



January 30, 2023

Mr. Dayne Doucet
Consolidated Mining Permit Lead
Oregon Department of Geology and Mineral Industries
Mineral Land Regulation & Reclamation
229 Broadalbin St SW
Albany, Oregon 97321

RE: Response to Land Use Comments 480-492 and 494 in October 20, 2022, Comments for the Consolidated Permit Application, Grassy Mountain Mine Project

Dear Mr. Doucet:

Responses to Land Use Comments 480-492 and 494 in the October 20, 2022, Comments for the Consolidated Permit Application are included in the attachment to this letter. Please see the "Revised Response to Comments (Jan 2023)" information for your consideration.

Please contact me at (775) 625-3600, glen@paramountnevada.com if you have questions or need clarification.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Glen van Treek', is written over a faint, stylized outline of the signature.

Glen van Treek
President
Calico Resources USA Corp./Paramount Gold Nevada Corp.
(775) 625-3600
glen@paramountnevada.com

Att: Document Submittal Records

Attachment
Document Submittal Records

Comment Number: 480		Category: 2	Status: B (Not Resolved)
Topic: Land Use		CPA Reference: N/A	
Comment: Please provide a general description of surface alterations on the BLM parcel. The CUP application provides a description for the Patent parcel but not the BLM parcel.			
Preliminary Response to Comment (Nov 2022): N/A			
Agency Comment (Jan 2023): N/A			
Revised Response to Comment (Jan 2023):			
The Project Access Area is located on public land administered by BLM, and private land controlled by others. The main access to the Mine and Process Plant Area will utilize an upgrade of the existing BLM road and County easements across private land. This road will need to be upgraded to include straightening and widening in portions of the road and have a gravel roadbed. The <i>Road Design Report</i> (Appendix C1) describes the alterations with the road design. The existing powerline will be upgraded, and a new power line will be constructed along the BLM and county roads. New power poles will be constructed for approximately 25.2 miles from the connection to the existing powerline to the Mine and distribution powerlines within the Permit Area. Details of the power line work are described in HDR’s report, <i>Calico – Grassy Mountain, 34.5kV Line</i> (Appendix C6). In general, the proposed mining and metal processing operations will consist of an underground mine, located in the private parcel, and ore processing facilities, including a conventional mill and TSF, a TWRSF, and other support facilities on BLM-administrated land. The Project as described in Section 1.3 of the CPA, will include the following major components: On Private Parcel • An underground mine, with Mine portal, decline, and ventilation shaft; On BLM Parcel • TSF with Tailings Embankment, Tailings Impoundment, and Reclaim Pond; • TWRSF; • Process Plant Area, which includes the Process Plant building, control room, crushing facilities, conveyors, ore bins, control rooms, CIL processing plant, reagent storage building (including chemical and reagent storage), gold room, and Collection Pond; • Infrastructure and ancillary facilities that include Project site main gate and guard house, administration office and change house, assay laboratory and sample preparation area, truck workshop and warehouse, wash pads, Process Plant workshop and warehouse, meteorological station, explosive magazines, parking areas, ore stockpiles, solid and liquid hazardous waste storage, and fuel storage and dispensing area; • Roads, including upgrades to the Twin Springs and Cow Hollow roads, and construction of the Mine access, internal access, and Mine haul roads; • Yards and laydown areas; • Growth Media Stockpiles; • Water supply, including Production Wellfield, water pipeline, raw water storage tank, and Potable Water Treatment Plant; • Power supply that includes a power substation (on Idaho Power land), upgraded 14.4 kilovolt (kV) overland power			

