

# NOTICE OF DEPARTMENTAL RECOMMENDATION

Application # L.E.-2912 Conference # PAN-26-04-IC

- Permit
- Revision
- Renewal
- Amendment

An informal conference was held on April 10, 2026 to provide citizens a forum to discuss their concerns with the issuance of ODM Permit #L.E.-2912.

Concerning the application of **Ross Construction**, Applicant, for a permit to engage in surface mining and reclamation operations in an area of 2 acres, more or less, in Section 16, Township 3 South, Range 6 East, Johnston County, State of Oklahoma. Recommendation is hereby made to the Director of the Oklahoma Department of Mines (“ODM”) that said application:

- be approved
- be conditionally approved as modified
- be denied

The reason for approval is based on review of the information contained in the permit application and information presented during Conference No. PAN 26-04-IC.

Discussed below are the concerns brought up by citizens at the informal conference and how ODM monitors and regulates these areas of concern.

1. **Dust** – ODM inspects each permitted mine site 4-6 times per year, or more as needed. A normal part of ODM inspections is to check for dust issues. ODM has the responsibility and authority to ensure permittees are not creating excessive dust issues on the permit, or excessive dust leaving the permit. If a dust issue is found, ODM will make the permittee take appropriate steps within our jurisdiction to reduce the dust. For any dust issues found that are outside of the jurisdiction of ODM, ODM will involve the appropriate state agency for a resolution.
2. **Road Maintenance/Truck Traffic** – ODM does not have any jurisdiction over trucks traveling to and from a mining location, nor any jurisdiction over the maintenance of any state, county, or city roadway. The roadway maintenance/truck traffic for mining operations is governed by the same state, county, and local authorities that govern these issues for truck traffic making pick-ups and deliveries at any business in Oklahoma. ODM always encourages permittees to be good neighbors and often permittees will work with state, county, and local authorities to improve and maintain roads their customers use.

**Summary**

This acreage was previously permitted under an ODM Limited-Use Permit (LU-677) with the same permittee. The end use of the acreage contained in LU-677 was a pond and the end use of the new proposed permit is a pond. LU-677 was valid for 12 months and expired 12/9/2025. Ross Construction was unable to complete excavation for the pond within the 12-month permit term, so the permittee has applied for a life-expectancy permit with the same size pond intended for reclamation. During the informal conference, one of the protestors stated similar excavation had taken place on her property for a pond without a mining permit. The reason Ross Construction needs a mining permit is because they intend to sell some of the material to recoup expenses incurred while building the pond. The proposed mine is a 2-acre permit with no blasting and no crushing and/or screening. Due to these reasons, ODM recommends approval of the permit.

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 22nd day of May 2026



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Travis Shore, Chief of Minerals Operations