

Sid Eves



Oregon

Tina Kotek, Governor

Crook County
MAR 10 2025
Community Development

Department of Geology and Mineral Industries

Mineral Land Regulation & Reclamation

229 Broadalbin Street SW

Albany, OR 97321

(541) 967-2039

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www.oregon.gov/dogami

November 14, 2024

To: Rocky Hegele

From: Rebecca Misho, Reclamationist

Site ID and Name: 07-0150, Sustainable Aggregate Resources

Date of Inspection: September 26, 2024

EXHIBIT 8

Weather: sunny, dry.

Attachments:

1. Inspection Photos
2. 2024 Geographic Information System (GIS) Aerial

The purpose of this routine inspection was to document site conditions and evaluate compliance with the Operating and Reclamation Plan, permit conditions, laws, and rules applicable to the site. For the inspection of the Sustainable Aggregate Resources site, I was accompanied by Ryan Clark, Rocky Hegele, Candy Hegele and Travis Hegele, and John Hook of DOGAMI. Based on the 2022 GIS aerial imagery (compiled by DOGAMI on March 4, 2024), the permit boundary covers 9 acres. Approximately 9.8 acres have been disturbed by mining related activities, with 1.0 acres of disturbance outside of the permit boundary (attachment 2).

Prior to observing the site, we discussed permit conditions, reclamation efforts and future plans for the site. The Permittee recently submitted a land use application to expand the site and intends to amend the Operating Permit to expand with DOGAMI once land use is received. Per Operating Permit Condition #10, "The permittee must conduct mining in 2-acre cells with concurrent reclamation such that no more than 2 acres is actively being disturbed by mining excavation". The Permittee requested this inspection to document evidence of reclamation efforts on-site and their work towards fulfillment of the above condition.

In the last inspection conducted on October 13, 2023, DOGAMI noted that the Permittee was in the process of reclaiming the north and south ends of the highwall. At the time of the 2023 inspection, grading work was being conducted along the north end of the highwall. Since then, the reclamation work at the northern end of the highwall has been completed, and revegetation was successful (photo 1). The road built outside of the permit boundary to reclaim the northern portion of the highwall has been successfully reclaimed and revegetated. All stockpiles outside of the permit boundary to the west have been removed, and the mining related equipment stored in a trailer was moved to a new trailer inside of the permit boundary (photos 2 and 3). The original trailer remains in the same location and is used for agricultural purposes not associated with the mine site.

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The Permittee created a bench along the remaining highwall, roughly halfway up (photo 4). The average slope was approximately 1.5H: 1V to 1.7H: 1V (Horizontal: Vertical). Although the average slope meets minimum requirements, it should be noted that approximately the top 30-40 feet of the highwall was near vertical. Material was actively raveling from the face during the inspection. We discussed how to stabilize the slope, which included potentially filling in the quarry until a stable sloping configuration was reached. Alternatively, the Permittee could apply to expand the permit boundary further east along with the planned expansion to the south, expand the road above the mine site further into the hillside for continued use, and then lay the highwall back until it reaches a stable sloping configuration of approximately 1.5H:1V. The Permittee stated that this option would be preferred and would make reclamation of the slope easier.

Permit Conditions Review

The permittee must:

1. Not allow mining operations to physically disturb any areas outside of the permit boundary. Physical disturbance includes, but is not limited to, excavation operations, processing, stockpiling, and/or disturbances caused by landslide, erosion, or fly rock.
 - a. Mining related disturbances such as stockpiling and storage of mining related equipment, was moved inside the permit boundary since the last inspection. The road built to reclaim the northern portion of the highwall was also reclaimed and revegetation efforts were successful.
2. Keep all processing activities at least 1,000 feet from existing residences not owned by the permittee.
 - a. The permittee owns all land within 1,000 feet of the quarry floor where processing takes place.
3. Not conduct mine or pit dewatering activities without first amending the Operating Permit to allow such activity.
 - a. There was no evidence of pit dewatering occurring at the time of the inspection.
4. Salvage, store and stabilize all soil and overburden materials for onsite reclamation.
 - a. Soil and overburden materials were being salvaged and stored onsite for final reclamation, as required. DOGAMI recommends seeding the bare stockpiles to stabilize and reduce erosion.
5. Obtain coverage and comply with the DEQ¹ National Pollutant Discharge Elimination System (NPDES) 1200-A permit prior to discharging stormwater or mine dewatering water from a point source to surface waters or conveyance systems that discharge to surface waters.
 - a. No stormwater discharge was observed on site.
6. Obtain coverage and comply with, the appropriate DEQ General Water Pollution Control Facilities (WPCF) permit prior to disposal of any process wastewater and stormwater by recirculation, evaporation, and/or controlled seepage with no discharge to surface water.
 - a. The facility does not use water to process aggregate materials.
7. Follow the "Inadvertent Discovery Plan for Cultural Resources" in the event of an inadvertent discovery of possible cultural materials.
 - a. The permittee stated that no cultural resources have been found on site while mining.

