is occupied by many families, almost all of them being downwind from this proposed site. Thank you for your time, and I hope this letter will bring to the forefront the some of the impact that this type of mine will cause if allowed to proceed unfettered and without serious and meaningful guidelines from people such as yourselves.

Respectfully

Thomas W. Townsend LTC USA Retired

Roy: All of the correspondence can be reviewed in the Planning & Zoning Office. I want to remind everybody you have five minutes because of the number of people that may want to speak, so be clear with your thoughts and what we need to hear. I am going to ask everybody in the audience to be respectful with their five minutes and have the floor. When you get to the floor please come to the podium and state your name and address and tell us why you are hearing. With that I would like to allow those that are supporting the applicant.

Bruce Barns: My name is Bruce Barns I live at 2697 Hwy 93 N. North fork. That is about halfway

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between North Fork and Gibbonsville, directly across the highway from the North Fork of the Salmon River. I know the applicant personally and I am positive that he intends to fully comply with all the laws, rules and regulations of any organization that has authority to do that. He has no intention to do anything other than what he is required to do. In terms of property values, I have no fear that my property value will be impacted by this operation, I can't see how it could possibly be or how anybody's could be possibly impacted by this what I would call a small operation. Within the perimeters of abiding by the laws, rules and regulations I am a firm supporter of private property rights and I think that everybody should have the ability to do with their property anything that they choose as long as it is legal and proper within the laws, rules and regulations and I see this as falling in that category. When we got a building permit 10 years ago for our home, we had to sign a piece of paper to get a building permit that said essential that we were moving into a rural area and that with that came smells, and noises and things that you wouldn't encounter in a city and that we agreed to essentially not to complain about that since we were moving to the country and that was something that was provided to us to sign by the building department, I don't know if that is still something that is required to be signed but in that spirit I can't see how anybody could have a problem with this small mining operation.

Roy: Anybody else that would like to speak in favor of the application. Anybody that would like to speak uncommitted to the application, I want to be slow here in case Jim is still in the room.

Joe Proseckh: He isn't but I am kind of slow too. Joe Proseckh, 823 Union Ave Salmon, Idaho. I came here mainly to listen. Our family has owned a piece of property adjacent or actually it is the same claim HES 98, mining claim filed about 1910 or 12 something like that. The river separates our property from his on the same mining claim, at least that I understand it. We have owned that since the 1940's and I think when we left North fork and going Gibbonsville at about any different ranch homes and home between here and Gibbonsville, so there wasn't all them homes that are there now. I guess I have always stood for personal property rights as long as people are considerate of neighbors and various things of that nature. You can get together and do what you want to if they own property as long as they don't cause other problems. It looks like to me in the outline that they sort of addressed a lot of those to where I didn't have a lot of problem. I am concerned that they are operated in a proper way. I think we have to look at Gibbonsville and the 1880 and 3 and 4, Gibbonsville was bigger than Salmon, it was mining and gold. Most all the claims people bought private property off it and divided or subdivide or whatever. I am not taking a position of indorsing or imposing but I just am here to make a statement. I think as far as I am concerned that people have the opportunity to meet the requirements, I was quite interested in the new development code that was just passed. I was kind of concerned about it when it was being discussed, it seemed like we might choke on the details, the things that we talked about generally here was not probably explained in full detail by an engineer but probably with the intent of meeting those requirements. Thank you.

Roy: With that do we have any others that would like to take in the uncommitted. Now we will turn it over to folks that would like to speak in opposition to the application.

Bill Oldham: Bill Oldham, 131 Redwood Road Salmon, Idaho. Good Evening Mr. Chairman, members of the Lemhi County Planning & Zoning Commissioner and members of the public. I am happy to read a statement on behalf of the Idaho Conservation League and their 9,000 members. Since 1973, the Idaho Conservation League has been Idaho's leading voice for conservation. They work to protect Idaho's clean water, wilderness and quality of life. The Idaho Conservation League is concerned that placer mining adjacent to the North Fork of the Salmon River will contribute sediment and other pollutants to the river. Because the State of Idaho is currently not in compliance with the Clean water act, no degradation can legally occur. As a result, we hereby request that the Army Corps of Engineers seek 401 certification from the Idaho Department of Environmental Quality to determine that placer mining on the Usher property will comply with the Clean Water Act and will not degrade the conditions of the North Fork of the Salmon River, if you have any questions about these comments, please contact Jonathan Oppenheimer at 208-345-6933 ext. 26.

Roy: For clarification are you saying that the Idaho Conservation League is bring legal action against DEQ to get them to do something, to move forward or is this a request.

