

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Application )  
by The Confederated Tribes of the )  
Grande Ronde Community of Oregon )  
for a new Surface Mining Operating )  
Permit )

ORDER NO. 36-01

WHEREAS, The Confederated Tribes of the Grande Ronde Community of Oregon ("Applicant") has filed an application for a new surface mining operating permit along with a reclamation plan for the proposed surface mine; and

WHEREAS, the proposed surface mine would be located on approximately 56 acres of Tax Lot No. 4303-000-00100 (the "subject property") which consists of approximately 665 acres; and

WHEREAS, the subject property is located approximately eight miles east of Vernonia on the Scappoose-Vernonia Highway in Columbia County, Oregon, is zoned Primary Forest (PF-76), and has a conditional use permit (CU 98-31) to allow surface mining; and

WHEREAS, the application was determined to be complete on January 18, 2001; and

WHEREAS, the Columbia County Surface Mining Administrator has prepared a staff report, dated March 7, 2001, on the subject application, a copy of which is labeled Exhibit "A", attached hereto, and incorporated herein by this reference; and

WHEREAS, the Surface Mining Advisory Committee considered the application at its meeting of March 21, 2001, and recommended approval of the application, reclamation plan and financial security in the amount of \$10,000 to secure reclamation of the surface mine; and

WHEREAS, the Surface Mining Administrator also recommends approval of the application, reclamation plan, and financial security in the amount of \$10,000 to secure reclamation of the surface mine; and

WHEREAS, the Board of County Commissioners held a hearing on the application on March 21, 2001, heard testimony and took evidence on the application; and

WHEREAS, public notice of the Board's hearing was mailed to property owners within 500 feet of the proposed surface mine and to other parties requesting notice pursuant to ORS 197.763; public

notice of the Board's hearing was also published in *The Chronicle* on March 10, 2001, and *The Independent* on March 7, 2001; and

WHEREAS, at the March 21 hearing, Tom Thornton, District Wildlife Biologist for the Oregon Department of Fish and Wildlife ("ODFW"), raised questions about the effect of the proposed surface mine on big game wildlife and other issues; and

WHEREAS, Tammy Maygra raised a question about road access; and

WHEREAS, other questions were asked by members of the Board regarding the effect of endangered species listings for salmon, dust and fire; and

WHEREAS, no one testified in opposition to the application; and

WHEREAS, the Board continued the hearing to April 4, 2001, in order to receive the recommendation of the Surface Mining Advisory Committee, and asked staff to address the questions raised at the March 21 hearing; and

WHEREAS, the Board reopened the hearing on April 4 and Cliff Adams and Jeff Kuust appeared on behalf of the applicant to address the concerns raised by the Board and Mr. Thornton of the ODFW; and

WHEREAS, Tom Thornton of the ODFW said he had met with Mr. Adams and Mr. Kuust, and was satisfied that ODFW's concerns would be met, subject to certain conditions with regard to crushing and hauling during winter months; and

WHEREAS, Rich Morten of the Surface Mining Advisory Committee recommended approval of the application and reclamation plan; and

WHEREAS, the following exhibits were offered and received by the Board at the March 21 and April 4 hearings:

Exhibit 1 - Board hearing packet containing copies of public hearing notices, affidavits of notice, Board communications and the March 7, 2001, staff report; and

Exhibit 2 - March 21, 2001, Surface Mining Advisory Committee minutes with attached March 21 Surface Mining Administrator Report; and

WHEREAS, the Board then closed the hearing and deliberated on the application;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

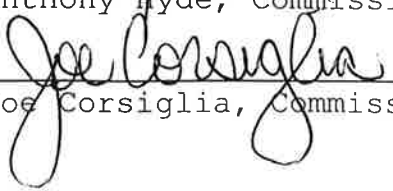
- A. The Board of County Commissioners adopts the statements of fact, findings, conclusions and recommendations in the March 7, 2001, staff report.
- B. The Board approves the application of The Confederated Tribes of the Grande Ronde Community of Oregon for a new surface mining operating permit (#05-0075) for approximately 56 acres on Tax Lot No. 4303-000-00100 in Columbia County, Oregon, as provided by, and subject to the conditions recommended in, the staff report, and as further provided below.
- C. The Board approves the reclamation plan filed with the operating permit application, subject to the conditions recommended in the staff report and as provided below.
- D. Financial security in the amount of \$10,000 is required to secure reclamation of the proposed surface mine.
- E. The application and reclamation plan are subject to the following conditions:
  - (1) No crushing will be allowed on the subject property during the months of December, January and February of each year to minimize adverse affects on big game winter range.
  - (2) No hauling shall be allowed during the months of December, January and February of each year, except during daylight hours, primarily during the days of Monday through Friday of each week.
  - (3) The Board reserves the right to review these conditions and add additional conditions as necessary to meet the requirements of state law, administrative rules, and to meet the objectives of the Columbia County Surface Mining Ordinance.