Comment Number: 480**Category: 2****Status: B (Not Resolved)**

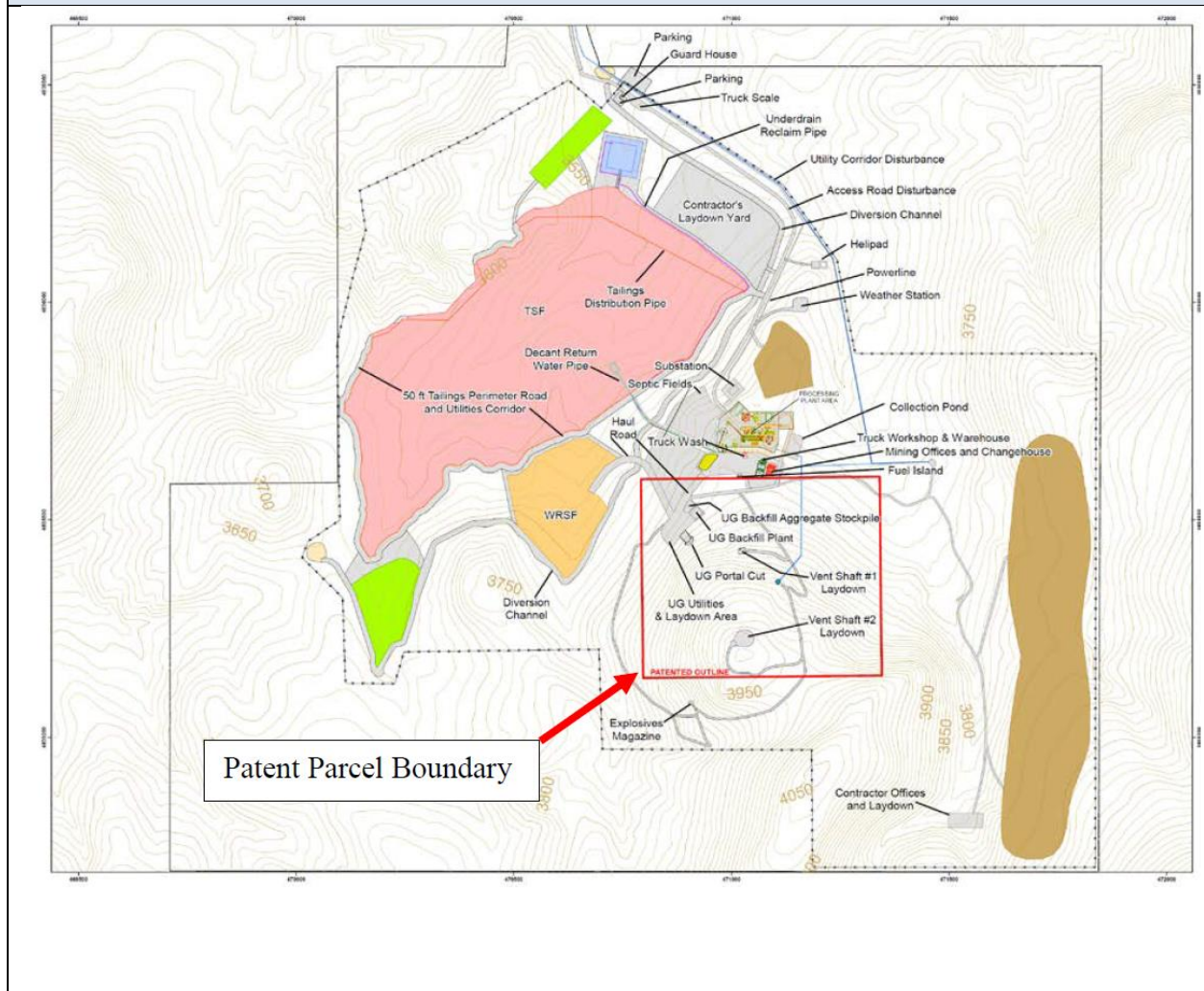
- transmission system, new 14.4 kV overland power transmission system, onsite power lines, and generators;
- Permanent and temporary stormwater diversion channels;
- Other areas, including the exploration areas, septic system, and perimeter fence;
- Quarry; and
- Reclamation Borrow Areas.

The proposed surface disturbance for the project is approximately 487.9 acres and is described by surface component in the approved Plan of Operations (Table 3) as filed with the BLM as public acres.

Table 3. Required Permits and Authorizations

Permit/Approval	Granting Agency	Permit Purpose
Plan of Operations/Environmental Impact Statement (EIS) Record of Decision	BLM	Prevent unnecessary or undue degradation associated with Plan of Operations, EIS to disclose and evaluate environmental impacts and project alternatives. An EIS will be developed to analyze impacts of this Plan.
Oregon Department of Environmental Quality (ODEQ) Water Pollution Control Facility Permit and Water Pollution Control Facility-Individual Onsite system	ODEQ	Prevent degradation of waters of the state from mining, establishes minimum facility design and containment requirements. Regulates onsite septic system.
Standard Air Contaminant Discharge Permit	ODEQ	Regulates project air emissions from stationary and fugitive sources.
General Discharge Permit (Stormwater)	ODEQ	Protect waters of the state.
Oregon Water Resources Department (OWRD) Water Rights Amendment, Permit to Appropriate Water	OWRD	Water appropriation.
Public Drinking Water System (Non-Transient Non-Community Water System)	Oregon Health Authority	Regulates drinking water treatment systems.
OWRD Dam Safety Permit	OWRD	Design and construction of embankments 10 ft or higher and store at least 9.2 acre ft of water.
Malheur County Land Use Compatibility Statement (LUCS)	Malheur County	Permitting or approval activities that affect land use are required by Oregon law to be consistent with local comprehensive plans and have a process for determining consistency.
Explosives Permit	United States Department of the Treasury, Bureau of Alcohol, Tobacco, Firearms, and Explosives	Storage and use of explosives.
Hazardous Waste Identification Number	United States Environmental Protection Agency	Registration as a conditionally exempt small quantity generator of wastes regulated as hazardous.
Aggregate Operating Permit Application	Oregon Department of Geology and Minerals Industries (DOGAMI)	Operation and closure of the Basalt Quarry.
Chemical Process Mines Permit (Division 37)	DOGAMI	Operation and closure of the Project.
Chemical Mining Permit (Division 43)	ODEQ	Operation and closure of the Project.
2920 Permit – Leases, Permits and Easements*	BLM	Allow for the access road improvements and powerline installation on property controlled by others

