



Oregon

Tina Kotek, Governor

Department of Geology and Mineral Industries

Mineral Land Regulation & Reclamation

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Albany, OR 97321

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June 22, 2023

Brian R. Sheets
BRS Legal, LLC
PO Box 987
Ontario, OR 97914

RE: DOGAMI ID No. 23-NP0001 (No Permit) Suspension Order and Notice of Violation & Compliance Schedule

Mr. Sheets,

The Department has prepared this letter in response to your letter dated April 25, 2023, in which you conveyed that your client wishes to complete the corrective actions required in the Notice of Violation and Compliance Schedule issued March 14, 2023. The letter also requested clarification of the Department's expectations and guidance to move forward with restoration while maintaining compliance with the Suspension Order.

Regarding your client's concerns about violating the Suspension Order issued March 8, 2023, Mr. Lee is required to perform any activities that are necessary to comply with the reclamation requirements. The Department will communicate to the neighbors that such activity is required by DOGAMI.

To alleviate any confusion on your client's part, the Department has prepared the enclosed aerial map with each area of concern delineated. The delineations are approximate and intended to assist your client in identifying these areas on the ground. General guidance for acceptable methods to restore each feature identified in the legend is described below.

- **Stripping and berming:** The area where stripping was conducted to construct berms, and where the berms were constructed, is indicated on the map with a green dashed outline. In this area, berms should be leveled to cover the stripped areas, along with recontouring to match the pre-existing ground surface. Following this, replacement of growth medium matching the surrounding undisturbed field and revegetation with the pre-existing cover crop.
- **Haul road development:** The haul road is indicated on the map with a purple dashed outline. The haul road construction covers topography with different geometry and surrounding vegetation. Where the haul road was cut into the hillside with a switchback up the hill (starting at the north, just off Mesquite Rd) the side-hill cut and switchback should be filled and recontoured to the previous configuration and slope. Followed by replacement of growth medium to matching the surrounding undisturbed ground, and revegetation with native species to a similar density and composition of surrounding vegetation. Where the elevation levels out and the haul

road was cut into relatively flat ground to the south toward Jasmine Rd., the road needs regraded to previous contours. Following this, replacement of growth medium matching the surrounding undisturbed field and revegetation with the pre-existing cover crop.

- Pit excavation – Pits are identified on the map with a dashed red outline and should be backfilled to the pre-existing ground surface. Following this, replacement of growth medium matching the surrounding undisturbed field and revegetation with the pre-existing cover crop.
- Quarry expansion – The quarry expansion area is indicated on the map with a yellow dashed outline. In this area, any berms or stockpiles that were constructed should be leveled to cover stripped or disturbed areas, along with recontouring to match the pre-existing ground surface. Following this, replacement of growth medium matching the surrounding undisturbed field, revegetation with the pre-existing cover crop, and revegetation with native species to a similar density and composition of surrounding vegetation. Additionally, any pits that were excavated should be restored as described under Pit excavation above, plus revegetation with native species to a similar density and composition of surrounding vegetation.
- Pre-Existing Quarry – The area the Department considers the pre-existing quarry is indicated on the map with a light gray dashed outline. The disturbance in this area occurred prior to the elimination of Grants of Total Exemption, which were a voluntary registration for mining occurring below the thresholds requiring an Operating Permit. Therefore, this area is not required to be reclaimed.

The Department recognizes the delay in providing this requested guidance and is providing an extension to September 30, 2023. A site inspection will be conducted to confirm reclamation is complete to the satisfaction of the Department.

DOGAMI appreciates Mr. Lee's cooperation and willingness to bring this site into compliance. If you have specific questions regarding the reclamation requirements, please contact Bob Brinkmann at Bob.Brinkmann@dogami.oregon.gov or 541-619-4655. For all other questions, please contact me directly.

Sincerely,

Cari Buchner
Cari.Buchner@dogami.oregon.gov
541-231-9820

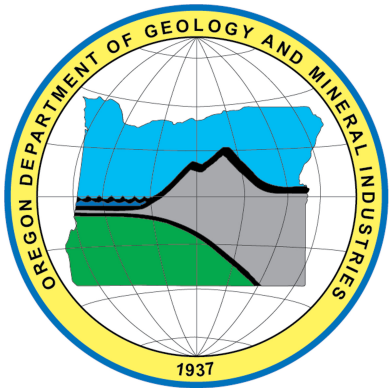
enclosure: 2023 GIS Aerial



ID#: 23-NP0001
PERMIT TYPE: None

Operator: Darren Lee
 Landowner: Dallas Head
 County: Malheur
 Legal: T16S R47E Sec. 7,8,17,18
 Latitude: 44.17998
 Longitude: -117.00084

Symbol	Feature	Acres
	Stripping and Berming	9.9
	Haul Road Development	4.1
	Pit Excavation	0.6
	Quarry Expansion	4.0
	Pre-Existing Quarry	6.8



Basemap Source: PlanetScope 5/1/2023
 Prepared By: E. Buchner 5/5/2023

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the suitability of the information.

Oregon Dept. of Geology and Mineral Industries (DOGAMI)
 Mineral Land Regulation and Reclamation Program (MLRR)
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ArcGIS v10.2
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