DATED this 11<sup>th</sup> day of April, 2001.

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By:   
Rita Bernhardt, Chair

By: \_\_\_\_\_  
Anthony Hyde, Commissioner

By:   
Joe Corsiglia, Commissioner

Approved as to form

By:   
Office of County Counsel

EXHIBIT "A"

**Columbia County  
Surface Mining Administrators Report**

Application for a New Operating Permit #05-0075

Date: March 7, 2001

File Number: #05-0075

Site Name: Grand Ronde Quarry

Applicant /Owner: The Confederated Tribes of the Grand Ronde Community of Oregon  
P.O. Box 10  
Grand Ronde, OR 97347

Contact: Jeff Kuust, Cliff Adams

Site Location: Located approximately 8 miles east of Vernonia on the Scappoose-Vernonia Highway. Access (Hawkins Road) is approximately 1/4 mile southeast of Scaponia Recreation Site. The quarry is located about 2 miles northeast of the access entrance to the Scappoose-Vernonia Highway.

Tax Account Number: 4304-000-00100

Zoning: PF-76 with a conditional use (CU 98-31) to allow surface mining

Size: 56 acres

Request: To begin a new surface mining operation in a PF-76 zone with an existing conditional use to allow surface mining, using Article V Section 5.1 of the Columbia County Surface Mining Ordinance

Application Complete: 1/18/01

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Request:

The Confederated Tribes of the Grand Ronde Community of Oregon (Tribe) submitted an application for a new operating permit at the Grand Ronde Quarry location. The applicant is requesting an operating permit for the 56 acres of the 665 acre tax lot 6211-011-0600, zoned PF-76. The applicant has completed the County's Surface Application for Surface Mining Permit and submitted a Reclamation Plan per Article V of the Surface Mining Ordinance.

A. SURFACE MINING  
ADMIN. REPORT

Basic facts:

This site has been mined sporadically since the mid-1980's supplying aggregate for forest management activities. A conditional use permit (CU 98-31) was obtained to allow surface mining as long as a surface mining operating permit is obtained. In 1998, a comprehensive geologic report was conducted for the prior owners of the site by David J. Newton Associates (DNA). The report indicated that rock samples from the site exceed ODOT durability and soundness specs for asphaltic concrete aggregate.

Inspection summary:

An inspection of the area was conducted on January 23, 2001 with Mr. Jeff Kuust, Timber and Roads Coordinator and Cliff Adams, Natural Resources Division Manager both from the Tribe. Also on the site visit were two members of the Surface Mining Advisory Committee, Cliff Connelly and Rich Morten. The quarry site is located approximately 1½ to 2 miles from the closest public access. Access to the quarry is from Hawkins Road (private). The nearest property line is 1200 feet away, and the closest home about 1½ miles south. Distance and natural visual barriers will sufficiently screen this site from view.

The quarry site occupies a hilltop and portions of a nearby ridge line with moderate to steep slopes. One to 1½ acres of the site has already been affected by previous quarrying on site. According the DNA study, as much as 40,000 yards of rock may have been quarried from the site. The previously affected area includes a working pad made from on-site materials. Some areas have had the overburden removed exposing the basalts. The overburden ranges in depth from 10 to 25 feet thick and varies greatly in its composition from silts to clays. Site basalts are a light to dark gray and black, highly fractured and massive.

The areas not previously affected are forested and some areas of grasses and scrub/shrub. The vegetation in the mined area consists of volunteer grasses and some small fir and alder. A small unnamed tributary to Kenusky Creek is approximately 200 feet east of the site boundary. The applicant in addition to the 200 feet setback from the creek will maintain a natural berm between the mine site and the creek. There are no wetlands listed on the National Wetlands Inventory Map for the site, nor were any wetland areas noted on site.