*Note: 2920 Permit required for a portion of Dripping Springs Road improvement



Comment Number: 481		Category: 2	Status: B (Not Resolved)
Topic: Land Use		CPA Reference: N/A	
Comment: Please describe whether any of the land within the BLM parcel could be characterized as forest land, such that Goal 4 would apply.			
Preliminary Response to Comment (Nov 2022): N/A			
Agency Comment (Jan 2023): N/A			
Revised Response to Comment (Jan 2023): There is no land within the BLM parcel characterized as forest land (Bureau of Land Management’s Geospatial Business Platform [HUB]) with the parcel or vicinity. Goal 4 is not applicable.			

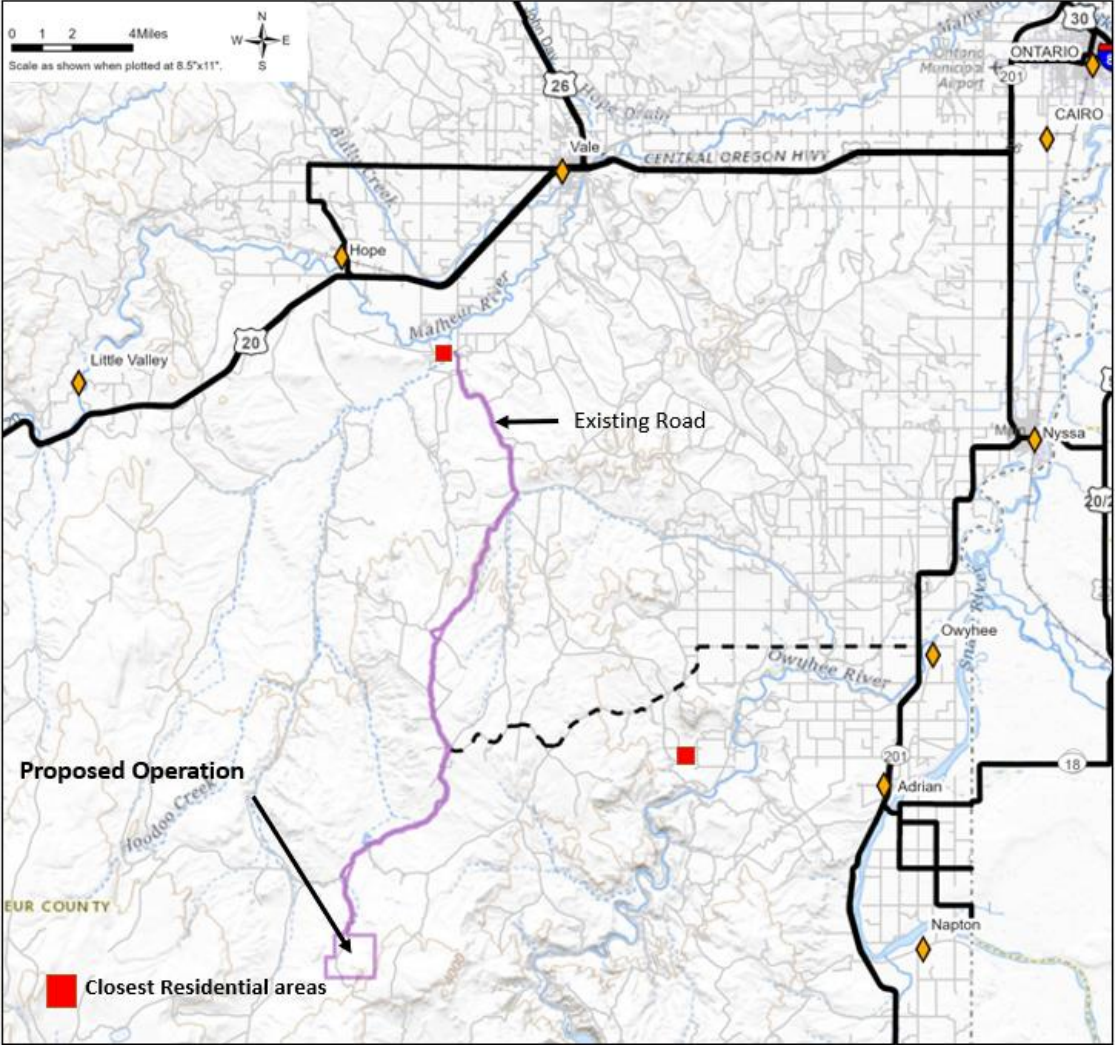
Comment Number: 482		Category: 2	Status: B (Not Resolved)
Topic: Land Use		CPA Reference: N/A	
Comment: Have any of the BLM lands been classified by NRCS as soil type 1-6 or as high-value farmlands? The CUP application states that NRCS has not categorized the Patent parcel, but no information is provided for the BLM parcel.			
Preliminary Response to Comment (Nov 2022): N/A			
Agency Comment (Jan 2023): N/A			
Revised Response to Comment (Jan 2023): The BLM lands have not been classified by the U.S. NRCS as having Type 1 through Type VI soils. The only soil in the Geology and Soils Baseline Report study area that qualifies as prime farmland is the Powder series located at the north end of Twin Springs Road, just south of the Bishop Road intersection. The soil is located on an actively irrigated agricultural field. All other soils mapped are not considered prime farmland since there is no developed irrigation (<i>Geology and Soils Baseline Report</i> , Appendix B7).			

