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# **Le Sueur County, MN**

**Thursday, March 10, 2016**

**Regular session**

## **Item 4**

### **Traxler Construction Packet**

Staff Contact: Kathy Brockway or Michelle Mettler

# STAFF REPORT

## GENERAL INFORMATION

**APPLICANT:** TRAXLER CONSTRUCTION, PAT TRAXLER, LE CENTER, MN

**OWNER:** BETTY ANN MOLLENHAUER C/O RALPH & EVA FIX, EDINA, MN

**PROJECT DESCRIPTION:** The project is an expansion of an existing sand and gravel mine. The expansion parcel is located across Minnesota Trunk Highway (MTH) 112 from the existing mine and processing plant. The total acreage of parcels with existing and proposed mining and processing activities is 152.92 acres. The expansion site will encompass 78 acres, of which no more than 49.3 acres will be mined. Mining involves the removal of overburden, excavation, crushing and screening and conveying the material. Mining will remove overburden to expose gravel, then the gravel will be conveyed under the highway for additional processing, stockpiling and sales at the existing processing plant. Reclamation will be concurrent with mining. The property is located in an Agriculture "A" District, in the Mineral Resources "MR" Overlay District and the Airport Zoning "AZ" Overlay District. Property is located in the S half of the SE1/4 and the E half of the SE1/4, Section 11, Ottawa Township.

The application was tabled at the June 2015, as the project required a mandatory environmental review. The County Board declared a negative declaration in February of 2016.

**PURPOSE:** It is declared to be the policy of Le Sueur County to provide for the reclamation of land disturbed by mining in order to encourage productive use to include, but not limited to, the planting of forests; the seeding of grasses and legumes for grazing purposes; the planting of crops for harvest; the enhancement of wildlife and aquatic resources; the establishment of recreational residential and industrial sites; and for the conservation, development, management and appropriate use of all the natural resources of such areas for compatible multiple purposes; to aid in maintaining or improving the tax base; and protecting the public health, safety and general welfare of the people, as well as the natural beauty and aesthetic values, in the affected areas of the County.

**ZONING ORDINANCE SECTIONS:** Sections 8 and 20

### DEFINITIONS:

**EXTRACTION PIT** - Any artificial excavation of the earth exceeding fifty (50) square feet of surface area or two (2) feet in depth, excavated or made by the removal from the natural surface of the earth, of sod, soil, sand, gravel, stone or other natural matter; or made by turning, or breaking or undermining the surface of the earth. Excavations ancillary to other construction of any installation erected or to be erected, built, or placed thereon in conjunction with or immediately following such excavation shall be exempted, if a permit has been issued for such construction for installation.

**EXTRACTIVE USE** - The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota statutes, sections 93.44 to 93.51 and as amended from time to time.

**GOALS AND POLICIES:** **2007 COMPREHENSIVE LAND USE PLAN:**

**GOAL #6:** *Aggregate resources are a finite resource that is directly impacted by scattered stie development.*

**Policy:** *The County should protect its aggregate resources from premature development.*

## SITE INFORMATION

**LOCATION:** Expansion is located in Section 11, Ottawa Township

**ZONING:** Agriculture "A", Mineral Resources and Airport Zoning (Zone C) Overlay Districts

**GENERAL SITE DESCRIPTION:** Agricultural

**ACCESS:** State Highway Department

### EXISTING LAND USE WITHIN ¼ MILE:

**North:** Ag land **South:** Ag land

**West:** Ag Land, Mining Operations **East:** City of Le Sueur (BioEnergy Facility) and Mining Operations

## BACKGROUND INFORMATION

See enclosed narrative.

## TOWNSHIP BOARD NOTIFICATION

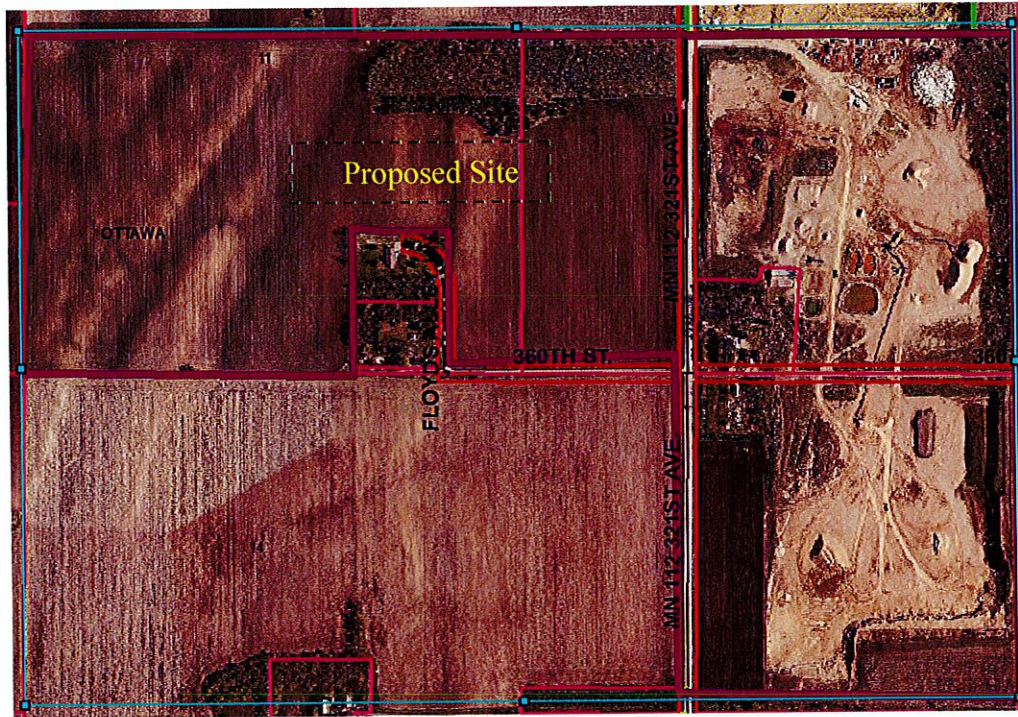
The applicants contacted Tim Griep, Ottawa Township Board member on May 8, 2015.