The mine plan for the pit consists of advancing working in the existing quarry area, then moving southern portion of the permit and advancing the pit toward the northeast. In the areas previously affected by mining the overburden has already been removed and either stockpiled or removed from site. Soil and overburden from areas not already affected will be removed and stockpiled in advance of the pit to use for final reclamation over the entire pit. There is ample overburden available on site for reclamation. One of the chief concerns of the operators will be overburden removal and storage. The plan is to

completely mine out area 1, then back fill area 1 with the overburden from area 2 and so forth. According to Mr. Kuust and Mr. Adams some additional drilling will be done on site prior to significant expansion into areas not already stripped of overburden to assure that the quality and quantity of rock that they anticipate is really present. It was noted that significant changes to their mining and/or reclamation plan takes place the County should be notified.

Topsoil stockpiles will be maintained to complete the reclamation following initial backfilling with the less fertile overburden and waste rock. The final reclamation for the site has been identified as for forest zone use, which is compatible with the zoning and surrounding land uses.

Mining will be done primarily with an excavator, but blasting will probably be necessary in harder areas of basalt. Blasting in this area should pose no problems for neighboring landowners due to the remoteness of the site. Dry process mining will be utilized during the spring and summer months. No processing will occur during the wetter months of the year. The finished project is currently anticipated to be trucked out via Hawkins Road to the Scappoose -Vernonia Highway. There are still some on-going negotiations with regards to the use of Hawkins Road however, which could result in an alternate route being necessary. If an alternate route is required the applicant will need to consult with the Columbia County Road Department.

#### Review Criteria/Findings:

The following sections of Articles V, VI and VII of the Surface Mining Ordinance are pertinent to this application:

Article V, Section 5.2 - Each application for a new operating permit for surface mining shall be accompanied by an application fee of \$500

Finding 1: \$500 application fee was submitted with the application

Article V, Section 5.3 - Each application for a new operating permit for surface mining shall include the information listed in Section 5.3 and whatever additional information the Administrator requires or the applicant deems relevant

Finding 2: The applicant has supplied the information requested in Section 5.3 including but not limited to landowner information; parcel size and legal description; aerial photo and maps; access road location; processing, excavation and stockpile locations; estimated quantity of mineral extraction; mining methods; contaminate and erosion control methods; and site screening.

Article VI, Section 6.1 - Each application for a new operating permit for surface mining shall include a reclamation plan for the operating permit. Each plan must include the items listed in Section 6.1 (1 -19) of the surface mining ordinance.

Finding 3: The applicant has supplied a reclamation plan with the information requested in Section 6.1 including but not limited to the present and proposed uses of the property; details of the reclamation activities; protection of the public from steep banks, and other mining hazards; protection of natural drainages, water management plan, reclamation time schedule; slope stabilization; revegetation techniques; visual screening; and the removal of all refuse.

Article VII, Section 7.1 - Financial Security Requirement

Finding 4: The applicant has agreed to posting \$5,000 of financial security for the reclamation of this site prior to the operating permit being issued.

Results of the public comment period:

No public or governmental body comments have been received to date, but the public comment period will not be over until March 20.

Conclusion and recommended permit conditions:

This application for an 56 acre operating permit should be approved following permit condition: Submittal of a financial security in the amount of \$10,000 for the site.

