



Wasatch County Council Meeting Minutes

Approved Minutes for April 22, 2026

The Wasatch County Council met in regular session live and on-line Wednesday, April 22, 2026, in the Wasatch County Chambers located in the Wasatch County Administrative Building at 25 North Main, Heber City, Utah 84032.

A video recording of the meeting may be viewed by using the Wasatch County Public Portal (<https://wasatchcout.portal.civicclerk.com/>) and selecting the desired meeting.

Agenda

Call to Order

1. Prayer/Remarks - Spencer Park
2. Pledge of Allegiance - Mark Nelson

Public Comment

Public comments will be accepted in-person or via Zoom Webinar. Please limit comments to three minutes. If action is necessary, the item will be listed on a future agenda. The Council may elect to discuss the item if it is an immediate matter of concern. Email public comments to publiccomment@wasatchcounty.gov.

Summary: There was no public comment in house or on zoom.

Call for Agenda Items

Summary: Councilmember Crittenden will have a resolution ready for the first meeting in May to declare May as Men's Mental Health month.

Councilmember Park wants to review potential ordinances about fencing to protect farming and agriculture in the county.

Consent Items

1. Approval of February 24, 2026 Minutes - Clerk/Auditor

Summary: There was an inter-local meeting held with Heber City. Consideration of February 24, 2026 minutes to be approved with item 2.

2. Approval of March 4, 2026 Minutes - Clerk/Auditor

Summary: County Council held a regular meeting on March 4, 2026

Consideration of minutes from March 04, 2026

Action Taken: Councilmember Park: Chair, I have read the minutes. I would like to make a motion to approve them in the entire consent agenda as presented.

Councilmember Bonner: I'll second the motion. The motion passed with the following vote:

Voting Aye: Colleen Bonner, Erik Rowland, Kendall Crittenden, Luke Searle, Mark Nelson, Spencer Park

Voting Nay: None

Board of Equalization

Action Taken: Councilmember Crittenden made a motion to go into Board of Equalization . Councilmember Searle seconded the motion. The motion passed with the following vote:

Voting Aye: Colleen Bonner, Erik Rowland, Kendall Crittenden, Luke Searle, Mark Nelson, Spencer Park

Voting Nay: None

1. Abate Taxes for Deleted Parcels Motion – Jerry Jones

Summary: We have been unsuccessful in collecting the taxes. As a result, these parcels are on the delinquent tax list for the tax sale, but do not exist. Five parcels need to have the taxes abated to be able to delete the non-existent parcel.

Action Taken: Councilmember Bonner made a motion that we approve the **abatement of these 5 deleted parcels as presented. Councilmember Crittenden** seconded the motion. The motion passed with the following vote:

Voting Aye: Colleen Bonner, Erik Rowland, Kendall Crittenden, Luke Searle, Mark Nelson, Spencer Park

Voting Nay: None

2. Late Appeal Parcel 00-0021-6315 – Jerry Jones

Summary: The late appeal does not meet the requirements of the administrative Rule. Denial of Late appeal request.

Action Taken: Councilmember Crittenden, made a motion to **deny the late appeal request. Councilmember Park,** seconded the motion.

Councilmember Rowland, Can you explain the reasoning? **Jerry Jones,** He didn't fill out the application, **Councilmember Rowland.** I just wanted it to be on record, he did not fill out the application for primary resident exemption.

The motion passed with the following vote:

Voting Aye: Colleen Bonner, Kendall Crittenden, Luke Searle, Mark Nelson, Spencer Park

Voting Nay: Erik Rowland

3. Low Income Abatement for 2025 / Parcel 00-0016-5626 – Jerry Jones

Summary: Applicant did not complete the 2025 application, the language barrier was such that she did not know that she had to apply every year. We used an interpreter to understand her concerns, and explain the requirements of the program. Approve a late (2025) low income abatement.

Action Taken: Councilmember Searle made a motion to **approve the low income abatement for 2025, parcel 00-0016-5626. Councilmember Nelson** seconded the motion. The motion passed with the following vote:

Voting Aye: Colleen Bonner, Erik Rowland, Kendall Crittenden, Luke Searle, Mark Nelson, Spencer Park

Voting Nay: None

4. Greenbelt Rollback appeals / Parcels: 00-0008-1500; 00-0010-2132; 00-0010-5127, 00-0020-6258, 00-0021-3521, 00-0016-8000, 00-0021-3522, 00-0021-3523 – Jerry Jones

Summary: The Assessors Office rolled back the greenbelt exemption for a handful of parcels during the review process. The taxpayers objected to the rollback and requested an appeal hearing. The hearing was held on April 7, 2026 with Randy Kelly presiding as Hearing Officer. Request for motion to implement recommendation of the Hearing Officer regarding Rollback appeals.

Action Taken: Councilmember Nelson made a motion that we accept the hearing officers recommendation on these three parcels. **Councilmember Crittenden**, seconded the motion. The motion passed with the following vote:

Voting Aye: Erik Rowland, Kendall Crittenden, Luke Searle, Mark Nelson

Voting Nay: Colleen Bonner, Spencer Park

5. Assessor Adjustment Parcel 00-0004-2411 – Jerry Jones

Summary: The property was physically measured in 2024, resulting in a GLA of 1,792. However, the sketch was not saved in the apex and was subsequently changed back to a larger square footage of 2,832 in 2025. The home has again been measured to verify square footage, which has now been sketched in apex and saved with a total square footage of 1,843 sq ft. The square footage for the home was reported incorrectly as 2,832 sq ft when, in fact, the home is 1,843 square feet. Councilmember Searle requested that the amount of tax change, \$1653.15, be on the record.

Action Taken: Councilmember Bonner made a motion to **approve the adjustment. Councilmember Searle** seconded the motion. The motion passed with the following vote:

Voting Aye: Colleen Bonner, Erik Rowland, Kendall Crittenden, Luke Searle, Mark Nelson, Spencer Park

Voting Nay: None

Summary: Councilmember Crittenden, made a motion to come out of BOE;

Councilmember Bonner, seconded the motion. The motion passed with the following vote:

Voting Aye: Colleen Bonner, Erik Rowland, Kendall Crittenden, Luke Searle, Mark Nelson, Spencer Park

Voting Nay: None

Council Items

1. Consideration of appointment and potential swearing in of a council representative submitted by the Republic Party – Erik Rowland

Summary: Councilmember Rowland, On April 1st, 2026, Karl McMillan announced during a regular council meeting that he needed to resign from council due to medical issues. A formal resignation letter was submitted to the county on April 2nd, 2026 and the county notified the Republic Party and County Clerk on April 2nd. The Republic Party submitted a recommendation to the county on April 20th, 2026.

To consider the appointment and potential swearing in of a council representative submitted by the Republic Party.

Action Taken: Councilmember Searle, made a motion to **approve the appointment of Michael Murphy for that council seat submitted by the Republican Party.** **Councilmember Crittenden,** seconded the motion. The motion passed with the following vote:

Voting Aye: Colleen Bonner, Erik Rowland, Kendall Crittenden, Luke Searle, Mark Nelson, Spencer Park

Voting Nay: None

2. Discussion and Consideration of County Council Chair and Vice Chair appointment – Dustin Grabau

Summary: With the resignation of Chair McMillan, Wasatch County Council needs to appoint a chair and vice chair to conduct business.

Action Taken: Councilmember Bonner made a motion **that we just move Erik, who has been the vice chair to the chair of the county council.**

Councilmember Crittenden seconded the motion. The motion passed with the following vote:

Voting Aye: Colleen Bonner, Erik Rowland, Kendall Crittenden, Luke Searle, Mark Nelson, Spencer Park

Voting Nay: None

Summary: Councilmember Park made a motion **that we would have Luke be the Vice Chair for the remainder of the year.**

Councilmember Bonner, seconded the motion.

Voting Aye: Colleen Bonner, Erik Rowland, Kendall Crittenden, Luke Searle, Mark Nelson, Spencer Park

Voting Nay: None

3. Discussion and Consideration of a recommendation for MIDA Board Appointment – Dustin Grabau

Summary: With the resignation of Karl McMillian, Wasatch County has a vacant seat on the MIDA board. The interlocal agreement requires the County to recommend a council member to the Governor's Office for consideration about adding to the board. Which council member would the council recommend for appointment on the MIDA board?

Action Taken: Councilmember Nelson, made a **Motion that we appoint Erik Rowland as the MIDA Board recommendation.**

Councilmember Park, seconded the motion. The motion passed with the following vote:

Voting Aye: Colleen Bonner, Erik Rowland, Kendall Crittenden, Luke Searle, Mark Nelson, Spencer Park

Voting Nay: None

4. Discussion and Consideration of Trails, Arts and Parks Tax Grant Recommendation – Alese Overly

Summary: The Wasatch County TAP Tax Board holds yearly cycles where organizations can apply for funding for trail, art, or park related projects within Wasatch County. The board received and reviewed 24 applications for the Spring 2026 cycle and recommends 18 applications be granted funds. Also presented is data collected over the last three years including number of applications, reoccurring vs new applicants each cycle, and funding per category. To review the recommendations from the TAP Tax Board for the Spring 2026 grant cycle.

Action Taken: Councilmember Park made a motion that we go ahead and **approve the recommendations from the TAP Tax Board with conditions as outlined in the presentation.** **Councilmember Nelson** seconded the motion. The motion passed with the following vote:

Voting Aye: Colleen Bonner, Erik Rowland, Kendall Crittenden, Luke Searle, Mark Nelson, Spencer Park

Voting Nay: None

5. Discussion and consideration of contributing to Wasatch High School CAP Scholarships – Luke Searle

Summary: Wasatch CAPS has requested that Wasatch County consider funding five \$1,000 scholarships for students. It is recommended that if the council supports this request, the council discretionary line item be utilized. Should Wasatch County contribute \$5,000 to Wasatch CAPS scholarships?

Action Taken: Councilmember Bonner made a motion **that we contribute to the Wasatch CAPS scholarship fund in the amount of \$5000, which is five \$1000 scholarships for the students of CAPS. Councilmember Nelson** seconded the motion.

The motion passed with the following vote:

Voting Aye: Colleen Bonner, Erik Rowland, Kendall Crittenden, Luke Searle, Mark Nelson, Spencer Park

Voting Nay: None

6. Discussion and Direction of potential future County Park Projects – Dustin Grabau

Summary: Wasatch County secured a grant to do a study on three park projects. The projects are (1) Veterans Memorial Park, (2) A new park east of 2400 E and roughly 500 S, and (3) A new park located in the Ranches at Farm Meadows Subdivision on the east side of 2400 E and roughly 2200 S.

The county contracted with Consor Engineering to design these parks in conjunction with county staff and a subcommittee of County Council Members. The consultants and staff seek input from the council on the current concepts. Next steps include a public open house on Tuesday, May 19th, from 5:00–7:00pm at the Recreation Center to get public input. Additionally, staff would like to coordinate with Heber City on the potential realignment of 600 W for the Veterans Park concept.

What input does the council have on these park projects?

Council/Board Reports

Summary:

Councilmember Nelson reported that Heber Valley Tourism Economics Development has hired a consultant to revise the destination development and plan for Wasatch County. The last plan was made in 2021.

Councilmember Bonner reported that the retaining wall for the train is going to be fixed this summer. June 8th, 2026 North Pole Tickets will go on sale. The train is looking for a skilled mechanic.

Councilmember Crittenden, Interlocal planning meeting, good reports from different jurisdictions, a lot going on in our county. The county had an outstanding report from MIDA. There are a lot of things going on up there, it's moving fast and a lot of benefits are coming to the county.

Councilmember Searle attended a library board last week for some good discussions. There was a speaker series for the America 250 celebration.

Manager's Report

Summary: County Manager Grabau, Council I would like to go back to item #6.

Closed Session – as needed

Closed sessions may be held in accordance with Utah State Code 52-4-205 to discuss the following: Purchase, Exchange or Lease of Property; Pending or Reasonably Imminent Litigation; The Character, Professional Competence, or Physical or Mental Health of an Individual.

Summary: Councilmember Rowland asked if there is any reason to go into closed session?

County manager Grabau advises that we could go into imminent litigation.

Action Taken: Councilmember Bonner made a motion to go into closed session for pending or imminent litigation. **Councilmember Park** seconded the motion. The motion passed with the following vote:

Voting Aye: Colleen Bonner, Erik Rowland, Kendall Crittenden, Luke Searle, Mark Nelson, Spencer Park

Voting Nay: None

Public Hearings 6:00

1. Jackson Engineering requests a Conditional Use Permit to relocate a sewer lift station to a new site in the Stillwater Master Association open space at approximately 1350 West Rail Trail Road (just north of the Stillwater development and south of the Keetley Road intersection) on the east side of the Rail Trail Road. Legislative approval is required for any development in the platted open space. (DEV-11805) – Doug Smith

Summary: The proposal was initially located within the public right-of-way of the Rail Trail Road, south of its intersection with Old Keetley Road and north of the Hailstone at Stillwater Phases 1 and 2 subdivisions on the west side of the Rail Trail Road. At the JSPA planning committee meeting held on February 24th, the JSPA planning committee continued the item to the date of March 26th and asked the applicant to look into moving the lift station to the east side of the road to an area that would be less conspicuous than the proposed site. The new location would be in the Stillwater open space area, outside the right-of-way and would meet the setback requirements.

Whether the application meets the standards required by Wasatch County Code (WCC) 16.23 for approval of a Conditional Use Permit allowing the relocation of a sewer lift station and if the proposal meets code requirements. The Conditional Use Permit for this proposal is approved by the legislative body due to a note on the open space plat that any development in the open space has to be approved by the County Council.

Action Taken: Councilmember Crittenden made a motion to **approve the conditional use permit as has been presented in this hearing and with findings and conditions.**

Councilmember Searle seconded the motion. The motion passed with the following vote:

Voting Aye: Colleen Bonner, Erik Rowland, Kendall Crittenden, Luke Searle, Mark Nelson, Spencer Park

Voting Nay: None

2. Consideration of Ordinance 26-05 which amends sections 16.02.06 and 16.02.09 regarding the same or similar applications from being submitted that have formerly been denied. – Doug Smith

Summary: The County has had applications submitted that are the same or similar proposals on the same property as a previous proposal that was denied.

The current code does not set a time frame for when a reapplication of a similar project on the same property or a similar land use application can be resubmitted. Without this time frame as part of the code, the same or similar applications can be made indefinitely, creating extra work and frustration for the applicants, staff and elected and appointed officials.

The proposed code sets a time frame of four years before a similar re-submittal on the same property, or a land use regulation or application can be applied for.

Whether or not ordinance 26-05 should be adopted, it would not allow a duplicate application to be processed after a denial for a period of four years.

Action Taken: Councilmember Park made a motion that we **approve Ordinance 26-05 amending sections 16.02.06 and 16.02.09 with all the conditions and findings.**

Councilmember Bonner seconded the motion. The motion passed with the following vote:

Voting Aye: Colleen Bonner, Erik Rowland, Kendall Crittenden, Luke Searle, Mark Nelson, Spencer Park

Voting Nay: None

3. Discussion and possible recommendation of a proposed ordinance adding new language to 16.21.36 entitled, "Illegal or Non-Developable Lot Creation and Correction". The purpose of this section is to provide options to rectify illegally created parcels. – Doug Smith, Jon Woodard

Summary: Wasatch County will issue building permits on only two types of lots. A building lot either has to be a lot of record, sometimes referred to as a "grandfathered" lot, or a lot in a platted subdivision. If a lot is not one of these two, it is considered to have been illegally created unless it is an agricultural split for agricultural purposes, which does not allow a building right unless further approvals are obtained. Discussion whether code section 16.21.36 should be amended to add language to allow options to rectify illegally created lots.

Action Taken: Councilmember Park made a motion that we go ahead and **approve this proposed ordinance for the new language for 16.21.36 entitled illegal or non-developable lot creation and correction, with the conditions and findings.**

Councilmember Nelson seconded the motion. The motion passed with the following vote:

Voting Aye: Colleen Bonner, Erik Rowland, Kendall Crittenden, Luke Searle, Mark Nelson, Spencer Park

Voting Nay: None

4. Discussion regarding expansion of vested mining rights for Maverick Rock located at Daniel's Canyon – Marverick Rock & Alex Stoedter Deputy County Attorney & Doug Smith Wasatch County Planning Director

Erik Rowland: Next item on the agenda, Discussion regarding expansion of vested mining rights for Maverick Rock, located at Daniels Canyon. We will start with Maverick and have Alex Stoedter go second. Do you have a representative? Thank you

Chair Rowland and Councilmembers I am **Denise Dragoo** I am with the law firm Snell and Wilmer, and I represent Maverick Rock. And Maverick Rock is here to seek the expansion of their vested mining rights, and they've been here before (LOL) Expansion of vested mining rights under the state statute requires two things. First- A notice and second a hearing and a notice was submitted February 2025 and at that time pursuant to statute. Maverick identified the parcel indicated the parcel had a vested mining right and a requested a public hearing and the council denied the request and so that was now a matter of it's been contested, we've spent I think over a year now contesting that. So, we now have an order, so we are coming before you today, but not only with notice but also with an order dated April 3 from Judge, Mabey State District Court Judge and she explain the process

Denise Dragoo – the parcel indicated it had a vested mining right and a requested a public hearing and the Council denied the request and so that was now a matter of it's been contested. We've spent, I think, over a year now contesting that. So, we now have an order, so we will come before you today but not only with notice, but also an order dated April 3 from Judge Mabey State district Court Judge, and she explains the process if you look in your packet her findings and orders I think in your packet. Paragraph 42 that order provides the process for mine operating to expand investing mining use to new land discover vesting mining use statute. The statute dictates upon receiving notice of the mine operation it extends to expanding legislator body.