Bill: I am just here speaking but I believe this statement is from them and I believe that they are requesting that the Army Corps of Engineers seek 401 certification from the Idaho Department of Environmental Quality.

Roy: Any others that would like to speak in opposition.

Tom Townsend: My name is Tom Townsend and I own the property at 8 Granite Mountain Road directly related to the proposed mine. I took Ms. Knudson when this statement first started about the confusion of the application, of the Mavros/Usher Placer Mine and I would like to start off by saying when I first got this information, I received a copy of the paper that showed an outline of the proposed mining area. It wasn't very precise but I couldn't tell exactly it looked like it was directly across from my house, I would like to correct the letter I sent the board and the commission which said that I was directly south, I am not. That is Forest Service land and I offer my apologies for that mistake, I was confused because of the map. In further researching what the Usher's proposed and the Mavros' proposes on this, it doesn't negate the fact that my house is 300 feet from the first iteration of their operation. I don't have any fancy slide or anything but I do have a thing from the county today that shows my house on the property and the proximity of where this mining operation would be. I listened to Mr. Mavro's proposal and he said a lot of things that would be in contravention to where my particular house is and the noise level, the dust level. Yes they do rock mining or quarrying right near the house, they come across right in front of the house which is only about 30ft from the road, in the summer time it is obviously worse than it is at other times. It is a very every once in awhile proposition, it is not a proposition of having 200-300 feet from your house, sluce box running, screen running, cats running, truck running, dust everywhere and in that subsurface who knows what pollutants were left there from the 1860's through the forest. We all know the cyanides and the mercury storage and stuff and I find it unacceptable that it be brought back into the atmosphere, the predominate winds in that valley as everybody knows is to the south, goes onto my deck about 200-300 feet away from my house. Running operation 8-10 hours a day, six days a week, I just ask the commission, do you want that as your next door neighbor. I am not anti land use, I think I am a rights land rights person, but I think we should have rights with responsibility. The responsibility isn't just your own property, it is the environment, it's your neighbors, I am not trying to prevent them to do what they want to do. I would ask the commission to require the Mavros/Usher application to meet standards that we can look 50-100 years from now and be proud that we let this happen and it didn't go into the Salmon River. If it goes into the North Fork of the Salmon, it winds up in the Pacific Ocean. So, I am in opposition to it. I think it was addressed earlier about the work plan that they submitted, one part of the work plan it is so level to me that you guys probably saw this diagram about where they are planning to do the first pond, I couldn't really determine where on the property that was. I had to go to Google earth and you could see from the aerial view it is almost in the sight line of my house. So I think that, I am putting the burden on you guys to figure out all this stuff and do the right thing but I would like to go on record that unless they comply with all of the standards that we as citizens would want that this application either be totally denied or put back on track to where instead of having the applicant come up and say I may sell gravel, I may do, I may do that, it is confusing to me, I haven't figured it out yet, and hopefully you guys will be able to take the time to do that for us and the community. Thank you for your time.

Roy: Any others that would like to speak in opposition to the application.

Jim Newton: My name is Jim Newton I am here with my wife Marty, we just purchased five acres just north of Gibbonsville close to where the mine is being proposed, we are upriver from that location. We came here tonight to listen because we heard about the opportunity to have a mine placed there south of our location. I am compelled to make some comments based on our concerns, having to do with the noise of the operation. We bought up here because of the wonderful serenity, the beauty of it and everything. I understand motivation of twelve hundred dollars an ounce for gold. I am concerned about property values, we just spent some serious money buying the property, planned on building a summer home, improving the area, and becoming part of this community for five or six months out of the year. I have some concerns that if something like this can be developed below us and cause problems, if they mine fails if this stuff does leach into the North Fork, and as the gentleman said into the Salmon River, and

then the Columbia and so on and so forth, that is all below us. The motivation for this type of mine might inspire somebody to do that above us and further impact our property and our investment. I don't know anything about the people, I don't know anything about the specifics of the operation other than what we have heard tonight. I do have some concerns that this will impact our ability to move forward with our plans with retirement and living up here and so I would have to say unless there are full compliance with all of the rules and regulations that would govern something like this where testing would have to be done from a point of view that if something fails how long does it take to recover the impact. Weeks, months, downriver, the fishery, the environment, we have been waiting since October to get a permit to put a culvert in a navigation or a irrigation ditch so that we can proceed with our plans. I know that Idaho and this area are very concerned about the environment, very concerned about the fishery, this is a beautiful area and I just hope that everything is done to comply to make sure that everything is done to mitigate any impact and that there is a plan in place to do something if something fails. We look forward to living up here and being neighbors with the Usher's and all the other people up here but we definitely have some concerns. Thank you.