Comment Number: 483		Category: 2	Status: B (Not Resolved)
Topic: Land Use		CPA Reference: N/A	
Comment: Please describe whether the part of the new utility line located on the BLM parcel is a "utility transmission line" within the meaning the County's Goal 3, Policy 9. If so please describe the effects of this part of the line on grazing operations.			
Preliminary Response to Comment (Nov 2022): N/A			
Agency Comment (Jan 2023): N/A			
Revised Response to Comment (Jan 2023): The estimated 25-mile distribution and transmission line has two distinct portions. The first six miles of the distribution and transmission line is currently installed and run from Hope Substation in Vale, Oregon are owned by Idaho Power. The remaining 19 miles are designated as a new construction 34.5kV distribution line. The new construction is not a utility transmission line and thus Goal 3: Agricultural Lands, Policy 9 is not applicable.			

Comment Number: 484		Category: 2	Status: B (Not Resolved)
Topic: Land Use		CPA Reference: N/A	
Comment: Please provide a noise analysis consistent with the requirements of the DEQ noise rules (OAR Chapter 340, Division 35), and assess how modeled noise levels comply with Goal 6, Policy 12.			
Preliminary Response to Comment (Nov 2022): N/A			
Agency Comment (Jan 2023): N/A			
Revised Response to Comment (Jan 2023):			
Noise Control is covered under ORS 467 and OAR 340-035. The portion applicable to mining is 467.120 below: Mining is exempt from the provisions of 467 except as noted (see red text)			
467.120 Agricultural and forestry operations; mining or rock processing. (1) Except as provided in subsection (3) of this section, agricultural operations and forestry operations are exempt from the provisions of this chapter.			
(2) As used in this section:			
(a) "Agricultural operations" means the current employment of land and buildings on a farm for the purpose of obtaining a profit in money by raising, harvesting and selling crops or by the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals, vermiculture products or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural operations or any combination thereof including the propagation and raising of nursery stock and the preparation and storage of the products raised for human use and animal use and disposal by marketing or otherwise by a farmer on such farm.			
(b) "Forestry operations" means an activity related to the growing or harvesting of forest tree species on forestland as defined in ORS 526.324 (1).			
(3) The following operations are not exempt from the provisions of subsections (1) and (2) of this section:			
(a) The mining or processing of rock, aggregate or minerals within one-half mile of a noise sensitive area, if:			
(A) The operation operates more than nine hours per day during the period subject to the daytime standards established by the Environmental Quality Commission under ORS 467.030; or			
(B) The operation operates more than five days per week.			
(b) Any mining or processing of rock, aggregate or minerals within one-half mile of a noise sensitive area during the period subject to the nighttime noise emission standards established by the Environmental Quality Commission under ORS 467.030. [1979 c.413 §2; 1983 c.730 §2; 1985 c.681 §1; 2005 c.657 §6]			
The <i>Noise Baseline Report</i> (Appendix B11) approved by the TRT as a part of the Consolidated Permit Application identifies two noise sensitive areas. These are noted as Site B to the SE corner of the PoO where mining operations will occur is approximately 6.1 miles. From Site D to the NE corner of the PoO where mining operations will occur is approximately 15.9 miles. Thus, the mining is exempt with the distance criteria above as it relates to the ORS 467 (more than one-half mile).			
A <i>Noise Baseline Report</i> (Appendix B11), was prepared for the project as a part of the Consolidated Permit Application and approved by the TRT. Maximum permissible environmental noise levels for noise sensitive properties, quiet areas, and impulsive noise levels are identified for the project. Determining the pre-existing ambient noise levels will be used to demonstrate compliance. Two sites were identified as noise sensitive properties, at Lake Owyhee State Park and a residential site along Russell Road. The baseline report proposed ambient noise limits for the Project consistent with OAR 340 Division 35. OAR 340 Division 35 also restricts blasting and impulse sounds.			

