



**LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
507-357-8538**

NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD.

DATE: NOVEMBER 12, 2015

TIME: 7:00 PM

PLACE: LE SUEUR COUNTY ENVIRONMENTAL SERVICES BUILDING, 515 SOUTH MAPLE
AVE LE CENTER MN

PURPOSE: To hear testimony from interested parties and consider Rezoning and Conditional Use Permit Applications and other questions pertaining to and as provided by the Zoning Ordinance of Le Sueur County as described below. ***Information regarding the applications is available for review at the Environmental Services Building during normal business hours.***

- ITEM #1** Planning and Zoning Commission Notice of Public Hearing
- ITEM #2** Planning and Zoning Commission Agenda
- ITEM #3** Traxler Staff Report
- ITEM #4** Unimin Corporation
- ITEM #5** Le Sun LLC (applicant), Gregor (owner)
- ITEM #6** Section 17, Subsurface Sewage Treatment Systems Revisions, Le Sueur County Zoning Ordinance
- ITEM #7** Planning and Zoning Commission Draft Minutes

APPLICANT OR REPRESENTATIVE MUST BE PRESENT IN ORDER FOR THE APPLICATION TO BE HEARD.

KATHY BROCKWAY, LE SUEUR COUNTY PLANNING & ZONING ADMINISTRATOR
MICHELLE R. METTLER, ASSISTANT PLANNING & ZONING ADMINISTRATOR



Le Sueur County, MN

Thursday, November 12, 2015

Regular session

Item 1

Planning and Zoning Commission Notice of Public Hearing

Staff Contact: Kathy Brockway or Michelle Mettler

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DATE: NOVEMBER 12, 2015

TIME: 7:00 P.M.

PLACE: Le Sueur County Environmental Services, 515 South Maple Ave, Le Center, MN.

PURPOSE: To hear testimony from interested parties and consider Rezoning, Amendments and Conditional Use Permit Applications, as provided by the Zoning Ordinance of Le Sueur County, as described below.

Applications are available for review at the Environmental Services Building during normal business hours and on the website on or after **NOVEMBER 3, 2015**.

ITEM #1: TRAXLER CONSTRUCTION, PAT TRAXLER, LE CENTER, MN (APPLICANT); BETTY ANN MOLLENHAUER C/O RALPH & EVA FIX, EDINA, MN (OWNER): Request that the County grant a Conditional Use Permit to allow mineral extraction of 50 acres of a 76.63 acre parcel in an Agriculture "A" District, Mineral Resources "MR" Overlay District, and the Airport Zoning "AZ" Overlay District. Property is located in the S 1/2 of the SE1/4 and the E 1/2 of the SE1/4, Section 11, Ottawa Township. *(No public comment due to a Mandatory Environmental Review).*

ITEM #2: UNIMIN CORPORATION, KASOTA, MN (APPLICANT/OWNER). Requests that the County amend an existing Conditional Use Permit #29000, to allow a mineral extraction expansion of 500.3 mineable acres to be known as the 'Southeast Mine' in a Conservancy "C" District and Mineral Resources "MR" Overlay District. Property is located in all that part of Sections 5, 8, and 17, Kasota Township. *(No public comment due to a Mandatory Environmental Review).*

ITEM #3: LE SUN LLC, MINNEAPOLIS, MN (APPLICANT); PATRICK GREGOR, WASECA, MN (OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to establish up to 5MW Solar Farm on approximately 50 acres in an Agriculture "A" District. Property is located in the Southeast 1/4 and Government Lot 6, Section 26, Waterville Township.

ITEM #4: Amendments to Section 17, Sewage and Wastewater Treatment of the Le Sueur County Zoning Ordinance. Copies of the proposed changes are available for review at the Le Sueur County Environmental Services Office, located at 515 South Maple Ave, Le Center MN, County Auditor/Treasurer Department, located at the County Courthouse, during regular working hours and on the Le Sueur County website.

**APPLICANT OR REPRESENTATIVE MUST BE PRESENT IN ORDER FOR THE
APPLICATION TO BE HEARD.**

KATHY BROCKWAY, LE SUEUR COUNTY PLANNING & ZONING ADMINISTRATOR
MICHELLE R. METTLER, ASSISTANT PLANNING & ZONING ADMINISTRATOR



Le Sueur County, MN

Thursday, November 12, 2015

Regular session

Item 1

Planning and Zoning Commission Agenda

Staff Contact: Kathy Brockway or Michelle Mettler

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION MEETING AGENDA

ORGANIZATION: LE SUEUR COUNTY PLANNING/ZONING COMMISSION

MEETING DATE: November 12, 2015

MEETING PLACE: Le Sueur County Environmental Service

Beginning Time: 7:00 P.M. **Ending Time:** Approx. 8:30 P.M.

If you CANNOT be at the meeting, contact DENISE at 357-8538

AGENDA:

**Meeting Called
to Order.**

ITEM #1: TRAXLER CONSTRUCTION, PAT TRAXLER, LE CENTER, MN (APPLICANT); BETTY ANN MOLLENHAUER C/O RALPH & EVA FIX, EDINA, MN (OWNER): Request that the County grant a Conditional Use Permit to allow mineral extraction of 50 acres of a 76.63 acre parcel in an Agriculture "A" District, Mineral Resources "MR" Overlay District, and the Airport Zoning "AZ" Overlay District. Property is located in the S 1/2 of the SE1/4 and the E 1/2 of the SE1/4, Section 11, Ottawa Township. *(No public comment due to a Mandatory Environmental Review).*

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**DISCUSSION; Future Meetings
MINUTES-WARRANTS**

ADJOURN 8:30 P.M.

Planning & Zoning Commission Public Hearing Procedure: The Chairman calls the meeting to order, then calls the item to be heard and asks the Applicant or representative present to come to the podium to answer any questions or present any comments. The Chairman opens the meeting to the public. Each speaker comes to the podium and states their name for the record prior to making a statement or posing a question. **All questions or comments are to be directed to the board, NOT THE APPLICANT.** After the public comments the Planning Commission publicly discusses the information and reviews the findings before making a motion. All meetings are recorded.



Le Sueur County, MN

Thursday, November 12, 2015

Regular session

Item 1

Traxler Staff Report

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: To allow mineral extraction of 50 acres of a 76.63 acre parcel 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.

**MANDATORY ENVIRONMENTAL ASSESSMENT WORKSHEET (EAW) REQUIRED
THEREFORE THE APPLICATION SHALL BE TABLED UNTIL SUCH TIME THE EAW IS COMPLETE**

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: 76.63 acre parcel 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

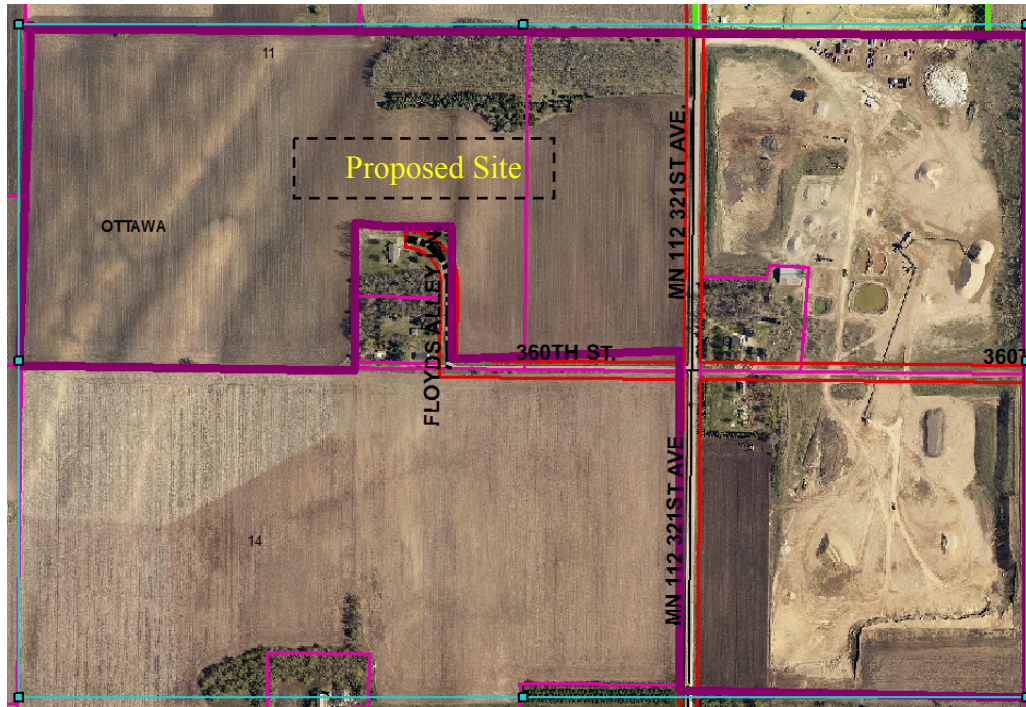
The applicants contacted Tim Griep, Ottawa Township Board member on May 8, 2015.