Shall hold the public meeting or hearing at the next available meeting. That is more than 10 days of receiving notice. That would be today, so we are back again the notice is in your packet dated February 28, 2025, and that notice explains Maverick's intention to expand its vested mining rights on a parcel located near State Road 40 on Parcel, a might should be a parcel of 426 acres. I'm not going to give you the ID# and a Maverick seeks to hold a public hearing on that expansion. And tonight is the public hearing. We invite the public to comment on that. Just I note in terms of presentation of the Public the Statute requires that the Public Provide Clearing convincing evidence.

Of imminent danger. To Public Health and safety and welfare. If that type of evidence is not presented, then mining can proceed. In this case Maverick has its state mining permit, it has its state air quality, and state water permits and it's read to proceed with that We will let the public comment. Thank you.

Erik Rowland – Alex or Doug

Doug Smith- I don't want to be redundant anything attorney Dragoo said, but let's go through some things quickly. As you are aware, state code allows best of mining use, to move a vested mining use to another area and extend it and expand it. If it's part of the same mineral trend. And so that's what's in front of you today, is mine. I believe in Goshen brings in up here to Hwy40, Daniels Canyon because it's the same geological off shoot or same mineral trend and as was mentioned, um a public hearing or public meeting. Um the

mine operator may expand the best mining use to a new lane and out any action buying applicable legislature body unless there is clear and convincing evidence in the recorded that the expansion to the new land will Immensely endanger the public health safety & Welfare, so this is the area (see attached map) being proposed if this was going through, the typical process it would be a conditional use as per code 16.27.35 Which we have regulations on gravel pit & mining operations. It's in the P160 zone (Map) This property Here 476.54 acres. That is the correct acreage. 426 I'm sorry. There is a FEMA regulated flood plain in this area and I'm the flood plan administrator they will need to work with me on a 4. development permit. I wanted to point out on the right hand (Map) from their application side to oil, gas department mining???

State Application we got a burn there proposed to keep anything going into the creek, and they also got 18 acres will stockpile. Crushing & Equipment on the Southwest side of the Creek. Um Honestly, I'm not sure exactly where the area is. Where will mine be. These are shots in the general area from Hwy 40 google street view image looking West & looking east. This is the declaration of best of mining use. This is the one recorded in Wasatch County, and it outlines the three parcels tax ID #'s and acreage. And then this is the declaration invested in mining use. Recorded in Utah County towards the other I think is called the Ekins mine. And the parcels are on. This is that department of oil, gas, & mining application for the site up Daniels Canyon you can see some of the statements made in the amount of material being extracted is being one million tons per year. Their crushing, screening, stock piling, jaw, cone I'm not sure what those are bare maximum depth of excavation to be determined 2 to 1 slop one the excavator area. Proposing to widen an existing road. Not sure if that is Hwy 40 or if it's internal roads. And the total project site area was disturbed by 18.8 acres. (see attached Power Point)

Erik Rowland: Shouldn't that have been to Clearfield.

Colleen Bonner: yeah, that's what I was wondering, when it says widening existing road

Doug Smith Well, anything done through Hwy 40 is UDOT. UDOT applications with

them. **Kendall Crittenden:** How's the disturbed area only 18.8 where the property is 426 it's going to be a hole in the ground.

Doug Smith: That's probably a question for them. This is part of the picture **DOGM** application. And site location This is from I think part of the dept oil, gas, & mining. This is water quality talks about the SWPPP permit they will be doing. This is the court order. Do you want to go through this Alex?

Alex Stoedter: Alright Council, thank you. So yeah, this is the court order from Judge Mabey. You can go ahead and skip the end. That's basically explains why we are here today. We disputed their interpretation of the statute. And we went to the District Court and the court ruled against us and ordered we have the public hearing today. So, you know I would like to mention a few things particularly about this code. That is before you today, I think it's important for You to know, you do have authority here & a duty, it does allow the expansion a lot of that we are

disputing in court. Ony if it doesn't create an immunity risk of harm to the public safety health and welfare. And I can say public welfare defines pretty broadly to the community wellbeing water air quality noise dust and degeneration of resource.

Alex Stoedter: As far as emissions are concerned, something that's likely to occur and I think is pretty clear, they plan to begin this mining operation soon as they get through this process. So, um you do have the ability if the evidence shows by clear and convincing evidence that there is imminent danger to public & Health, safe and welfare, to have them come back in 30 days. Provide more of a plan of what they are going to do Give you more details they can then respond was they are going into mitigation some of the concerns you may have. If you can move forward here Doug. So, this is a letter for Doug Hawkes he works with Applied Geotech. We asked to look at this proposal site, for a number of reasons, we wanted to see this is actually the same mineral trend. I won't go through all of this because it's been litigated. I think one of the most important things is he mentioned this blue limestone, that their mentioning the same mineral trend . Between these two sites transfer this mine from Utah County that is around 40 miles away to our jurisdiction and go around our conditional use processes. They both have the blue lime stone, his report talks about how that blue lime stone is @ the Daniels Canyon site about 7,000 feet below grad and in January @ the hearing before Judge Maybe, Marty who is the head Maverick Rock testified they intend to get that blue lime stone, when they can mine on this site. Move forward a little bit. These are Doug Hawkes's letters he sent to us, and they were provided to them when we first looked at whether we were going to put them on the agenda. This is an attentive approval got from DOGM you'll notice it's an alternative approval It requires them to do a culture survey and get approval with exception surely. It's not approved, it's tentative approved. If you'll go forward Doug so this is the code I'm talking about. This is what you would have to find, and we will talk about public welfare, water, environment, community care. When I talk about what Doug Hawkes Said about 3,000 to 7,000 Feet (picture) that's Kennecott. So, what I can see is that about 3900 Ft. So, this would be if there really intending as he testified to get to that blue limestone, it would be significantly larger than Kennecott.

Spencer Park: There going to sea level. Obviously, there's a dispute about the depth, but we won't really know until they start digging but that's what our experts estimate was. And I think it is worth noting that he testified the most they've ever dug underground they're more of a mine service. My company is 300 to 350 ft. So, the idea of they may potentially being bigger than Kennecott going into that an area I think would cause concern for the Public Welfare, and safety, you can go ahead Doug. So, these are some of the things in the record. I think you can look at to saying there is clearing convincing evidence an immediate danger of Public Safety, Health and Welfare, would require us according the code, to have them come back and show their plan and then we can go from Mitigation from there, and i mean the changed, going to be immediate. It's Immediately going to change topography, vegetation, removal disturbing the land, there's that creek that's part of the flood plan that Doug mentioned. That's going to be right there, and I think there's clearly, its common sense, there is going to be harm to the creek that flows down the county & affect a lot of our citizens you represent with potential contamination and things like that. So, I think all of that is clear and convincing evidence, there's a potential for immediate for public welfare and safety of the county citizens, so if you look just so It's clear, the process. Do you have the code Doug the

30 days (?) so right here is kind of the path forward so if you find or make a motion that there is evidence in the record to show there's imminent danger to public safety and health and welfare, then they would have to 30 days to submit their operator plan for expansion. And then 30 days after that. Once we get that we have to provide them evidence that the new land will endanger the public, health safety and welfare, which is kind of interesting way they've written this statute, because we have shown the imminent danger, to get to this, then it just says we provide the evidence as well and then we provide proposed measures mitigate those dangers to Public Health Safety & Welfare then we have another hearing in 30 days. You can impose those mitigation measures as long as they're reasonable and

don't exceed what the state requires and so that's kind of the path forward. If you were to find that. Based on what's been presented, but that if you have any questions.

Colleen Bonner: I have one about access onto that Utah Highway, they would have to get a permit from UDOT, right, but your moving gravel which helps out the trucks all the time. What does that do, and I guess that is a UDOT question. Is how are they going to handle it?

Alex Stoeder: Ya, I don't know.

Kendall Crittenden: That's part of the imminent damage.

Colleen Bonner: Yeah, that's what I'm saying, the one down here going out of town, rocks on the road all the time. When there's construction projects. I'm just wondering what that would look like coming out of Daniels Canyon with UDOT.

Alex Stoeder: Yeah, that's an area of concern.

Colleen Bonner: If they have any permits yet.

Alex Stoeder: I'm not aware of the UDOT permitting process, but yeah that's an area of concern. It's going to be a large increase in traffic in that area through the creek.

Colleen Bonner: Pretty dangerous coming in and out of the canyon that's just one concern I have.

Erik Rowland: As far as the information been provided there's a mention of a plan, what has been submitted so far? As far as demonstrating what the plan is in its current state without going into danger, health and safety. What has actually been provided documentation.

Dustin Grabau: I believe Doug presented as far as DOGM. **Alex Stoedter:** So, there's DOGM permits.

Dustin Grabau: DOGM is the Division of oil gas and mining.

Erik Rowland: Is that the extent of what's been provided.

Dustin Grabau: As far as I'm aware of.

Alex Stoeder: That and I mean they testified at the hearing their planning on going to get the blue limestone, their operator plan outside of that we have not received.

Erik Rowland: Okay, that's my question considering if there is an attempt to quarry to propose what the plan is to help mitigate any potential harm to the environment for the public, nothing of that has been provided yet.

Alex Stoedert: No, and so that when you make that finding that's something your car require of them under that code.

Erik Rowland: Unless there are any other questions from the presenter or the County we can move to the public comment period.

Luke Searle: I have a question, just generally before this law passed normal expansions of something like this would go through a conditional use process.

Alex Stoeder: Yeah

Luke Searle: and we just experienced that a couple of months ago or was it just when we were adjusting our code?

Doug Smith: (inaudible).

Luke Searle: We did adjust a new code, and we were working so we could find reasonable, yeah code they made sense for the community and for those that are mining so going through that process was something that happened before this.

Alex Stoeder: Ya, and that is a process to go through mine in the P160, but this statute is an attempt to get around.

Mark Nelson: I have a question, was the word trend.

Dustin Grabau: Mineral trend.

Mark Nelson: Is this um distance and just kind of application typical usual or

Alex Stoeder: Well, I think this is something we litigated, our position is intended that it's for expansion of contiguous land not 40 miles away in a different jurisdiction and we presented these arguments in district court, preserve those and plan to appeal, yeah we was not successful in the district court on making those arguments. We think this is very unusual to be transferring not only the distant, but the jurisdiction because that jurisdiction is Utah County, Wasatch County voters had no say, this mine coming here under the statute.

Dustin Grabau: If you recall when we made that code amendment, one of the other mine operators indicated that was an unusual stance.

Luke Searle: Right, and then again going through that process trying to find what makes sense I think in a similar area, or we were talking about somewhere else in a similar area that would ensure that we can take care of the public health, safety, and welfare kind of situation. I think we would be welcome to go through.

Luke Searle: That process that we had before.

Erik Rowland: Any more questions? We will have public comments and lengthy conversations.

Desiree Dragoo : I think the standard that was presented by Alex is incorrect the interment danger to health and safety is actual defined at 40-8-4 and that's Utah mining regulations app provides interment danger to health and safety of the public means the existent of condition or practice or violation of perimeter requirement of this chapter in a mining operations which can condition practice or violations could reasonable expect it to cause substantial physical harm to persons outside the permit area before the condition practice violation can be abated. And that's really not in the nature of a conditional at the type of a harm to be addressed by a conditional use permit (a) in fact the attorney for the county has just filled this week with the court of appeals made the following observations although the vesting mining used statutes this is a quote to allow the country to oppose navigation requirements, the county may only do so upon finding (quote) by clear and convincing evidence in the record that the expansion to new land will eminent endanger public health safety and welfare. There's a significant difference between the fact the County consider for a conditional use verses effects that quote, unquote endanger public health safety and

welfare former and broader and allow the county to consider effects that might not qualify as immanent dangers slipping disability environmental harm and destruction visual amenities are all examples of harm to public, safety and welfare that might not eminently results for the contemplated use. But those effects may be experienced after some delays so harm has to be imminent has to be something that could not otherwise be addressed in the conditional use permit process, so it's not the same conditional use process at all, that's the position of the county.

Dustin Grabau: Do you mind, can you clarify the code reference 48-4

Desiree DruJoo: 40-8-4 sub print 16 sub print A

Dustin Grabau: So, what you saying is that definition subsection 16A so you feel like if the Council found a violation could be a violation could be reasonably expected to cause substantial physical harm to a person outside permit area.

Desiree Dragoo: Right

Dustin Grabau: That would qualify under the statue.

Desiree DruJoo: That would be the definition that's applied to the Utah mine land recommission.

Dustin Grabau: So that would apply to this consideration.

Desiree Dragoo: Right, exactly

Dustin Grabau: Just checking

Desiree Dragoo: And then in terms of the plan, the plan is only submitted if the finding of endangerment it's a very high bar and at that point the operator comes in provides a mitigation plan and then the county and operator work together and submit that mitigation plan to the public for review so, a but once again it's a very high bar its not simply a matter and by the way clear convincing evidence, there's been no evidence there's been no evidence presented by the County in that regard, I don't think its clear convincing Thank you.

Mark Nelson: Mr. Chairman, will you allow me to draw something on the board.

Erik Rowland: Do you want to do it now or after public comment?

Mark Nelson: We could after public comment.

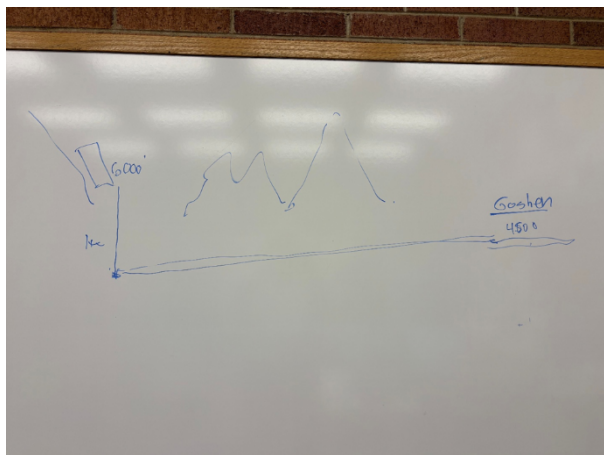
Erik Rowland: Public comments will probably take up to 10 seconds; K We will go ahead and open it up to the public anyone here that wishes to address this matter, state your name and limit your comments to two minutes.

Dustin Grabau: There are no hands raised online chair.

Erik Rowland: Chair check we are done, we will now turn back to discussion, Mark.

Mark Nelson: see drawing attached (in audible)

<https://www.undrr.org/understanding-disaster-risk/terminology/hips/tl0307>



Colleen Bonner: A surface mine, right?

Kendall Crittenden: How deep is the blue limestone there?

Mark Nelson: 7,000 ft. down (in audible)

Mark Nelson: Back at his mic and that's what the statue allows, I'm just trying to understand

Spencer Park: and then there doing this at 18.6 acres or something or a very small Kennecott man, it was very interesting to see the picture of Kennecott.

Erik Rowland: Sir, state your name

Marty White: I'm the owner of Maverick Rock; the reason we start off to answer your question with a small mining permit very common in the industry throughout the state of Utah. We will then go to a large mining permit which will cover the 426 acres.

So right now, that permit is now tentative, until I have a check right here after proceedings. Tonight there's no evidence brought forward any harm and danger any safety, so we will have permit tomorrow back to the question it was ruled by Judge Maybe there's great blue limestone right out here at the AL crop Aimes is cutting on SR 18, It was ruled in court of law. So, whether the county brings up a report from Doug Hawkes, didn't prove to be credible in a court of law saying its down 7,000 ft and then we change and horse a picture of Kennecott, it's not what we are trying to accomplish here, we feel the great blue limestone as well as manning canyon shell on courtside are at or near the surface of this mine, very similar mine so to go in a kind of get some miss contusions on what we are trying to do here and putting a picture of Kennecott that we are going down to the sea level in accurate.

Kendall Crittenden: Where did the 7,000-peak come in?

Marty White: it's the county's hired geologist opinion, so I just want to clarify that if you have any other questions. I'll be happy to answer them for you

Colleen Bonner: What about UDOT question?

Marty White: Oh, UDOT we have our engineer here Karvan, we have our UDOT permit intact already, I'll let him speak to it.

Mark Nelson: Before you do that, I have a question for you.

Luke Searle: Before we do that, why would you be opposed to going through a conditional use permit to be able to understand insure if we believe there is an issue, health safety, and welfare for you to go through a process to insure the mine you're going through impact our community impact everybody through that process why are you opposed to do that?

Marty White: Well, the state allows us to expand our invested mine for the reasons we've

talked about. Geological off shooter mineral trend, both of them apply in the expansion.

Colleen Bonner: Wouldn't you want to be a good neighbor to the community you're going to be building in?

Marty White: Absolutely we want to be good neighbors, we're not here to not be good neighbors. We want to work with the community we've asked to work with the community. Over 400 days ago, I walked in with a letter, and I sat down with the staff to be a good neighbor and offered up our opinion offered plans that we were going to take 400 days later and about, I don't know, millions of dollars to our detriment we're sitting here today, we are good neighbors, we run active lines.

Mark Nelson: So, many questions were, what are you doing, you are going to call it that, and it is going to be that, that this operation in Daniels Canyon is an expansion of this mine?