Comment Number: 484	Category: 2	Status: B (Not Resolved)
Goal 6, Policy 12 requires the effects of transportation, industry and other sources of excessive noise will be considered in evaluating proposed uses and development. The County has considered the effects of noise with the approval of the land use application and staff findings for the project. As noted in the approved land use application, after construction the blasting and drilling activities will occur underground. This will minimize noise associated with the mine. Ongoing noise would be associated with trucks and vehicles using the haul road and mechanical sounds associated with the processing plant.		
Project construction will create a substantial amount of noise due to blasting for the mine portal, and construction machinery. This has been considered in the land use application and staff findings. As noted in the land use application, the nearest population center, Vale, is approximately 22 miles to the north and the nearest cultivated farmland, outside of Owhee is approximately 10 miles to the east. A single farm is located approximately five miles away on the other side of Grassy Mountain.		

Comment Number: 485		Category: 2	Status: B (Not Resolved)
Topic: Land Use		CPA Reference: N/A	
Comment: Please describe the proposed road improvements on the BLM parcel, and describe how these proposed improvements comply with the County's Goal 12, Transportation Policy 2.			
Preliminary Response to Comment (Nov 2022): N/A			
Agency Comment (Jan 2023): N/A			
Revised Response to Comment (Jan 2023): The road design is included in the CPA application as Appendix C1 which includes proposed road improvements. Goal 12, Policy 2 requires that all country road activities will comply with the Malheur County road design, construction, and improvement standards. The road design figures specify as a part of the general notes, that all construction material and workmanship shall comply with the latest Malheur County, State of Oregon and Bureau of Land Management requirements. All construction shall be performed in accordance with the most current standards for public works construction and the Oregon DEQ standards.			
This satisfies the County's Goal 12, Transportation Policy 2.			

Comment Number: 486 Category: 2 Status: B (Not Resolved)	
Topic: Land Use	CPA Reference: N/A
Comment: Consistent with MCC 6-6-7.C., please provide the distance from the project boundary to the nearest residence.	
Preliminary Response to Comment (Nov 2022): N/A	
Agency Comment (Jan 2023): N/A	
Revised Response to Comment (Jan 2023): MCC 6.6-7.C requires the consideration of the existing development and viewpoints of property owners in the surrounding area. The Project Area is separated from the nearest home, a small farm on the Owyhee River by five miles and numerous hills and ridges. The closest residence to the fence and gate entering the operation is approximately 15.3 miles on a straight line alongside Russell Road. This residence is located about 60 feet from the existing Russell Road, which also serves as its access. Another resident area is around 10 miles from the operation on the Snake river Valley that is separated by the Grassy mountain Range and the Owyhee reservoir and Owyhee ridges east of the proposed operation. See reference image.	
	

Comment Number: 487		Category: 2	Status: B (Not Resolved)
Topic: Land Use		CPA Reference: N/A	
Comment: Consistent with MCC 6-6-7.G., please provide an assessment of the potential impacts of project lighting on fish and wildlife and recreation on the BLM parcel.			
Preliminary Response to Comment (Nov 2022): N/A			
Agency Comment (Jan 2023): N/A			
Revised Response to Comment (Jan 2023): <i>In considering the suitability of proposed conditional uses, the planning commission shall base its decision upon the following criteria:</i> <i>G. General Criteria:</i> <i>1. Increasing setbacks of structures to reduce possibilities of overshadowing adjoining property, noise, odor or night lighting nuisances.</i> A code provision that lists additional conditional use restrictions that a county may impose to protect certain resources is an approval standard only in the sense that it authorizes the county to impose additional conditions <i>if</i> found to be necessary. <i>Western Land & Cattle, Inc. v. Umatilla County</i> , 58 Or LUBA 295 (2009). Malheur County Code (MCC) 6-6-7(G)(1) is not an approval criterion, rather it is one of six (6) provisions which the Commission must weigh in determining whether conditions of approval are necessary to enhance the suitability of the proposed use based on surrounding uses. Similar to the other criteria in Subsection G – lighting, driveway placement, and landscaping - the Planning Commission may, but is not required to, utilize increased setbacks to enhance the suitability of the proposed use. However, until setbacks are determined as necessary conditions of approval to “reduce possibilities of overshadowing adjoining property, noise, odor or night lighting nuisances,” the additional restriction remains discretionary and Applicant does not need to propose a site plan with increased setbacks. Notably, Subsection G does not indicate exactly how far the potential increased setbacks must be, indicating a discretionary assessment by the Commission effectuated via a condition of approval.			