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 (to be discussed during the Conditional Use Permit process)

ATTACHMENTS

Application, Environmental Assessment Worksheet (EAW)

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.

For County Approval



ENVIRONMENTAL ASSESSMENT WORKSHEET

Gravel Mine Expansion Traxler Construction, Inc.

M13.109352

Submitted by:

Bolton & Menk, Inc.
1960 Premier Drive
Mankato, MN 56001
P: 507-625-4171
F: 507-625-4177

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ENVIRONMENTAL ASSESSMENT WORKSHEET

This Environmental Assessment Worksheet (EAW) form and EAW Guidelines are available at the Environmental Quality Board's website at:

<http://www.eqb.state.mn.us/EnvRevGuidanceDocuments.htm>. The EAW form provides information about a project that may have the potential for significant environmental effects. The EAW Guidelines provide additional detail and resources for completing the EAW form.

Cumulative potential effects can either be addressed under each applicable EAW Item, or can be addresses collectively under EAW Item 19.

Note to reviewers: Comments must be submitted to the RGU during the 30-day comment period following notice of the EAW in the EQB Monitor. Comments should address the accuracy and completeness of information, potential impacts that warrant further investigation and the need for an EIS.

1. Project Title: Traxler Construction, Inc. Gravel Mine Expansion

2. Proposer:

Contact Person: Patrick Traxler
 Title: Owner
 Address: 625 Commerce Drive
 City, State, ZIP: Le Center, MN 56057
 Phone: 507-357-2235
 Fax: 507-357-6626
 Email: traxinc@frontiernet.net

3. RGU:

Contact Person: Kathy Brockway
 Title: Planning & Zoning Admin.
 Address: 88 South Park Avenue
 City, State, ZIP: Le Center, MN 56057-1652
 Phone: 507-357-8209
 Fax: 507-357-8541
 Email: kbrockway@co.le-sueur.mn.us

4. Reason for EAW Preparation: (Check One)

Required:

- ☐ EIS Scoping
☒ Mandatory EAW

Discretionary:

- ☐ Citizen petition
☐ RGU discretion
☐ Proposer initiated

4410.4300, subp. 12B, Nonmetallic mineral mining (mandatory EAW).

5. Project Location:

County	Le Sueur
City/Township	Ottawa
PLS Location (1/4, 1/4, Section, Township, Range):	South half of southeast quarter of Section 11 (new mining area); and southwest quarter of southwest quarter of Section 12 and northwest quarter of northwest quarter of Section 13 (existing mining/processing area); all in Township 111N, Range 26W
Watershed (82 major watershed scale):	07020012
GPS Coordinates:	44°25'44.67"N, 93°54'40.89"W
Tax Parcel Number:	Parcels 10.011.5000 and 10.011.5100 for the new mining area, 10.012.7600 and 10.013.0200 for the existing mining/processing area

At a minimum attach each of the following to the EAW:

- County map showing the general location of the project;
- U.S. Geological Survey 7.5 minute, 1:24,000 scale map indicating project boundaries (photocopy acceptable); and
- Site plans showing all significant project and natural features. Pre-construction site plan and post-construction site plan.

The following items are attached in the Appendix.

Map 1 – General Location Map

Map 2 – Vicinity Map (U.S. Geological Survey 7.5 minute, 1:24,000 scale map indicating project boundaries.)

Map 3 – Existing Conditions

Map 4 – Existing Land Use

Map 5 – Zoning Map

Map 6 – Soils Map

Map 7 – Prime Farmland and Farmland of Statewide Importance

Map 8 – Hydrologic Soils Group Map

Map 9 – Water Resources, including National Wetland Inventory and Floodplains

Map 10 – Reclamation Plan

-Reclamation Plan

-Well Logs

-Natural Heritage Information System Response

6. Project Description

- a. Provide the brief project summary to be published in the EQB Monitor, (approximately 50 words).

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.

- b. Give a complete description of the proposed project and related new construction, including infrastructure needs. If the project is an expansion include a description of the existing facility. Emphasize: 1) construction, operation methods and features that will cause physical manipulation of the environment or will produce wastes, 2) modifications to existing equipment or industrial processes, 3) significant demolition, removal or remodeling of existing structures, and 4) timing and duration of construction activities.

The proposed project (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 boundaries (both the existing mining/processing area and the proposed expansion area) are shown on the USGS topo background in Map 2.

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 (Proposer). 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.

Existing conditions are shown on Map 3. Existing land use shows the area as Agricultural on Map 4 (from Le Sueur County zoning). The majority of land cover is shown as cultivated crops, with smaller portions of shrub/scrub and pasture/hay (from the National Land Cover Database).

The gravel mining on the expansion parcels will encompass no more than 49.3 acres, allowing for the required setbacks from property lines and road rights of way. The anticipated average depth of the mine will be 20 feet, becoming less as it goes further west. 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 market conditions. The anticipated rate of mining is to mine 5 acres a year at 10 feet deep or 3 acres a year at 18-20 feet deep.

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 striping 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.

This proposal moves the active mining westward and does not change the capacity of the processing plants or the procedures and methods used to harvest the stone; therefore, it is anticipated that the potential impacts revealed in this (the proposed Traxler Construction Gravel Mine Expansion) EAW process would be similar to those experienced at the existing mine.

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. Topsoil and 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.

Crushing and screening will occur on the expansion parcel. Once exposed, the gravel is conveyed to the existing processing plant located to the east of MTH 112, shown on Map 2. It will be necessary to reroute and/or temporarily close MTH 112 in order to construct a culvert under the highway to transport material to the existing processing plant. The Proposer, Mn/DOT and the County are developing a temporary closure plan. The length of time that MTH 112 will be closed for this construction is 5 days. Discussion of the impact of the Project on road infrastructure is discussed in Item 18. Traffic.

The expansion parcels' mined area will surround two active homes. One of the homes is on expansion parcel 10.011.5000, and one is on a separate parcel (10.011.5400) that is not part of this Project. Measures to be taken to minimize noise, dust and visual impacts are discussed in the applicable items of this EAW.

A Concept Reclamation Plan has been prepared for the Project, which includes the entire mining area. The Reclamation Plan (Map 10) illustrates proposed reclamation grades. 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 replanting with native grasses and forbs as listed in the Reclamation Plan.

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 10 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 native grasses and forbs.

The end product for the gravel pit will be a contoured area with various blends of native grasses, some that are seeded manually and some that will come naturally, and in time trees will seed themselves. See the reclamation plan attachment for more detailed information regarding the reclamation process.

There are no railroads, overhead power lines, gas or liquid pipelines in the vicinity of the Project. Other new or expanded utilities, infrastructure or public services will not be required to serve the proposed project.

c. Project magnitude:

Total Project Acreage	78 acres of new mining parcels, for a total of 152.92 acres over 4 parcels
Linear project length	
Number and type of residential units	
Commercial building area (in square feet)	
Industrial building area (in square feet)	
Institutional building area (in square feet)	
Other uses – specify (in square feet)	
Structure height(s)	The tallest equipment at the existing processing plant site is a 100-ft long conveyor that is approximately 80 ft tall

d. Explain the project purpose; if the project will be carried out by a governmental unit, explain the need for the project and identify its beneficiaries.

