

NOTICE OF DEPARTMENTAL RECOMMENDATION

This Recommendation does not constitute issuance of the permit.

Application # L.E.-2830 Conference # PAN 24-02-IC

- Permit
- Revision
- Renewal
- Amendment

Concerning the application of **Rock-It-Natural Stone, Inc.** Applicant, for a permit to engage in surface mining and reclamation operations in an area of 120 acres more or less, located in Section 28, Township 9 South, Range 19 East, located in Haskell County, State of Oklahoma. Recommendation is hereby made to the Director of the Oklahoma Department of Mines ("ODM") that said application:

- be approved
- be approved as conditioned
- be denied

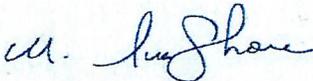
The reason for approval/denial are based on Conference No. **PAN- 24-02-IC**:

The Oklahoma Department of Mines has statutes and regulations in place to help protect the environment with the assistance of other state and federal agencies. Permitted sites are inspected 4-6 times per year, or more as needed, to monitor compliance. The Department recommends this permit be issued.

This notice is provided in accordance with Title 45 Oklahoma Statutes, 2011 §724 (H)(6).

OAC 460:10-17-15 provides that within thirty (30) days of receipt of this notice, any person with an interest which is or may be adversely affected may request a formal hearing on this decision. Requests for hearing must be filed with the Department in writing. If no request is received, the decision of the Department will become final.

Done this 25th day of April, 2024.



Travis Shore, Chief of Minerals Operations

This Recommendation does not constitute issuance of the permit.

BEFORE THE OKLAHOMA DEPARTMENT OF MINES
STATE OF OKLAHOMA

IN RE: The Matter of Application of **Rock-It-Natural Stone, Inc.**, For a permit to engage in surface mining and reclamation in an area of 120 acres more or less, located in Section 28, Township 9 South, Range 19 East in Haskell, County, State of Oklahoma)
) **Case No. PAN 24-02-IC**
) **Permit L.E. - 2830**
)

An Informal Conference was held on the 28th day of March 2024 at the Kiamichi Vo-Tech in Haskell County located at 1410 Old Military Rd., Stigler, Oklahoma 74462.
The conference began at 2:30 p.m.

RECOMMENDATION OF THE CONFERENCE OFFICER

Members of the public, representatives from Rock-It-Natural Stone Inc., and Landowners present (based on the sign in sheet)

1. Ian Cargill
2. James Green
3. Claire Green
4. Jim Moore
5. Latricia Cesar
6. Kerri Baker
7. Freda Spears
8. Sandra D. Cesar
9. John Few
10. Charley Bush
11. Doyle Wagreen
12. Linda Few
13. Chris Meek
14. Frank Spears
15. Caleb Baldwin
16. Ben Baldwin
17. Jimmy Baldwin
18. Steve Tate
19. Jessa Browne
20. Colt Browne

Appearing on behalf of Rock-It-Natural Stone, Inc. (based on the sign in sheet)

1. Caleb Baldwin
2. Ben Baldwin
3. Jimmy Baldwin
4. Steve Tate
5. Jessa Browne
6. Colt Browne

Landowners Present (based on sign in sheets)

1. John Few
2. Linda Few
3. Charley Bush
4. Chris Meek

Summary of Written Protests

The roads and bridges will be negatively affected by the weight of the trucks that will be used to haul out the rock and stone that is going to be mined. One road that was of particular concern is Beaver Mountain Road. There are also wood bridges that are incredibly old. There is concern for the low water bridge on SCR 4325 as it does not have a weight limit sign posted. The roads in the area are already rough to drive on with a lot of potholes, and a number of tin horns that lack of strength to manage the trucks. There is concern for the cattle that run across the road and one owner is concerned about losing her water well. There is concern for all wildlife, but especially the bald eagles and other endangered species. Additionally, there is concern for a natural waterfall called "Goat Canyon" which could affect the natural wetlands. One of the landowners is concerned that her renters on the properties will move due to the mining, which will directly affect her income.