Comment Number: 488		Category: 2	Status: B (Not Resolved)
Topic: Land Use		CPA Reference: N/A	
Comment: Consistent with MCC 6-6-7.H. and MCC 6-6-8-4.C., please describe how the DEQ fugitive dust control plan will prevent changes in grazing practices and significant grazing cost increases that could result from project dust emissions.			
Preliminary Response to Comment (Nov 2022): N/A			
Agency Comment (Jan 2023): N/A			
Revised Response to Comment (Jan 2023): <i>H. Allowance Of Certain Uses: A use allowed under section 6-3A-3 of this title shall be approved only where it is found that the use will not:</i> <i>1. Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or</i> <i>2. Significantly increase cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use. (Ord. 86, 12-7-1993)</i> Applicant is not required to address how the DEQ fugitive dust control plan will prevent changes in grazing practices or prevent significant grazing cost increases because there was no evidence in the Record that there would be a change in grazing practices/costs. The scope and depth of the Farm Impacts Analysis that Applicant is held to address depends on the scope and depth of the farm impact issues brought into the Record. The Board in <i>Gutoski v. Lane County</i> , in assessing farm impacts test, recognized that not all applications require the same level of farm impact searching inquiry: it qualified the inquiry to situations "when the parties dispute whether a nonfarm use will force a significant change to a particular accepted farm practice or significantly increase the cost of that practice <i>Gutoski v. Lane County</i> , 34 Or LUBA 219 (1998). Applicant is not required to expand its analysis to issues not raised in the Record. <i>C. Equipment and access roads shall be constructed, maintained and operated in such a manner as to eliminate, as far as is practicable, noise, vibration or dust that is injurious or substantially annoying to livestock being raised in the vicinity. (Ord. 86, 12-7-1993)</i> Performance standards are not necessary prerequisites to issuance of a conditional use permit. <i>Simonson v. Marion County</i> , 21 Or LUBA 313 (1991). The above requirement is a performance standard, not a condition of approval, and compliance with it can be required through a condition of approval.			

Comment Number: 489		Category: 2	Status: B (Not Resolved)
Topic: Land Use		CPA Reference: N/A	
Comment: Consistent with MCC 6-6-7.H. and MCC 6-6-8-4.C., please provide a noise analysis consistent with the requirements of the DEQ noise rules and describe the effects of project noise on grazing practices, including the costs of grazing.			
Preliminary Response to Comment (Nov 2022): N/A			
Agency Comment (Jan 2023): N/A			
Revised Response to Comment (Jan 2023):			
Noise Control is covered under ORS 467 and OAR 340-035. The portion applicable to mining is 467.120 below: Mining is exempt from the provisions of 467 except as noted (see red text)			
467.120 Agricultural and forestry operations; mining or rock processing. (1) Except as provided in subsection (3) of this section, agricultural operations and forestry operations are exempt from the provisions of this chapter.			
(2) As used in this section:			
(a) "Agricultural operations" means the current employment of land and buildings on a farm for the purpose of obtaining a profit in money by raising, harvesting and selling crops or by the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals, vermiculture products or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural operations or any combination thereof including the propagation and raising of nursery stock and the preparation and storage of the products raised for human use and animal use and disposal by marketing or otherwise by a farmer on such farm.			
(b) "Forestry operations" means an activity related to the growing or harvesting of forest tree species on forestland as defined in ORS 526.324 (1).			
(3) The following operations are not exempt from the provisions of subsections (1) and (2) of this section:			
(a) The mining or processing of rock, aggregate or minerals within one-half mile of a noise sensitive area, if:			
(A) The operation operates more than nine hours per day during the period subject to the daytime standards established by the Environmental Quality Commission under ORS 467.030; or			
(B) The operation operates more than five days per week.			
(b) Any mining or processing of rock, aggregate or minerals within one-half mile of a noise sensitive area during the period subject to the nighttime noise emission standards established by the Environmental Quality Commission under ORS 467.030. [1979 c.413 §2; 1983 c.730 §2; 1985 c.681 §1; 2005 c.657 §6]			
The <i>Noise Baseline Report</i> (Appendix B11) approved by the TRT as a part of the Consolidated Permit Application identifies two noise sensitive areas. These are noted as Site B to the SE corner of the PoO where mining operations will occur is approximately 6.1 miles. From Site D to the NE corner of the PoO where mining operations will occur is approximately 15.9 miles. Thus, the mining is exempt with the distance criteria above as it relates to the ORS 467. (more than one-half mile).			
<i>6-6-8.4.C. Equipment and access roads shall be constructed, maintained and operated in such a manner as to eliminate, as far as is practicable, noise, vibration or dust that is injurious or substantially annoying to livestock being raised in the vicinity. (Ord. 86, 12-7-1993)</i>			
Performance standards are not necessary prerequisites to issuance of a conditional use permit. <i>Simonson v. Marion County</i> , 21 Or LUBA 313 (1991). The above requirement is a performance standard, not a condition of approval, and compliance with it can be required through a condition of approval.			