The Proposer has leased land west of its existing mine for the purpose of continuing its business of mining gravel. The project will not be carried out by a governmental unit. The mining and processing of the gravel provides the material needed in the construction and agriculture industries. The beneficiaries of the project will be Traxler Construction, Inc. (the Proposer), the Mollenhauer family (the land owners),

developers, contractors and the nearby community that will use the material for construction and agriculture.

- e. Are future stages of this development including development on any other property planned or likely to happen? ☐ Yes ☒ No

If yes, briefly describe future stages, relationship to present project, timeline and plans for environmental review.

It is not likely that the adjacent land would be mined in the future.

Is this project a subsequent stage of an earlier project? ☒ Yes ☐ No

If yes, briefly describe the past development, timeline and any past environmental review.

The project involves advancing the current gravel mining on the east side of MTH 112 to the west of the highway shown on Map 2. 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. The existing mine does not have a Conditional Use Permit (CUP), as it was grandfathered in.

There has been no previous environmental review conducted on any portion of the Project.

7. Cover Types:

Estimate the acreage of the site with each of the following cover types before and after development:

	Before	After		Before	After
Wetlands	0	0	Lawn/landscaping	1.02	1.02
Deep water/streams	0	0	Impervious surface	0.71	0.71
Wooded/forest	5.32	0	Stormwater Pond	0.41	0.41
Brush/Grassland	24.09	0	Other (describe)		
Cropland	76.31	0	Gravel pit, eventually restored to a combination of grassland, woodland and pond	45.05	150.78
			TOTAL	152.92	152.92

8. Permits and Approvals Required:

List all known local, state and federal permits, approvals, certifications and financial assistance for the project. Include modifications of any existing permits, governmental review of plans and all direct and indirect forms of public financial assistance including bond guarantees, Tax Increment Financing and infrastructure. *All of these final decisions are prohibited until all appropriate environmental review has been completed. See Minnesota Rules, Chapter 4410.3100.*

Unit of Government	Type of Application	Status
Le Sueur County	Conditional Use Permit (CUP) for mine expansion	Applied for (decision pending EAW)
Le Sueur County	Permission to mine in County right-of-ways	To be requested
Minnesota Pollution Control Agency ("MPCA")	Air emissions	To be applied for as necessary. The Proposer has contacted the MPCA and has been referred to the Small

		Business Environmental Assistance Program. Waiting for a response.
MPCA	NPDES / SDS, National Pollution Discharge Elimination System/State Disposal System MNG49000 General Permit for non-metallic mineral mining and associated activities	Modification to be applied for as necessary
Minnesota Department of Natural Resources ("MDNR")	Water Appropriations	In process
MPCA	Industrial Stormwater Permit MNRNE38BJ for existing mine and processing area, which has a No Exposure Exclusion	Active, will be modified to include the mine expansion area
MnDOT	Permit for construction of conveyor culvert under MTH 112	In process

Cumulative potential effects may be considered and addressed in response to individual EAW Item Nos. 9-18, or the RGU can address all cumulative potential effects in response to EAW Item No. 19. If addressing cumulative effect under individual items, make sure to include information requested in EAW Item No. 19

9. Land Use:

a. Describe:

- i. Existing land use of the site as well as areas adjacent to and near the site, including parks, trails, prime or unique farmlands.

Traxler Construction, Inc. currently operates the active gravel mine and processing plant to the east of the proposed gravel mine expansion. 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 existing parcels are used for mining, processing and stockpiling activities. Nearby land uses include the bioenergy plant, rural residences, and agriculture. It has been in this use for many years. Land use maps are attached in the Appendix. Existing conditions are shown on Map 3.

There are no designated parks, recreation areas or trails on or in the vicinity of the Project.

Refer to Map 6 for soils locations and Map 7 for Prime Farmland and Farmland of Statewide Importance. Soil information from the Natural Resources Conservation Service (USDA Natural Resources Conservation Service identifies prime farmlands and farmlands of statewide importance within the boundaries of the proposed mining area. The U.S. Department of Agriculture defines "prime farmland soils" as soils that are best suited to food, feed, forage, fiber and oilseed crops. The soils that are considered prime farmland are 27A, Dickinson sandy loam; 94B, Terril loam; 206B, Kasota silt loam; and 1855B, Dickinson sandy loam, loamy substratum. There are 26.1 acres of "prime farmland soils" within the proposed expansion parcels' boundaries. Of that area, 18.7 acres are within the setbacks as part of the proposed expansion, and thus could be disturbed by mining. The U.S. Department of Agriculture defines "farmland of statewide importance" as land, in addition to prime farmlands, that is of statewide importance for the production of food, feed, forage, fiber and oilseed crops. The soil that is considered farmland of statewide importance is 41B, Estherville sandy loam. There are 25.5 acres of "farmland of statewide importance soils" within the proposed expansion parcels' boundaries. Of that area, 14.2 acres are within the setbacks as part of the proposed expansion, and thus could be disturbed by mining. More information about the criteria for prime and important farmland can be obtained at the local office of the Natural Resources Conservation Service.

- ii. Plans. Describe planned land use as identified in comprehensive plan (if available) and any other applicable plan for land use, water, or resources management by a local, regional, state, or federal agency.

Existing land use shows the expansion parcels as Agricultural on Map 4. The majority of land cover is shown as cultivated crops, with smaller portions of shrub/scrub and pasture/hay. The existing nearby land uses include gravel mining, biofuel plant, residences and agriculture. The proposed mined area will surround two active residences, shown on Map 3. There are no known railroads, overhead power lines, liquid or gas pipelines in the near vicinity.

Le Sueur County has adopted a zoning map (http://www.co.le-sueur.mn.us/document_center/ZONINGaerial_Reduced.pdf) and zoning ordinances (http://www.co.le-sueur.mn.us/document_center/ZoningOrdinance.pdf). The Project site is in the Agricultural zoning district. This district allows mineral extraction as a Conditional Use. The Project site is also in the Mineral Resources Overlay District and Le Sueur Municipal Airport's Safety Zone C. The Airport Zoning regulates the height of buildings and vegetation around the airport. No buildings will be added as part of this Project, and none of the trees in the reclamation plan will be taller than the existing trees on the Project site.

The County has a Comprehensive Plan adopted July 24, 2007 (http://www.co.le-sueur.mn.us/document_center/Le_Sueur_County_Comprehensive_Land_Use_Plan.pdf) and gravel mining at the Project site complies with the Comprehensive Plan. Goal #6 in the Comprehensive Plan set forth plans to prevent development on areas identified as aggregate resources. The Project site is identified as "High Value Aggregate" in the Aggregate Resource Areas figure in the Comprehensive Plan.

- iii. Zoning, including special districts or overlays such as shoreland, floodplain, wild and scenic rivers, critical area, agricultural preserves, etc.

There are no FEMA floodways or protected waters within the project boundary, as shown on Map 9. The Project is not within a shoreland zoning district nor a state or federally designated wild or scenic river land use district.

- b. Discuss the project's compatibility with nearby land uses, zoning, and plans listed in Item 9a above, concentrating on implications for environmental effects.

Since the Project area and the surrounding land is zoned for agriculture and mining, land use incompatibility is not anticipated.

- c. Identify measures incorporated into the proposed project to mitigate any potential incompatibility as discussed in Item 9b above.

The Proposer will continue to follow the best management practices that it currently follows for the existing mining area, and will follow the requirements of the pending CUP.

10. Geology, Soils and Topography/Land Forms:

- a. Geology - Describe the geology underlying the project area and identify and map any susceptible geologic features such as sinkholes, shallow limestone formations, unconfined/shallow aquifers, or karst conditions. Discuss any limitations of these features for the project and any effects the project could have on these features. Identify any project designs or mitigation measures to address effects to geologic features.

