

June 29, 2011

RE: HB 4746 Senate Substitute

Dear Senator Casperson,

I don't like the concept of any industry being able to basically condemn private property. The question of property values being affected was raised - Betterly's taxes have been cut in half; our assessments were lowered, not sure of others in the area. I would certainly never consider buying our property if I were looking at it when VVQ was in operation - otherwise it is a lovely piece of property. Still not sure why the drive to line gravel hauler's pockets justifies destroying others lifestyle and investments? Hopefully when you finish with this bill before it leaves your committee, it will protect both the potentially impacted citizens and the owner/operators.

Looking at the Senate Substitute for House Bill 4746, I am curious to know what is meant on line 9, page 2 by "initial burden"? does that mean that after the initial contact, the burden falls on the taxpayers shoulders? Perhaps "initial" should be dropped. "Valuable" and "demonstrated need" need to be determined by the marketplace, not the person with a vested interest. The person could "expect to operate at a profit", if he believes there is a vein of gold under his property. It would seem that documented evidence (by a licensed reputable engineering firm) as to the type and volume of the resource would be more objective, particularly in the case of gravel. "In God we trust, all others bring data."

(4) refers to impact on pedestrian and traffic safety - what about impacts on the infrastructure, i.e. roads, bridges, etc? Is that part of (F) "The overall public interest..." Maybe it's time for those mining natural resources to start footing some of that bill. Who is responsible for restoration?

A definition of "the standards set forth in Silva" would be helpful. The industry keeps referring to it, but I'm not sure what they are? and rather they are in conflict with other points in the bill, especially when the Supreme Court found it in conflict with the Constitution. Why pass a bill if it isn't Constitutionally correct?

I'm not sure if I my proposal for an add-on to SB 470 is workable. It has to do with the 'serious consequences'. Moyle's operation is a good example: All of the operation in Sections 10 and 15 are, and always have been illegal - the only legal operation is in Sec 11. However nothing has been said about Sec 10 because there were no "consequences" - no complaints as far as I know. Because his trucks from the legal pit use the same road, truck traffic would not have been changed, noise was probably not much different than the legal pit and the work area is surrounded by tall trees so most people did not even realize it was taking place, and the zoning administrator's son worked for Moyle.

If the township could grade operations they could have better control of the most obnoxious consequences, which might result in them saying 'yes' more often:

- Class A - you may only extract; no stockpiling (this would eliminate a good deal of the noise, the most annoying of which is back-up beepers, as well as much of the dust)
- Class B - you may extract, and stockpile only materials from that location, on site
- Class C - you can "do it all"

Most of the 'consequences' are from the processing, not the extraction - even the blasting, unless it is frequent, which it is my understanding usually isn't. By sending the processing to a different, Class C site, you greatly reduce the dust, noise, and operations times in the more sensitive areas. Once again making it less objectionable to neighbors.

Thank you for taking the time to develop a bill which will meet the needs of all interested parties. I realize that time may be of the essence for the UP mining companies in your district, but better to take the time and get it right.

Sincerely ,  
Sally Santeford