¹ Oregon Department of Environmental Quality (DEQ)

8. Establish all final excavated slopes to be 1.5H:1V or flatter. A rock lined ditch must be established every 100 lineal feet along the continuous cut slope.
 - a. The average slope of the highwall was approximately 1.5H:1V. It should be noted that the top 30 feet of the highwall was near vertical and actively raveling during the inspection.
9. Establish all final fill slopes to be 2H:1V or flatter.
 - a. Fill slopes have been created along the north and south ends of the highwall and they are approximately 2H:1V or flatter.
10. Conduct mining in 2-acre cells with concurrent reclamation such that no more than 2 acres is actively being disturbed by mining excavation.
 - a. Approximately 2.7 acres were directly affected by current mining excavations. The permittee was actively engaged in reclaiming previously mined areas to bring the site into compliance with this condition at the time of our inspection.
11. Submit a fill plan meeting the requirements of OAR² 632-030-0025(bb) for DOGAMI approval prior to importing any fill.
 - a. There was no evidence of imported fill material on site.
12. Replace a minimum of 4 inches of growth medium on all areas on cut/fill slopes.
 - a. The depth of growth medium replacement appeared adequate to meet this condition.
13. Revegetate all areas to be reclaimed with a seed mixture approved by ODFW³ and DOGAMI.
 - a. The permittee stated that they had not approved the chosen seed mixture through ODFW and DOGAMI, but the only mixture that had worked so far was crested wheat grass and ryegrass.
14. Control noxious or invasive plants and weeds found to be present onsite via annual or semiannual spot spraying or other means.
 - a. There were very few to no invasive weeds noted onsite during the inspection.

Reclamation Security Review

As part of every inspection, the reclamation security associated with the site is reevaluated to determine whether it is adequate. The reclamation security for any operation must be based on the actual reclamation costs that DOGAMI would have to pay to contract for reclamation of the disturbed area to the standards outlined in the Reclamation Plan, per OAR 632-030-0033(3). The current reclamation security for the site is a cash security in the amount of \$34,700.

The enclosed GIS aerial from 2022 recognizes 9 acres covered under the Operating Permit, of which approximately 9.8 acres are currently disturbed by mining related activity and subject to reclamation requirements. The current bond is considered adequate at this time.

Signature: Rebecca Micho

² Oregon Administrative Rules (OAR)

³ Oregon Department of Fish and Wildlife (ODFW)

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Photo 1- Revegetation to the north of the highwall.



Photo 2- Stockpiles removed from outside of the permit boundary.



Photo 3- Stockpiles removed and mining equipment moved to trailer inside permit boundary.



Photo 4- Highwall



← Road

Eves

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PERMIT ID#: 07-0-150
LEASING TYPE: OP

Permittee: Rocky Hegele
Site Name: Sustainable Aggregate Res...
Commodity: basalt, lava
Division: 30
DEQ File No.: ---
DEQ Status: ---
DEQ Permit: 14S14E9 101
Legal:

Site Contact:
Site Phone: Permittee Phone: 5413502412
Permittee Cell:
DEQ Contact: ---
DEQ Phone: ---
County: Crook
Latitude: -121.062103
Longitude: 44.367698