Minimum depth (in feet)		Average depth	
Bedrock	155	Bedrock	198

Information for depth to bedrock from well logs for wells 647224, 469312, 129234, 161349, and 129228. Only two had a depth to bedrock reported. Well 129228 reported a depth of 155 feet to the Prairie Du Chien Group, and well 129234 reported a depth of 240 feet to the Jordan Sandstone. There are no known geologic hazards in the vicinity.

- b. Soils and topography - Describe the soils on the site, giving NRCS (SCS) classifications and descriptions, including limitations of soils. Describe topography, any special site conditions relating to erosion potential, soil stability or other soils limitations, such as steep slopes, highly permeable soils. Provide estimated volume and acreage of soil excavation and/or grading. Discuss impacts from project activities (distinguish between construction and operational activities) related to soils and topography. Identify measures during and after project construction to address soil limitations including stabilization, soil corrections or other measures. Erosion/sedimentation control related to stormwater runoff should be addressed in response to Item 11.b.ii.

NOTE: For silica sand projects, the EAW must include a hydrogeologic investigation assessing the potential groundwater and surface water effects and geologic conditions that could create an increased risk of potentially significant effects on groundwater and surface water. Descriptions of water resources and potential effects from the project in EAW Item 11 must be consistent with the geology, soils and topography/land forms and potential effects described in EAW Item 10.

Acres	49.3 (the area within the setbacks on the proposed expansion parcels)	Cubic Yards	The topsoil located above the gravel deposits to be mined will be moved during mining as described in item 6(b) (Project Description). The total amounts of these materials to be moved throughout the life of the project cannot be identified at this time. If the total area is 49.3 acres and the average depth is 18 feet, the total estimated volume would be 1,431,671 cubic yards. Estimated topsoil volume is 79,537 cy (depth of 1 ft), estimated overburden volume is 198,843 cy (depth of 2.5 ft), and estimated sand and gravel volume is 1,153,291 cy (depth of 14.5 ft).
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Soil types in and near the proposed area to be mined are shown on **Map 6**. **Map 8** shows the Hydrologic Soil Groups. Soil types present on the Project are:

Symbol	Map Unit Name	Hydrologic Soil Group	Highly Erodible, Potentially Highly Erodible, Not Highly Erodible?
41B	Estherville sandy loam, 1 to 6 percent slopes	A	NHEL
27A	Dickenson sandy loam, 0 to 2 percent slopes	A	NHEL
8B	Sparta loamy fine sand, 1 to 6 percent slopes	A	NHEL
1855B	Dickenson sandy loam, loamy substratum, 2 to 6 percent slopes	A	NHEL
94B	Terril loam, 1 to 8 percent slopes	B	NHEL
611C	Hawick sandy loam, 6 to 12 percent slopes	A	NHEL
206B	Kasota silt loam, 1 to 6 percent slopes	C	NHEL

Due to the high infiltration rate of A soils, if wastes or chemicals were spilled, they would infiltrate rapidly. There will not be pesticides, fertilizers or other chemicals spread in the mine area. There will not be any permanent or temporary storage of chemicals in the mine area. If there were an accidental spill of fuel or fluids from the mining equipment, spill containment kits are available to handle the spill.

The Natural Resources Conservation Service has stated that there are no highly erodible soils in the proposed mine site. (USDA Natural Resources Conservation Service, Highly Erodible Soils, Le Sueur County, Minnesota). No steep slopes (defined as greater than 12 percent slopes) have been identified. Reclamation will be ongoing with the mining process. Once an area has been completely mined, it will be covered with stockpiled topsoil and seeded with grasses to prevent erosion as described below. 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. Back sloping will be done as material is removed; this sloping will be done with filling with sand, clay, and other available topsoil materials. Replanting will be done with native grasses and forbs, as listed in the Reclamation Plan.

With the estimated progress of mining into the embankment, Traxler Construction, Inc. will be active in reclamation at all times, so that there will not be ten (10) acres of slope area that is not reclaimed.

Traxler Construction, Inc. will be using the floor of the pit to store material as it is made, so that the area will be over 20 acres. But as a larger area of the floor becomes exhausted, reclamation will progress as the area becomes available. The reclamation will be the process of spreading out the available topsoil materials and seeding it with the recommended grasses and native vegetation. The end product for the gravel pit will be a contoured area with various blends of native grasses, some that are seeded manually and some that will come naturally, and in time trees will seed themselves, making a wildlife sanctuary.

11. Water Resources:

- a. Describe surface water and groundwater features on or near the site in a.i. and a.ii. below.
 - i. Surface water - lakes, streams, wetlands, intermittent channels, and county/judicial ditches. Include any special designations such as public waters, trout stream/lake, wildlife lakes, migratory waterfowl feeding/resting lake, and outstanding resource value water. Include water quality impairments or special designations listed on the current MPCA 303d Impaired Waters List that are within 1 mile of the project. Include DNR Public Waters Inventory number(s), if any.

The site is in the Minnesota River watershed, and is within 1 mile of and drains to River Segment 07020012-507, which is impaired for Fecal Coliform; Mercury in Fish Tissue; PCB in Fish Tissue; and Turbidity. The Minnesota River is to the west of the Project. The Project is not within 1 mile of Le Sueur Creek, which lies to the east. The location of the Project in relation to the Minnesota River and Le Sueur Creek is shown on Map 2.

There are no National Wetland Inventory wetlands, FEMA floodways, or protected waters within the project boundary, as shown on Map 9. The Project is not within a shoreland zoning district nor a state or federally designated wild or scenic river land use district.

The potential impacts of unmitigated mining in the Project area are increases in storm water runoff quantity and decrease in surface water quality. These impacts will be mitigated by using infiltration, reclamation using natural grassland vegetation, and other applicable BMPs wherever feasible. Surface water will be allowed to infiltrate into the ground, thus lessening the runoff rates when compared to

existing runoff rates. The stormwater system will be designed to ensure that runoff quantity leaving the site will not increase and that the water quality will be maintained or improved.

- ii. Groundwater – aquifers, springs, seeps. Include: 1) depth to groundwater; 2) if project is within a MDH wellhead protection area; 3) identification of any onsite and/or nearby wells, including unique numbers and well logs if available. If there are no wells known on site or nearby, explain the methodology used to determine this.

Minimum depth (in feet)		Average depth	
Groundwater	84	Groundwater	101

No dewatering or additional wells are anticipated. The existing processing equipment has a supply well and that use will not change. No chemicals are used in the mining process at the current gravel mine site. Spill containment kits are available should there be a spill or leak of fuel or engine fluid from the mining equipment.

The Minnesota County Well Index showed five wells in the general vicinity. Information for depth to groundwater is from well logs for wells 647224, 469312, 129234, 161349, and 129228. These well logs are attached in the appendix. All five wells had a depth to static water level reported. The Project is not within a wellhead protection area.

There is not a well to supply drinking water for the existing mine employees. Employees are provided bottled water for drinking. This practice will be continued for the Project.

There is a water supply well (no well number) at the existing mine that provides make-up process water to the existing wash plant, which has been operating since 1982. The well log is attached in the appendix. There have never been any well interference issues and the Project will not increase the amount of make-up water used. The gravel from the proposed mine will be conveyed under the highway to the existing mine processing area where it will be washed. All wash water is discharged into a series of sedimentation ponds. Water from the final pond is recycled back to the wash plant for reuse. Some water placed in the ponds infiltrates into the ground, as the ponds are not lined.

The Proposer has leased the existing homestead located within the Project boundary, and there is another active residence that will be surrounded on the east and west sides by the proposed mine. There is a well associated with each of those homesteads (Well Numbers 469312 and 647224). No change to the wells associated with these homesteads is anticipated.

There will be no mine site dewatering. Any material extracted below the water table will be removed by a backhoe.

- b. Describe effects from project activities on water resources and measures to minimize or mitigate the effects in Item b.i. through Item b.iv. below.
 - i. Wastewater - For each of the following, describe the sources, quantities and composition of all sanitary, municipal/domestic and industrial wastewater produced or treated at the site.
 - 1) If the wastewater discharge is to a publicly owned treatment facility, identify any pretreatment measures and the ability of the facility to handle the added water and waste loadings, including any effects on, or required expansion of, municipal wastewater infrastructure.