Marty White: Goshen existing mine right now, okay, gives us the rights to expand to the same mine rails we have on our mine which are the great blue lime stone which is calcium carbonate manning, canning shell which is alumina, we mine those in our mine right now, it's not that our mine is similar you know to the point it's 40 miles away 28.6 miles away we have the similar with those same minerals allows us to expand state allows that.

Mark Nelson: So, the answer to my question was no, you answered no right?

Marty White: What was your question again?

Mark Nelson: Is this mine an expansion of this mine? And I think you said no.

Marty White: No, it's an expansion we have the right to expand our mining because it's similar, we are not expanding the Goshen to the Daniel site. No, we have the ability to do that cause we have similar minerals.

Mark Nelson: So, if you could have bought land here on Main Street You could do it there?

Marty White: Yes

Mark Nelson: What a great Law.

Colleen Bonner: Alex, doesn't it say something in there about contiguous to US land.

Dustin Grabau: No, it's not clearly identified.

Alex Stoeder: I mean we've made arrangements about that.

Colleen Bonner: I thought I read that somewhere in there.

Alex Stroder: As far as the definition, Ms. Dragoo for immediate health and danger and safety. I think that definition would still apply but I would also note the definition this code we are talking about, talks about health, safety and welfare. The definition under 40-8-4 doesn't mention welfare at all, that's just for safety only. The code is broader than that and includes welfare which is very broad. Which I think is the legislator's way of allowing you to mitigate some more concerns than just immanent depths or something like that, so I think it is broader than what they're talking about. I just wanted to clarify that.

Spencer Park: Can you clarify the 30-day thing we talked about earlier.

Alex Stoeder: Yes, if you could show that, if you make the finding of informant danger to public safety, health, and welfare and then in 30 days then they have to submit their miner operator plan for expansion and then 30 days after that reliable and not beyond what the state requires, then it goes forward.

Erik Rowland: So, a few questions, I'm not sure if it's right for you to answer, or either Marty or your representative, so my first question is just to clarify your intent is to mine in the blue

lime shell (stone I'm sorry) right, if you would come to the mic because we can't pick up amenity noise to go on record.

Marty White: Are intent yes to mine the great blue limestone, as well as quartzite as well as aluminum shell, manning canyon shell. What's unique about the ability to go in and expand our mine is we can expand another mineral we find. Okay, the mine we have in Goshen gives us the right to go into expand our mine.

Erik Rowland: Okay, then that's where we can start, and I apologize we are at least for myself.

Marty White: Sure

Erik Rowland: I'm very new to this, so explain that more, so you have the right based on what's been permitted, based on your application states right now, do you have to specify what minerals? That you're seeking that you're trying to mine.

Marty White: Do we have those minerals?

Erik Rowland: No, no as part of the permitting does it need to define what justifies your rights to come here to seek those minerals do you need to specify what those minerals are.

Marty White: Yes, we did that in front of district court judge.

Erik Rowland: And that included the blue limestone.

Marty White: That included it yes.

Erik Rowland: What else did it include?

Marty White: Manning canyon shell and quartzite.

Erik Rowland: Okay, is there a process as part of this mining application to process the mining exercise and if you don't find those minerals, is there some kind of audit, some kind of process that says you're not finding any of this, your mines not justified.

Marty White: No, not necessarily, okay we have to be able to go into extract to go in and explorer, right now we can't do anything okay, we go in and explore and dig and dig and find anything we might abandon the site and move somewhere else we claim it.

Erik Rowland: So how do you know it's there now? Have you done.

Marty White: All of our experts, and one thing we haven't talked about our experts were found very credible with a Judge Mabey , district court judge, we have Scott Ritter for example has a PHD pf geology of BYU. Okay, 42 years he's taught geology he's probably renown in the state of Utah if not the Western United States of America as the forward expert on minerals.

Erik Rowland: We're not going to question; that's not a path I think we want to go down.

Marty White: K.

Erik Rowland: Who's Ritter

Marty White: I'm putting you asked a question?

Erik Rowland: Have you actually done the survey, you are convinced that there is.

Marty White: I am convinced that there is great blue limestone at or near the surface it is, you can see it right now if you were able to drive 5 miles down the road on the cut of 189 you can see an out crop of blue limestone rock.

Erik Rowland: Can you walk us through of what you did that verified there was actually mineral you are searching for what did you do exactly?

Marty White: Well

Desiree Dragoo: I object

Erik Rowland: I don't think you can object, this is not a court of law.

Marty White: I can answer, Strata graphic columns are used readily in geology, okay, in these studies okay, these Strata graphics columns will go in and show mineral trans different types geology different formations tied in with age pressure you know, thing that were creator 60 million years ago 100 millions years ago it is readily available. One item we use regularly in our field is the USGS survey which has published that you are welcome to go online looking at it, it will show different minerals and where they are located, that's the type of information we use.

Erik Rowland: Okay, more questions, upon receipt of any approvals your intention is to start mining immediately as far as your timeline.

Marty White: Yes

Erik Rowland: Okay, whenever we look at and again this unusual only from the perspective of how this approval process is presented because it falls very outside of the norm when we look at other approvals generally when every there is a development there is very comprehensive plans that are presented it says this is how we are going to execute it upon this development how we are going to make sense things are safe this is how we are going to address concerns. I guess our concerns none of that has been done, and I understand that maybe you're not required, because I'm guessing the state doesn't require you to do that.

Marty White: The state where Governor and regulated by a divisional gas and mining where governor by M-Shaw mine safety and health administration by air quality, water quality we have to be able to provide in gras and egress that's safe if not only two our customers but to the public we have to have UDOT permits that allow us to come off Hwy 40 into our mine to ingress and egress , so are we regulated? We are probably the most regulated operation in the State of Utah Do we have a plan right now, set forth that we can show you guys detail every little step from 1 to 10,000. We have to do certain things in our business to be able to go in an identify different Stratis different ages different minerals how we are going to put our mine plan together that's why we are starting off with the small mine permits and have it grow into a large mine permit which is very detailed and very cumbersome.

Erik Rowland: So initial

Kendall Crittenden: So how many acres is that small mine permit you said earlier.

Erik Rowland: 18-19

Kendall Crittenden: What is it?

Spencer Park: 18

Mark Nelson: 18

Erik Rowland: So right now, it's really just to explore the site to confirm where the mineral is and what minerals you have that etc... and kind of go from there.

Marty White: Its to expand our mind that's what we're doing.

Kendall Crittenden: Marty, are you saying we're getting the 18 acres now?

Marty White: That's what we're starting with, yes.

Kendall Crittenden: But you said that's a small mining permit.

Marty White: That's

Kendall Crittenden: Let me ask the question before you know who needs to answer it, you said we will expand that to a large mine permit, I'm assuming intel's of hope 426 acres, but surprisingly you showed Kennecott that's what we are looking at if you go to the 426 your going to open up the whole 426 acres because Kennecott sitting on that hill side up there.

Marty White: Kennecott is a large mine permit we will go seek a large mining permit.

Erik Rowland: What was that last remark?

Marty White: It's that simple guys we will start with the small mining permit and that will be enlarged to a large mine permit for 426 acres.

Kendall Crittenden: That's what I just said.

Marty White: It's a beautiful thing.

Colleen Bonner: Doug, can you explain water for the fluid plan.

Doug Smith: They will access the FEMA regular channel and that would require a fluid plan development permit from myself.

Colleen Bonner: And that's just to get started on even the 18 acres.

Doug Smith: Yep.

Erik Rowland: Alex what is standard in order to help us understand the part I'm most confused at when we are looking at the threats to welfare, health and safety, how can we access any threats unless we have a better understanding of what's going to be done.

Alex Stoeder: That's what I was trying to emphasize how it's kind of odd, this code is laid out, you make the finding of internet danger of public safety and health, and welfare and they give you the plan, and I'll just note Ms. Dragoo is talking about the record, you know if we hadn't gone to court the record a page letter from them saying hey we have this mine we are coming here, and that would be the record we went to court so we have a little more of the record. I've included it in our slide deck. I think with what has been presented and the fact they are going to go to a large mine 400 acres they are going through that river enmity as he said they're going to start right away that satisfied the standard.

Dustin Grabau: So, Alex there would not be another public hearing like this if they were to change from the small mining permit to say later through DOGM other regular annites or large or changing that mining.

Alex Stoeder: No

Dustin Grabau: This is the county's one chance to weigh in any potential concerns is that accurate.

Alex Stoeder: That would once its approved through here it would all be through DOGM the rest of this.

Dustin Grabau: It seems to me there are some high risks associated with mining which is why all these other entities are involved in regulating them, there are risks watering quality, air quality, safety regarding the actual mining operation. Those are highly probably risks that are regulated and I think there are pertinent members of our community that share those highly probably risks seems like that maybe for the council is whether they fill like that highly probably reasonable eminent risk to health, safety, welfare that maybe rise to that standard then they could present evidence this is how mitigating those things.

Spencer Park: I remember some of our past water shed meeting and analyzing Provo river,

and because of mining little small mines up in little Uintah mountain we are over our level of arsenic out in our water there's nothing we can do about it because it flowing through those mountains there's a lot of things that's going to be dug up destroy the water quality.

Colleen Bonner: Possibly destroyed

Erik Rowland: That's exactly what I think the point is because everything is speculation there hasn't been presented a plan other than simple that we are going to mine, its hard to not feel like or feel any kind comfort there is going to be some kind of risk.

Kendall Crittenden: This is the head in a camel's tent 18 acres to go to 426.

Denise Dragoo : so, the best of mining statue has basically provided stream line procedures for expanding invested mine use, the courts already ruled this invested mining use exists and can be expanded so basically the only jurisdiction is left for the county right now to determine presentation clear and convincing evidence, that there is an immanent threat to public health safety, welfare there's been no evidence presented there's just been conjuncture.

Erik Rowland: Did the court say it can be expanded or that it can go ahead and proceed with this public hearing.

Denise Dragoo: It said to hold the public hearing, and no public comments have come forward, no one presenting no public comment. So, I think this matter is over.

Erik Rowland: I think we count as the public as well so if we feel like our public comment warrants there is eminent danger, because of the fact there has been very little to any plan presented to allow any comfort to understand any danger the qualifies us.

Kendall Crittenden: That's what the code allows us to do if we deem that.

Denise Dragoo: I think you're missing reading the code, the court has already ruled and determined there should be a public hearing and no one has come forward and the county hasn't provided any evidence other than the connection, so constitute clear and convincing evidence.

Luke Searle: Thank you.

Erik Rowland: Thank you.

Denise Drujoo: Thank you.

Kendall Crittenden: Courts are not always right.

Erik Rowland: State your name at the mic.

Landon Anders: I wanted to clarify there's been some definite concerns about moving from 18.8 acres a small mine permit to a large mine permit.

Erik Rowland: What is your role?

Landon Andres: I'm the president of Maverick so the way our current mine permit operates, it might be on a different scale as far as what you see at Kennecott they obviously have a lot of acreage opened up the way our permits functions we get bended for a certain amount of acreage even though the mine boundary includes 426 acres it's a very long process extensive were collecting seed mixes for reclamation we're talking about top soil spreading we're talking slope we're talking about drainage preservation all sorts of things we have to include in this 94 page large mine document and what we do is provided that document to oil, gas and mining they review we have different iteration until we get exactly what they're comfortable with, we're not just going to come out and pillage this piece of

ground right. So although our large mine permit would intel all 426 acres, we're not going to go open all 426 acres and start mining everything we find what were going to do is open a certain amount acreage which we're bonded for we provide to the start we either provide a surety or cash bond that before we go opening additional acreage continue expanding mining operation. We have to get buy off that we have reclaimed suitable permit that we have reclaimed distributed property to their liking which then allows us to expand into more bonded acreage to continue mining.

Kendall Crittenden: Are you still mining in the 18 original acres how do you reclaim it if you're still mining?

Landon Andres: Well, if we're done mining there we want to expand into new acreage the way our permit would read you need to reclaim that 18.8 before you expand the new 18.8 acreage, we have a bond issue in place let's say we're shady (we're not) we are good people, if we got in there cleared and grubbed 18.8 acres well its not here our experts are gone county experts were wrong we're all wrong we're out of here then we drug up stakes and head out, our bond money still exists, so DOGM could come in and get a contract and hey we are going to reclaim this and make it look like it was before these dirt bags came in here and these dirt bags came in here and destroyed it. That's the portion that's in place for the county so we cannot successfully expand our business we cannot successfully stay in business if we are not respectful our to bonding agency to DOGM that's not how ae operate we don't want our bond to get hit we want to be responsible with the money and what we committed to, we are here to department of oil, gas and mining regulation I wanted to let you we're not Kennecott.

Erik Rowland: Can I call you Landon.

Landon Andres: Ya.

Kendall Crittenden: Is that the check your referred is the bond check.

Landon Andres: No, that would be a yes exactly sorry that would be check of bond.

Kendall Crittenden: The check you referred to would go to the bonding.

Erik Rowland: Can you help me I'm curious, Goshen was that an original mind or was that also situation of where it was expanded into?

Landon Andres: That was on original mine, that is the mine invested rights resides.

Erik Rowland: Walk me, though I'm just curious what does it take to open up an original mine what do you have to do? Obviously, is there dog weather what it's called?

Dustin Grabau: DOGM, what other type of approvals does to start a mine like in Goshen?

Landon Andres: I don't know if someone else wants to talk about that? To answer your question not to dodge it. It's a very extensive situation when I say it's extensive all the DOGM requirements and all storm water pollution requirements. It's all the water quality requirements air permit requirements.

Erik Rowland: Do you recall if the County need to be involved?

Landon Andres: No

Erik Rowland: They weren't needed at all.

Spencer Park: So, all those same requirements to make sure we don't have any issue with life, safety, and welfare should be taken care of.

Landon Andres: Ya, it would be very much our opinion.

Spencer Park: Beyond opinion that ought to be approved.

Landon Andres: With us being in compliance with UDOT.

I can answer that. **Joseph Ernest:** Council for Maverick I think part of the consternation is for the first time you're looking at this regulating it what's going on? I just want to clarify the mining statute allows for the expansion but allows elates Maverick we're your not privy to all the obligations that's what causing consternation there extremely so much heavily regulated, and in the finding of 4 b any mitigation requirements you would have had could see something the state has already require, more than likely, now I'm going to conjecture more than likely whatever you would be require of a mitigation the state may already have that requirement and Maverick has already complied I wanted to throw that out there.

Luke Searle: You said you've been on a city planning commission, so you know the regulation from a city or county stand point are probably very different then DOGM probably pretty different we are not looking out for the minerals we are looking neighbors and impact of our community impacts were talking about roads we're talking about some of these situation completely different perspective completely different regulations so I guess it's hard for me to sit here as a representative of my community more than likely its difficult for me to day that I know the mission of DOGM very different then a mission of Wasatch County and what we are trying to do here as the elected body in normal circumstances we go through this process my problem is hearing these regulations and all different parts that's there have to do that much more to prove to us that your going through this process, that is necessary look of conditional use permit again and its just the state statute. I understand that we can't force any of that but why be something if you already so regulated why can't you prove to the community you're coming to that you're going to be in the interest of health, safety and welfare.

Joseph Ernest: Sure, great my understanding about 400 days ago wanted to sit down with the county. Maverick and discuss planning and what they were doing under expansion under the state statute permits and the plans, but the county didn't want to do that.

Luke Searle: You had an opportunity today to do those 400 days after and chose not to.

Joseph Ernest: The state doesn't require it.

Luke Searle: Right, but you were just starting 400 days you were willing to, so why take the opportunity to do today.

Joseph Ernest: Are, there specific mitigations ask?

Dustin Grabau: I think we could as a council talk about what your concerns are you can decide how much input you want us the staff or the applicant, I think there are also well documented potential hazards of mines, as I said before all these entitles exist to regulate those, there are countless study's indicate when things go badly they can go badly, I think it's a reasonably to request more information about those very highly likely hood there are a lot of significant to mitigate those risk I think its reasonable to request those for instance there are studies on mining hazards produce by the UN as recently as 2018 environmental and health pollution of water bodies forest resources, complete solid nutrients when those things go poorly that's the risk so those are the type of things, how do you mitigate those things and come back and how they would mitigate?

Erik Rowland: We have to be careful here the narrative that's not what we're saying that

you're going to break all those regulations its when we are confronted by the public and they are saying why the hell did you guys permit the mine, happening it would be nice to have on record here is the plan presented to the council here is what there going to do, insured they are going to do everything safe rest assured by state and federal law, here it is, right now we don't have anything.

Dustin Grabau: So, my understanding for you, do you have a high probability of some of these dangers and would you like more information about those dangers.

Spencer Park: I think we do, I think we have concerns about eminent and health, safety, traffic, water, air pollution, we don't have a plan that will not let us that concern, we have nothing, what I think we do have is a poorly worded state fab that's totally my opinion. I think we need to talk to our legislator about it, not that it might change this event but no matter what needs to be talked about brought to their attention. I guess my question is, I would like to have the attorney's help draft a motion that requires 30 days so we get a plan showing those items any items could possible health, safety, and welfare.

Dustin Grabau: I'm going to propose if you wanted to make a motion you guys feel free to correct me if I'm wrong. I think you could reasonably state you can make a motion you think there's a high probability of potential health, safety, and welfare risk and I would site some specific concerns you list several Spencer and request they follow this section state code and how they would mitigate those things. Would that comply do you think Alex?

Alex Stroeder: Inaudible.