Symbol	Layer	Data Source	Source Date	Acres
[Symbol]	Survey Permit Area	Survey	1/25/2022	9
[Symbol]	Approx. Permit Area	---	---	---
[Symbol]	Proposed Permit Area	---	---	---
[Symbol]	Setbacks	---	---	---
[Symbol]	Excavation Area	---	---	---
[Symbol]	Limited Exemption	---	---	---
[Symbol]	Reclaimed	---	---	---
[Symbol]	Disturbed Total	Site Inspection	9/26/2024	9.8
[Symbol]	Outside of Permit Area	---	---	1

Inspection Photos
Basemap Source ESRI World Imagery
Prepared By C. Rowden



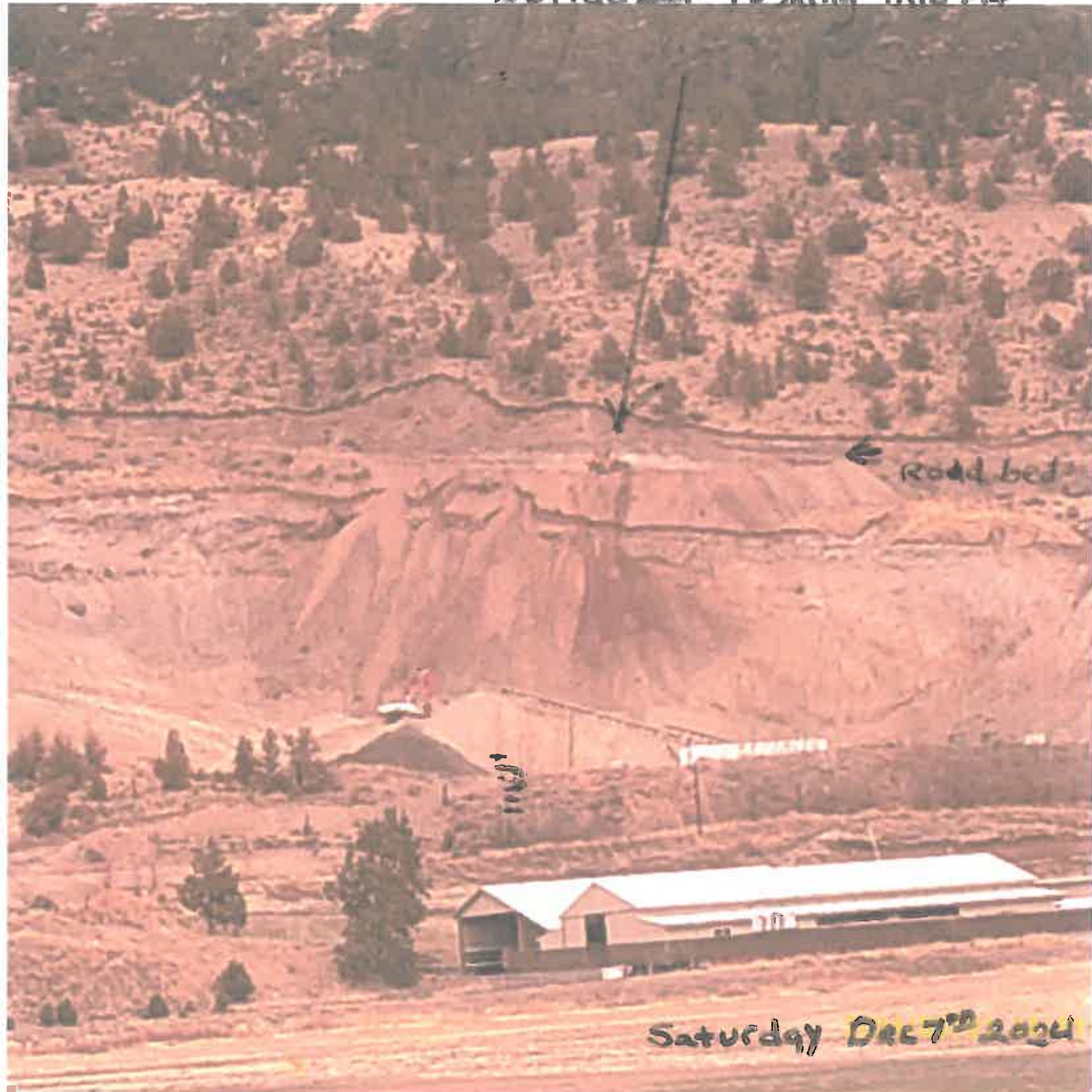
This product is for informational purposes and may not have been prepared for, or be suitable for, legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the suitability of the information.

