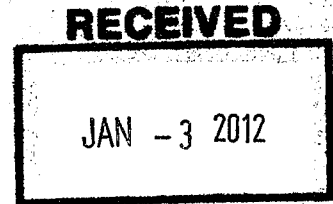


Tidewater Contractors, Inc.
PO Box 1956
Brookings, OR 97415



January 3, 2012

Curry County Board of Commissioners
PO Box 746
Gold Beach, OR 97444

RE: FINAL argument in favor of A-1104/AD-1106

Commissioners;

In listening to the many objectors of the project, it is obvious that there is a concern about Tidewater's ability to follow through on what has been proposed and to take the best interests of the river and local residents seriously. We have been accused of many things, not all of which are true or that have been greatly exaggerated for impact by the opponents of Tidewater and this project. Tidewater made mistakes in 2010, but DOGAMI also made mistakes that opponents conveniently ignore. This past history of the project was presented to the Board in 2011 and the Board instructed Tidewater to go back and resubmit an application to the Planning Commission, which we did. If Tidewater is to be put on trail, then all the facts should be examined objectively, not the one-sided and exaggerated statements from opponents. But, I really do not think that going back over old history that has already been reviewed before the Board will be useful at this time. Tidewater desires to continue working in Curry County and to supply the aggregate, asphalt, and concrete needs of the county to support its growth. Especially in these difficult economic times, it is important to preserve and create jobs in the county, not eliminate them or prevent access to natural resources that are needed for our growth. Without sources of high quality aggregate within the county, Tidewater cannot compete even locally.

The proposed mining project on the old mill site is a worthwhile project that will supply much needed gravel to support future growth in Curry County. As I have testified, it is not a long term gravel resource site, but it is nevertheless an important site that will provide high quality gravel for a good five years or more. Some have testified that because it will supply gravel for only a few years, the project should not be developed. If this project is not allowed, where will we get the aggregate we need? One opponent stated that "there are plenty of areas full of gravel to mine" but conveniently does not identify where these "plenty of areas" are. It is an easy statement to make, but there is no truth in it. Since the Rogue River has been shut down to mining of the gravel bars, the old mill site source is one of the last ones available because it is an upland source. Tidewater has a permit to mine on the Chetco River at 2nd Bridge, but only about 6,000 yards can be mined from that location each year. This amount is insufficient to supply the annual construction demands in the county. Tidewater needs sources for high quality aggregate, and river gravel is the only source in Curry County that can consistently supply this high quality aggregate. Upland

hard rock quarries are not, for the most part, suitable for the manufacture of asphalt and concrete.

Mining at the old mill site will not increase flow or cause increased flooding down the secondary channel as one opponent stated. The intake to the secondary channel is upriver from the area that will be mined, not adjacent to it as claimed. The final reclamation of the mine area will be such that the high water will spread out more, thus increasing the flood absorption capacity upriver from the area where the erosion problem exists. By increasing the absorption capacity, more water is retained in the mine area to slow the down-river flow and therefore somewhat reducing the erosion pressure down-river. This is a basic principle of river hydraulics and is based on fact, not exaggerations and misstatements that the opponents are throwing out.

The City of Gold Beach still has concerns for possible impact to their water intake. This is a concern that is not founded on any scientific basis or logical reasoning. It was stated in their last letter submittal that the intake is “protected” by a clay layer at a specific elevation, but specific details were not divulged. I checked the well completion records for the four test wells drilled at this location for the City of Gold Beach (CURR 233, 234, 235 and 236) and the well log revealed only gravel, cobbles, and sand. There was no indication of a clay layer at all. So where is this mysterious clay layer that “protects” the intake? A clay layer in a river environment will most likely be local and would not persist over a great distance. A clay layer, if it occurs in a river environment, will occur in the backwater area or over bank deposits and will be very small in area, especially in a confined river system such as the Rogue River. It sounds more like this is another attempt to block our mining project at all costs! Also, as a matter of interest, the test well #4 (CURR 236) was completed to 30 feet with 16-inch casing and had a recorded production of 2200 gpm with a 2.5 foot drawdown (cone of depression) after 24 hours of pumping. The stated concerns for the cone of depression reaching the mine area is therefore clearly untrue and only a fabricated objection to deceive the Board.

The City of Gold Beach also made some comments that suggested Tidewater actually has the intent to mine the entire parcel, not just the area of the DOGAMI permit. That acquisition is insulting and unjustified! DOGAMI, even though they are headquartered in Albany (not Salem as stated), they visit mine sites frequently to assure compliance. They also require that the permit boundary be surveyed and marked in the field prior to mining close to any boundary. To suggest that DOGAMI cannot do their job is a very low blow!

This project has gone through a long period of appeals after appeals that have cost Tidewater, the property owner, the state, and Curry County considerable time, money, and effort. It is time that all this is settled and we can get on with the project. It is clear that this is a “not in my back yard” type of argument. It is disappointing that many of the arguments I have to address are not based on any fact or reasoning, but are presented for their emotional shock value. Concerns that are presented are not real concerns, but are presented for one reason, to keep the project from happening. Some even admit that we need gravel to build our roads and other projects, but want us to find it somewhere else, or in other words, “not in my backyard”. It is time we work together for the betterment of

our county, not just our special interests. I urge the Board to affirm the decision of the Planning Commission.

Sincerely,

**Robert Elayer
Tidewater Contractors, Inc.**