## NATURAL RESOURCES INFORMATION

**SHORELAND:** The proposal is not located within the Shoreland District.

**WETLANDS:** According to the National Wetlands Inventory, No wetlands located in the quarter-quarter section where the project is proposed.

## SITE PLAN



## LAND USE APPLICATION PERFORMANCE STANDARDS

1. Each person, firm, or corporation engaged in mining upon lands described in the conditional use permit is subject to the following regulations.
2. **Overview**

Mining operations shall be conducted in compliance with the laws of the county, state and federal government, especially as related to safety standards, and Ordinances and resolutions of Le Sueur County, as amended from time to time, and in compliance with and upon approval of the reclamation plan for the affected land.
3. **Timing**

No excavation shall begin until all required county, state, and federal permits have been obtained by the applicant/landowner, unless otherwise specified in the plan.

Mining Plan may need to be amended per an Archeological Survey on the property prior to mining.
4. **Clearing**
  - a. Clearing of the mining site shall conform to the development and reclamation plan, whenever possible, unless otherwise specified in the plan.
  - b. Existing trees and shrubs shall remain in their natural state whenever possible and not prematurely stripped.
  - c. Existing vegetation shall be preserved, maintained, and supplemented for the depth of the required setbacks.

- d. The amount of overburden to be removed shall not be in excess of that required to undertake operations in an economically feasible manner. Less than ten (10) acres shall be considered economically feasible. Development toward the final plan shall be carried on as excavation progresses. Where ground cover or other planting is indicated on the approved plan, such planting shall be made in areas where excavation is completed and land is not being used for material storage.

#### **5. Vegetative and Other Screening**

- a. Adequate screening, including either natural and/or supplied screening in the form of plantings, fencing and/or berming shall be provided along all public roads adjacent to the property involved and adjacent properties where improvements are located, unless otherwise specified in the plan. This includes the following:
  1. Adequate screening is defined as screening the mining operation from public view as seen by either standing from the center of the road or at the adjacent property boundary.
  2. Natural screening consists of existing features which are located within fifty (50) feet of the boundary of the site and which screen the view of mining activities.
  3. Supplied screening includes planting, fencing, or berming. Density of plantings used for supplied screening shall not be required to exceed a density of alternating rows of conifer trees six (6) feet on center and a height of six (6) feet at the commencement of mining.
  4. Screening with berms shall be stabilized with native vegetative cover.

#### **6. Access**

- a. Ingress and egress access points from or onto any road or highway shall be clearly indicated, and only those indicated access points shall be utilized.
- b. All access points must be approved by the appropriate Road Authority having jurisdiction, and shall preferably be located along a secondary road.
- c. All access points shall be located so as to avoid the routing of vehicles to and from the mining operation over streets that primarily serve abutting residential development.
- d. Precautions must be taken to minimize the deposit of dirt and mined material from trucks onto the public roads or highways.
- e. All access roads intersecting a paved city, township, county, or state road/highway shall be paved a minimum of fifty (50) feet from the paved road.
- f. A lockable gate across the access road to the pit is required.

#### **7. Hauling**

- a. Trucks used in hauling materials from the site or excavation shall be loaded in such a manner as to minimize spillage onto public highways.
- b. Any spillage resulting from overloading or from adhering to truck tires shall be removed daily.

#### **8. Signage**

- a. Adequate signage for the following shall be provided:
  1. Site signage indicating site name, applicant and/or landowner, and contact phone number.
  2. Signage for public safety, such as "Trucks Hauling" signs.

#### **9. Dust and Noise**

Operating procedures shall be utilized to control dust and noise so as not to be in conflict with adjoining property, and shall meet the Agency standards.

#### **10. Blasting**

- a. If explosives are allowed by the conditional use permit, the applicant and/or landowner shall take all necessary precautions to safeguard life and to protect property.
- b. The method of storing and handling explosives shall conform with all laws and regulations relating thereto.

#### **11. Accessory Uses**

- a. Temporary/Portable washing, crushing, hot mix asphalt, and ready mix plants if allowed by the conditional use permit, excluding permanent sites, may be brought to the site in the future on an as needed basis for specific jobs.

- b. The applicant shall notify the Department prior to the placement of this equipment.

## 12. Hours

- a. The general hours of operation for all mining and processing operations shall be between of 6:00 AM and 7:00 PM, Monday through Saturday, unless otherwise specified in the plan.
- b. The excavation, drilling, hauling, sawing, crushing, and other physical activities of mining cannot proceed until one hour after the initial start time.

## 13. Water Resources

- a. The mining operation shall not be allowed to interfere with surface water drainage beyond the boundaries of the mining operation.
- b. The mining operation shall not adversely affect the quantity or quality of surface or groundwater resources.
- c. Surface water originally outside and passing through the mining site shall, at its point of departure from the mining site, be of equal quality to the water at the point where it enters the mining site.
- d. The applicant and/or landowner shall perform any water treatment necessary to comply with this provision.