Summary of Oral Statements of the Protestants

Sandra Cesar

Ms. Cesar is the landowner of 3 properties, one of which is on Beaver Mountain Road. She is genuinely concerned about the damage mining trucks will cause to the roads, especially Beaver Mountain Road and a small bridge that is not wide enough or strong enough to hold up. She said that she spoke with a county commissioner and that the county will have to fix roads within a year. One road she cited is Lona Valley Road. She stated the oil and gas industry pays a tax to which the county receives 3% but that the Department of Mines does not collect any tax that goes to the county. She is genuinely concerned about the bridges, and roads that are sandy as she feels they will not stand up to the trucks. Another concern is the harm mining will cause to the various wildlife, and she emphasized that she was concerned about the bald eagles. Ms. Cesar said that she would work to file an injunction against the mining. Ms. Cesar asked if anyone would put up money to fix the roads.

Latricia Cesar

Ms. Cesar owns a house on Beaver Mountain Road. She said that there are several people that did not attend the conference because the Assistant District Attorney of Haskell County, who is a landowner, lives on Beaver Mountain Road. She is concerned about the roads not being able to manage the trucks. She stated different weight limits that the various bridges can manage and that the mining trucks will exceed those weight limits. She is also concerned that the tin horns can not manage the weight of the trucks. . She said that this will increase the risk of having accidents, and she is concerned about people getting hurt in accidents. She said that the current infrastructure cannot manage the traffic. Ms. Cesar asked where she could send pictures of the roads.

Jim Moore

Mr. Moore also said that the roads are not able to manage the big trucks. He is concerned about the safety of the people that live in the area, especially the elderly residents. He said that there is not enough room for them to pass other cars on the roads let alone trucks. He also discussed the concern for Beaver Mountain Road and the road getting damaged by the mining trucks. .

Kerri Baker

Ms. Baker added to what Jim Moore said, that there is not enough room for a semi and car to pass each other on the roads. She said that the trucks will have a tough time stopping on some of the roads and that people could get killed. She is also concerned that her mom will lose her income from renters if the bridge is destroyed by the trucks. She mentioned one of the dirt roads and that her car will not fit on one of the bridges that is falling in. Ms. Baker stated If there has not been money to fix the bridge before now there would not be any money to fix it in the future.

Ian Cargill

Mr. Cargill said that the mountain road has three to four hundred pots holes. He stated that Beaver Mountain Road does not have a durable base under it to support the trucks. He said one of the culverts has a 2 to 3 foot hole and that two cars cannot drive there at the same time. Mr. Cargill mentioned that cattle graze across one of the roads and the trucks could affect the owner making his living on the land and cattle he owns. He felt that the County Commissioners and the Corp of Engineers should have attended this meeting. He said another mining company paid to fix one of the roads between cattle guards, and he asked Caleb Baldwin if they would do that as well. Mr. Cargill demonstrated what a truck going over a bridge repeatedly would do to a road by using a pop bottle.

Freda Spears

Ms. Spears lives on Beaver Mountain Road. She discussed the bridge on 4325. She said that the bridge is a board bridge. She said that she must let trucks cross the bridge, as two vehicles cannot cross the bridge at the same time. She is concerned about the eco system, and the animals. She discussed the weight limit on the bridges and she is concerned that those limits will not be enforced.

Frank Spears

Mr. Spears is a landowner. He said that Oklahoma is the highest taxed state in the United States, and that Haskell County is the highest taxed county in Oklahoma. He said that the Oil and Gas industry has eminent domain and must pay taxes but that the Mining companies do not have the same requirements. He said that the roads are in bad shape and that they will tear up a good vehicle. He asked Caleb Baldwin if there is an option to move the rocks off on the north roads.

Caleb Baldwin

Mr. Baldwin with Rock-It-Natural Stone, Inc. spoke to the group. He said that he understands the main issue that the protestors have to his mining permits has to do with the roads. He said that he is willing to get with the commissioners to help with the roads. He asked the group if they had any questions, to which Latricia Cesar asked if anyone in attendance were his sons. He addressed the weight limit and described that the truck did not sit still on the bridges, that they passed over them and there was only one axel on them at a time. He said that they would be watching the roads as they must be able to haul the rocks out. He was asked by Sandra Cesar about the hauling of rocks without a permit previously, to which he stated that he did not need a permit, as

it was a smaller mine. Sandra Cesar asked him how long they would be hauling rock, to which he responded 10 years or longer. Latricia Cesar asked him how many quarries Rock-It-Natural Stone, Inc. mined to which he responded twenty five. Mr. Baldwin answered various questions and told the owners if they had any problems with the drivers and trucks, he asked them to go to the site and let the mine operator know about the problem immediately.