Comment Number: 489	Category: 2	Status: B (Not Resolved)
MCC 6-6-7.H. <i>Allowance Of Certain Uses: A use allowed under section 6-3A-3 of this title shall be approved only where it is found that the use will not:</i> <i>1. Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or</i> <i>2. Significantly increase cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use. (Ord. 86, 12-7-1993)</i> Applicant is not required to address how the DEQ fugitive dust control plan will prevent changes in grazing practices or prevent significant grazing cost increases because there was no evidence in the Record that there would be a change in grazing practices/costs. The scope and depth of the Farm Impacts Analysis that Applicant is held to address depends on the scope and depth of the farm impact issues brought into the Record. The Board in <i>Gutoski v. Lane County</i>, in assessing farm impacts test, recognized that not all applications require the same level of farm impact searching inquiry: it qualified the inquiry to situations "when the parties dispute whether a nonfarm use will force a significant change to a particular accepted farm practice or significantly increase the cost of that practice <i>Gutoski v. Lane County</i>, 34 Or LUBA 219 (1998). Applicant is not required to expand its analysis to issues not raised in the Record.		

Comment Number: 490		Category: 2	Status: B (Not Resolved)
Topic: Land Use		CPA Reference: N/A	
Comment: Consistent with MCC 6-6-8-4.A., please provide a noise analysis consistent with the requirements of the DEQ noise rules and describe the effects of project noise on recreation within the BLM parcel.			
Preliminary Response to Comment (Nov 2022): N/A			
Agency Comment (Jan 2023): N/A			
Revised Response to Comment (Jan 2023): Noise Control is covered under ORS 467 and OAR 340-035. The portion applicable to mining is 467.120 below: Mining is exempt from the provisions of 467 except as noted (see red text)			
467.120 Agricultural and forestry operations; mining or rock processing. (1) Except as provided in subsection (3) of this section, agricultural operations and forestry operations are exempt from the provisions of this chapter.			
(2) As used in this section:			
(a) "Agricultural operations" means the current employment of land and buildings on a farm for the purpose of obtaining a profit in money by raising, harvesting and selling crops or by the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals, vermiculture products or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural operations or any combination thereof including the propagation and raising of nursery stock and the preparation and storage of the products raised for human use and animal use and disposal by marketing or otherwise by a farmer on such farm.			
(b) "Forestry operations" means an activity related to the growing or harvesting of forest tree species on forestland as defined in ORS 526.324 (1).			
(3) The following operations are not exempt from the provisions of subsections (1) and (2) of this section:			
(a) The mining or processing of rock, aggregate or minerals within one-half mile of a noise sensitive area, if:			
(A) The operation operates more than nine hours per day during the period subject to the daytime standards established by the Environmental Quality Commission under ORS 467.030; or			
(B) The operation operates more than five days per week.			
(b) Any mining or processing of rock, aggregate or minerals within one-half mile of a noise sensitive area during the period subject to the nighttime noise emission standards established by the Environmental Quality Commission under ORS 467.030. [1979 c.413 §2; 1983 c.730 §2; 1985 c.681 §1; 2005 c.657 §6]			
The <i>Noise Baseline Report</i> (Appendix B11) approved by the TRT as a part of the Consolidated Permit Application identifies two noise sensitive areas. These are noted as Site B to the SE corner of the PoO where mining operations will occur is approximately 6.1 miles. From Site D to the NE corner of the PoO where mining operations will occur is approximately 15.9 miles. Thus, the mining is exempt with the distance criteria above as it relates to the ORS 467. (more than one-half mile).			
6-6-8-4: MINERAL, AGGREGATE OR GEOTHERMAL RESOURCE EXPLORATION, MINING AND PROCESSING:			
<i>A. Submitted plans and specifications shall contain sufficient information to allow the planning commission to set standards pertaining to:</i>			
1. <i>Noise, dust, traffic and visual screening.</i>			
2. <i>Setbacks from property lines.</i>			
3. <i>Location of vehicular access points.</i>			
4. <i>Fencing needs.</i>			
5. <i>Prevention of the collection and stagnation of water at all stages of the operation.</i>			
6. <i>Rehabilitation of the land upon termination of the operation.</i>			
The items listed in MCC 6-6-8-4(A) are not standards or criteria because MCC 6-6-8-4(A) is a list of submittal requirements. "[S]ubmittal or pre-application requirements . . . do not constitute 'criteria.'" <i>Knapp v. City of Jacksonville</i> , 70 Or LUBA 259, (2014). Here, the list in MCC 6-6-8-4(A) provides context for guiding Applicant is the type of content to provide in its submittal plans but does not create isolated approval criteria.			