## 14. Reclamation

- a. Proposed graded or backfilled areas or banks as conforming to the approved reclamation plan shall be covered with stockpiled topsoil, to provide for re-vegetation.
  - b. No topsoil is to be removed from the site.
  - c. When back sloping is proposed on the reclamation plan, the rate of slope shall not be less than four (4) feet horizontal to one (1) foot vertical or a slope to provide a stable and safe condition.
  - d. Proposed banks shall be covered with topsoil and seeded, except where such banks provide a beach area to a proposed recreational lake as indicated on the approved reclamation plan.
  - e. Operator shall keep pit or excavation in a condition that insures banks do not cave or slide to insure stability.
  - f. When the reclamation plan includes a water impoundment, the approved final grade at the edge of a body of water shall extend vertically six (6) feet below the lowest seasonal water level.
  - g. Upon replacement of the topsoil, trees, shrubs, legumes, grasses, or other ground cover shall be planted upon the area in order to avoid erosion, in accordance with the approved reclamation plan.
  - h. Quantifiable standards for adequate revegetation to show that a sustainable stand of vegetation has been established which will support the approved reclamation of the site will be provided and utilized for assessing completion of successful reclamation.
  - i. Standards for revegetation may be based on the percent cover, productivity, plant density, diversity, or other applicable measures.
15. Upon completion of excavation, all structures, processing plants, and equipment shall be removed within six (6) months, unless such structures, processing plants, and equipment will be used in the reclamation process.
16. Applicant and/or landowner shall be assessed costs as determined by the Road Authority any damage, repair to County or Township roads attributable to mineral extraction from the site.
17. The County Engineer and DNR shall review the reclamation proposal.
18. SETBACK REQUIREMENTS --Mining operations shall not be conducted closer than:
- a. One hundred (100) feet to the boundary of any district where such operations are not permitted.
  - b. Two hundred (200) feet to the following, unless the written consent of the owner of such adjoining property is first secured.:
    - 1. A residential dwelling,
    - 2. The property boundary of any adjoining parcel less than five (5) acres with a residential dwelling.
    - 3. The property boundary of any adjoining parcel in a Residential Zoning District.
  - c. Fifty (50) feet to the boundary of an adjoining property line, unless the written consent of the owner of such adjoining property is first secured.



- d. Excavation or stockpiling shall not be conducted closer than one hundred (100) feet to the right-of-way of any existing or platted street, road, or highway.
  - e. One hundred (100) feet from the ordinary high water level (OHWL) of any public water.
  - f. Dust and noise producing processing or loading shall not be conducted closer than three hundred (300) feet to the boundary of any residential or commercial structures existing prior to the commencement of mining and processing operations without written consent of all owners and residents of said structures.
19. The bond herein required shall be filed with the County Treasurer and a copy to the Department.
- a. Such bond shall be payable to the County and the amount shall be set by the Board of County Commissioners and reported and reviewed with the annual report.
  - b. The bond shall guarantee that either upon termination of the permit or of the operations, the ground surface of the land used shall be restored in conformity with the reclamation plan filed with the Conditional Use Permit.
  - c. The applicant and/or landowner shall furnish proof to the County yearly that the bond has been renewed.
  - d. Failure to renew the bond shall result in immediate cancellation of the Conditional Use Permit.
  - e. The performance bond protecting the restored acreage shall be returned to the applicant at such time the portions of the bonded property are completely rehabilitated in accordance with the reclamation plan and the reclamation criteria in this Section.
20. When an Environmental Review is affiliated with the mining operation, the annual report shall be reviewed by the Board of County Commissioners.
21. Additional conditions or modifications of mining operation standards deemed necessary by the Board of County Commissioners shall apply.
21. Adhere to Section 20, of the Le Sueur County Zoning Ordinance.

## ATTACHMENTS

### Narrative, maps

## PLANNING AND ZONING COMMISSION CONSIDERATIONS

The Planning Commission and staff shall consider possible adverse effects of the proposed conditional use and what additional requirements may be necessary to reduce such adverse effects. Its judgment shall be based upon the following factors to include, but not limited to:

1. Relationship to County plans.
2. The geographical area involved.
3. Whether such use will negatively affect surrounding properties in the area in which it is proposed.
4. The character of the surrounding area.
5. The demonstrated need for such use.
6. Whether the proposed use would cause odors, dust, flies, vermin, smoke, gas, noise, or vibration or would impose hazards to life or property in the neighborhood.
7. Whether such use would inherently lead to or encourage disturbing influences in the neighborhood.
8. Whether stored equipment or materials would be screened and whether there would be continuous operation within the visible range of surrounding residences.
9. Abatement of Environmental Hazards as regulated in this Ordinance
10. Other factors impacting the public health, safety and welfare.

## PLANNING AND ZONING COMMISSION FINDINGS

Based on the information submitted by the applicant, contained in this report, and as required by the Le Sueur County Zoning Ordinance, the following findings have been developed for this request:  
(Please circle one for each item: *Agree, Disagree, Not Applicable.*)

1. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity. **A D NA**
2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. **A D NA**
3. The adequate utilities, access roads, drainage and other facilities have been or are being provided.  
**A D NA**

4. The adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.  
**A   D   NA**
5. The adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result. **A   D   NA**

*Recommend (circle one) approval / denial / table / of Conditional Use Permit.*

# LE SUEUR COUNTY CONDITIONAL USE PERMIT CRITERIA

Permit # 15087

Name of Applicant: TRAXLER CONSTRUCTION % PATRICK Condition Use Permit #: 15087

Name of Property Owner: BETTY ANN MOLLENHAUER % RALPH

Condition Use Permit Request: TO ALLOW MINERAL EXTRACTION ON 76.63 PARCEL WITH 50 ACRES MINEABLE.

1. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.

CR	AG	PT	DR	BB	JD	SO	SK	DK	DRY	TOTAL

Explain \_\_\_\_\_

2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

CR	AG	PT	DR	BB	JD	SO	SK	DK	DRY	TOTAL

Explain \_\_\_\_\_

3. Adequate utilities, access roads, drainage and other facilities have been or are being provided.

CR	AG	PT	DR	BB	JD	SO	SK	DK	DRY	TOTAL

Explain \_\_\_\_\_

4. Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to service the proposed use.

CR	AG	PT	DR	BB	JD	SO	SK	DK	DRY	TOTAL

Explain \_\_\_\_\_

5. Adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

CR	AG	PT	DR	BB	JD	SO	SK	DK	DRY	TOTAL

Explain \_\_\_\_\_

6. Is the Conditional Use Permit consistent with and supported by the statement of purposes, policies, goal and objectives in the Ordinance?

CR	AG	PT	DR	BB	JD	SO	SK	DK	DRY	TOTAL

Explain \_\_\_\_\_

7. Is the Conditional use permit consistent with the Comprehensive Plan?

CR	AG	PT	DR	BB	JD	SO	SK	DK	DRY	TOTAL

Explain \_\_\_\_\_

If all answers are "YES" by a majority of the Planning Commission, the criteria for granting of the Conditional Use Permit request have been met. The Conditional Use Permit will main the goals of safety, health and the general welfare of the public.