Dustin Grabau: So, it could be something like based on this UN study poorly handled mines, could have impacts, water bodies degradation of Natural resources, threat to human health depletion wildlife habitat, something like this. Evidence you want it to say.

Marty White: Not our back yard right, that's why we are sitting here today Hey with the law by the State of Utah which is a right to mine state this mine vested my law was created so it gives mine operators we didn't create this law, you didn't create this law the state legislators created the law and there's rules we're not sitting here tonight making up the law and that's what we are doing, we are going on record right now that nobody in this room nobody from the public given us any reason to be expressive, k, any reason at all to show we are in any safety welfare violations nobody . It's on record right now.

Dustin Grabau: For the record every single one of us live.

Marty White: You have to be specific what is specific nature, you just can't have a broad turn we don't like it's a state statue.

Dustin Grabau: How do you respond to your other mining operator saying this is a misuse of this law.

Marty White: It is a, we are in a zone that allows mining, but we have to come in here and following condition, the state says otherwise.

Dustin Grabau: right, but other mining operators say they don't have that opinion, and we have a public hearing where they said that.

Marty White: The state allows Maverick to expand their invested mines to this land.

Dustin Grabau: I understand that's your opinion why some other mine operators.

Mart White: I don't know what your saying other mine operators means nothing to me.

Dustin Grabau: CMC and Staker Parsons this is a miss appropriation of state code they

think its not accurate. I also met with Joe Fairy from the State, and he thinks it's also not accurate.

Marty White: You're putting a very broad umbrella on something.

Spencer Park: I think we just had your president this should be a study and these impacts for the blue lime mineral.

Marty White: We are already regulated to everything you guys have inside your conditional use. We are already satisfied with that, because we don't want to play the county rules we don't have to, but we are still regulated. Everything you guys are regulated and we are setting up here making new law.

Dustin Grabau: No is this not the state law?

Marty White: Go back to the vested mining law, pull it up, what is convincing evidence where did the public show up today? Anybody?

Spencer Park: We don't have a plan.

Marty White: We don't have to give you a plan. The state requires a plan process that goes with that, it's not because we sit here and Wasatch County want their own specific plan. We have expanded our invested plan to other counties and never been a problem. We have never had a violation.

Dustin Grabau: So, you could open a mine across the building area, and we can't ask how you're going to do that make sure no one falls in car drives in those are unreasonable concerns, those are very reasonable

Denise Dragoo : I think we would like to conclude the public part of the meeting because no public appeared.

Mark Nelson: Councilor, we are running the meeting.

Denise Dragoo: So, we request its terminated, we are now in an argumental state.

Dustin Grabau: We could make it a Council deliberation.

Erik Rowland: That's where we are at this point the public hearing is over.

Luke Searle: We just don't have any more comments from the applicant.

Erik Rowland: We've been in Council deliberation the last 45 minutes, I also do believe we represent the public, we can provide comment as the public so even though there may not be individual outside of us here, but we do represent and as far as evidence that's clear and convincing that we don't have any, we know there's going to be a creek that's going to be effected we know road ways are going to be effected, we know air quality will be effected there is evidence based on this is going to happen this is all going to be effected, but we have no plan as how it's going to be mitigate and we understand as the council we don't have to deny this mining operation at all we know that we are trying to deny it, we are trying to find a pathway that can provide the public resource and information that provided them a comfort level to understand what's going to happen in this mine.

Luke Searle: Because of the lack of the plan there's no way to show the mitigation efforts that are there. How can we be able to say to the public that those impacts would not happen.

Kendall Crittenden: There's no way to show them there's not a risk.

Luke Searle: or their impacts would not be mitigation.

Spencer Park: Alex, as a member of a legislated body if I wanted to make a motion is it a

denial or is it asking for proof there is no whatever that code section.

Alex Stoeder: So, as I mentioned (inaudible)

Dustin Drabau: Alex, will you go to the mic.

Spencer Park: and finding evidence, I mean I think there's obvious evidence until there's proof for someone there won't be pollution, air, water or sound traffic.

Alex Stoeder: So, I think the code the only avenue you have is to make a finding that based on the evidence presented today on the record, there's clear and convincing evidence there's immediately danger to the public safety and health and that triggers for (A) see attached document which is the next process.

Spencer Park: So, it does need to be in-depth, it needs to be simple.

Alex Stoeder: I mean the more detailed you go into.

Dustin Grabau: You should see what evidence you think is clear convincing and highly probably concerns you have based on the things we talked about today.

Luke Searle: What's the creek's name?

Dustin Grabau: Daniel creek which is used for irrigation and livestock.

Spencer Park: and drink and it goes right into Deer Creek. Do you want me to try this?

Luke Searle: Before you do really quick make unattempt to Erik's point before, quite awhile ago, about this idea I'm not against mining I think we need materials to make our state work and do the things we need to do and I'm not against the process that was I n a place to insure these things including this process which it allows mitigation plan to be presented to insure these things will be taken care of and opportunities given that need to be shown to the public, to insure this mining operation will not do the things we're worried about.

Erik Rowland: Demonstrate that the creek is not going to be harmed and the air quality is not to be harmed. Safety of the road be harmed.

Spencer Park: You want me to try this; you guys can help me out if you want to. So, I have the legislative body I make a motion finding endangerment for traffic, water, quality, to Daniel creek that is supplies water irrigation, culinary directly into Deer Creek, air pollution, erosion, traffic noise pollution all of those detriments to health safety and life , welfare I think we have found evident lack of any information in this hearing.

Collen Bonner: Did you include dust in that?

Spencer Park: and dust air quality

Dustin Grabau: as pertinent imminent.

Spencer Park: As pertinent imminent risk immediately is that good, do you want me to add anything else council?

Erik Rowland: We have a motion by Spencer

Luke Searle: I do want to make a comment on the motion that I understand the mining operation as it starts there's more impact as it happens, but the creek would need to be crossed that's serving all these things would indeed happen immediately.

Kendall Crittenden: From day one.

Kendall Crittenden: Second the motion

Erik Rowland: Kendall second any further discussion? Okay, we will go ahead and call for a vote.

Spencer – Yes

Luke – Yes

Kendall – Yes

Colleen – Yes

Myself – Yes

Mark – Yes

Okay, the motion passes unanimously.

Is there any other business?

Dustin Grabau: No chair.



Maverick Rock

April 22, 2026



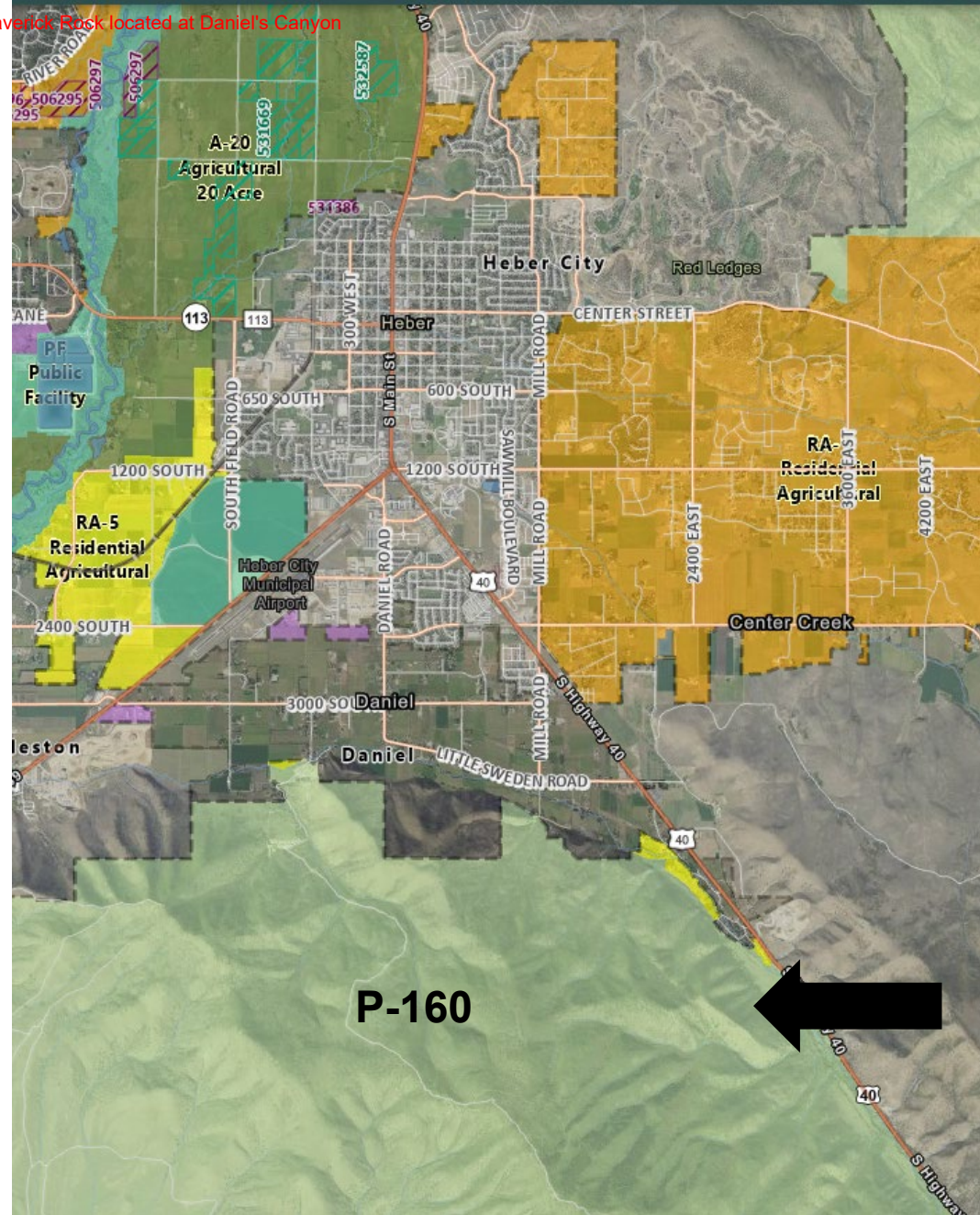
17-81-402. Rights of a mine operator with a vested mining use -- Expanding vested mining use.

(1) Notwithstanding a political subdivision's prohibition, restriction, or other limitation on a mining use adopted after the establishment of the mining use, the rights of a mine operator with a vested mining use include the rights to:

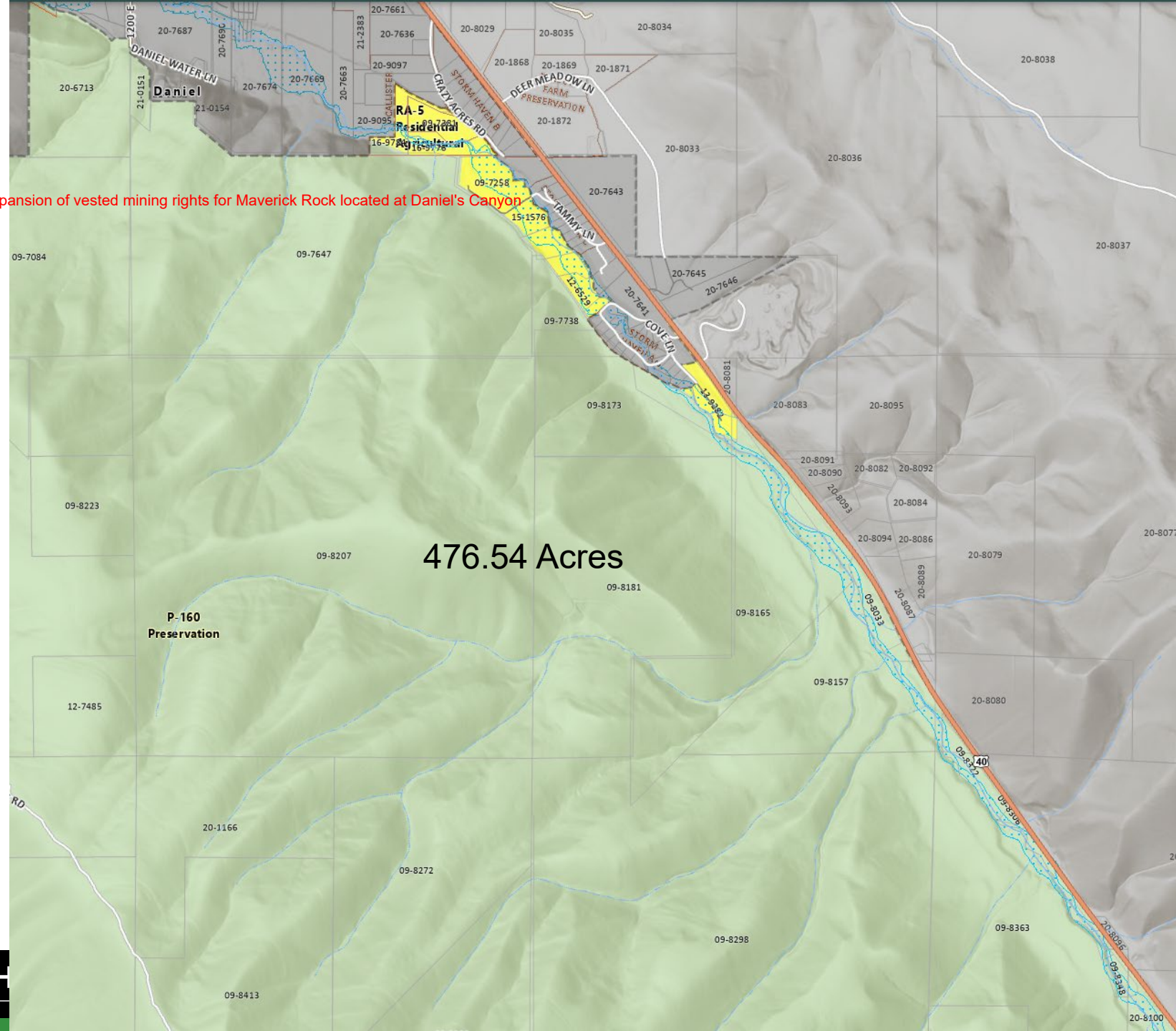
- (a) progress, extend, enlarge, grow, or expand the vested mining use to any surface or subsurface land or mineral estate that the mine operator owns or controls;**
- (b) expand the vested mining use to any new land that:**
 - (i) is contiguous and related in mineralization to surface or subsurface land or a mineral estate that the mine operator already owns or controls;**
 - (ii) contains minerals that are part of the same mineral trend as the minerals that the mine operator already owns or controls; or**
 - (iii) is a geologic offshoot to surface or subsurface land or a mineral estate that the mine operator already owns or controls;**
- (c) use, operate, construct, reconstruct, restore, extend, expand, maintain, repair, alter, substitute, modernize, upgrade, and replace equipment, processes, facilities, and buildings on any surface or subsurface land or mineral estate that the mine operator owns or controls;
- (d) increase production or volume, alter the method of mining or processing, and mine or process a different or additional mineral than previously mined or owned on any surface or subsurface land or mineral estate that the mine operator owns or controls; and
- (e) discontinue, suspend, terminate, deactivate, or continue and reactivate, temporarily or permanently, all or any part of the mining use.

- (2) (a) As used in this Subsection (2), "applicable legislative body" means the legislative body of each:
- (i) county in whose unincorporated area the new land to be included in the vested mining use is located; and
 - (ii) municipality in which the new land to be included in the vested mining use is located.
- (b) A mine operator with a vested mining use is presumed to have a right to expand the vested mining use to new land.
- (c) Before expanding a vested mining use to new land, a mine operator shall provide written notice:
- (i) of the mine operator's intent to expand the vested mining use; and
 - (ii) to each applicable legislative body.
- (d)
- (i) **An applicable legislative body shall:**
 - (A) hold a public meeting or hearing at its next available meeting that is more than 10 days after receiving the notice under Subsection (2)(c); and**
 - (B) provide reasonable, advance, written notice:
 - (I) of:
 - (Aa) the intended expansion of the vested mining use; and
 - (Bb) the public meeting or hearing; and
 - (II) to each owner of the surface estate of the new land.
 - (ii) A public meeting or hearing under Subsection (2)(d)(i) serves to provide sufficient public notice of the mine operator's intent to expand the vested mining use to the new land.
- (e) After the public meeting or hearing under Subsection (2)(d)(ii), a mine operator may expand a vested mining use to new land without any action by an applicable legislative body, unless there is clear and convincing evidence in the record that the expansion to new land will imminently endanger the public health, safety, and welfare.**
- (3) If a mine operator expands a vested mining use to new land, as authorized under this section:
- (a) the mine operator's rights under the vested mining use with respect to land on which the vested mining use occurs apply with equal force after the expansion to the new land; and
 - (b) the mining protection area that includes land on which the vested mining use occurs is expanded to include the new land.