Comment Number: 491		Category: 2	Status: B (Not Resolved)
Topic: Land Use		CPA Reference: N/A	
Comment: Consistent with MCC 6-6-8-4.A., please assess the visual impacts of the facility on recreational uses on the BLM parcel and whether visual screening is required to mitigate impacts.			
Preliminary Response to Comment (Nov 2022): N/A			
Agency Comment (Jan 2023): N/A			
Revised Response to Comment (Jan 2023): 6-6-8-4: MINERAL, AGGREGATE OR GEOTHERMAL RESOURCE EXPLORATION, MINING AND PROCESSING: <i>A. Submitted plans and specifications shall contain sufficient information to allow the planning commission to set standards pertaining to:</i> <i>1. Noise, dust, traffic and visual screening.</i> <i>2. Setbacks from property lines.</i> <i>3. Location of vehicular access points.</i> <i>4. Fencing needs.</i> <i>5. Prevention of the collection and stagnation of water at all stages of the operation.</i> <i>6. Rehabilitation of the land upon termination of the operation.</i> The items listed in MCC 6-6-8-4(A) are not standards or criteria because MCC 6-6-8-4(A) is a list of submittal requirements. “[S]ubmittal or pre-application requirements . . . do not constitute ‘criteria.’” <i>Knapp v. City of Jacksonville</i> , 70 Or LUBA 259, (2014). Here, the list in MCC 6-6-8-4(A) provides context for guiding Applicant is the type of content to provide in its submittal plans but does not create isolated approval criteria.			

Comment Number: 492		Category: 2	Status: B (Not Resolved)
Topic: Land Use		CPA Reference: N/A	
Comment: Consistent with MCC 6-6-8-4.A., please assess the effects of project dust emissions on recreational uses on the BLM parcel, and whether the DEQ fugitive dust control plan will adequately address these effects.			
Preliminary Response to Comment (Nov 2022): N/A			
Agency Comment (Jan 2023): N/A			
Revised Response to Comment (Jan 2023): 6-6-8-4: MINERAL, AGGREGATE OR GEOTHERMAL RESOURCE EXPLORATION, MINING AND PROCESSING: <i>A. Submitted plans and specifications shall contain sufficient information to allow the planning commission to set standards pertaining to:</i> <i>1. Noise, dust, traffic and visual screening.</i> <i>2. Setbacks from property lines.</i> <i>3. Location of vehicular access points.</i> <i>4. Fencing needs.</i> <i>5. Prevention of the collection and stagnation of water at all stages of the operation.</i> <i>6. Rehabilitation of the land upon termination of the operation.</i> The items listed in MCC 6-6-8-4(A) are not standards or criteria because MCC 6-6-8-4(A) is a list of submittal requirements. “[S]ubmittal or pre-application requirements . . . do not constitute ‘criteria.’” <i>Knapp v. City of Jacksonville</i> , 70 Or LUBA 259, (2014). Here, the list in MCC 6-6-8-4(A) provides context for guiding Applicant is the type of content to provide in its submittal plans but does not create isolated approval criteria.			

Comment Number: 494		Category: 2	Status: B (Not Resolved)
Topic: Land Use		CPA Reference: N/A	
Comment: Please identify any proposed signs located on the BLM parcel and demonstrate compliance with MCC 6-7-2.			
Preliminary Response to Comment (Nov 2022): N/A			
Agency Comment (Jan 2023): N/A			
Revised Response to Comment (Jan 2023): Signage following MSHA standards will be posted on gate signs. Any signage will be consistent with MCC 6-7-2 and the MSHA standards.			