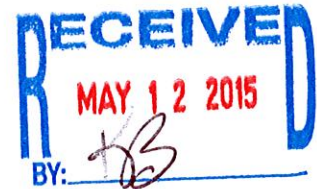
Date: \_\_\_\_\_ APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ PZ Chairperson \_\_\_\_\_

COUNTY BOARD MEETING DATE \_\_\_\_\_



# Le Sueur County

## Conditional Use Application



### I. Applicant:

Name Patrick Traxler, Traxler Construction, Inc.  
Mailing Address 625 Commerce Drive  
City Le Center State MN Zip 56057  
Phone # 507-317-6820 Phone # 507-357-2235

### II. Landowner:

Name Betty Ann Mollenhauer, c/o Ralph and Eva Fix  
Mailing Address 7229 Lewis Ridge Parkway  
City Edina State MN Zip 55439  
Property Address 32314 Floyds Alley Ln  
City Le Sueur State MN Zip 56058  
Phone # \_\_\_\_\_ Phone # \_\_\_\_\_

### III. Parcel Information:

Parcel Number 10.011.5000 and 10.011.5100 Parcel Acreage 76.63 acres, of which 50 acres has gravel  
Attach Full Legal Description (**NOT** abbreviated description from tax statement)  
Township 111N (Ottawa) Range 26W  
Section Southwest - Southeast Quarter Section 11  
Subdivision \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_

### IV. Township Notification: Township must be notified of proposed use prior to application.

Ottawa Township notified on May 8, 2015 - 8:20 A.M.  
(Township Name) (Date)  
Board Member Tim Griep regarding the proposed use.  
(Name)

### V. Quantities and Submittal Formats:

- One (1) reproducible 8.5" x 11" copy of the request and all other supporting documents.
- Twenty three (23) copies must be submitted, if any documents are in color, an aerial, or larger than 8.5" x 11" in size.
- Electronic version of any supporting documents *if available*.
- Additional copies may be requested as deemed necessary by the Department.
- Application must be made **in person** by the applicant and/or landowner no later than 12 P.M. on the date of application deadline.
- e. Appointment is necessary.**
- f. Applications will not be accepted by mail.**

### VI. Fees: Must be paid at the time of application.

Conditional Use Permit \$ 750 After-The-Fact fee is **doubled.**  
Filing Fee \$ 46

#### Additional Fees:

Special Meeting \$ 2,000 (***additional fee***)  
After-The-Fact Penalty \$ 1,500 OR 10% of improvement, whichever is greater

### VII. Type of Request:

☐ Self Service Storage ☐ Value Added Agriculture

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b. Complete the following in relationship to the proposed Conditional Use Permit.

**1. PROPOSED DAYS AND HOURS OF OPERATION:** Pit will open on or before April 15 depending on road restriction and closes on or around November 1 of each year.

Monday – Saturday 6:00 AM to 7:00 PM

**2. ESTIMATED NUMBER OF PERSONS TO ATTEND PLACE OF BUSINESS/LOCATION ON A DAILY OR WEEKLY BASIS:** No change to the existing mining activity is anticipated.

**3. LIST OF PUBLIC HEALTH PLANS:**

**i. Water Supply:**

Bottled water is supplied for employee drinking water. A well on the existing mining processing site provides process water.

**ii. Toilet facilities:** Portable toilets are provided for employee use. Process water is currently placed in wash water pond and infiltrated, and this will continue.

**iii. Solid Waste Collection:** No solid or hazardous waste will be generated.

**4. FIRE PREVENTION:** The City of Le Sueur Fire Department covers this area.

**5. SECURITY PLANS:** Not Applicable

**6. RETAIL SALES:** Not applicable.

**7. FOOD OR ALCOHOL SERVED OR FOR SALE:** Not applicable.

**8. DESCRIBE IF THE APPLICANT REQUESTS THE COUNTY TO PROVIDE ANY SERVICES OR COUNTY PERSONNEL:** (For example, pedestrian and/or vehicular traffic control.)

None.

**9. SOUND AMPLIFICATION, PUBLIC ADDRESS SYSTEM, PLAYING OF MUSIC:**

Level of noise will not change from the existing conditions.

**10. EXTERIOR LIGHTING:** No additional lighting is anticipated.

**11. PARKING AND LOADING:** The parking area at the existing mining processing area will continue to be used.

**12. SIGNAGE:** No additional signage is anticipated.

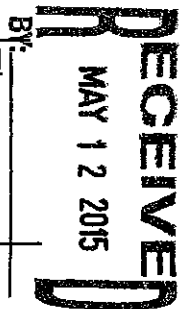
**13. ROAD ACCESS:** (Approved by the road authority) A culvert will be constructed under Minnesota Trunk Highway (MTH) 112. After this is constructed, there will be no anticipated change to the existing road access or level of use from the existing conditions.

**14. CERTIFICATE OF INSURANCE:** See Attached Certificate

**15. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS:**

(For example additional licensing and/or permitting) Le Sueur County permit to mine in the ROW will be applied for if needed. No other permits are anticipated to be needed at this time; if any are determined to be needed in the future, they will be applied for as needed.

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The project is an expansion of an existing sand and gravel mine. The expansion parcel is located across Minnesota Trunk: Highway (MTH) 112 from the existing mine and processing plant. The total acreage of parcels with existing and proposed mining and processing activities is 152.92 acres. The expansion site will encompass 78 acres, of which no more than 49.3 acres will be mined. Mining involves the removal of overburden, excavation, crushing and screening and conveying the material. Mining will remove overburden to expose gravel, then the gravel will be conveyed under the highway for additional processing, stockpiling and sales at the existing processing plant. Reclamation will be concurrent with mining.

The proposed project is the expansion of an existing sand and gravel mining and processing facility. The Project is south of the city of Le Sueur, in Ottawa Township, Le Sueur County. The general location of the proposed mine site is shown on Map 1.

The Project involves advancing the current gravel mining on the east side of Minnesota Trunk: Highway (MTH) 112 to the west side of the highway. This land, as well as the existing gravel mine land, is owned by the Mollenhauer family and leased to Traxler Construction, Inc. This is the continuation of a mining program that has been pursued by Traxler Construction, Inc. since 1989 and by others before that, with mining on the parcel dating back to the 1950's. The existing gravel mining operation is "grandfathered in" and does not operate under a Conditional Use Permit.

