

23 January 2024

Malheur Planning Department
Planning and Zoning Commission Members

My name is Dinah Lord. My husband, Mike Lord and I own the property located at 458 Jasmine Road.

My husband and I have spent a good number of years employed in the heavy highway construction industry as well as a good number of years for myself serving in the US Army, reviewing contracts, federal regulations and balancing yearly budgets of over 30 million dollars.

My focus of Darren Lee's current application is his blatant disregard for the State of Oregon's administrative rules and revised statutes.

Darren Lee was served with a Suspension Order (ORS 517.880) on 8 March, 2023, as well as a Notice of Violation and Compliance Schedule (ORS 517.860) on 14 March, 2023, by the Oregon Department of Geology and Mineral Industries. The suspension order addressed Darren Lee conducting surface mining operations without an operating permit. Further, Darren Lee was ordered to suspend surface mining operations, to include extraction of materials. Photographs and video of Darren Lee removing materials from sites included in this suspension order have been forwarded to DOGAMI. Additionally, Darren Lee was issued a Notice of Violation and a Compliance Schedule, to which he was ordered to restore all surface impacts and return the sites to a stable, pre-mining condition by 15 June, 2023. Darren Lee obtained an extension of this date to 30 September, 2023. Even after a three and ½ month extension to complete this restoration, Darren Lee failed to comply with the compliance requirements.

Copies of both the Suspension Order and the Notice of Violation and Compliance Schedule were sent via email to the Malheur County Planning Department by DOGAMI and at least one individual that is in opposition to this permit application.

Additionally, Dallas Head was cited and found to be guilty of mining in an EFU zone on 4 May, 2023, and fined \$500.00.

Darren Lee has shown by his actions of conducting mining operations without a permit that he does not respect the laws and regulations of both Malheur County and the State of Oregon.

Darren Lee's new application for a conditional use permit is submitted to a lower authority (no disrespect is intended to Malheur County) while penalties and fines are being reviewed by the State of Oregon's Attorney General's Office to initiate legal proceedings (RS 517.880 (3)).

DOGAMI has cited 20 separate Oregon administrative rules and revised statutes pertaining to his suspension order. Again, this shows a blatant disregard of published regulations that Darren Lee cites in his conditional use application – see page 8, “According to DOGAMI specifications and approvals”. As no permit was issued for mining due to his not applying for one with DOGAMI, at present there are no protections afforded to the taxing lots located in the Jasmine Hill area, as a minimum, damages to wildlife and underground water sources, that have been published by Oregon Water Resources and Oregon Fish and Wildlife. This is only a very small sampling of the violations that are continuing to occur, of which, penalties and fines can be assessed for up to \$10,000 per day.

All landowners located on Jasmine and Power Roads are 100 percent in agreement that Darren Lee’s application for a conditional use permit, as well as his application for Goal 5 status should, at a minimum be tabled until a decision is made by the Oregon Attorney General’s Office for the assessment of penalties and fines, and, as a maximum, due to Darren Lee’s blatant disregard for not only Malheur County rulings but for the state of Oregon’s published regulations, be enjoined and an injunction be entered by the Malheur County Court to prevent Darren Lee from applying for a conditional use permit in the future.

Sincerely,

Dinah and Mike Lord
458 Jasmine Road
Ontario, Oregon 97914