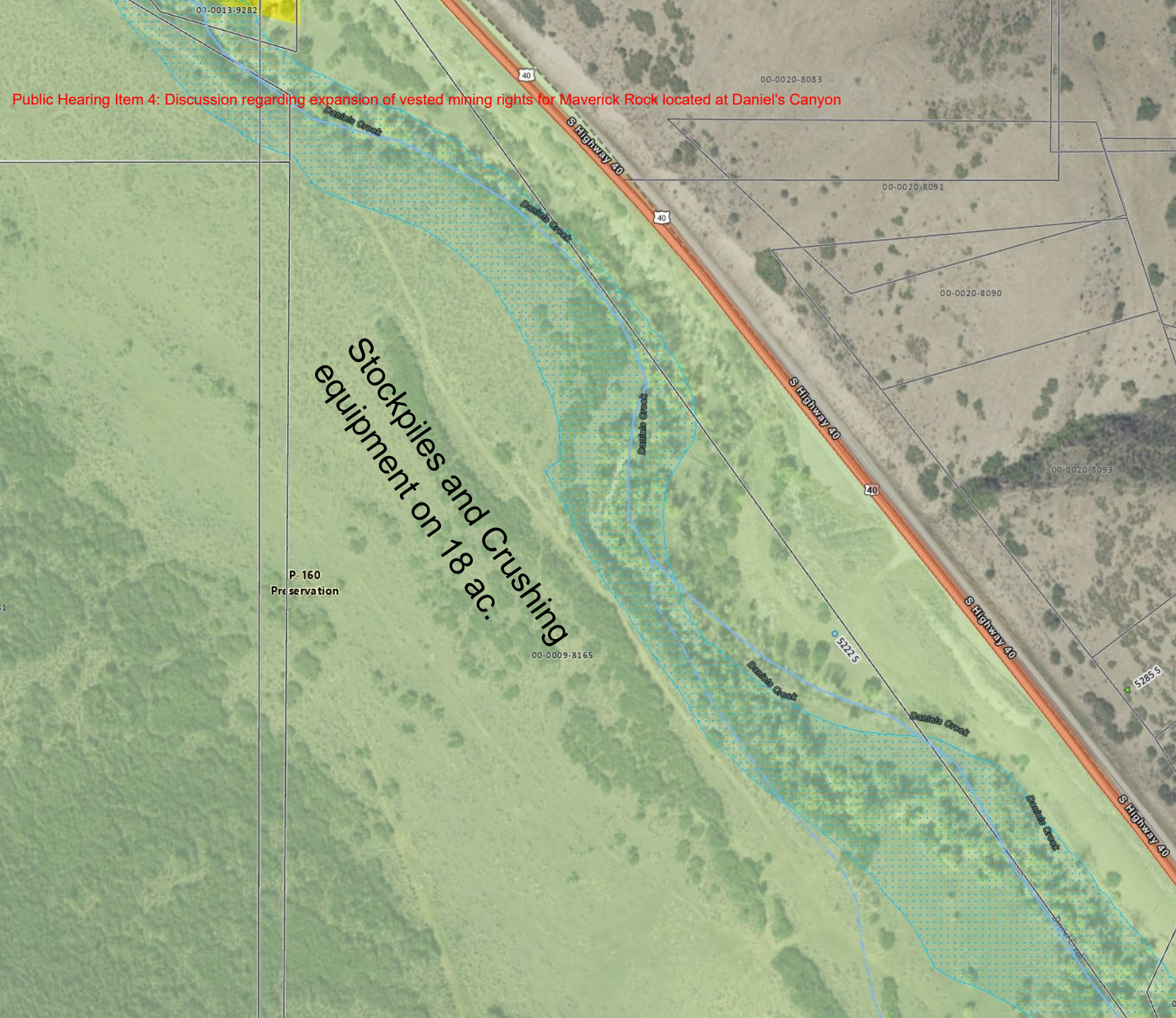
Process would typically require
a conditional use in
accordance with 16.27.35
“Gravel Pit and Mining
Regulations”



Public Hearing Item 4: Discussion regarding expansion of vested mining rights for Maverick Rock located at Daniel's Canyon



Public Hearing Item 4: Discussion regarding expansion of vested mining rights for Maverick Rock located at Daniel's Canyon



☒ Flood Hazards

☒ Flood Hazard

- Flood Area
- Floodway
- Other Flood Area



RECEIVED
5/16/2025
DIVISION OF OIL, GAS AND MINING
50570029





COURTESY RECORDING

This document is being recorded solely as a courtesy and as an accommodation only to the parties named therein. Prospect Title Insurance Agency hereby expressly disclaims any responsibility or liability for the accuracy thereof.

Ent 548264 Bk 1483 Pg 435 - 437
MARCY M. MURRAY, Recorder
WASATCH COUNTY CORPORATION
2024 Aug 01 03:56PM Fee: \$40.00 LA
For: Prospect Title Insurance
ELECTRONICALLY RECORDED

When Recorded Mail To:
Maverick Rock, LLC
32 Red Pine Drive
Alpine, Utah 84004

Ent 548264 Bk 1483Pg 436

Public Hearing Item 4: Discussion regarding expansion of vested mining rights for Maverick Rock located at Daniel's Canyon

Declaration of Vested Mining Use

(Utah Code Section 17-41-501(4))

THIS DECLARATION OF VESTED MINING USE ("Declaration") is effective as of the date set forth below by the undersigned mine operator (the "Operator") of that certain large mine Permit No. M0490032 ("Large Mine Permit"), together with the undersigned land owners of the real property associated with the Large Mine Permit. This Declaration applies to all of the real property legally described on Exhibit A attached hereto (the "Property").

RECITALS:

- A. This Declaration is intended to be a declaration of a vested mining use on the Property in accordance with Utah Code Section 17-41-501(4).
- B. One or more portions of the Property (including that portion for the Large Mine Permit) have been used to produce commercial quantities of mineral deposits. The earliest known mineral deposits were extracted on a portion of the Property in the 1940s (used for the production of steel at Geneva Steel).
- C. On June 25, 1997, the Wiser Company, LLC provided to the Utah State Department of Natural Resources Division of Oil, Gas, and Mining ("DOG M") a Notice of Intention to Commence Large Mining Operation ("NOI"). Such NOI resulted in the issuance of the Large Mine Permit, which remains active today. All rights and obligations associated with the Large Mine Permit have been assigned to the Operator by that certain letter from DOGM dated September 11, 2018.

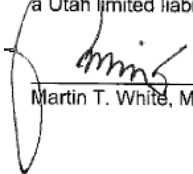
DECLARATION:

Pursuant to Utah Code Section 17-41-501, the undersigned Operator and land owners hereby provide notice of the vested mining use on the Property.

Dated this 30th day of July 2024.

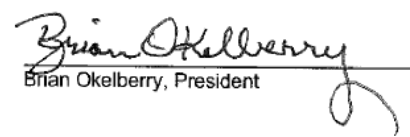
OPERATOR:

Maverick Rock, LLC,
a Utah limited liability company


Martin T. White, Manager

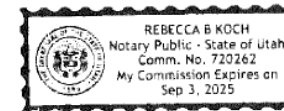
LAND OWNERS:

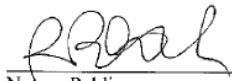
West Daniels Land Assoc.


Brian Okelberry, President

STATE OF UTAH)
: ss.
COUNTY OF UTAH)

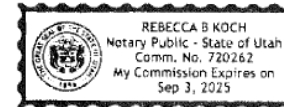
On the 30 day of July, 2024, personally appeared before me **Martin T. White**, who duly acknowledged to me that he executed this instrument as an authorized agent of **Maverick Rock, LLC**, on behalf of such company.




Notary Public

STATE OF UTAH)
: ss.
COUNTY OF UTAH)

On the 30 day of July, 2024, personally appeared before me **Brian Okelberry**, who duly acknowledged to me that he executed this instrument.



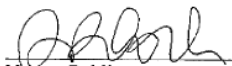

Notary Public

EXHIBIT “A”
LEGAL DESCRIPTION

That certain real property located in Wasatch County, and legally described as follows:

Certain real property consisting of approximately 426.54 acres located in Wasatch County, identified as follows:

Tax ID: 00-0009-8165. 116.54 Acres Beg 10.65 Ch N of SW Corner NE 1/4NW1/4 Section 34, T4S, R5E, SLM; N.44*37'E 63.03CH; NW'LY down Daniels Creek to PT 11 CH S of NW COR NE ¼ SEC 27; S 49 CH; W 20 CH; S 29.35 CH to Beg. Area

Tax ID: 00-0009-8181. 160 Acres. (excludes south 40 acres). S1/2NW ¼; W1/2SW1/4; NE 1/4SW1/4 SEC 27, T4S, R5E, SLM.

Tax ID: 00-0009-8207 (Approx 240 Acres in the East ½ of parcel). NE1/4, N1/2SE1/4, & the North 173 Feet of the NE1/4 of the SESE of SEC 28, T4S, R5E, SLM

When Recorded Mail To:
Lori A. Ekins Dunn
31 West Cimmaron Way
Erda, Utah 84074

ENT 25829:2018 PG 1 of 5
JEFFERY SMITH
UTAH COUNTY RECORDER
2018 Mar 19 4:13 pm FEE 28.00 BY VP
RECORDED FOR LORI DUNN

ENT 25829:2018 PG 2 of 5

Public Hearing Item 4: Discussion regarding expansion of vested mining rights for Maverick Rock located at Daniel's Canyon

Declaration of Vested Mining Use

(Utah Code Section 17-41-501(4))

THIS DECLARATION OF VESTED MINING USE ("Declaration") is made as of the date below by the undersigned owners/operators (such owners/operators, including the owners/operators' predecessors in interest, are collectively referred to as "Owner" in this Declaration) of the real property legally described on Exhibit A attached hereto (the "Property").

RECITALS:

A. This Declaration is intended to be a declaration of a vested mining use on the Property in accordance with Utah Code Section 17-41-501(4).

B. Upon information and belief, a portion of the Property was used prior to enactment of the Utah Mined Land Reclamation Act to produce commercial quantities of mineral deposits that were shipped from the Property via rail line for the production of steel and cement manufacturing. The mineral deposits shipped from the Property included, without limitation, high calcium dolomite limestone. Evidence of such prior mining operations is readily apparent from a physical inspection of a portion of the Property located near the Tintic rail line. As indicated by the *High-Calcium Limestone Resources of Utah* by Bryce T. Tripp, Utah Department of Natural Resources, Utah Geology Survey, Special Study 116 (2005) ("Tripp Report"), such mining operations were conducted on the Property under the name of "Chaffin Quarry," and the uses for such high calcium limestone include cement, coal mine rock dusting, flue gas desulfurization, metallurgical flux for steel production, and masonry mortar.

C. Upon information and belief, on or about June 25, 1997, the Wiser Company, LLC, on behalf of Intermountain Aggregate Corporation, provided to the Utah State Department of Natural Resources Division of Oil, Gas, and Mining ("DOG M") a Notice of Intention to Commence Large Mining Operation (the "1997 NOI"). The 1997 NOI resulted in the issuance of Large Mine Permit No. M0490032 for "Ekins East" on a portion of the Property (the "Large Mine Permit"), which permit remains active today. Production under the Large Mine Permit included, without limitation, production of the following quantities of high-calcium limestone, as indicated in the Tripp Report:

1998 – 293,000 tons
1999 – 650,000 tons
2000 – 365,000 tons
2002 – 239,311 tons

D. On or about December 19, 2005, Shirl Ekins (the prior trustee of Owner) submitted to DOGM a notice of even date that he had assumed certain responsibilities for

reclamation as an owner/operator of the Property in connection with the Large Mine Permit.

E. Upon information and belief, DOGM issued Small Mine Permit No. S0490088 for "Ekins #2" ("Small Mine Permit"), which was approved by DOGM on or about October 27, 2011, and is active today and operated by South Keigley Quarry, LLC. The Small Mine Permit is used for activities meeting the definition of mining use in Utah Code § 17-41-101(12).

F. Owner is the successor and/or assign to mine operators that have (a) owned, operated, controlled, and/or managed a mining use under the Large Mine Permit, and (b) produced commercial quantities of a mineral deposit.

G. Owner reserves the right, pursuant to Utah Code § 17-41-502(1), to expand its vested mining use to any parcel or portion of the Property described on Exhibit A attached which heretofore has not been utilized for any mining use.

DECLARATION:

Pursuant to Utah Code Section 17-41-501(4), the undersigned Owner hereby provides notice of a vested mining use on the Property.

Dated this 19th day of March, 2018.

OWNER:

Lori A Ekins Dunn, Trustee
Lori A. Ekins Dunn, as trustee of the Shirl
L. Ekins Family Trust

Lori A Ekins Dunn, Trustee
Lori A. Ekins Dunn, as trustee of the Shirl
L. Ekins Family Irrevocable Trust

Lori A Ekins Dunn, Manager
Lori A. Ekins Dunn, as Manager of Ekins
LHT, LLC, trustee of the Ekins Family
Land Holding Trust

EXHIBIT "A"

LEGAL DESCRIPTION

That certain real property located in Utah County, and legally described as follows:

PARCEL 1:

NORTHEAST 1/4 OF SECTION 8, TOWNSHIP 10 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN. TOGETHER WITH ANY GAS, OIL, THERMAL AND MINERAL RIGHTS.
TAX ID NO. 32-014-0003

PARCEL 2:

COMMENCING AT THE SOUTH 1/4 CORNER OF SECTION 5, TOWNSHIP 10 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; THENCE EAST 1320 FEET; THENCE NORTH 1320 FEET; THENCE WEST 491.04 FEET; THENCE NORTH 0°4'16" 43.6 FEET; THENCE SOUTH 89°14'44" WEST 404.33 FEET; THENCE NORTH 61°48'44" WEST 39.78; THENCE SOUTH 17°47'15" WEST 59.94 FEET; THENCE WEST 8.35 FEET; THENCE SOUTH 21°35'35" WEST 337.16 FEET; THENCE WEST 238.92 FEET; THENCE SOUTH 1006.5 FEET TO THE POINT OF BEGINNING. LESS AND EXCEPTING THEREFROM THE FOLLOWING: BEGINNING AT A FENCE CORNER ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 6, SAID POINT BEING LOCATED NORTH 0°12'12" WEST ALONG THE QUARTER SECTION LINE 1,375.85 FEET AND EAST 82.23 FEET FROM THE SOUTH 1/4 CORNER OF SECTION 5, TOWNSHIP 10 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 89°02'49" EAST ALONG A FENCE LINE AND EXTENSION THEREOF 257.67 FEET; THENCE SOUTH 17°32'49" WEST 330.00 FEET; THENCE SOUTH 89°02'49" WEST ALONG A FENCE LINE AND THE EXTENSION THEREOF 239.29 FEET TO THE QUARTER SECTION LINE; THENCE NORTH 0°12'12" ALONG SAID QUARTER SECTION LINE AND FENCE LINE 231.61 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 6; THENCE NORTH 44°43'29" EAST ALONG SAID RIGHT-OF-WAY 116.43 FEET TO THE POINT OF BEGINNING.
TAX ID NO. 32-011-0106

PARCEL 3:

NORTH 1/2 OF THE SOUTHWEST 1/4 OF SOUTHEAST 1/4; NORTHEAST 1/4 OF THE SOUTHEAST 1/4; NORTH 1/2 OF SOUTHEAST 1/2 OF SOUTHEAST 1/4 OF SECTION 5, TOWNSHIP 10 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN.
TAX ID NO. 32-011-0032

PARCEL 4:

COMMENCING WEST 3.55 FEET AND SOUTH 766.9 FEET FROM THE NORTH 1/4 CORNER OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 0°16'0" WEST 567.2 FEET; THENCE WEST 1221.1 FEET; THENCE SOUTH 65°8'0" WEST 118.75 FEET; THENCE SOUTH 0°16'0" WEST 1284.15 FEET; THENCE WEST 1328.6 FEET; THENCE SOUTH 89°26'0" WEST 1234.6 FEET; THENCE NORTH 46°1'0" EAST 25 FEET; THENCE NORTH 50°23'0" EAST 189.9 FEET; THENCE NORTH 56°11'0" EAST 179.35 FEET; THENCE NORTH 61°56'0" EAST 202.5 FEET; THENCE NORTH 65°8'0" EAST 3757 FEET TO THE POINT OF BEGINNING.
TAX ID NO. 32-011-0058

PARCEL 5:

SOUTHEAST 1/4 OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING FROM THE SOUTH 1/4 CORNER OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 0°12'14" WEST 2640.97 FEET; THENCE NORTH 89°23'37" EAST 1335.36 FEET; THENCE NORTH 89°23'27" EAST 1335.36 FEET; THENCE SOUTH 0°42'52" EAST 2638.63 FEET; THENCE SOUTH 89°20'43" WEST 2694.25 FEET TO THE POINT OF BEGINNING.
TAX ID NO. 32-010-0011

PARCEL 6:

SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING SOUTH 1329.91 FEET AND EAST FROM THE NORTH 1/4 CORNER OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 0°12'14" EAST 1329.92 FEET; THENCE SOUTH 89°23'37" WEST 1328.23 FEET; THENCE NORTH 0°12'8" WEST 1331.4 FEET; THENCE NORTH 89°27'27" EAST 1328.18 FEET TO THE POINT OF BEGINNING.
TAX ID NO. 32-010-0003

PARCEL 7:

COMMENCING AT A POINT SOUTH 555.76 FEET AND EAST 433.92 FEET FROM THE NORTH 1/4 CORNER OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 27°23'31" EAST 257.32 FEET; THENCE SOUTH 60° 39'58" WEST 170.55 FEET; THENCE SOUTH 24°20'32" EAST 195.2 FEET; THENCE SOUTH 87°51'0" EAST 200.84 FEET; THENCE SOUTH 27°14'19" EAST 435.18 FEET; THENCE NORTH 75°6'49" EAST 465.03 FEET; THENCE SOUTH 0°29'12" EAST 1324.37 FEET; THENCE SOUTH 89°23'37" WEST 1334.74 FEET; THENCE NORTH 0°12'54" WEST 1894.22 FEET; THENCE NORTH 64°7'24" EAST 479.09 FEET TO THE POINT OF BEGINNING.
TAX ID NO. 32-010-0017