Traxler Construction, Inc. currently operates the active gravel mine and processing plant to the east of the proposed gravel mine expansion. The existing mine and processing area is in parcels 10.012.7600 and 10.013.0200, and consists of an operating sand and gravel mine and processing equipment. The two existing mining/processing parcels are 34.92 acres and 40 acres, for a total of 74.92 acres. The existing mining operation, with setbacks in place, has 23.81 acres open, for washing and piling processed materials. There are 20.21 acres open on the second parcel for crushing and screening. Reclamation has been done on all the side slopes. The pit floor is needed for processing at this time and will be reclaimed after the gravel is extracted.

The mining operations are proposed to expand into parcels 10.011.5100 and 10.011.5000. These parcels are 58 acres and 20 acres, for a total expansion parcels area of 78 acres. Currently, the expansion parcels are a cultivated farm field and an occupied homestead, with an area of shrubs and trees in the northeastern corner of the property. The area on the proposed expansion parcels that is inside the setbacks is 49.3 acres. This is the maximum that could be mined.

With the addition of the 78 acre proposed site parcels, the total acres for all four parcels will be  $34.92 + 40 + 58 + 20 = 152.92$  acres, which is under the Environmental Impact Statement threshold of 160 acres.

## Appendix

### Traxler Construction, Inc. Gravel Mine Reclamation Plan

This Reclamation Plan is based on current assumptions for business level and market conditions, as well as the assumption that this is the final mine area. Business levels and market conditions are likely to fluctuate affecting both the timing, as well as the amount of material available for backfill. In addition, review by other agencies is expected as part of securing all necessary permits for the area, and changes may also be recommended by those agencies. Any significant modifications to this Reclamation Plan will be presented to County staff for review. This Reclamation Plan now includes the reclamation of the existing mine because the overburden from the proposed mine will be used to reclaim the existing mine.

### Stripping, Mining, and Backfilling Processes

The actual mining operation will be a continuous and highly integrated process. The total acreage of parcels with existing and proposed mining and processing activities is 152.92 acres. The expansion site will encompass 78 acres, of which approximately 50 acres will be mined. The project is estimated at this time to last approximately 20 years. The life of the mining operation will be determined by the market demand and will be subject to changing conditions. The anticipated rate of mining is 5 acres a year at 10 feet deep or 3 acres a year at 18-20 feet deep. 49.3

Existing Mining/Processing Operations - The Proposer will continue mining and processing on the existing parcels, and is intending to use a backhoe to mine deeper into the floor of the existing mine, potentially into the water table 10-15 feet.

Expansion Phase 1 – starting in 2016 – Mining in parcel 10.011.5100 will begin in the southeast corner stripping of black dirt, mining of aggregate of approximately 10 acres for a time period of 1.5 years. The crushing and screening plants are portable and will be operated on the new expansion parcels and the material will be conveyed under the highway and washed at the existing processing area.

Expansion Phase 2 – The Proposer would reclaim the southeast corner of parcel and begin mining the northeast corner for approximately 1.5 years. This process will continue working west in 10 acre parcels with reclamation being done at the same time until property is fully mined.

It is important to note that while an area is being mined, other mining related activities such as backfill, reclamation, overburden removal, and ongoing reclamation will also be ongoing concurrently in order to maintain a continuous mining operation.

The anticipated average depth of the mine will be 20 feet, becoming less as it goes further west. The mining involves the removal of overburden to expose the gravel. Traxler Construction, Inc. will strip black dirt and clay from the top of the aggregate base to be mined. The estimated depth of overburden (stockpiled as screening berms and for use in the final reclamation process) is 1 to 2 feet of black dirt (topsoil) and 1 to 2 feet of clay. Both the overburden and the gravel material will be removed by the mobile mining equipment. The overburden will be moved internally within the overall mining areas and used to construct berms and to complete reclamation of the existing mining areas, or it will be stored for later use in reclamation. No topsoil will leave the Project site.

### Fill and Soil

The mining involves the removal of the overburden to expose the gravel. The overburden consists of topsoil and glacial till. The topsoil will be removed and used to construct screening berms or stockpiled to be used later as a part of final site reclamation. The removal of the glacial till and mining of the gravel will be accomplished with mobile earth moving equipment. No blasting is anticipated. The glacial till will

be moved internally within the overall mining areas and used for backfilling areas where the gravel has already been removed for processing, allowing for reclamation to proceed concurrently with mining.

Reclamation activities include the use of heavy construction equipment to backfill the excavation and replace topsoil and large agricultural machinery to seed the area with native plantings. Once the mining has been completed, the resulting mixture of subsoil will be homogenous with similar characteristics of the original soils. Soil tests will be conducted to determine the optimum plant selection for the site and what, if any, soil amendments need to be used to add nutrients or adjust pH. A soil pH of 5.4 to 7.0 is optimal. Topsoil will be respread on the site to a minimum depth of approximately 4 inches. No topsoil will be removed from the Project area.

Reclamation activities will be ongoing as mining is completed in an area. Graded or backfilled areas or banks shall be covered with sufficient topsoil, based on the availability of existing topsoil, to provide for revegetation. Where back-sloping exists, rate of the slopes shall not be less than four (4) feet horizontal to one (1) foot vertical. Banks shall be covered with available topsoil and seeded.

Traxler Construction, Inc. will keep and stockpile whatever topsoil and clay material it can from the top of the surface; keeping this material for reclamation. Clean topsoil and clay may be brought in from construction projects and used in reclamation. Back sloping will be done as material is removed; this sloping will be done with filling using sand, clay, and other available topsoil materials. Backfilled slopes will be replanted with native grasses and forbs as listed in the Vegetation and Planting section below.