No wastes will be discharged into a publicly owned treatment facility. Portable toilet facilities will be utilized at the proposed site, so no sanitary wastewater will be produced. No municipal wastewater will be produced by the mine.

- 2) If the wastewater discharge is to a subsurface sewage treatment systems (SSTS), describe the system used, the design flow, and suitability of site conditions for such a system.

No mining wastes will be discharged into a SSTS. The existing houses and other buildings on site will not be impacted by mining. Any municipal wastewater generated by these homes will be disposed of by the existing SSTS.

- 3) If the wastewater discharge is to surface water, identify the wastewater treatment methods and identify discharge points and proposed effluent limitations to mitigate impacts. Discuss any effects to surface or groundwater from wastewater discharges.

No mining wastes will be discharged into a surface water. The only wastewater generated by the mine project will result from the processing (washing) of the gravel. All wash water is discharged into a series of sedimentation ponds. Water from the final pond is recycled back to the wash plant for reuse. Some water placed in the ponds infiltrates into the ground, as the ponds are not lined.

- ii. Stormwater - Describe the quantity and quality of stormwater runoff at the site prior to and post construction. Include the routes and receiving water bodies for runoff from the site (major downstream water bodies as well as the immediate receiving waters). Discuss any environmental effects from stormwater discharges. Describe stormwater pollution prevention plans including temporary and permanent runoff controls and potential BMP site locations to manage or treat stormwater runoff. Identify specific erosion control, sedimentation control or stabilization measures to address soil limitations during and after project construction.

This item identifies the selected technique for long-term treatment of storm water runoff, as well as rate and volume mitigation measures meeting State, County and Township requirements. The goals of this item include the following:

- Identification of waters receiving runoff from the mining area.
- Limitation of post-mining discharges to pre-mining discharges for the 2-, 10-, and 100-year rainfall events.
- Emphasis on importance of reducing runoff volumes typically seen with mining.
- The design elements that are recommended to be put in place for each of these factors to provide protection for the drainageways/river are as follows:
 - There will be no increase in either the volume or rate of discharge from the storm water treatment facilities from any design storm with a statistical recurrence interval of less than two years.
 - Storm water management systems will infiltrate storm water.

The storm water management system for the Project area will be designed to manage runoff so as to prevent negative impacts upon the Minnesota River water quality.

Quality and Quantity of Storm Water Before and After Mining

The volume and rate of runoff water generated by the Project area is expected to be lower during mining due to the excavation nature of the process and the infiltration occurring, and once the mined area has been reclaimed, the volume and rate are expected to be similar to a grassland. There will be more Total Suspended Solids (TSS) during mining, but once the mined areas are reclaimed, the vegetation is expected to lower the TSS. It is the Proposer's goal to make sure the storm water quantity and quality stay the same as or better than current conditions.

Changes in Runoff Due to Land Use Changes

Currently, the land use in the study area that is proposed to be mined is agricultural. See land use discussion in Item 9. Runoff quantity and quality is typically changed when an area is converted between natural grassland, agriculture, active mining and reclaimed landscapes. Agricultural row crops, which require plowing each planting season, disturb the soil and cause increased runoff when compared to natural grasslands. Often herbicides, pesticides and fertilizers are used on agricultural lands, some of which is picked up by stormwater. Mine sites, due to the nature of the excavation process, typically infiltrate more runoff, do not use herbicides, pesticides or fertilizer, but do provide higher loadings of TSS than natural grasslands. Intact ecologic and hydrologic functions in natural grasslands control the nutrient export of these natural vegetation systems. Reclaimed mine areas function similar to natural grasslands in terms of stormwater quantity and quality. These factors are discussed below.

Volume

Volume of runoff is directly related to land uses. The runoff from agricultural areas can be extremely high in volume, high in sediment load and high in nutrients. The change from intense agricultural to mining land uses leads to changes in watershed hydrology and pollutant load rates, and due to the excavation nature of mining, can actually lead to a reduction in volume of runoff because water does not leave the mine and eventually infiltrates into the ground. Once the mined areas are reclaimed, they act similar to grasslands. The high soil infiltration rates in natural grasslands lead to low surface runoff rates. In most cases the surface runoff rates are less than 10% of the annual precipitation for these plant communities.

Pollutants

A scientific literature review and discussion of hydrologic regimes, nutrient cycling mechanisms and phosphorus loading factors for natural plant communities was completed as part of the Detailed Assessment of Phosphorus Sources to Minnesota Watersheds - Non-Agricultural Rural Runoff Technical Memorandum for the Detailed Assessment of Phosphorus Sources to Minnesota Watersheds prepared for the Minnesota Pollution Control Agency (2004). Human activities in urban watersheds lead to a larger range of pollutants and greater quantities of these pollutants when compared to natural vegetative land cover. The high soil infiltration rates in natural plant communities lead to low surface runoff rates, little soil loss via erosion and thus low rates of nutrient (total nitrogen and total phosphorus) export to surface waters. In most cases the phosphorus export rates for natural plant communities are below 0.169 kilograms of phosphorus per hectare per year (0.151 pounds per acre per year).

The runoff from agricultural areas can be extremely high in volume, high in sediment load and high in nutrients (fertilizers), herbicides and pesticides. Agricultural land uses, especially crop production, typically generates higher runoff sediment loads than either urban or natural conditions. The increased runoff, along with human activities, increases the types of pollutants and delivery rate of these pollutants to surface waters. The impacts of the increased runoff volumes and pollutant mass to downstream waters often lead to declines in water quality and ecological function.

The increased loading of nutrients, especially phosphorus, leads to eutrophication of lakes and wetlands, as well as stream systems. The resulting eutrophication leads to increased algal growth, decreased water clarity and loss of recreational uses, as well as human health concerns, increased periphyton growth and increased treatment costs for industrial uses of water. Remediation of the resulting water quality problems is costly and many times may not fully restore water to the pre-impacted conditions.

The use of herbicides, pesticides and fertilizers in agriculture raises questions about their impacts on water resources and how they can be controlled. Minnesota state law now prohibits the use of phosphorus containing fertilizers on turf grass except during the establishment periods. This has reduced the contribution of phosphorus from this source. Pesticides running off into streams is a concern in any area where there are farm fields near riparian habitats. The use of infiltration and the absence of pesticides and fertilizers used in the Project area will reduce pesticide levels in nearby rivers, wetlands and streams.

The change from intense agricultural to mining land uses can actually lead to a reduction in some pollutants and thus improvements in water quality, because reclamation will be ongoing with mining activity, and once a portion of the Project has been completely mined, it will be reclaimed into grassland with scattered trees. The change from agricultural uses to mining uses and eventually reclaimed land means that the soil won't be tilled up every year, thus reducing erosion caused by annual tilling and will reduce the amount of pesticide and fertilizer runoff as compared to active farming.

Infiltration Practices

The majority of the soils within the study boundary are of HSG Type A, with small areas of Type B and C. See Map 8 for Hydrologic Classifications of soils in the EAW area. The Type A soils allow for high infiltration, the Type B soils allow for moderate infiltration, and the Type C soils are slightly slower. Stormwater during mining will be handled through infiltration. The close interaction of surface water and groundwater make it very important to determine depth to seasonally high groundwater, depth to bedrock, condition of bedrock and potential for groundwater mounding when considering infiltration practices for handling stormwater. The minimum depth to water reported for five nearby wells was 85 feet below ground surface and the minimum depth to bedrock was 155 feet. Thus, even though the mine will remove soil that the water would have otherwise infiltrated through, adverse impacts from mine stormwater to the groundwater are not anticipated due to the adequate depth of the groundwater and bedrock. Once the areas have been reclaimed, infiltration will still be occurring. Natural grassland vegetation will also be established, which will help soak up and evapotranspire stormwater.