COLUMBIA COUNTY  
OREGON

APPLICATION  
FOR  
ANNUAL SURFACE MINING PERMIT

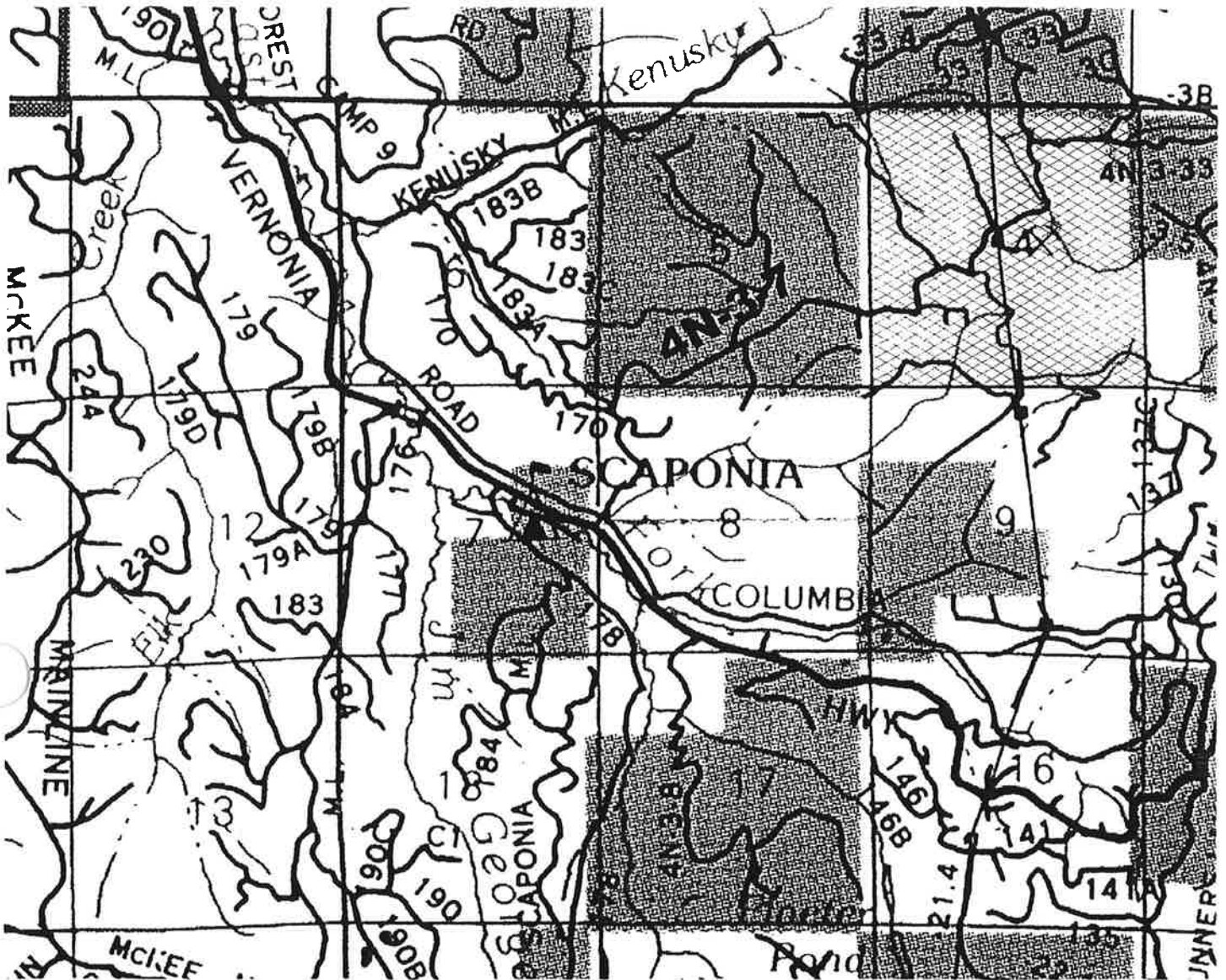
NAME OF APPLICANT (Type or Print) The Confederated Tribes of the Grand Ronde Community of Oregon		SIZE AND LEGAL DESCRIPTION 56± acres a portion of tax lot 100 665± acres	
PERMANENT ADDRESS (Include 'Zip') PO Box 10 Grand Ronde, OR 97347		SEC 4	T 4
TELEPHONE NO.: (503) 879-5522		RANGE 3	COUNTY Columbia
TEMPORARY ADDRESS ('Zip')		DISTANCE 8 miles	
TELEPHONE NO.:		DIRECTION FROM East of Vernonia	
OWNERSHIP: Surface of land to be surface mined (show names and addresses.) (same as Applicant)		NEAREST COMMUNITY Vernonia	
OWNERSHIP: Mineral Rights (show names and addresses.) (same as Applicant)		TYPE OF OVERBURDEN Brown silty soil	
		APPROX. MAX. DEPTH OF OVERBURDEN 25 feet	
		MATERIAL TO BE MINED OR REMOVED Aggregate	
		QUANTITY (Tons or Yards) Overburden <u>743579</u> yds Mineral <u>939480</u> yds	
		ESTIMATED TOTAL ACRES TO BE SURFACE MINED 56 acres	
		ESTIMATED NO. OF ACRES TO BE MINED IN FIRST YEAR 1 acre	
DATE SURFACE MINING WILL COMMENCE May, 2001		METHOD OF MINING Ripping dozer and possible blasting	
FOR DEPARTMENT USE ONLY:  EXHIBITS 1. Aerial Photographs..... <input type="checkbox"/> COM. <input type="checkbox"/> INC. 2. General Boundary Map..... <input type="checkbox"/> <input type="checkbox"/> 3. Existing Roads Identified.. <input type="checkbox"/> <input type="checkbox"/> 4. General Plan of Operation.. <input type="checkbox"/> <input type="checkbox"/> 5. Ground Cover Plan..... <input type="checkbox"/> <input type="checkbox"/>		EST. MAX DEPTH TO BE SURFACE MINED 140 feet @ peak	
BOND OR SECURITY DEPOSIT FILED: _____ IN THE AMOUNT OF \$ _____		PURPOSE FOR WHICH THIS LAND IS TO BE USED AFTER MINING Timber	
COMMENTS:		A BASIC FEE OF \$500 PER SITE IS HEREWITH ATTACHED	
		SIGNATURE <i>Cliff Adams</i>	DATE 1-09-01
		TITLE <i>Min. Res. Mgr.</i>	PERMIT NO.