PARCEL 8:

SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN.
TAX ID NO. 32-010-0008

PARCEL 9:

BEGINNING AT A POINT SOUTH 557.35 FEET AND EAST 434.75 FEET FROM THE NORTH QUARTER CORNER OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 64°01'44" EAST 841.29 FEET TO AN IRON PIN; THENCE SOUTH 13°58'50" EAST 573.55 FEET ALONG A FENCE LINE TO AN IRON PIN; THENCE SOUTH 64°29'35" WEST 714.48 FEET; THENCE NORTH 87°51'00" WEST 200.86 FEET; THENCE NORTH 24°20'32" WEST 195.20 FEET; THENCE NORTH 60°39'58" EAST 170.55 FEET; THENCE NORTH 27°23'31" WEST 255.53 FEET TO THE POINT OF BEGINNING.
TAX ID NO. 32-010-0015

PARCEL 10:

BEGINNING AT A POINT SOUTH 1053.17 FEET AND EAST 684.80 FEET FROM THE NORTH QUARTER CORNER OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 64°29'35" EAST 714.48 FEET TO AN IRON PIN; THENCE SOUTH 0°40'13" EAST 574.37 FEET ALONG A FENCE LINE TO AN IRON PIN; THENCE SOUTH 75°06'49" WEST 468.10 FEET; THENCE NORTH 27°14'19" WEST 435.17 FEET TO THE POINT OF BEGINNING. LESS ANY PORTION THEREOF LYING WITHIN THE ROAD.
TAX ID NO. 32-010-0016

PARCEL 11:

THE NORTH 1/2 OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 1 EAST; BETTER DESCRIBED AS FOLLOWS: COMMENCING AT A POINT WHICH IS NORTH 1270.02 FEET AND WEST 2661.44 FEET FROM THE SOUTH 1/4 CORNER OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 00°10'55" WEST 1342.83 FEET; THENCE NORTH 89°23'37" EAST 2656.46 FEET; THENCE SOUTH 00°12'14" EAST 1320.49 FEET; THENCE SOUTH 88°54'43" WEST 2657.23 FEET TO THE POINT OF BEGINNING.
TAX ID NO. 32-010-0038

When Recorded Mail To:
Maverick Rock, LLC
32 Red Pine Drive
Alpine, Utah 84004

Public Hearing Item 4: Discussion regarding expansion of vested mining rights for Maverick Rock located at Daniel's Canyon

Declaration of Vested Mining Use

(Utah Code Section 17-41-501(4))

THIS DECLARATION OF VESTED MINING USE ("Declaration") is effective as of the date set forth below by the undersigned mine operator (the "Operator") of that certain large mine Permit No. M0490032 ("Large Mine Permit"), together with the undersigned land owners of the real property associated with the Large Mine Permit. This Declaration applies to all of the real property legally described on Exhibit A attached hereto (the "Property").

RECITALS:

- A. This Declaration is intended to be a declaration of a vested mining use on the Property in accordance with Utah Code Section 17-41-501(4).
- B. One or more portions of the Property (including that portion for the Large Mine Permit) have been used to produce commercial quantities of mineral deposits. The earliest known mineral deposits were extracted on a portion of the Property in the 1940s (used for the production of steel at Geneva Steel).
- C. On June 25, 1997, the Wiser Company, LLC provided to the Utah State Department of Natural Resources Division of Oil, Gas, and Mining ("DOG M") a Notice of Intention to Commence Large Mining Operation ("NOI"). Such NOI resulted in the issuance of the Large Mine Permit, which remains active today. All rights and obligations associated with the Large Mine Permit have been assigned to the Operator by that certain letter from DOGM dated September 11, 2018.

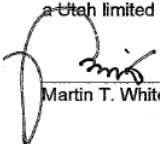
DECLARATION:

Pursuant to Utah Code Section 17-41-501, the undersigned Operator and land owners hereby provide notice of the vested mining use on the Property.

Dated this 21 day of September, 2018.

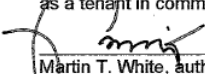
OPERATOR:

Maverick Rock, LLC,
a Utah limited liability company

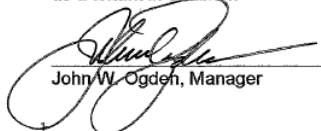

Martin T. White, Manager

LAND OWNERS:

Martin White Investments, L.L.C.,
a Utah limited liability company,
as a tenant in common

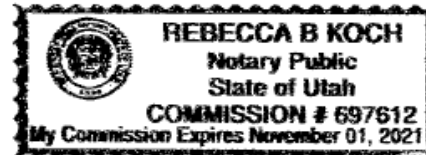

Martin T. White, authorized agent

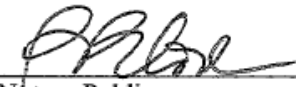
Ogden Investments, LLC,
a Utah limited liability company,
as a tenant in common


John W. Ogden, Manager

STATE OF UTAH)
)
 : SS.
COUNTY OF UTAH)

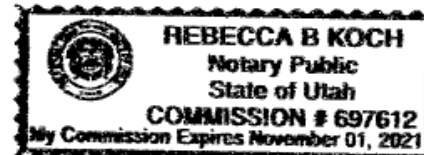
On the 21 day of September, 2018, personally appeared before me **Martin T. White**, who duly acknowledged to me that he executed this instrument as an authorized agent of **Maverick Rock, LLC**, and **Martin White Investments, LLC**, on behalf of such companies.

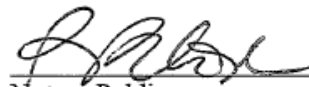



Notary Public

STATE OF UTAH)
)
 : SS.
COUNTY OF UTAH)

On the 21 day of September, 2018, personally appeared before me **John W. Ogden**, who duly acknowledged to me that he executed this instrument as a manager of **Ogden Investments, LLC**, on behalf of such company.




Notary Public

Public Hearing Item 4: Discussion regarding expansion of vested mining rights for Maverick Rock located at Daniel's Canyon

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

1594 West North Temple Suite 1210, Salt Lake City, Utah 84116 (other than Postal Service)
Box 145801, Salt Lake City, Utah 84114-5801 (Postal Service)
Telephone: (801) 538-5340; Fax: (801) 359-3940; Email ogmminerals@utah.gov

NOTICE OF INTENTION TO COMMENCE SMALL MINING OPERATIONS

The information requirements of this form are based on provisions of the Mined Land Reclamation Act, Title 40-8, Utah Code Annotated 1987, and associated administrative rules of the Utah Minerals Regulatory Program (R647). The rules and Act are available online at <http://www.rules.utah.gov/publicat/code/r647/r647.htm> and http://le.utah.gov/~code/TITLE40/40_08.htm.

Cultural Resources Survey (CRS): To fulfill its obligations under Utah Code Annotated 9-8-404, the Division requires cultural resources (archaeological) information. The amount and type of information required will depend on the mine location, the history of previous disturbance, and other factors. A list of consultants can be obtained through this website: <https://publiclands.utah.gov/archaeology/>.

Rule R647-3-101.5: A permit fee of \$150 must accompany this application (Utah Code Ann. §40-8-7(1)(i)) and is due annually.

"Small Mining Operations" are operations which have a disturbed area of 20 or fewer surface acres at any time in unincorporated areas, or 10 acres or fewer in incorporated areas.

I. **GENERAL INFORMATION** (Rule R647-3-104)

1. Name of Mine: Daniels
2.A. Name of Entity Applying for a Permit: Maverick Rock, LLC
Contact (Authorized Officer): Martin White
Mailing Address: 32 Red Pine Drive
City, State, Zip: Alpine, UT. 84004
Phone: 801-707-2129 Fax: _____
E-mail Address: becky@maverickrock.com Marty@maverickrock.com

Entity is a: () Corporation, (☒) LLC, () Sole Proprietorship (dba), () Individual, () Partnership (General, or limited), () Other (specify type) _____

Business Entity (not individuals) must be registered (and maintain registration) with the State of Utah, Division of Corporations (DOC) If not currently registered, contact www.commerce.utah.gov to renew or apply.

- 2.B. Are you currently registered to do business in the State of Utah? (☒) Yes () No
Business Entity #: 10450184-0160
Local Business License #: 2024-2025-163 (if required)
Issued by: County: Utah County or City: _____

Registered Utah Agent (as identified with the Utah DOC) (if individual leave blank):

Name: Martin White Title: Manager
Address: 32 Red Pine Drive
City, State, Zip: Alpine, UT. 84004
Phone: 801-707-2129 Fax: _____
E-mail Address: becky@maverickrock.com; marty@maverickrock.com

2.C. **Entity's Representative(s)** (if different from #2A) authorized and designated to receive notices of violation, cessation orders, and all other notices to be given to the permittee or operator by the Division.

Name: _____ Title: _____
Address: _____
City, State, Zip: _____
Phone: _____ Fax: _____
Emergency, Weekend, or Holiday Phone: Is this private? _____
E-mail Address: _____

Name: _____ Title: _____
Address: _____
City, State, Zip: _____
Phone: _____ Fax: _____
Emergency, Weekend, or Holiday Phone: Is this private? _____
E-mail Address: _____

3. **Ownership of Land Surface:**

If the owner is a government entity, please provide the name and address of the field office, ranger station, or similar office. If the owner is a private entity, please provide the name and address
FEDERAL: BLM () US Forest Service ()

STATE: School and Institutional Trust Lands Administration (SITLA) () Sovereign Lands ()

Other () (please specify)

PRIVATE - (Fee) (☒)

Other (please describe): _____

Name _____	Address _____
Name _____	Address _____
Name _____	Address _____
Name _____	Address _____

4. **Ownership of Minerals:**

If the owner is a government entity, please provide the name and address of the field office, ranger station, or similar office. If the owner is a private entity, please provide the name and address

FEDERAL: BLM () US Forest Service ()

STATE: School and Institutional Trust Lands Administration () Sovereign Lands ()

Other: () (please specify)

PRIVATE - (Fee) (☒)

Other (please describe): _____

Name <u>West Daniels Land Assoc.</u>	Address <u>PO Box 74, Goshen, UT. 84633</u>
Name _____	Address _____
Name _____	Address _____
Name _____	Address _____

BLM Project Number (UTU): _____

Claim Number(s) (BLM): _____

Leasable: () Saleable: () Locatable: ()

Lease Numbers (SITLA, BLM, Sovereign Lands): _____

Other agency project numbers: _____

Name of Lessee(s): Maverick Rock, LLC

5. **Have the above surface and mineral owners been notified in writing?** Yes ☒ No _____
If no, why not? _____

What is the postmining land use? Development

V. **SURETY** (Utah Code Ann. §40-8-7(1)(c))

Public Hearing Item 4: Discussion regarding expansion of vested mining rights for Maverick Rock located at Daniel's Canyon

A reclamation contract and surety must be provided to and approved by the Division prior to commencement of operations. No surface disturbance is authorized until the surety is posted and approved in writing. The surety may be provided in the form of a certificate of deposit, a letter of credit, a surety bond, or cash. Please contact the Division for further information about submitting the surety. All mining operations are required to furnish and maintain reclamation surety to guarantee that the land affected is reclaimed (Utah Code Ann. §40-8-7(1)(c)).

The reclamation surety amount is based on the nature, extent and duration of operations. The Division develops standard per-acre costs each year which are approved annually by the Board of Oil, Gas and Mining. The costs are available here:

<https://ogm.utah.gov/wp-content/uploads/2024/01/2024-Per-Acre-Small-Mine-Bond-Estimates-signed.pdf>

Reclamation cost estimates for small mines are reviewed every three (3) or five (5) years and adjusted as necessary for inflation/deflation based upon an acceptable costs Index.

VI. **OPERATION AND RECLAMATION PRACTICES** (Rule R647-3-107,108, & 109)

The reclamation and operation obligation is to keep the area clean and safe, minimize hazards to public safety, return the land to a useful condition, and reestablish at least 70 percent of the premining vegetative ground cover or within practical limits. To accomplish this, the Permittee / Operator will need to perform reclamation concurrently, or at the completion (within one year) of mining. Please refer to The Practical Guide to Reclamation in Utah, available at:

https://ogm.utah.gov/wp-content/uploads/2023/06/Reclamation_Manual.pdf

The proposed disturbed area (including access/haul roads) should be marked ON THE GROUND with metal T-Posts (or with some other marker of equal effectiveness). Markers should be appropriately spaced so that the next marker in either direction is clearly visible.

1. *Stockpile topsoil and suitable overburden prior to mining.*
2. *Maintain the mining operation in a safe, clean, and environmentally stable condition.*
3. *Close or guard shafts and tunnels to prevent accidental or unauthorized entry during operations, and permanently seal all shafts and tunnels when operations are complete.*
4. *Plug drill holes with a five-foot cement surface plug, within 30 days. Holes that encounter fluids are to be plugged in the subsurface to prevent aquifer contamination.*
5. *Construct berms, fences, or barriers, when needed, above highwalls and excavations.*
6. *Remove, isolate, or neutralize all deleterious materials to eliminate or control adverse environmental effects.*
7. *Take appropriate measures to avoid or minimize environmental damage to drainages and perform reclamation such that the channels will be left in a stable condition to avoid or minimize future damage to the hydrologic system.*
8. *Dispose of all trash, scrap metal, wood, machinery, and buildings.*
9. *Minimize erosion and control sediment.*
10. *Reclaim all roads that are not part of a post mining land use transportation system.*

11. *Maintain highwalls at 45 degrees or less.*
12. *Reshape the land to near its original contour and redistribute suitable overburden and topsoil.*
13. *Properly prepare seedbed to a depth of six inches by pocking, ripping, discing, or harrowing. Leave the surface rough.*
14. *Reseed disturbed areas with adaptable species. (The Division recommends a mixture of grass, forb, and browse species, and will recommend a seed mixture if requested.)*
15. *Plant the seed as soon as possible after seedbed preparation with a rangeland, or farm drill, or broadcast the seed.*
16. *Prepare the seedbed in the fall and seed in the fall for vegetation success.*

VII. **SIGNATURE REQUIREMENT**

CERTIFICATION

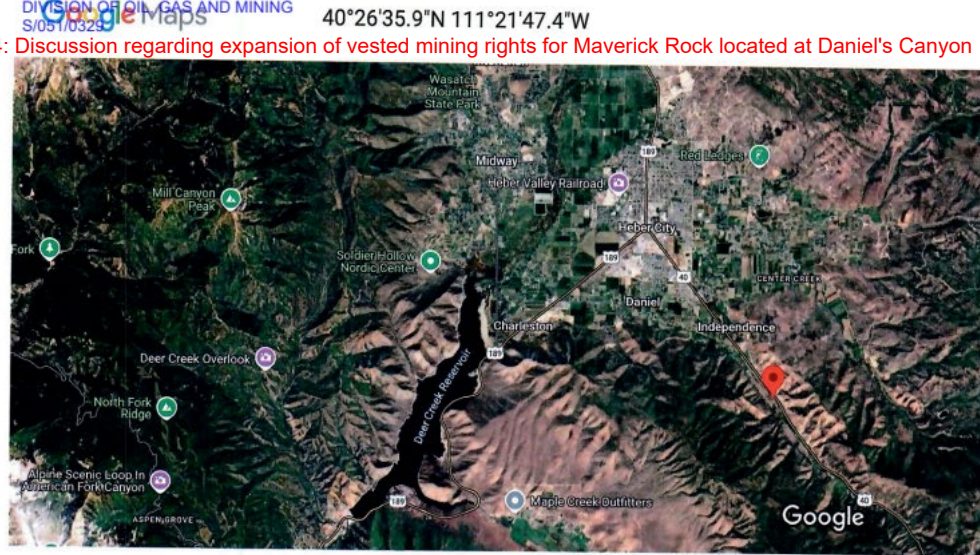
I state under penalty of perjury under the laws of the state of Utah and the United States of America that:

- a. I have read this form and declare the information, statements and/or documentation are true, correct and complete to the best of my knowledge and belief; AND
- b. I commit to the reclamation of the aforementioned small mining project as required by the Utah Mined Land Reclamation Act (40-8) and the rules as specified by the Board of Oil, Gas and Mining.
- c. **This certification must be signed by:** (1.) an executive officer if the applicant is a corporation; (2.) a partner if applicant is a partnership (general or limited); (3.) the owner if applicant is a sole proprietorship; **or** (4.) a member or manager if applicant is a limited liability company.