Storm Water Pollution Prevention Plans

Adverse stormwater impacts will be mitigated by using infiltration, reclamation using natural grassland vegetation, and other applicable BMPs where ever feasible. Berming and/or diversion around mining areas will reduce the amount of stormwater entering the mined area.

Traxler Construction, Inc's existing gravel mine and processing plant, has an active industrial stormwater permit MNRNE38BJ, and has a No Exposure Exclusion. It is anticipated that the industrial stormwater permit will be modified to include the gravel mine expansion area.

Storm water runoff from the Project area travels west. The entire area is within the Minnesota River watershed, so the runoff from the area eventually drains to the Minnesota River.

Pre-development land use for the Project area is predominantly cultivated row cropland, which contributes higher amounts of phosphorus when compared to urban or undisturbed land uses. According to previous studies, agricultural runoff is usually considered a more important cause of phosphorus loading and lake eutrophication than is urban runoff.

Because a large portion of the soils in the Project area have high infiltration rates (Type A soils), infiltration will be used to reduce storm water volumes and recharge groundwater, as well as help reduce TSS loading.

Although the Minnesota River is not within the Project boundaries, the Project area ultimately drains to the River. The site is within 1 mile of and drains to River Segment 07020012-507, which is impaired for Fecal Coliform; Mercury in Fish Tissue; PCB in Fish Tissue; and Turbidity. Infiltration of stormwater at the Project site will help ensure that the Project does not adversely affect the Minnesota River, neither in quantity nor quality.

The potential impacts of unmitigated mining in the Project area are increases in storm water runoff quantity and decrease in surface water quality. These impacts will be mitigated by using infiltration, reclamation using natural grassland vegetation, and other applicable BMPs wherever feasible. The stormwater system will be designed to ensure that runoff quantity leaving the site will not increase and that the water quality will be maintained or improved.

- iii. Water appropriation - Describe if the project proposes to appropriate surface or groundwater (including dewatering). Describe the source, quantity, duration, use and purpose of the water use and if a DNR water appropriation permit is required. Describe any well abandonment. If connecting to an existing municipal water supply, identify the wells to be used as a water source and any effects on, or required expansion of, municipal water infrastructure. Discuss environmental effects from water appropriation, including an assessment of the water resources available for appropriation. Identify any measures to avoid, minimize, or mitigate environmental effects from the water appropriation.

There is a water supply well at the existing mine that provides make-up process water to the existing wash plant, which has been operating since 1982. The daily water pumped is 36,000 gallons per day (gpd), and the annual use is 1.5 million gallons per year (gpy). The wash plant can only run 94 gallons per minute (135,360 gpd) maximum and runs 10 hours a day, but the water used is recycled. Because of this, depending on the rain and water evaporation, the pump only runs when needed. There have never been any well interference issues and the Project will not increase the amount of make-up water used. The Proposer is in the process of getting a DNR appropriations permit for the well at this time. The appropriations permit is asking for 36,000 gpd and 1.5 million gpy (no change in current use levels). There will be no mine site dewatering.

iv. Surface Waters

- 1) Wetlands - Describe any anticipated physical effects or alterations to wetland features such as draining, filling, permanent inundation, dredging and vegetative removal. Discuss direct and indirect environmental effects from physical modification of wetlands, including the anticipated effects that any proposed wetland alterations may have to the host watershed. Identify measures to avoid (e.g., available alternatives that were considered), minimize, or mitigate environmental effects to wetlands. Discuss whether any required compensatory wetland mitigation for unavoidable wetland impacts will occur in the same minor or major watershed, and identify those probable locations.

There are no National Wetland Inventory wetlands within the project boundary, as shown on Map 9. The Project has almost entirely Hydrologic Soil Group Type A soils, which have a high infiltration rate, so no wetlands are anticipated on the site.

- c. Other surface waters- Describe any anticipated physical effects or alterations to surface water features (lakes, streams, ponds, intermittent channels, county/judicial ditches) such as draining, filling, permanent inundation, dredging, diking, stream diversion, impoundment, aquatic plant removal and riparian alteration. Discuss direct and indirect environmental effects from physical modification of water features. Identify measures to avoid, minimize, or mitigate environmental effects to surface water features, including in-water Best Management Practices that are proposed to avoid or minimize turbidity/sedimentation while physically altering the water features. Discuss how the project will change the number or type of watercraft on any water body, including current and projected watercraft usage.

There are no FEMA floodways or protected waters within the project boundary, as shown on Map 9. The Project is not within a shoreland zoning district nor a state or federally designated wild or scenic river land use district. No physical modifications to existing surface waters are anticipated. Depending on the amount of material removed from the expansion parcels, a small pond is anticipated to be part of the Reclamation Plan.

12. Contamination/Hazardous Materials/Wastes:

- a. Pre-project site conditions - Describe existing contamination or potential environmental

hazards on or in close proximity to the project site such as soil or ground water contamination, abandoned dumps, closed landfills, existing or abandoned storage tanks, and hazardous liquid or gas pipelines. Discuss any potential environmental effects from pre-project site conditions that would be caused or exacerbated by project construction and operation. Identify measures to avoid, minimize or mitigate adverse effects from existing contamination or potential environmental hazards. Include development of a Contingency Plan or Response Action Plan.

The existing house and other buildings on site will not be impacted by mining. Any municipal waste generated by use of these buildings will be disposed of by a licensed waste hauler. As such, no Contingency Plan or Response Action Plan will be developed.

A search of the MPCA's What's in My Neighborhood website found there are no known environmental hazards on the Project expansion parcels due to past site uses. Nearby activities that are listed are for Hometown BioEnergy, which is immediately to the north of the existing mining/processing parcels and has multiple MPCA listings: An active construction stormwater permit C00035028, effective start 12/14/2012; an active tank site 125882 (3 aboveground tanks installed September 2013); an active air permit 07900050, effective start 5/3/2012; and an active wastewater discharge permit MN0070149, effective start 4/30/2012 and a minor permit modification 6/16/2014. This is a separate entity from the Project, and the Proposer has no control over the operation of this facility.

- b. Project related generation/storage of solid wastes - Describe solid wastes generated/stored during construction and/or operation of the project. Indicate method of disposal. Discuss potential environmental effects from solid waste handling, storage and disposal. Identify measures to avoid, minimize or mitigate adverse effects from the generation/storage of solid waste including source reduction and recycling.

No solid or hazardous wastes will be generated or stored on site as part of the mining process.

- c. Project related use/storage of hazardous materials - Describe chemicals/hazardous materials used/stored during construction and/or operation of the project including method of storage. Indicate the number, location and size of any above or below ground tanks to store petroleum or other materials. Discuss potential environmental effects from accidental spill or release of hazardous materials. Identify measures to avoid, minimize or mitigate adverse effects from the use/storage of chemicals/hazardous materials including source reduction and recycling. Include development of a spill prevention plan.

No blasting agents will be used as part of the mining process. No toxic or hazardous materials will be used on site as part of the mining process. There are no below ground tanks to store petroleum product or other materials on the existing mine area nor on the proposed mine area. There are 2 aboveground tanks on the existing site for the crushing spread: 1,000-gallon diesel fuel tank that is stationary, and 250-gallon (on wheels) diesel fuel tank. The 250-gallon tank on wheels will also be used in the expansion area when the crushing equipment is moved there. The wash plant runs on electricity, so does not have any fuel tanks.

- d. Project related generation/storage of hazardous wastes - Describe hazardous wastes generated/stored during construction and/or operation of the project. Indicate method of disposal. Discuss potential environmental effects from hazardous waste handling, storage, and disposal. Identify measures to avoid, minimize or mitigate adverse effects from the generation/storage of hazardous waste including source reduction and recycling.

No hazardous wastes will be generated or stored on site as part of the mining process.

13. Fish, Wildlife, Plant Communities, And Sensitive Ecological Resources (Rare Features):

- a. Describe fish and wildlife resources as well as habitats and vegetation on or in near the site.

Wildlife in this part of Le Sueur County includes deer, coyote, turkey, raccoon, rabbit, squirrel, pheasant, skunk, woodchuck, groundhog, gopher, and other birds common in the area.