Roy: Any others that would like to speak in opposition? With that we will give the applicant and opportunity to rebut.

Robin: I will start with some of the first things, like this access we don't plan on putting a new road in there. There was an old access and it has a gate in it. It was an access that was never deeded by the forest service because the Usher's never applied for a permit for access through a forest service ground. At the time they plat the property it wasn't a big deal to drive in where the road was at the time and it is still in the same place, they are in the process of getting a permanent access established with the forest service on that piece. We have a temporary at this time as you have the paperwork for it. I don't think most people understand how much this cost just to get the permitting and stuff done on the operation like this. I have been logging myself now for 25 years and I had my own logging company. Two years ago when the stock market crashed I lost my job, I have a saw mill. I grew up around mining a little bit, I have some relatives that were some miners, they made some pretty good money when the price of gold was down, I understand what is required to keep all the watershed and everything clean you know and unaffected around it just because I logged for so many years. I have never had a complaint, never been fined by the government the state that handles the watershed in most of the states, Montana is the same way. I haven't logged a lot the same but it is administrated real similar if not identical to what Idaho watershed is administrated. This permit, the multi sector general permit I can be fined up to 10,000 dollars a day if my tests come in bad and being required to test twice a week that doesn't leave me any allowance to get anything into the watershed to affect the fish and the problems. There are some issues with the old miner, a lot of things they did. The Fish and Game is actually blaming the mining operations on the depletion of the Salmon and Steel Head in the North fork and the Salmon watershed but some of the old timers say otherwise. They say that there has been dams put in with stainless steel ladders, they say there were ells in the river way back that were a feed source for the Salmon and Steel Head and when they put in the stainless steel the stuff the ells were coming up, now there is no feed source for the Salmon or the Steel Head. I am not going to say that the mining hasn't hurt things but I plan to do my best to comply with any permits and have put a lot of money and have borrowed a lot of money to get this project going. Mostly the environmental protection agency that does require the most to get something like this established and it is because of the scenic watershed and the fish that are in it, the endangered species mostly, the Steel Head and the Salmon. There was a guy that dug a pond downstream and pushed some dirt off into the river, I don't need to bring his name up but he got fined \$6,500 a couple years ago just for pushing some dirt into the river, least that is what he said, other people said otherwise. I know there is more than just the environmental protection agency, there is the Army Corps of Engineers, they could come in and fine me. The Department of Environmental Quality could come in and fine me, I am walking a real thin line. All of these people, I have got all the permitting necessary to get their approval or to get them to not have a problem with this mining operation with the setback of 80-90 feet instead of 300 feet setback. If it was cut down to 300 feet there wouldn't be enough area in there to mine. A lot of this parcel is narrow. The widest spot is 660-650 wide and it narrows down so, I would be cut down to five acres down there and then a lot of these applications wouldn't be necessary, I could get a small miners permit for a five acre piece through the state. I do plan to do everything right. There was a question about dust and noise, the location of the first pond is actually about 1/3 of the distance

down the property to give myself kind of a central position. That is where the most noise is going to be coming from is the screening plant because it will be set up right beside the pond. The excavator and front end loader will be used from the property boundary but there are some pluses to this. There was some question about reducing the value of adjacent properties. I think it would be more likely to raise the values because once people see that much gold came off of this property, how much is mine. The person that has the property and they wanted to sell it they could get considerably more and could ask more for it. That is my point of view anyway. This property is so overgrown, when we get done with it, with the plan we are doing by removing the topsoil and putting it aside and putting it back on and seeding it with grasses and stuff, it won't be a big fire hazard like it is now. If you go look at the property it is just brush, it hasn't been maintained since 1940 or 50 since it was sold to the McGovern Brothers after they mined up above and dumped all the over burden on it. Usher's bought it from them, it does need some help. We have a plan for the noxious weeds in there, the weeds will be controlled on the property and as far as camping on the property. I wasn't aware there was an ordinance that you had to have specific stuff there so that is no big deal, I am used to driving when I was logging I was used to driving 2 hours each direction to log, so an hour home isn't going to kill me so I am not required to live on the property if that is a problem and there is an ordinance against it evidently so I wouldn't live on the property. The main reason why I planned on doing that is because as people know, if you have something and it is lucrative and there are so many people that are poor right now and in a hard spot, you can expect that there might be some people coming around trying to rob us too. We plan on cleaning up the sluice box each night and this thing about dust, the difference between this and a gravel pit is this is in a water, there is water when you dig down a little ways. There is moisture in this gravel, it isn't like a gravel pile so it won't create the dust like the gravel pit that is next door that doesn't have any moisture in it. I don't believe there will be a problem with dust, that is another thing that is governed by Department of Environmental Quality and they expect me to comply with too. There is a noise standard also. The property with the other house around, I would think, this isn't going to be ongoing for 100 years or something, this is going to be a couple year operation, it might be done quicker than that. Once it is done, this property will be a nice looking piece of property not a, it will be a property that the neighbors can look at say that looks nice. Anybody that doesn't have my name and my address could, I don't know how to do this, maybe grab a pencil and you could check up on me on the State of Montana and the qualifications and the work I have done for the state. I did fuel reductions, I have done all kinds of stuff over there, worked for the Forest Service too. I don't know of any problems, I have never heard of any problems with anybody. All the jobs I have done, everybody appreciated them. After the 2000 fire I have done a lot of, I spend 4 years working in the black if you want to call it that, cleaning up private property where people got burned out. All their timber got burned, that is kind of a hard job to work in to, you get black lung from that so. My name is Robin Mavros, my phone number is 406-821-1056 my mailing address is 4186 North Fork of Rye Creek Darby Montana. There is let's see, I have a note here to but I already mentioned it, I have got a lot of money involved in this operation and I haven't recovered anything, I don't have any backers to speak of so I borrowed the money to get this far. I hope there is no problem with proceeding because I will lose my home if I don't have a job, that is about all I can say.