Signature:  Date: 05/12/2025
Name (typed or printed): Martin White
Title/Position (if applicable): Manager

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Public Hearing Item 4: Discussion regarding expansion of vested mining rights for Maverick Rock located at Daniel's Canyon



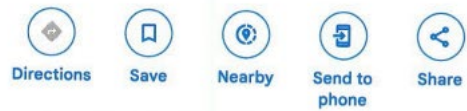
Map data ©2025, Map data ©2025 Google 2 km



Maverick Rock Daniels Pit

40°26'35.9"N 111°21'47.4"W

40.443315, -111.363163



CJVP+8PG Independence, Utah



Public Hearing Item 4: Discussion regarding expansion of vested mining rights for Maverick Rock located at Daniel's Canyon



RECEIVED
5/16/2025
DIVISION OF OIL, GAS AND MINING
S/051/0329



STATE OF UTAH, DEPARTMENT OF ENVIRONMENTAL QUALITY, DIVISION OF WATER QUALITY
195 North 1950 West, P.O. Box 144870, Salt Lake City, Utah 84114-4870 (801) 536-4300

Notice of Intent (NOI) for Coverage Under the UPDES General
Multi-Sector Storm Water Permit for Discharges Associated
with Industrial Activity, Permit No. UTR000000

NOI

Permit Information

Master Permit Number: UTR000000
UPDES ID: UTRI00363

Eligibility Information

State/territory where your facility is discharging: UT
Does your facility discharge to federally recognized Indian Country lands? No
Which type of form would you like to submit? Notice of Intent (NOI)
By indicating "Yes" below, I confirm that the facility operator intends to be authorized by the UPDES Multi-Sector General Permit (MSGP) for stormwater discharges associated with Industrial activity in the State of Utah. I understand that when coverage is granted, all stormwater discharges must comply with the terms and conditions of the permit.
Yes
Have storm water discharges from your project/site been covered previously under an UPDES permit? No

Owner/Operator Information

Owner Information
Owner: West Daniels Land Association
Status of Owner: Private
Owner Mailing Address
Address Line 1: PO Box 74
Address Line 2: City: Goshen
ZIP/Postal Code: 84633 State: UT
Owner Point of Contact Information
First Name Middle Initial Last Name: Brian Okelberry
Title: Manager
Phone: 801-368-1951 Ext.:
Email: Taylor@maverickrock.com

Operator Information
Is the Operator Information the same as the Owner Information? No

Operator: Maverick Rock, LLC
Operator Mailing Address
Address Line 1: 32 Red Pine Drive
Address Line 2: City: Alpine
ZIP/Postal Code: 84004 State: UT

Operator Point of Contact Information
First Name Middle Initial Last Name: Taylor Baker

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S/051/0329

Title: Operations Manager
Phone: 801-966-0741
Email: taylor@maverickrock.com

Ext.:

NOI Preparer Information
☐ This NOI is being prepared by someone other than the certifier.

Facility Information

Facility Information
Facility Name: Maverick Daniels Pit
Facility Address
Address Line 1:
Along Hwy 40 - Parcels 00-0009-8165, 8181, 8207
Address Line 2: City: Daniel
ZIP/Postal Code: 84032 State: UT
County or Similar Division: Wasatch
Latitude/Longitude for the facility
Coordinate System: Decimal Degrees
Latitude/Longitude: 40.442734°N, 111.363846°W
Is your facility presently inactive and unstaffed? Yes

Sector Identification

Sector-Specific Information
Primary Regulated Sector: J
Primary Regulated SIC Code: 1422

Site Activity Information

Municipal Separate Storm Sewer System (MS4) Operator Name: Not Applicable
Receiving Waterbody Information
List all of the receiving waterbodies. For a map of waterbodies go to <https://deq.utah.gov/water-quality/water-quality-assessment-map> (<https://deq.utah.gov/water-quality/water-quality-assessment-map>):
Receiving Water:
Deer Creek
Effluent Limitation Guidelines
Identify the Effluent Limitation Guideline(s) that apply to your stormwater discharges. (See permit conditions in Part E.2 of the applicable Appendix I (<https://deq.utah.gov/water-quality/explanation-of-standard-industry-classification-sic-codes-updes-permits>) of the MSGP)

40 CFR Part/Subpart	Eligible Discharges	Affected MSGP Sector	New Source Date	Applicability
Part 436, Subpart B, C or D	Mine dewatering discharges at crushed stone mines, construction sand and gravel mines, or industrial sand mines	J	N/A	Does your facility have any discharges subject to this effluent limitation guideline? No

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DIVISION OF OIL, GAS AND MINING
S/051/0329

Are you requesting permit coverage for any stormwater discharges subject to effluent limitation guidelines? No

Is the facility required to do analytical monitoring? (See permit conditions in Part E.1 of the applicable Appendix I (<https://deq.utah.gov/water-quality/explanation-of-standard-industry-classification-sic-codes-updes-permits>) of the MSGP) No

Is there existing quantitative stormwater discharge data? No

Does this facility site have any other UPDES permits? No Utah Pollution Discharge Elimination System

SWPPP Information

Has the SWPPP been prepared in advance of filing this NOI as required? Yes

Certification Information

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. Signing an electronic document on behalf of another person is subject to criminal, civil, administrative, or other lawful action.

Certified By: John ogden

Certifier Title: CFO

Certifier Email: john@maverickrock.com

Certified On: 05/12/2025 3:27 PM ET

IN THE FOURTH JUDICIAL DISTRICT, WASATCH COUNTY

STATE OF UTAH

MAVERICK ROCK, LLC, Petitioner, VS. WASATCH COUNTY COUNCIL, et al., Respondents.	FINDINGS AND ORDER GRANTING PETITIONER'S VERIFIED PETITION FOR AN EXTRAORDINARY WRIT OF MANDAMUS Case No.: 250500114 Judge: JENNIFER A. MABEY
--	--

This matter comes before the Court on Petitioner Maverick Rock, LLC's ("Petitioner" or "Maverick Rock") Verified Petition for an Extraordinary Writ of Mandamus. The Court held an evidentiary hearing on January 22, 2026. After considering the evidence presented, the arguments of counsel, and the proposed findings of fact and conclusions of law submitted by both parties, the Court hereby issues the following Findings of Fact and Conclusions of Law, and Order Granting Petitioner's Verified Petition for an Extraordinary Writ of Mandamus ("Findings and Order").

A. Procedural Background

1) Petitioner filed its Verified Petition for Extraordinary Writ of Mandamus on July 1, 2025 ("Verified Petition").

- 2) On July 15, 2025, the Court issued an order instructing the Court Clerk to serve the Verified Petition on the parties named in the Verified Petition.
- 3) The July 17, 2025, order gave Respondents twenty-one (21) days from service to respond to the Verified Petition.
- 4) On July 31, 2025, the Respondents filed a Motion for a Rule 16 Pretrial Conference and to Continue Hearing, to which the Petitioner stipulated.
- 5) On October 8, 2025, the Court entered a Ruling and Order Denying the Motion to Dismiss.
- 6) Respondents filed a Petition for Permission to Appeal from Interlocutory Order to seek appellate review of the Court denial of the Motion to Dismiss, and sought a stay of the proceedings pending a decision on that petition.
- 7) The Court granted the stay on October 16, 2025.
- 8) On November 21, 2025, Petitioner filed a Notice of Denial of Interlocutory Appeal and Expedited Request for Status Conference.
- 9) A status hearing was held on December 2, 2025, to discuss scheduling and other procedural matters.
- 10) Ultimately, an evidentiary hearing was scheduled for January 22, 2026, which provided the underlying evidentiary basis for these Findings and Order.

B. Findings of Fact

The Court makes the following Findings of Fact based upon both the pleadings and the evidentiary hearing.

11) Maverick Rock is a mine operator that controls the Ekins Mine in Utah County, Utah, and successfully extracts commercial quantities of minerals from the Great Blue Limestone and Manning Canyon Shale in that location.

12) Maverick Rock operates the Ekins Mine under Large Mine Permit No. M-049-032, issued by the Utah State Department of Natural Resources Division of Oil, Gas, and Mining ("DOGM"), and holds a vested mining use in this permit.

13) Great Blue Limestone (a high-calcium mineral) and Manning Canyon Shale (an aluminum-enriched shale) are present at both the Ekins Mine and the Daniels Canyon location.

14) The Daniels Canyon location is situated in Wasatch County, Utah, approximately 35 miles away from the Ekins Mine. Since July 1, 2024, Maverick Rock has controlled approximately 426 to 427 acres of land in the Daniels Canyon area.

15) On February 28, 2025, Maverick Rock submitted a written "Notice of Expansion of Vested Mining Rights" to the Wasatch County Council ("County"), requesting a public meeting to expand its vested mining use from the Ekins Mine to the Daniels Canyon site.

16) Maverick Rock submitted multiple expert reports to the County to support its expansion request, and the County retained Doug Hawkes of Applied Geotechnical Engineering Consultants ("AGEC") to review these reports.

17) On June 18, 2025, after communication had occurred between Petitioner and the County, the County issued a final decision letter ("Final Decision") officially denying Maverick Rock's request for a public meeting or hearing.

18) Four individuals testified during the evidentiary hearing: Martin White, Dr. Scott Ritter, and Timothy Thompson on behalf of Maverick Rock; and, Douglas Hawkes on behalf of the County.

19) Mr. White is the manager and owner of Maverick Rock and has nearly 30 years of experience in the mining industry.

20) Dr. Ritter holds a PhD, has been a geology professor at Brigham Young University for 35 years, and is an expert in sedimentary and historical geology.

21) Mr. Thompson is a professional geologist holding advanced degrees with substantial experience in limestone and shale mining. The Court finds the testimony of Dr. Ritter and Mr. Thompson regarding sedimentary mineral trends to be credible and persuasive.

22) While Mr. Hawkes is well-qualified in the field of geology engineering and generally appeared to be credible in terms of his testimony, the Court finds the testimony of Dr. Ritter and Mr. Thompson to be more persuasive and relevant to the issues at hand. Mr. Hawkes does not have the same level of relevant experience in mining, lacks the same level of experience in evaluating sedimentary trends, and (although he opined on the economics of Maverick Rock's mining at the Wasatch County location) does not have experience in the economics of mining.

23) Based on the competing expert testimony, the Court finds that Great Blue Limestone and Manning Canyon Shale were formed by sedimentary material deposited in an ocean environment during the Mississippian Age, over 300 million years ago.

24) A "mineral trend" is formed by shared deposits in a specific depositional environment over a specific time frame. It allows geologists to predict the presence of minerals based on shared stratigraphic sequences.

25) A mineral trend is distinct from an "ore body". In this regard, the Court found testimony regarding the Carlin Trend to be helpful and persuasive.

26) The Carlin Trend is an archetypal mineral trend of gold extending around 45 miles, but it is not one continuous ore body, meaning there are areas within the trend that lack

27) The Carlin Trend extends approximately 45 miles in length, which is greater than the 35-mile distance between the Ekins Mine and the Daniels Canyon site.

28) Therefore, while the distance between the Ekins Mine and the Daniels Canyon site seems significant, that distance does not establish that the same mineral trend does not exist between the Ekins and Daniels Canyon sites.

29) Mr. Thompson further established that the exact chemical composition of the ore bodies is irrelevant to identifying the broader mineral trend.

30) In its Final Decision, the County justified its denial in part by arguing that Maverick Rock's experts used the word "similar" rather than the word "same" when describing the mineral trends at the two sites. The Court finds this argument unpersuasive and legally insufficient.

31) The substantive data within the expert reports contained sufficient information to demonstrate that the mineral trends are indeed the "same". Mr. Thompson explicitly testified that he only used the word "similar" because he was directly responding to the specific phrasing used in the County's own expert report.

32) The Court finds that under the circumstances described, there is not a sufficient difference between the use of the words "same" and "similar" to justify the County's refusal to hold the statutorily-mandated hearing.

33) The County asserts that it is not economically feasible to conduct mining operations for Great Blue Limestone and Manning Canyon Shale at the Daniels Canyon site, based largely on Mr. Hawkes' opinion.

34) Mr. Hawkes testified that the limestone and shale are estimated to be 5,000 to 7,000 feet below the surface at the Daniels Canyon site, which he argued renders extraction uneconomical because Maverick Rock currently operates surface mines descending only 300 to 350 feet.

35) However, Mr. White and Mr. Thompson credibly testified that economic feasibility is very hard to gauge before breaking ground.

36) Mr. White noted that geological depth projections can be inaccurate; for instance, shale at the Ekins Mine was projected to be 1,600 feet deep but was actually discovered near the surface.

37) Furthermore, Mr. White testified that he has personally observed visible outcrops of Great Blue Limestone within 6 miles of the Daniels Canyon site.

38) It is undisputed that no exploratory drilling or chemical assays have been conducted at the Daniels Canyon site.

39) However, Mr. Thompson and Mr. White credibly testified that exploratory drilling is not necessary to identify a mineral trend, as it is standard industry practice to rely on geological maps and projections.

40) Where the Court finds that Maverick Rock has presented sufficient information to support its position that the Ekins Mine and the Daniels Canyon site share the same geologic trend, the Court notes that the economics or feasibility of mine operations at the Daniels Canyon site are not factors that bear upon the County's obligation to hold the hearing mandated by statute.

Public Hearing Item 4: Discussion regarding expansion of vested mining rights for Maverick Rock located at Daniel's Canyon

41) The County pointed to no statutory provision or case law to support its position that the County is somehow relieved if its duty to hold a hearing because the County questions the economics of the planned mining operations.

C. Conclusions of Law

42) The process for a mine operator to expand a vested mining use to "new land" is governed by the Vested Mining Use Statute, Utah Code § 17-81-401 et seq. The statute dictates that upon receiving a notice of a mine operator's intent to expand, the applicable legislative body "shall . . . hold a public meeting or hearing at its next available meeting that is more than 10 days after receiving the notice." Utah Code Ann. § 17-81-402(2)(d)(i).

43) Crucially, under Utah Code § 17-81-402(2)(b), a mine operator with a vested mining use is legally "presumed to have a right to expand the vested mining use to new land."

44) Given that presumption, the Court finds that, as a matter of law, the County lacked the discretion to demand that Maverick Rock affirmatively establish the existence of the mineral trend before granting the public meeting.

45) The County erroneously concluded that the Daniels Canyon site could not be part of the same mineral trend because the limestone and shale are estimated to be 5,000 to 7,000 feet below the surface, rendering extraction "economically not feasible".

46) As a matter of law, there is no provision in the Vested Mining Use statute that limits the definition of a "mineral trend" to only those minerals that are currently "economical" to mine. *See* Utah Code Ann. § 17-81-402(1). The statute merely requires that the new land "contains" minerals that are part of the same trend. *Id.* In fact, the statute does not even require the mine operator to actually extract the specific mineral that establishes the shared trend. *Id.*

47) Under Utah Code § 17-81-402(1)(d), an operator may expand its use to new land and then "mine or process a different or additional mineral than previously mined". Therefore, the County's economic feasibility argument is entirely irrelevant to whether a mineral trend exists.

48) The County further argued that the mineral trend was "disrupted" by post-depositional faults and folding, and that a vested mining use cannot be expanded into a "new jurisdiction." Both of these arguments fail as a matter of law. A "mineral trend" is established at the time the minerals are originally deposited into a depositional environment; therefore, the Court concludes that post-depositional faulting, folding, or thrusting does not change the nature of the mineral or destroy the existence of the trend.

49) Additionally, this Court has already ruled that Utah Code § 17-81-402 explicitly contemplates expansions involving multiple "applicable legislative bodies" and allows a mine operator to expand a vested mining use from one jurisdiction to another. Clearly, the mineral trends in question were formed before modern political jurisdictions even existed, making jurisdictional boundaries irrelevant to the scientific existence of a shared trend.

50) The Court notes that while the applicable statute does not allow the County to decline to hold the public meeting mandated by statute, that does not necessarily leave the County without the ability to protect the health, safety and welfare of its citizens.

Section 17-81-402(2)(e) provides that:

[a]fter the public meeting or hearing under Subsection (2)(d)(ii), a mine operator may expand a vested mining use to new land without any action by an applicable legislative body, unless the applicable legislative body finds that there is clear and convincing evidence in the record that the expansion to new land will imminently endanger the public health, safety, and welfare. If the applicable legislative body makes the finding of endangerment described in this Subsection (2)(e), Subsection (4) applies.

The County is prohibited from generating *post hoc* justifications or explanations for its denial that were not expressly included in that original Final Decision.

52) Ultimately, the Court concludes that Wasatch County has improperly refused to comply with Maverick's statutory right to a hearing.

D. Conclusion/Order

The Court finds that Maverick Rock is a mine operator with a vested mining use in the Ekins Mine, and that it properly submitted written notice of its intent to expand this use to the Daniels Canyon site based upon the existence of the same mineral trend. The County failed to comply with its non-discretionary duty to hold a public meeting and has failed to rebut the statutory presumption in favor of the expansion.

Accordingly, Petitioner's Petition for an Extraordinary Writ of Mandamus is **GRANTED**.

Wasatch County is hereby **ORDERED** to hold a public meeting or hearing regarding Maverick Rock's vested mining use expansion request at its next available meeting that is more than 10 days from the date of this order.

Dated this 3rd day of April 2026.

BY THE COURT:


JENNIFER A. MABEY
DISTRICT COURT JUDGE

CERTIFICATE OF NOTIFICATION

I certify that a copy of the attached document was sent to the following people for case 250500114 by the method and on the date specified.

EMAIL: DENISE DRAGOO DDRAGOO@SWLAW.COM

EMAIL: CAMERON CUTLER CCUTLER@SWLAW.COM

EMAIL: ANNIKA JONES ALJONES@SWLAW.COM

EMAIL: DEREK C FLINT dflint@swlaw.com

EMAIL: IAN R JOYCE ijoyce@swlaw.com

EMAIL: BARTON KUNZ BKUNZ@KUNZPC.COM

Date: 04/03/2026 /s/ STEPHANIE MORENO
Signature

Public Hearing Item 4: Discussion regarding expansion of vested mining rights for Maverick Rock located at Daniel's Canyon

deposits in the hills. The alluvium is from the side drainages and the main drainage for the creek, with bedrock types consisting primarily of sandstone and conglomerate at the erosional source.

The use of the referenced Utah State Code 17-41-502 in this case may not apply to the Ekins operation. State Code 40-8-4 indicates that a "mining operation" does not include extraction of sand, gravel, rock aggregate, and boulders.