- b. Describe rare features such as state-listed (endangered, threatened or special concern) species, native plant communities, Minnesota County Biological Survey Sites of Biodiversity Significance, and other sensitive ecological resources on or within close proximity to the site. Provide the license agreement number (LA-____) and/or correspondence number (ERDB _____) from which the data were obtained and attach the Natural Heritage letter from the DNR. Indicate if any additional habitat or species survey work has been conducted within the site and describe the results.

DNR Natural Heritage and Non-game Research Program Correspondence Reference No. ERDB 20150194 identified no known occurrences of rare species or native plant communities on the Project site nor within a 1 mile radius of the area. The letter is included as an appendix.

- c. Discuss how the identified fish, wildlife, plant communities, rare features and ecosystems may be affected by the project. Include a discussion on introduction and spread of invasive species from the project construction and operation. Separately discuss effects to known threatened and endangered species.

The proposed project may displace the wildlife population that uses the open areas for protection, food and cover. If wildlife is present, it may relocate to other nearby habitat in the area until mining is over. Some species may return after mining and some others may be permanently displaced.

The increased development and spread of diseases such as Dutch Elm Disease and Oak Wilt have impacted trees and woodlands in this region. Trees infected with Dutch elm disease or oak wilt must be removed promptly so they don't infect healthy trees.

- d. Identify measures that will be taken to avoid, minimize, or mitigate adverse effects to fish, wildlife, plant communities, and sensitive ecological resources.

Mitigation for loss of wildlife habitat will be through reclaiming the mined areas. Planting of grasses and trees and creation of a pond will provide higher quality wildlife habitat than the agricultural field that is currently on the Project site.

In order to prevent the spread of tree diseases, the Proposer will be encouraged to avoid carrying out clearing operations in the wooded areas during the peak infection period (April – June), and to treat oak wilt prior to breaking ground.

Vegetation management in infrequently mowed areas – such as ditches and along utility access roads – should be done mechanically (chemicals should not be used). Vegetation management should occur fall through spring (after October 1st and before June 1st).

14. Historic Properties:

Describe any historic structures, archeological sites, and/or traditional cultural properties on or in close proximity to the site. Include: 1) historic designations, 2) known artifact areas, and 3) architectural features. Attach letter received from the State Historic Preservation Office (SHPO). Discuss any anticipated effects to historic properties during project construction and operation. Identify measures that will be taken to avoid, minimize, or mitigate adverse effects to historic properties.

According to the Minnesota State Historic Preservation Office's (SHPO) cultural resources database, three historical properties (LE-LSC-038, -039, and -040), one landscape (LE-OTW-010), and one archaeological site (21LE0095) have been recorded within one mile of the proposed mine expansion. The historical properties include a brewery cave and office and a barn that are located within a deep draw, more than ½ mile to the northwest from the proposed mine. These properties were considered not eligible for listing on the National Register of Historic Places in 2012.

White Rock Bluffs (LE-OTW-010) are an outcrop of Jordan Sandstone and the Prairie du Chien Group along the Minnesota River. First described by William Keating in 1824, these bluffs were purportedly used for raw material and as a regional gathering place. The Bluffs are as close as ½ mile from the proposed mine and will not be physically impacted.

Archaeological site 21LE0095 is a lithic scatter of unknown age. The property has not been evaluated, but is over ½ mile from the proposed mine and physical impacts to it are not anticipated. No known archaeological sites are located within the project area, however, SHPO does not have any records of an archaeological survey having taken place here and there may be archaeological materials that have not yet been identified.

15. Visual:

Describe any scenic views or vistas on or near the project site. Describe any project related visual effects such as vapor plumes or glare from intense lights. Discuss the potential visual effects from the project. Identify any measures to avoid, minimize, or mitigate visual effects.

There is no lighting anticipated to be placed on the Project site. There is one light pole on the current mine site to light the scale shack. This light is a security light that turns on with a sensor. No adverse visual impacts are anticipated.

16. Air:

- a. Stationary source emissions - Describe the type, sources, quantities and compositions of any emissions from stationary sources such as boilers or exhaust stacks. Include any hazardous air pollutants, criteria pollutants, and any greenhouse gases. Discuss effects to air quality including any sensitive receptors, human health or applicable regulatory criteria. Include a discussion of any methods used assess the project's effect on air quality and the results of that assessment. Identify pollution control equipment and other measures that will be taken to avoid, minimize, or mitigate adverse effects from stationary source emissions.

Stationary source air emissions from crushers, conveyors, or other stationary sources will not be changed as a result of this Project. The current processing equipment at the active gravel mine site will continue to process in the location and at the level as it has been.

The current gravel mine does not operate under a state air permit, therefore potential emissions are not available. The Project is not anticipated to need a state air permit. The Proposer has contacted the MPCA to inquire if a permit is required, and was referred to the Small Business Environmental Assistance Program. The Proposer contacted this office twice, with no response. The Proposer will cooperate with the MPCA if it is determined that the Project would require an air permit.

- b. Vehicle emissions - Describe the effect of the project's traffic generation on air emissions. Discuss the project's vehicle-related emissions effect on air quality. Identify measures (e.g. traffic operational improvements, diesel idling minimization plan) that will be taken to minimize or mitigate vehicle-related emissions.

Vehicle-related air emissions will not be changed as a result of this Project. Employee and customer vehicles will continue to be parked and loaded at the existing processing plant site located to the east of

the proposed mine. The trucks used to transport the gravel after processing will use the existing highway access point to the existing processing plant. The mining vehicles will operate in the same way they have been; no change to the number of vehicles or the rate they are operated is anticipated.

- c. Dust and odors - Describe sources, characteristics, duration, quantities, and intensity of dust and odors generated during project construction and operation. (Fugitive dust may be discussed under item 16a). Discuss the effect of dust and odors in the vicinity of the project including nearby sensitive receptors and quality of life. Identify measures that will be taken to minimize or mitigate the effects of dust and odors.

The past years of experience with mining in this area has shown that the proposed Project will not generate odors. The Proposer has not received any complaints about dust, odors or noise in the more than 20 years of operation, and at times in the past the operation has been quite close to rural residences.

Levels of noise and dust for the Project will not be changed from the existing conditions. The Project would be mining at approximately the same rate, with the same methods as the current gravel mine, and during the same hours of the day. No additional gravel processing equipment is proposed to be constructed, and the existing equipment will operate during the same hours of the day as it currently does. The Project is not anticipated to change the noise and dust levels from what is currently occurring. No blasting will take place as a part of this Project.

The current gravel mine does not operate under a state air permit, therefore potential emissions are not available. The Project is not anticipated to need a state air permit. The Proposer will cooperate with the MPCA if it is determined that the Project would require an air permit.

17. Noise

Describe sources, characteristics, duration, quantities, and intensity of noise generated during project construction and operation. Discuss the effect of noise in the vicinity of the project including: 1) existing noise levels/sources in the area, 2) nearby sensitive receptors, 3) conformance to state noise standards, and 4) quality of life. Identify measures that will be taken to minimize or mitigate the effects of noise.

The Project would be mining at approximately the same rate, with the same methods as the current gravel mine, and during the same hours of the day. No blasting will be done as a part of this Project. No additional gravel processing equipment is proposed to be constructed, and the existing equipment will operate during the same hours of the day as it currently does. The Project is not anticipated to change the noise levels from what is currently occurring.

The expansion parcels' mined area will surround two active homes. One of the homes is on expansion parcel 10.011.5000, and one is on a separate parcel (10.011.5400) that is not part of this Project. No adverse potential impacts on the homes and residents are anticipated, and the homes will remain throughout the life of the Project. The current mine and wash plant are within 100 yards of another farmstead and there have been no complaints of noise or dust.

The noise-generating activities that will take place on the surface will be created by the mobile mining equipment (including excavators, front-end loaders, and haul trucks) involved in the overburden excavation, transport, placement, as well as post-mining surface restoration. Post-mining surface restoration involves use of heavy construction equipment to replace topsoil and large agricultural machinery to seed the area with native plantings. The noise impacts from these operations will be of short duration and likely not be audible beyond 300 feet depending on a variety of factors such as relative location, foliage, weather, and season.