Some of the 4:1 perimeter slopes of the existing mine have been backfilled and reclaimed. The floor of the existing mining and processing parcels is currently open to allow for processing and stockpiling activities. The floor is planned to remain without topsoil or vegetation as part of reclamation since it will eventually be developed into outdoor storage or a building site of some type. The proposed reclamation grades are shown on the Reclamation Plan Map for both the proposed and the existing parcel. The proposed waterbody the Proposer is intending to create on the currently mined southern parcel is also shown.

Traxler Construction, Inc. will be using the floor of the pit to store material as it is made, so that the active working area will be over 10 acres. As a large enough floor is created from the mining activity, reclamation will progress on the floor of the pit as well as the 4:1 perimeter slope. Reclamation will be the process of spreading out the available topsoil materials on the pit floor and seeding it with the recommended grasses and native vegetation.

#### **Erosion Control Plan**

Traxler Construction, Inc. will implement Best Management Practices (BMPs) to prevent contributing to the Minnesota River's impairment for turbidity. One such BMP is the native plantings that will help prevent erosion and sedimentation, and will evapotranspire some of the water.

A summary of other BMPs proposed to address the erosion problems during and after mining include but are not limited to:

- Timely field reconnaissance inspections during surface restoration activities.
- Utilizing applicable BMPs such as fiber rolls and silt fence.
- Filling all erosion channels with topsoil, then reseeding the restored surface.
- Applying appropriate mulch or erosion control fabric to control rill development.
- Placing rock at appropriate culvert inlets and outlets.
- Constructing rock check dams on steep slopes as needed.

### **Topography**

It is anticipated that the general surface contours of the Project site will be similar to the existing contours. A landscape of undulating upland and lowland areas will be created, in order to provide different habitats for plants and animals. Isolated depressions will be created. The slopes shall not be steeper than 4 feet horizontal to 1 foot vertical, to provide a stable and safe condition.

### **End Use of Site**

It is proposed to reclaim the site as an oak savanna consisting of native grasses, wildflowers (forbs), shrubs and deciduous hardwood species, especially bur oak and northern pin oak. The sandy, well drained soils are well suited for this proposed end use. The result will be wildlife habitat. Vegetation will be chosen at the time of planting on the reclaimed areas; projected plant seed mixes are included herein. In addition, various other habitat enhancements such as food plots, brush piles, and artificial nesting structures will be used to encourage the development of wildlife populations. No mining-related structures or processing plants will be on the Project area during mining, and therefore will not need to be removed during reclamation.

### **Stormwater**

Reclamation will be conducted in a manner that is protective of the minor watershed's water quantity and quality issues. A small waterbody is proposed on the currently mined southern parcel. Small isolated depressions will be created on the proposed expansion area that will collect stormwater runoff from the nearby area; these will act like infiltration basins. The basins will give stored water time to infiltrate, recharging water into the underlying aquifers as the soils on site have done in the past. The site will be dry the majority of the time.

Even assuming no upstream infiltration, through the use of infiltration, as well as the various proposed improvements, this Project will not exacerbate any existing Minnesota River impairments or result in any further degradation or adverse impacts to existing water bodies in this vicinity.

### **Wetlands**

No National Wetlands Inventory wetlands are on the Project site.

### **Roads**

The proposed mine will require the temporary closing of Highway 112 for a culvert to be constructed, but otherwise will not result in relocating any roads.

### **Vegetation and Planting**

#### **Planting**

The vegetated berms will be a mixture of trees, shrubs and tall grasses to provide adequate screening. In addition, planting diversity in tree species will help prevent significant impacts from disease or insects. Grass and forb seed planting rates of 84.5 lbs/acre (includes cover crop) with a 10-10-20 fertilizer at 400 lbs/acre (dependent on soil testing to determine proper amount of soil amendments) and MNDOT Type 3 mulch at 2 tons/acre are recommended (based on MNDOT District Seeding Recommendations).

#### **Plants for Lowland Sites**

Use State Seed Mixes 35-241 Mesic Prairie General or 36-211 Woodland Edge South & West.

#### **Shrubs**

Cornus sericea - Red Osier Dogwood

Cephalanthus occidentalis - Buttonbush

Shrubs should be planted at least 6 feet apart on center.

### Plants for Upland Sites

Use State Seed Mixes 32-241 Native Construction, 36-211 Woodland Edge South & West, or 35-221 Dry Prairie General.

#### Shrubs

Amelanchier alnifolia - Serviceberry

Cornus sericea - Red Osier Dogwood

Cornus racemosa – Gray Dogwood

Shrubs should be planted at least 6 feet apart on center.

#### Trees

Quercus ellipsoidalis - Northern Pin Oak

Quercus macrocarpa - Bur Oak

All trees should be planted at least 50 feet apart on center.

### **Vegetation Management**

When establishing vegetation in an area, controlling noxious weeds and monitoring successful establishment of vegetation is very important. Noxious weeds in Minnesota include: hemp (annual); bull thistle, garlic mustard, musk thistle, and plumeless thistle (biennial); Canada thistle, perennial sowthistle, leafy spurge, field bindweed, poison ivy, and purple loosestrife (perennial).

Chemical control of annual weeds works best when an herbicide is applied in the spring to actively growing, young weeds. Mechanical control, such as mowing, is also effective against annuals. Control of biennials, via herbicides, are most effective when applied during the first year's growth. If treatment is delayed until the second year, early season application of an herbicide, or mowing, before bloom is recommended.

The best methods of perennial weed management in a perennial prairie ecosystem are mechanical (mowing) or chemical (herbicides). Fall herbicide applications can provide some of the best perennial weed control during the season. However, it is important to realize that herbicides alone, or one herbicide application will generally not eradicate a perennial weed population. Application of herbicides in spring, or frequent mowing during the summer is also effective in controlling growth till fall. However, mowing alone may take several growing seasons to effectively control perennial weed populations.

Prescribed burning is another method of perennial weed management. A prescribed burn will be conducted starting the third year after planting, as described in the maintenance section herein.

### **Inspections and Maintenance**

The Project Proposer will inspect the plantings at least annually to evaluate planting success. Trees and shrubs lost to mortality will be replanted within the same year inspected. Areas where grass and forb seeding was not successful will be replanted within one month of inspection (depending on contractor availability). The Project Proposer will contract with a company specializing in native plant seeding and maintenance to provide assistance for the establishment of the plantings described within this plan.