Roy: I have a question for you. Have you given any thought to visiting with your neighbors, Mr. Townsend the gentleman that just bought property here to elide their fears at all.

Robin: Most of the times I have been by his property I didn't anybody around or I didn't realize anybody, I have talked to a few of the neighbors, I have talked to Jim Riggans, he owns the property upstream unless it sold, maybe that was the other person that was talking. I talked to him and he didn't have the problem of course because he mined right across the road there. You should have seen the property before he mined it, it was a bunch of piles of rock and he actually improved the looks of it, some people say he made a big mess out of it but I have seen pictures of the property before he mined it, and now it looks like property it doesn't just look like a big rock mountain running along the river. He sold a lot of the rock and stuff out of there and stuff, he could have done better on it if he was going to keep it, he probably would have put topsoil it, one person can only do what they can do. I do need, it would be a good idea to meet with the landowners and try and work some things out if there is a problem and give them some insurance that I don't, I am not going to do anything that is going to affect the watershed or hurt anybodies property value, that is not my objective. This is just a little mining operation, my son is going to be involved and myself and perhaps 2 other people. I don't want to cause

any problems with anybody, maybe I could stop by and visit one day and talk things over. Anybody else.

Gina: You just mentioned in passing that there is something called a small miners permit for five acres. I don't know anything about that could you explain to me real quickly what that intel.

Robin: Under a five acre parcel you can get a small miner permit and you can usually get it approved by the state within 30days of the application, at least that is the way it is in Montana and I was told that the same way here in Idaho too.

Gina: Is there a reason why you didn't opt to go that route?

Robin: This property is bigger than five acres, there is about 20-25 acres that we plan to do so if we did over five acres in one year it would take me all this process to go back through and get the permitting to do the next five acres and I would end up putting all kinds of money, five times as much. Anybody else.

Roy: I am not familiar with that permit either I am assuming you would have to comply with state and county jurisdictions as well. This Lemhi ordinance the special uses permit it is kind of tied a lot of people hands because the state allow you to go in and test and work up to ½ acre before you are permitted. According to this ordinance you can't go in and mechanically test, or you are not supposed to. I don't know about these people that are going in and test for septic and stuff I don't know if you are required to go through a special uses permit to take an excavator to dig a test pit for a septic.

Bret: It is required actually, you have to have a test hole for a septic

Robin: Do you have to get this special uses permit to do a test hole like that, then why is a miner required this permit to do a test.

Bret: I didn't know you were.

Robin: Maybe I should ask more questions what the total requirements were on us. It is allowed then to test a property with equipment without getting a special uses permit, is that what you were saying. No...

Roy: I think you went to approving a mine to talking about a septic system

Robin: Well they are about the same size hole, you can test for water for a septic system

Roy: I guess if you were saying you were testing for a septic system, I don't know what the legal requirements are, we are not talking about proving a mining claim. Any other questions? Gary?

Gary: I have no questions.

Roy: Anything else you would like to add to us?

Robin: Well I have about a year into this project so far with no income.

Roy: We have 35 days to make a decision and we have an awful lot of data to go through.

Robin: I did try and answer all of your questions and I do want to get along with everybody.

DISCUSSION

The board decides to hold a special meeting on May 26th at 7:30pm to make a decision on the two public hearing that were brought before the board tonight.

Respectfully Submitted

Teresa L. Morton