Oregon Dept. of Geology and Mineral Industries (DOGAMI)
 Mineral Land Regulation and Reclamation Program (MLRR)
 229 Broadway St. SW
 Albany, OR 97321
 ArcGIS Pro, 3.0
 Oregon Lambert Projection, NAD 1983 HARN (EPSG: 2994)
 Oregon Lambert Projection, NAD 1983 HARN (EPSG: 2994)
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Bulldozer Pushing Into Pit



Saturday Dec 7th 2024

Eves



Jan 6th 2025

Eves

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Sid Eves

From:ssmeves@aol.com

To:BALZER Vaughn * DGMI

Fri, Jan 10 at 2:00 PM

Vaughn; I had been mistaken when I thought the upper section of the pit was cavitating further up the hill towards the road. What was in fact happening is they were excavating the hill above the permit area and lowering the hillside closer to the permit boundary.

They testified at the county planning hearing in Nov. for the proposed expansion that they were running out of material in their present site. They have since gone above the permit area and pushed hundreds of tons of material down into the pit. The road bed, as you can see in the dogami latest inspection photo, slightly arches upward above the area. In the picture I sent from 1-6-2025 the roadbed now dips significantly where they have excavated a significant number of feet above the permit area and pushed it into the pit. Since the Sept. dogami inspection they had worked multiple Saturdays pushing material over the edge down to the bottom of the pit and sorting it to have it crushed while they had the crusher there. An extensive amount material in their current stockpiles came from outside the permit area.

In the recent photo you can see material strewn down the hillside that looks different from the what was there at the inspection. On the upper south end they had created a spillway for the material to slide down to the bottom of the pit. Also notice in the picture the amount of area actively disturbed. They have undercut some more of the pit wall, that was said to show progress towards reclamation during the inspection, and created even more cavitation.

I have attached two pictures, one of which you may have already seen. If you compare the pictures to the photo dogami took at the last inspection you can see evidence of them importing material from out side the permit area into the pit.

I live across the road from the pit where I monitor it almost daily. Not necessarily by choice but the site sits outside my front door unobstructed visually or audibly. Please let me know that you received this e-mail.

Thanks,

Sid

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RE: SAR Pit.

From: BUCHNER Cari * DGMI (cari.buchner@dogami.oregon.gov)

To: ssmeves@aol.com

Date: Friday, February 21, 2025 at 09:24 AM PST

Sid,

I apologize for the delay in responding to your inquiry. The Department has to prioritize formal enforcement at sites with egregious ongoing environmental harm. For example, a site creating unstable slopes on public land or causing landslides into streams with endangered species. For less egregious violations we first work with the entity to complete whatever actions are necessary to bring the site into compliance. In this situation, the permittee has the opportunity to voluntarily comply with the requirements to either expand the pit with appropriate permitting or reclaim disturbance outside the currently approved permit area. If the Department determines that a good faith effort is not being made to come into compliance voluntarily, we will likely initiate formal enforcement at that time.

Since your last email we've communicated to Mr. Hegele that we are aware there is no area within his current permit that is available for excavation and therefore there should not be any excavation occurring. If excavation has not ceased, please let me know.

If you would like to discuss this in more detail, please let me know and we will schedule a time for a call.

Thank you,

Cari Buchner (she/her)
Mining Compliance Coordinator
Cell: (541) 231-9820
Oregon Department of Geology and Mineral Industries

From: Sid Eves <ssmeves@aol.com>
Sent: Wednesday, February 5, 2025 1:57 PM
To: BUCHNER Cari * DGMI <cari.buchner@dogami.oregon.gov>
Subject: Re: SAR Pit.

Cari; I was just wondering why there was no fine or suspension. They are in violation of the current permit not an amended one.

Sid

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