The Project Proposer will inspect the site on a weekly basis after construction until vegetation has become established to identify erosion problems. Areas of erosion will be corrected and reseeded within one week.



The DNR publication “Going Native: A Prairie Restoration Handbook for Minnesota Landowners” (<http://files.dnr.state.mn.us/assistance/backyard/prairierestoration/goingnative.pdf>) has a helpful year by year expectation and maintenance outline. This has been summarized here.

#### Year One Expectations

The prairie won’t look like much after the first growing season. Prairie plants will probably only have one or two small leaves above ground. The site will look messy, and annual weeds may still be present.

#### Year One Maintenance

During the planting year, annual weeds will be controlled by mowing. Prairie seedlings will be putting most of their energy into their roots in the first year, and won’t get very tall. For the first mowing, the mower will be set to cut higher than the seedlings, usually four to five inches. The weeds will not be allowed to get higher than six to eight inches tall, which usually requires mowing an additional two to three times in a season. Mowing will continue until late September. A mulching or flail mower will be used so that it is less likely to smother the small prairie plants with grass clippings. Alternatively, thick cuttings left after mowing should be removed or raked off. The weeds will not be allowed to go to seed. This can happen very quickly, especially when there’s been a lot of rain. The site will be monitored frequently during the first year’s growing season (approximately monthly). Weeds or invading tree seedlings will not be pulled in the first year, to prevent pulling up or damaging native seedlings in the process.

#### Year Two Expectations

Short-lived prairie perennials like wild bergamot will become established, and might even bloom. Annual weeds should be nearly gone. Black-eyed Susan is reseeding itself profusely.

#### Year Two Maintenance

The site will be mowed to six to eight inches in the spring as soon as weeds begin to grow. Efforts will be made not to disturb the soil, which can encourage weed seed germination. If the cuttings are heavy and thick, they will be raked off. Mowing will be limited in the second growing season to one or two times, no shorter than eight inches and only if needed to control weeds. The mowing will be timed before the weeds flower. Sweet clover will be pulled or mowed the second year before it flowers. It will not be allowed to go to seed. Sweet clover seeds are stimulated to germinate by fire, and can be a long-term problem. If necessary, spot applications of glyphosate will be used, being careful not to kill nearby native seedlings, or weeds will be pulled manually to control them. The site will be monitored for noxious weeds such as non-native grasses, leafy spurge, Canada thistle, spotted knapweed, mullein, curly dock, wild parsnip, and burdock, which can invade quickly. These will be spot-sprayed, as discussed in the Vegetation Management section above.

#### Year Three Expectations

Short-lived prairie perennials like black-eyed Susan, so prolific in the first few years, will be joined by other grasses and forbs. Long-lived native perennials like big bluestem, little bluestem, switchgrass, Indian grass, side-oats grama and rattlesnake master will become established. Purple coneflower, compass plant, and white and purple prairie clover will begin to flower.

#### Year Three Maintenance

A prescribed burn will be conducted starting the third year if there is enough plant litter to provide fuel for the fire. The area to be burned will be mowed before the burn to lower flame height and create a safer, more subdued burn. Areas that don’t have a good growth of native plants after the burn will be interseeded.

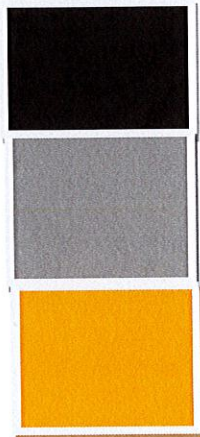
#### Year Four and Beyond Expectations

More conservative species like prairie dropseed, prairie cinquefoil, New Jersey tea, wild indigo, and Culver's root will start to hold their own after about six years. Some prairie plants might take as long as 10 years or more to bloom.

#### Year Four and Beyond Long-Term Maintenance

Management techniques such as rotationally burning, or mowing and raking will be continued each year. Fertilizing will only occur if the site is mowed regularly, being careful not to favor weeds. In order to maintain or increase species diversity, areas where the vegetation is not thriving will be interseeded or planted with seedlings. Weeds will be regularly monitored, especially in areas that have been disturbed, and they will be eliminated before they become a widespread problem. There should not be a need to water the site.