B. SURFACE MINING APPL.



Confederated Tribes of Grand Ronde  
Scappoose Property Haul Route Map  
Section 4, T4N, R3W, W.M.

NOV 20 2009

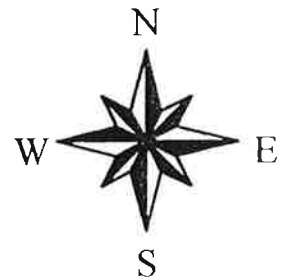


Approximate Scale: 1 3/4" = 1 mile

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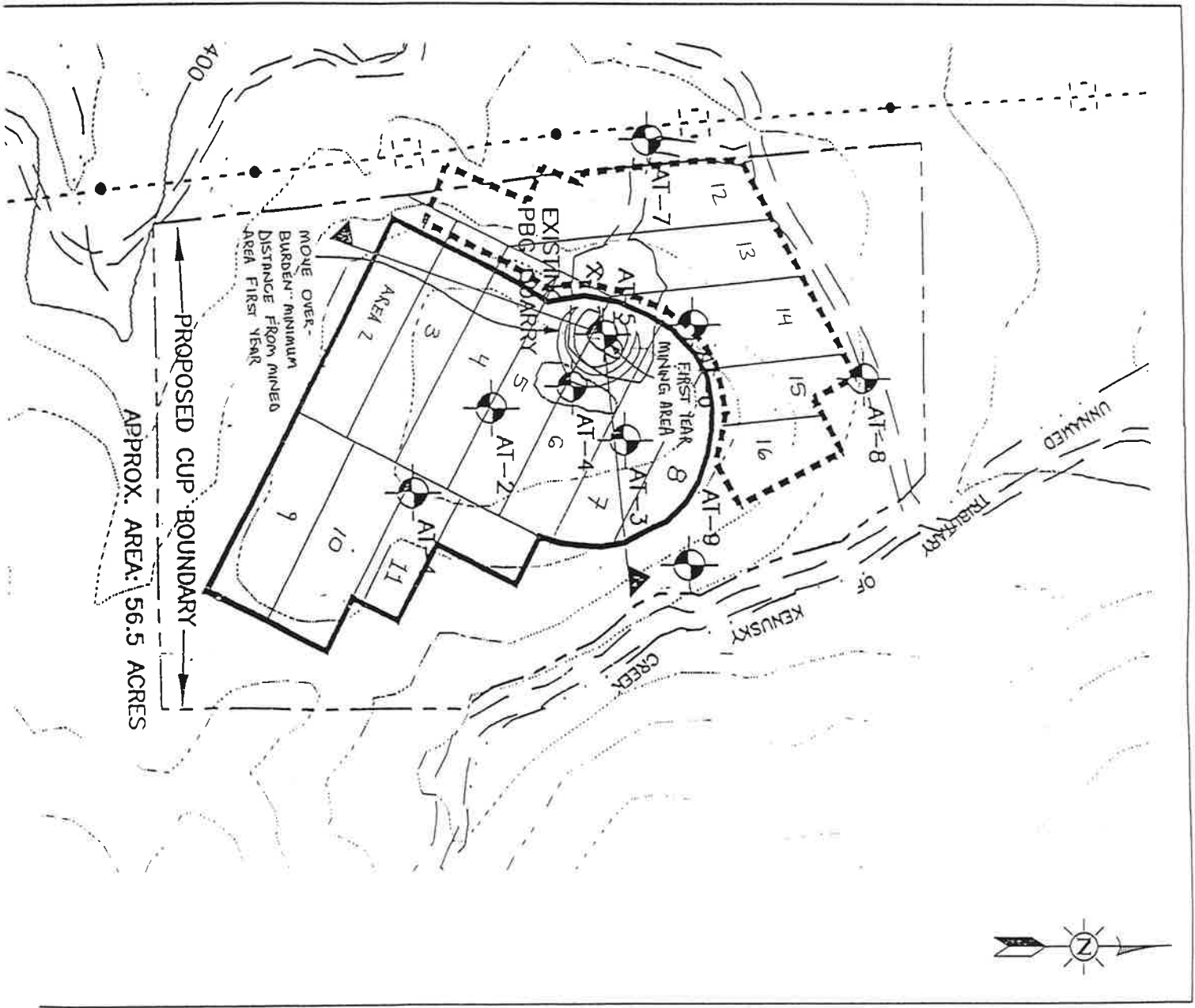
Imagery Information: ODF Northwest Oregon Protection District Map