CONCLUSION

It is our professional opinion that there is no evidence of similar mineral trends or geologic offshoots between the Ekins East Pit and the Daniels Canyon site when the terms are used as suggested by the State code.

- There is no mineral trend or geologic offshoot between the Ekins and Daniels sites as we interpret the intent of the State code.
- The Great Blue Limestone is considered to be a mineral trend by the Maverick Rock's consultants, but the formation is estimated at about 7,000 feet below grade.
- Mining the Great Blue Limestone at the Daniels site would be cost prohibitive.
- Bedrock types exposed at the Ekins site consist predominantly of limestone with some dolomite of the Mississippian Era.
- Bedrock types exposed at the Daniels site consist predominantly of sandstone and minor amounts of limestone of the Pennsylvanian Era.
- The Ekins and Daniels sites are in two distinctly different physiographic provinces.
- Quaternary-aged deposits at the Daniels site are alluvial and colluvial with parent material consisting of sandstone and conglomerate.
- Quaternary-aged deposits at the Ekins site are predominantly lake deposits. There are some alluvial deposits at the Ekins site with parent material from Tertiary volcanics, and colluvium with parent material from limestones.
- Utah State code 40-8-4 indicates that a "mining operation" does not include extraction of sand, gravel, rock aggregate, and boulders, thus State Code 17-41-502 may not apply to the Ekins operation.

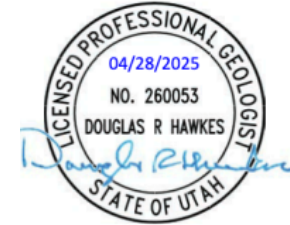
LIMITATIONS

Our geologic review is based on the information provided, and our professional experience and opinions.

If you have questions or if we can be of further service, please call.

Sincerely,

APPLIED GEOTECHNICAL ENGINEERING CONSULTANTS, INC.



Douglas R. Hawkes, P.E., P.G.

Reviewed by JEN, P.E.

April 28, 2025

Wasatch County Planning
55 South 500 East
Heber City, Utah 84032

Attention: Doug Smith
EMAIL: dsmith@wasatch.utah.gov

Subject: Daniel Canyon Mining Rights
5200 South Highway 40
Wasatch County, Utah
Project No. 1250281

Mr. Smith:

Applied Geotechnical Engineering Consultants, Inc. was requested to review the reports prepared by Geostrata dated April 14, 2025 and Professor Scott Ritter dated April 16, 2025 concerning Utah Code 17-41-502, Rights of a mine operator with a vested mining use - expanding vested mining use as it relates to the Ekins East Pit, located at 461 US-6 in Genola, Utah and property located in Daniels Canyon at about 5200 South Highway 40 in Wasatch County. The intent of the letters is to show that there is a mineral trend or geologic offshoot between the two properties as used in the referenced code.

CODE

The code states "17-41-502 Rights of a mine operator with a vested mining use -- Expanding vested mining use.

(1) Notwithstanding a political subdivision's prohibition, restriction, or other limitation on a mining use adopted after the establishment of the mining use, the rights of a mine operator with a vested mining use include the rights to:

- (a) progress, extend, enlarge, grow, or expand the vested mining use to any surface or subsurface land or mineral estate that the mine operator owns or controls;
- (b) expand the vested mining use to any new land that:

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- (i) is contiguous and related in mineralization to surface or subsurface land or a mineral estate that the mine operator already owns or controls;
- (ii) contains minerals that are part of the same mineral trend as the minerals that the mine operator already owns or controls; or
- (iii) is a geologic offshoot to surface or subsurface land or a mineral estate that the mine operator already owns or controls;

DISCUSSION

It is not clear what mineral is being mined at the Ekins East Pit and planned for the Daniels site as State code 40-8-4 indicates that the extraction of sand, gravel, rock aggregate, and boulders is not a mining operation. Our professional opinion is that the intent of State code 17-41-502 is specific to mining operations and is intended to allow a mine operator to use current mining rights of an existing mine to be conveyed to a site with the same mineral trend or geologic offshoot as the minerals being mined at the current mine. Thus, an operation that extracts silver ore for instance could expand that silver ore mining to a property with a geologic offshoot of that ore body or an ore body with a similar mineral trend.

Geostrata suggests that similar bedrock types may be a qualifier to meet the code, but similar bedrock types are not mentioned in the code and the two sites have distinctively different bedrock types exposed at the ground surface. The bedrock at the Ekins East Pit is composed of limestone and some dolomite. The bedrock types at the Daniels site are predominantly sandstones with minor amounts of limestone beds. The exposed bedrock formations are of differing ages. The Etkins East Pit has exposures of mostly bedrock deposited during the Mississippian Era and the Daniels site bedrock was deposited during Pennsylvanian Era, several millions of years later.

The Etkins East Pit is in the Basin and Range physiographic province and the Daniels site is in the Rocky Mountain physiographic province.

Scott Ritter indicates that some bedrock formations are present at the surface or subsurface at both sites, which is true. The Great Blue Limestone is a formation present at both sites that would be closest in age. However, the Great Blue Limestone is estimated to be more than 7,000 feet below the Daniels site depending on the depth of the Charleston Thrust in that area. It is unlikely to be economical to mine the Great Blue Limestone at such a great depth.

The Quaternary deposits at the Ekins East Pit are mapped to consist primarily of Lake Bonneville near and offshore deposits along with some Holocene alluvium. The parent rock for the alluvium is primarily Tertiary volcanics upstream of the site. The Quaternary deposits at the Daniels site are mapped to consist of stream deposits along Daniels Creek, and colluvium and some landslide

June 11, 2025

Wasatch County Planning
55 South 500 East
Heber City, Utah 84032

Attention: Doug Smith
EMAIL: dsmith@wasatch.utah.gov

Subject: Daniel Canyon Mining Rights
5200 South Highway 40
Wasatch County, Utah
Project No. 1250281

Mr. Smith:

Applied Geotechnical Engineering Consultants, Inc. was requested to review two letters regarding the use of Utah Code 17-41-502, "Rights of a mine operator with vested mining use - expanding vested mining use" to circumvent the normal permitting process in developing a mining operation in Daniels Canyon at about 5200 South Highway 40 in Wasatch County, Utah. One letter is from Snell and Wilmer dated June 5, 2025, which discusses mining of limestone and shale at the Maverick Rock's Ekins East Pit, located at 461 US-6 in Genola, Utah and the presence of the same limestone and shale formations below the Daniels Canyon site constituting a mineral trend. The other is from Geostrata dated May 23, 2025 and contains responses to our letter dated April 28, 2025, and the letter from Geostrata dated May 23, 2025. Geostrata provides the same claim that the presence of both formations below the two sites represents a mineral trend consistent with the Utah State Code stated above.

It remains our professional opinion that the intent of the code in allowing a mine operator the right to expand their vested mining use to new land for the same mineral trend or geologic offshoot would only apply to such mineral trend that is feasible to mine. The two formations noted by the geologic consultants for Maverick Rock that are presented as representing mineral trends between the two sites are limestones from the Great Blue Limestone and in the recent letter from Geostrata shale from the Manning Canyon Shale. Both of these formations are likely present at both sites but are at such great depth at the Daniels Canyon site, estimated at 5,000 to 7,000 feet below grade, that it would not be economically feasible to mine the limestone or shale from these

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Wasatch County Planning
June 11, 2025
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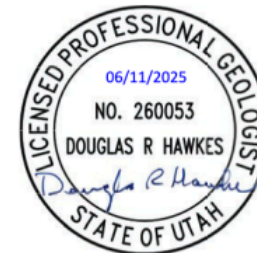
formations. It is our professional opinion that there is no evidence of similar mineral trends or geologic offshoots between the Ekins East Pit and the Daniels Canyon site when the terms are used as suggested by the State code.

Our geologic review is based on the information provided, and our professional experience and opinions.

If you have questions or if we can be of further service, please call.

Sincerely,

APPLIED GEOTECHNICAL ENGINEERING CONSULTANTS, INC.



Douglas R. Hawkes, P.E., P.G.

A handwritten signature in blue ink, appearing to read "Jen E. ...", likely representing JEN, P.E., P.G.

Reviewed by JEN, P.E., P.G.



State of Utah

SPENCER J. COX
Governor

DEIDRE M. HENDERSON
Lieutenant Governor

Department of Natural Resources
Division of Oil, Gas and Mining

JOEL FERRY
Executive Director

MICK THOMAS
Division Director

Public Hearing Item 4: Discussion regarding expansion of vested mining rights for Maverick Rock located at Daniel's Canyon

May 29, 2025

Martin White
Maverick Rock, LLC
32 Red Pine Dr
Alpine, UT 84004

Subject: Tentative Approval of the Notice of Intention Small Mining Operation – Surety Required, Maverick Rock, LLC, Daniels, S/051/0329, TASK # T-23699, Wasatch County, Utah

Dear Mr. White:

The referenced Notice of Intention to Commence Small Mining Operations (NOI) received on May 16, 2025, is complete **with the exception of the reclamation bonding requirement, and the cultural class III survey.** The required reclamation surety for the planned 18.8 acres of disturbance is \$186,600 / \$202,800 for a 3-year / 5-year escalation respectively. This amount was determined based on approved per-acre bond amounts and other information in the following table:

3-Year Escalation					
Project Size / Features	Number of Items	2025 Standard Surety Requirements		Total	Comments
		3-year escalation (through 2028)			
		Amount	Unit		
16 Acres	1	\$ 154,200	all acres	\$ 154,200	Minimum amount required; Includes \$10,300 mob./demob.
Additional Acres (20 total acres max.)	3	\$ 10,800	per acre	\$ 32,400	Partial acres rounded up to next acreage (e.g. 16.2 acres = 17 acres)
20 Acres	0	\$ 197,400	per acre	\$ -	Includes \$10,300 mob./demob.
Additional Mob. / Demob.	1	\$0	< 50 Miles (one way)	\$ -	No additional surety required
Total (3-Year Escalation)				\$ 186,600	



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Page 2 of 2
MARTIN WHITE
PERMIT ID
May 29, 2025

5-Year Escalation					
Project Size / Features	Number of Items	2025 Standard Surety Requirements		Total	Comments
		5-year escalation (through 2030)			
		Amount	Unit		
16 Acres	1	\$ 167,700	all acres	\$ 167,700	Minimum amount required; Includes \$10,300 mob./demob.
Additional Acres (20 total acres max.)	3	\$ 11,700	per acre	\$ 35,100	Partial acres rounded up to next acreage (e.g. 10.2 acres = 11 acres)
20 Acres	0	\$ 214,500	per acre	\$ -	Includes \$10,300 mob./demob.
Additional Mob. / Demob.	1	\$0	< 50 Miles (one way)	\$ -	No additional surety required
Total (5-Year Escalation)				\$ 202,800	

No mining related disturbance may be created until the surety, as well as a cultural survey, is received and approved and you have received written acceptance from this office. Be advised that conditional use permits issued by the county may also apply to this property and must be obtained before any disturbance is made. The Division of Oil, Gas and Mining (Division) does not regulate the issuance or receipt of conditional use permits by local agencies.

The reclamation surety can be submitted in the form of an irrevocable letter of credit, a certificate of deposit, cash or a surety bond. A cash surety **must** be accompanied by a W9 form for domestic companies, or the money will not be accepted as a surety and will be returned. The W9 form is available on the Internal Revenue Service web site at <https://www.irs.gov/>. Please contact Penny Berry at 801-538-5291 or by e mail at pennyberry@utah.gov for assistance in completing this requirement.

In addition to the surety, the Division needs to receive a reclamation contract which is available from the Division's website at <https://minerals.ogm.utah.gov/bonding.php#bondforms>.

Please contact the permit lead for this mine, Paul Eubanks, at 801-833-6524 or email peubanks@utah.gov or me at 385-272-9106 or email mmunson@utah.gov if you have questions regarding this letter. In reply, please refer to file number S/051/0329.

Sincerely,

Matt Munson

Matt Munson (May 30, 2025 15:41 MDT)

Matthew Munson
Assistant Environmental Manager

MM:pejs

cc: Martin White marty@maverickrock.com John Ogden john@maverickrock.com

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- (4)(a) If the applicable legislative body makes the finding of endangerment described in Subsection
 - (i) the mining operator shall submit to the applicable legislative body the mining operator's plan for expansion under this section;
 - (ii) by no later than 30 days after receipt of the plan for expansion described in Subsection (4)(a)(i), the applicable legislative body shall notify the operator of:
 - (A) evidence that the expansion to new land will endanger the public health, safety, and welfare; and
 - (B) proposed measures to mitigate the endangerment of the public health, safety, and welfare; and
 - (iii) the applicable legislative body shall hold a public hearing by no later than 30 days after the date the applicable legislative body complies with Subsection (4)(a)(ii) to present mitigation measures proposed under Subsection (4)(a)(ii).
- (b) The applicable legislative body may impose mitigation measures under this Subsection (4) that are reasonable and do not exceed requirements imposed by permits issued by a state agency such as an air quality permit.
- (c) A political subdivision may not prohibit the expansion of a vested mining use if the mining operator agrees to comply with the mitigation measures described in Subsection (4)(b).
- (d) The process under this Subsection (4) is not a land use application or conditional use application under Title Title 10, Chapter 20, Municipal Land Use, Development, and Management Act, or Chapter 79, County Land Use, Development, and Management Act.



Utah Code § 17-81-402 applies
Expansion allowed unless clear and convincing evidence
Imminent endangerment to public welfare
Includes water, environment, community character



Claimed formation ~5,000 - 7,000 feet deep
Uncertain excavation targets





Bank destabilization
Immediate impact upon disturbance





Erosion leads to creek damage
System-wide environmental harm
Not isolated effects





Impacts property owners and agriculture in the surrounding area
Degrades water usability
Potential risk to reduce property value and enjoyment



Large-scale disturbance (~476 acres)

Vegetation removal

Permanent topographic change





Harm begins with initial disturbance
No need for full mining operations
Immediate and ongoing risk



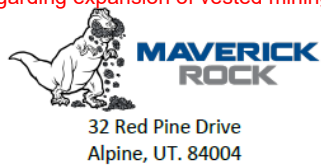


Creek impacts – active flood plain

Uncertainty + instability + water impact = imminent harm

Meets clear and convincing evidence standard





February 28, 2025

VIA Email (council@wasatch.utah.gov)

Wasatch County Commissioner
Karl McMillian – Council Chair
25 N. Main Street
Heber City, UT 84032

RE: Notice of Expansion of Vested Mining Rights, Utah Code 17-41-502

Dear County Commissioners,

Maverick Rock, LLC hereby gives notice of the expansion of its vested mining rights from the East Ekins Mine to a parcel of land located along SR40 – Daniels located in unincorporated Wasatch County consisting of approximately 426.54 acres with a Property Tax ID Number: 00-0009-8165 (116.54 Ac.), 00-0009-8181 (160 Ac.), 00-0009-8207 (Approx. 240 Acres in the east ½ of parcel) Maverick Rock seeks to remove materials from the subject parcel in conjunction with Maverick Rock's vested mining rights under Utah Code 17-41-502. The mineral of Great Blue Limestone (Mgb) located on the Daniels property is the same mineral trend and geological offshoot from the Great Blue Limestone located at the Ekins East Mine. This property is controlled by Maverick Rock, who is authorized to remove all materials on the subject parcel by agreement with the property owner.

Maverick Rock has perfected their vested mining rights in the "mineral deposit" within the Ekins East Mine (See attached, Declaration of Vested Mining use recorded in the Office of the Utah County Recorder on March 19, 2018, as Entry No. 25829:2018, and Declaration of Vested Mining Use recorded on September 24, 2018 as Entry No. 91202:2018 and Large Mine Permit # M-049-032.

Maverick Rock now seeks to expand the vested mining use from the Ekins East Mine to the subject parcel. We respectfully request the Commission to hold a public meeting regarding this matter as soon as possible following 10-days from receipt of this notice per Utah Code 17-41-502(2)(d).

We appreciate your assistance in this matter

Very Truly yours,

Martin White
Mine Operator

Renumbered 11/6/2025 17-81-401 Vested mining use -- Conclusive presumption. (1) (a) A mining use is conclusively presumed to be a vested mining use if the mining use existed or was conducted or otherwise engaged in before a political subdivision prohibits, restricts, or otherwise limits the mining use. (b) Anyone claiming that a vested mining use has not been established has the burden of proof to show by clear and convincing evidence that the vested mining use has not been established. (2) A vested mining use: (a) runs with the land; and (b) may be changed to another mining use without losing its status as a vested mining use. (3) The present or future boundary described in the large mine permit of a mine operator with a vested mining use does not limit: (a) the scope of the mine operator's rights under this chapter; or (b) the protection that this chapter provides for a mining protection area. (4) (a) A mine operator with a vested mining use shall file a declaration for recording in the office of the recorder of the county in which the vested mining use is located. (b) A declaration under Subsection (4)(a) shall: (i) contain a legal description of the land included within the vested mining use; and (ii) provide notice of the vested mining use.

Adjournment

Action Taken: Adjournment

Action Taken: **Councilmember Bonner** made a motion to adjourn. **Councilmember Nelson** seconded the motion. The motion passed with the following vote:

Voting Aye: Colleen Bonner, Erik Rowland, Kendall Crittenden, Luke Searle, Mark Nelson, Spencer Park

Voting Nay: None

Chairman

Joey D. Granger/Clerk/Auditor