#### Vertical Profile of the Reclaimed Area

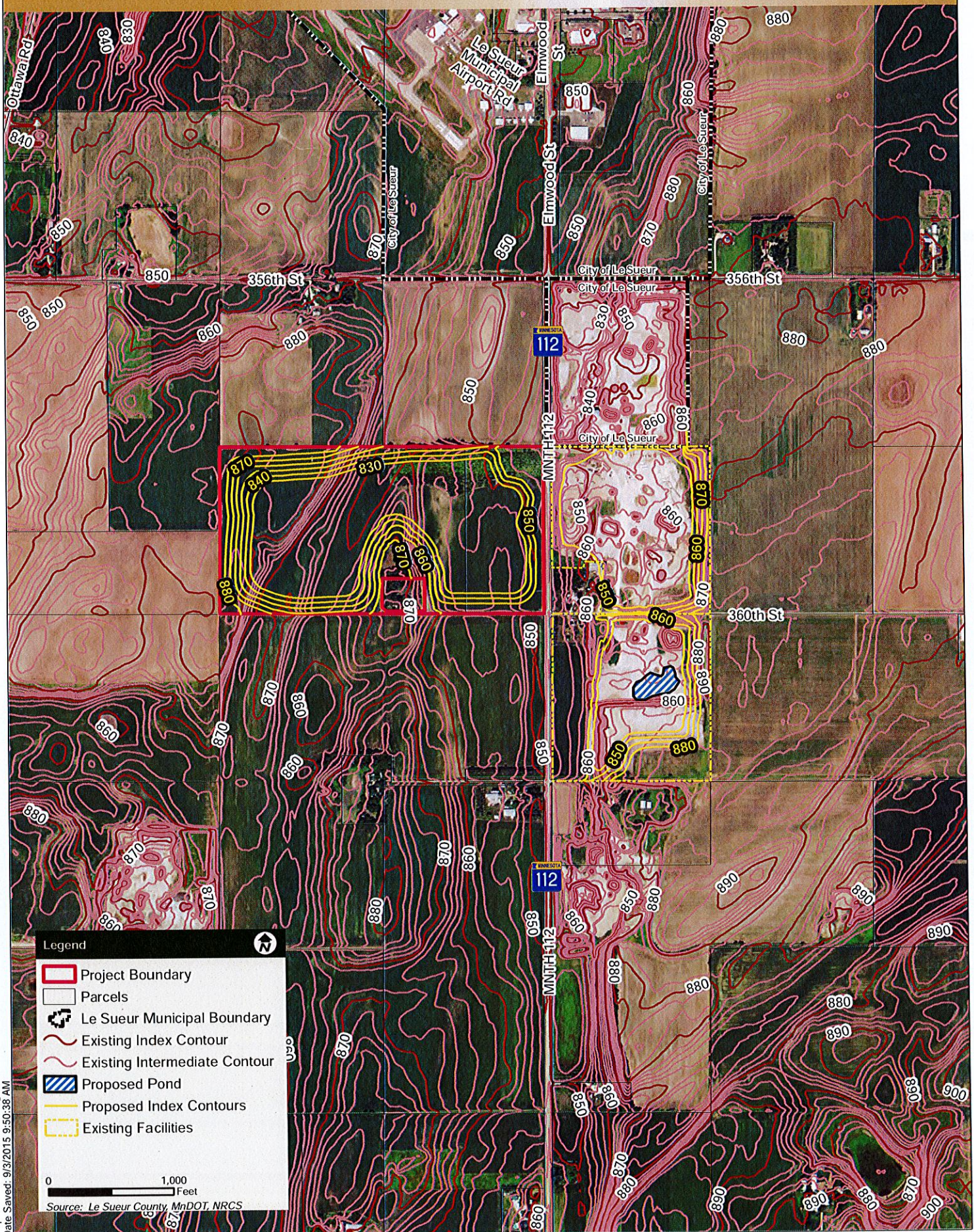


Minimum depth of the restored topsoil = 4 inches (ranges up to 18 inches)

Depth of imported clean clay material (optional) = up to 12 inches

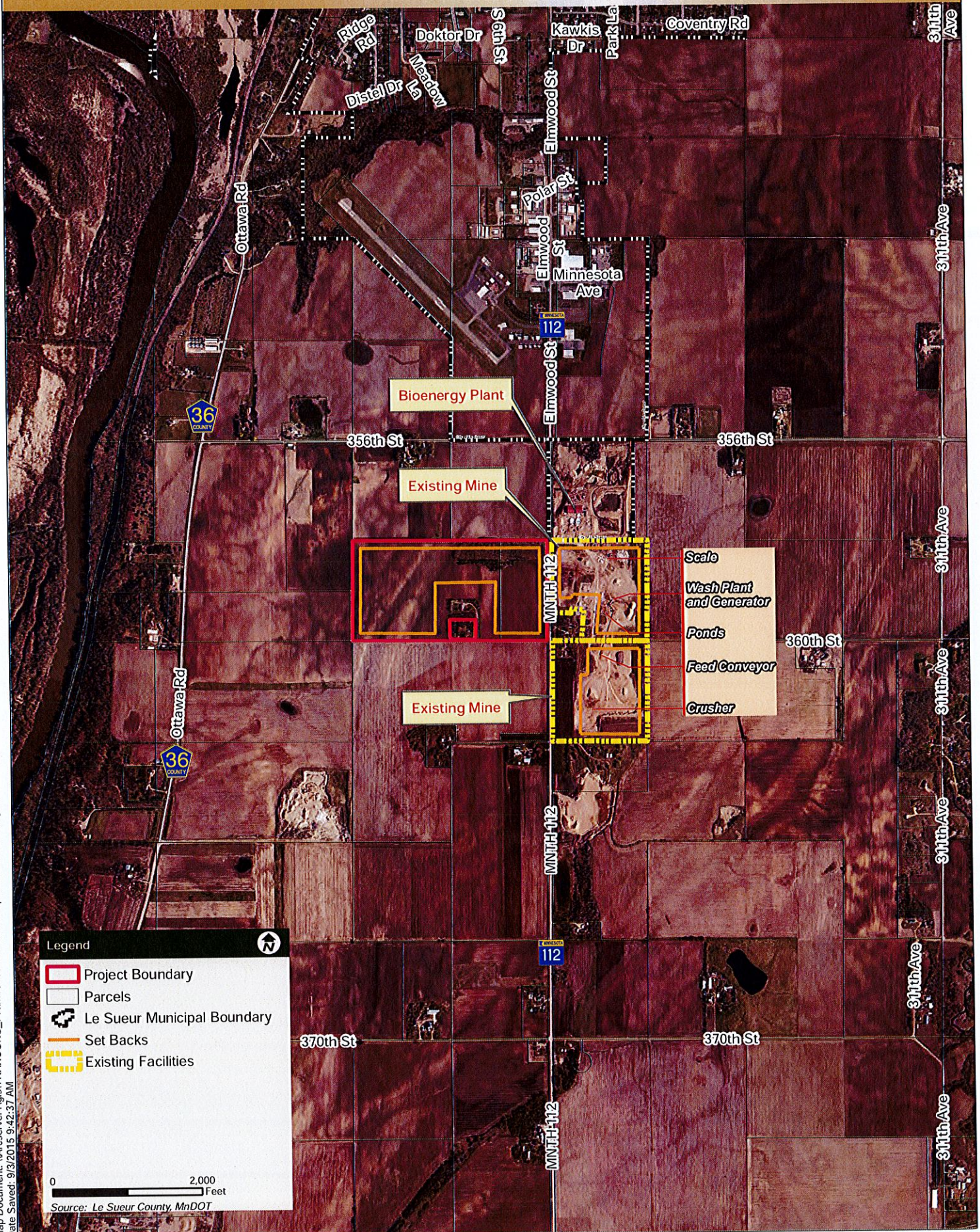
Depth of graded in-situ/un-mined material = varies





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