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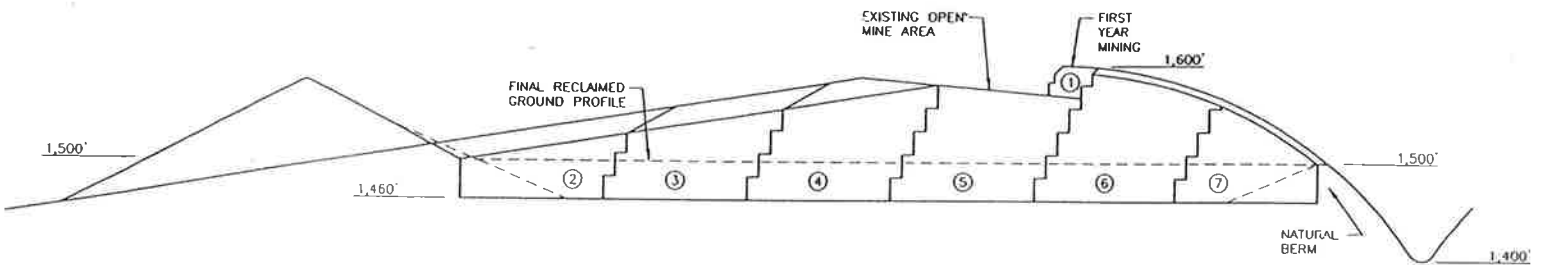


 BLM Road 4N-3-7  
Tribal property

C. VICINITY MAP



D. SITE PLAN



SECTION THROUGH PROPOSED MINING PHASES

SCALE: 1" = 100'-0"

AS EACH MINE AREA IS COMPLETED  
 PUSH THE NEXT AREA TOP SOIL IN  
 ONE PILE AND PUSH SUBSOIL INTO  
 LAST MINED AREA. THEN PLACE TOP  
 SOIL AND PLANT CONTINUE TO  
 COMPLETION EACH AREA WILL TAKE  
 SEVERAL YEARS.

OCT 2000

BY	DATE	CHK'D

 PARK PLAZA WEST, SUITE 210 10700 S.W. BEAVERTON HWY. BEAVERTON, OREGON 97006 PHONE: (503) 643-8595 FAX: (503) 643-8610	<b>THE CONFEDERATED TRIBES</b> OF THE GRANDE RONDE COMMUNITY			
	PMG QUARRY SITE PLAN & MINING PHASES			
DRAWN BY J. PUFFLE	DATE 8/25/00	CHK'D BY  DATE  	SCALE AS NOTED	DWG. NO. 00-149A-01