Clair Green

Ms. Green is a landowner and she said that the north road is straight up and down and that you cannot go off the north side as it is not feasible. Ms. Green told the protesters that they want to work with the landowners, but the county commissioners and ODOT are responsible for the roads.

John Few

Mr. Few stated that there isn't a weight limit on the roads and bridges to the west. He disagreed with some of the statements made regarding the wildlife.

James Green

Mr. Green said that he is a landowner and he lives there. He addressed the issue of speeding, and he said that is the responsibility of the truck drivers, and they will lose their own business if they do not follow the law. He said that he knew that Beaver Mountain Road is not as wide as a highway, but you can pass on them. He added that you may have to pull over in some situations. He also addressed the property owners are making money from rentals, and he said that he was also looking to make money from his property. He said that when he signed a contract with Rock-It-Natural Stone, Inc. that they added to the contract that no dynamite would be used, and Rock-It-Natural Stone, Inc. would help with maintaining 4325 Rd and the bridge. He stated that he researched the company and he trusts that they will do what is right. He also addressed that his employment with the county as a prosecutor has nothing to do with his right to lease his property.

Colt Brown

Mr. Brown is the Safety Director for Rock-It-Natural Stone, Inc. and he said that what they do will not affect the wildlife. He also said that they have many bridges that his companies trucks must cross and they can. He addressed the scrutiny that truck drivers have and any kind of accident can cause them to lose their license. He also addressed the trucks safety requirements that must by law be followed by the truck owners.

Summary of Issues Presented

1. There are significant safety concerns for people and wildlife
2. The roads are not adequate to support the trucks
3. The roads will be negatively affected

RECOMMENDATIONS OF THE CONFERENCE OFFICER

The concern in this community is mainly about the damage trucks can cause to the roads, bridges, and tin horns, as they feel the roads and bridges are already inadequate. Additionally, there is concern about the safety of the residents driving on roads with the addition of the trucks that Rock-It-Natural Stone, Inc. will be using, and the effect that mining will have on the wildlife and water table. However, the roads are under the responsibility of the Oklahoma Department of Transportation, and the County Commissioners. Additionally, Rock-It-Natural Stone, Inc. and their drivers must obey or comply with all laws and law enforcement, as the Department of Mines has no authority regarding such. Rock-It-Natural Stone, Inc. must also follow the rules and laws that other state agencies have in place to protect the safety of the citizens, environment, and water. With the issues presented at the Informal Conference the Department of Mines should proceed to the next step of their permitting process.

Respectfully submitted,

Patricia Wheeler

April 4, 2024

Patricia Wheeler
Informal Conference Officer
Oklahoma Department of Mines

NOTICE OF MAILING

I, Andrea Adams, mailed a true and correct copy of the foregoing instrument on this 25th day of April, 2024, with postage prepaid to the following:

Rock-It-Natural Stone, Inc.
P.O. Box 410
Wister, OK 74966
(Applicant)

Freda Spears
31077 W. Beaver Mt.
Stigler, OK 74462
(Protestant)

Kerri Butler
P.O. Box 245
Stigler, OK 74462
(Protestant)

Sandra O. Cesar
14901 N. Pennsylvania #115
Oklahoma City, OK 73134
(Protestant)

Frank Spears
31077 W. Beaver Mt.
Stigler, OK 74462
(Protestant)

Trish Cesar
bauniqueu@gmail.com
(Protestant)

D. Spears
30993 W. Beaver Mt.
Stigler, OK 74462
(Protestant)

Kerri Baker
533 Montana St.
Jones, OK 73049-7551
(Protestant)

John & Linda Few
31266 W. CR 1230
Quinton, OK 74561

Charley Bush
30201 SCR 4325
Quinton, OK 74561

Jim Moore
31213 W. Beaver Mt. Rd.
Stigler, OK 74462

Latricia Cesar
31169 W. Beaver Mt. Rd.
Stigler, OK 74461

Artie Wingo, ODM Mine Inspector
2915 N. Classen Blvd. Suite #213
Oklahoma City, OK 73106

Patricia Wheeler-Coles, Conference Officer
Oklahoma Department of Mines
metropatricia@hotmail.com



Andrea Adams