The remaining noise-generating activities will be taking place up to 20 feet below grade in the floor of the mine. These include crushing, material transport to the conveyor, uncovered conveyor transport, and enclosed processing buildings. Noise from activities in the pit will be shielded from surrounding areas by the mine face as well as screening berms.

The Proposer will construct berms along the Project boundaries where necessary to screen the mining activities from public view as may be required as part of operation conditions established during the permitting process. While the primary purpose of the berm is to mitigate visual impacts, the berm will also have some mitigating effect on both noise and dust.

Operations at the Project site are governed by noise standards promulgated by the MPCA. The noise standards, which are included in Part 7030 of the Minnesota Rules, contain limits on noise levels at three Noise Area Classifications. The noise standards are specified in terms of two metrics: L10, which is the level exceeded ten percent of the time, and L50, which is the level exceeded fifty percent of the time (Minn. R. 7030.0020). Continuous noise is governed by the L50 standard, while transient noise is governed by the L10 standard. Mining activities fall under Noise Area Classification 3 (NAC-3) (Minn. R. 7030.0050). The standards are receiver standards, in that they apply to land uses outside of the noise source property. Noise is measured outdoors at the “point of nearest human activity,” not the boundary of the nearest land use (Minn. R. 7030.0060). Therefore, even though mining falls under NAC-3, the standards used will be for the residential receivers in the vicinity of the Project (NAC-1). The MPCA residential NAC-1 daytime L10 standard is 65 dBA, the daytime L50 standard is 60 dBA, the nighttime L10 standard is 55 dBA, and the nighttime L50 standard is 50 dBA.

MPCA Standards

Time Period	Noise (dBA)	
	L10	L50
MPCA NAC-1 Daytime Standard	65	60
MPCA NAC-1 Nighttime	55	50

Existing methods will be used and no additional equipment or operations will be associated with the new mine area. One difference is that the distance from the mine area to the existing processing facility will increase when mining is relocated to the Project expansion parcels, but the product will be transported to the processing facility through conveyors, producing no significant noise.

The Proposer will mitigate noise impacts from the Project through continued adherence to state noise requirements, and setback requirements. The Proposer will comply with the maximum daytime and nighttime noise standards prescribed by the then current Minnesota Rules 7030, as well as any other requirements that are determined during the permitting process. The Proposer will ensure that all mobile and stationary production equipment meets state and federal guidelines on noise. Sight berms will be constructed where necessary surrounding the Project area.

Based upon past experience, no exceedences of the Minnesota standards at any of the residences are predicted for daytime or nighttime mining operations. If any issues should arise, Traxler Construction, Inc. would address them.

18. Transportation

- a. Describe traffic-related aspects of project construction and operation. Include: 1) existing and proposed additional parking spaces, 2) estimated total average daily traffic generated, 3) estimated maximum peak hour traffic generated and time of occurrence, 4) indicate source of trip generation rates used in the estimates, and 5) availability of transit and/or other alternative transportation modes.

Parking spaces added	NA
Existing spaces (if project involves expansion)	NA
Estimated total average daily traffic generated	NA
Estimated maximum peak hour traffic generated (if known)	NA
Time of occurrence	NA

There is an existing parking area with the existing mine site east of MTH 112 where employee and customers park. However, the existing parking area is a gravel surface and there are no markings designating the number of parking spaces.

The Proposer intends to move the active mining operation westward, to the proposed mine site west of MTH 112. However, the proposer intends to keep the processing plant in the existing location east of MTH 112. The Proposer has requested that a 60-inch steel culvert be constructed under MTH 112 to allow the gravel to be conveyed underneath the highway to the existing processing plant on the east side of the highway. The Proposer and Le Sueur County are developing a temporary road closure and detour plan to allow construction of the culvert and conveyor system under MTH 112. Traffic will be detoured for a short period of time while the culvert is constructed under MTH 112. After the construction is completed, traffic levels and patterns are anticipated to revert to the existing levels and access points.

The Project will be a continuation of the existing mining, and therefore will be a continuation of the existing traffic levels. The Proposer does not intend to change the capacity of the existing processing plant or the procedures and methods used to harvest the stone; therefore, it is anticipated that no additional traffic will be generated and no additional parking will be needed. The mine related vehicle traffic volumes on public roadways should therefore remain similar to existing levels. According to the Proposer, these existing levels are: Approximately 35-45 trucks leave the site daily; approximately 15 trucks leave during the peak hour; and approximately 60 trucks leave during the busiest day.

With the move of active mining operations west of MTH 112, employees may change where they park as some may park at the existing mine near the processing plant while others may park at the active mine location. If this occurs, traffic patterns will change, however no major traffic impacts are anticipated.

The Annual Average Daily Traffic (AADT) on MTH 112 in 2011 was 820 vehicles. Historically between 1992 and today the AADT on MTH 112 has ranged between 820 vehicles (2011) to 1200 vehicles (1996). It is anticipated the AADT will remain within this range in the foreseeable future.

No transit or alternative transportation options are feasible or available.

The proposed mine expansion is located in Le Sueur County which is not in the Twin Cities metropolitan area and therefore has no direct impact on the Twin Cities regional transportation system.

- b. Discuss the effect on traffic congestion on affected roads and describe any traffic improvements necessary. The analysis must discuss the project's impact on the regional transportation system.

If the peak hour traffic generated exceeds 250 vehicles or the total daily trips exceeds 2,500, a traffic impact study must be prepared as part of the EAW. Use the format and procedures described in the Minnesota Department of Transportation's Access Management Manual,

The Project is not anticipated to change traffic on nearby roads, for the reasons listed above. No traffic improvements are necessary.

- c. Identify measures that will be taken to minimize or mitigate project related transportation effects.

No mitigation is anticipated, as traffic will not be changed by this Project.

19. Cumulative Potential Effects: (Preparers Can Leave This Item Blank If Cumulative Potential Effects Are Addressed Under The Applicable EAW Items)

- a. Describe the geographic scales and timeframes of the project related environmental effects that could combine with other environmental effects resulting in cumulative potential effects.

The primary cumulative potential effect of the proposed gravel expansion mine is a change of land use from agricultural to mining and eventually, to a reclaimed grassland with scattered trees that will provide wildlife habitat.

- b. Describe any reasonably foreseeable future projects (for which a basis of expectation has been laid) that may interact with environmental effects of the proposed project within the geographic scales and timeframes identified above.

There are other mines in the vicinity, including the current gravel mine that the Project proposes to expand, as well as Unimin's mines in Ottawa and Kasota, to name only a few. The Le Sueur County Comprehensive Plan includes an Extraction Areas figure showing many gravel pits, quarries, and sand pits in the County. As defined in MN Rules part 4410.0200, subpart 11a, for the purpose of describing cumulative potential effects, it is not required to list or analyze the impacts of individual past actions, it is sufficient to consider the current aggregate effects of past actions. The analysis in this item focuses on evaluating the contributions of past projects to cumulative potential effects. The current aggregate effects of past projects along with the future Project are considered in this evaluation. The Project's location within a Mineral Resources Overlay District and an area that has a number of active mining operations contributes most directly to past projects for which cumulative potential effects may be relevant.

- c. Discuss the nature of the cumulative potential effects and summarize any other available information relevant to determining whether there is potential for significant environmental effects due to these cumulative effects.

The following items identify and discuss the cumulative potential effects based upon locating within the Mineral Resources Overlay District.

1. Wildlife Habitat and Natural Plant Communities

Past projects, including agriculture, have resulted in the elimination of many of the original natural plant communities and wildlife habitat on both the Project Area itself as well as on property surrounding the Project Area which are primarily developed, mined or utilized for agriculture. Original vegetation has been removed over much of the Project Area and much of the surrounding properties. Wildlife habitat is now largely concentrated in the landscapes adjacent to the Minnesota River where the floodplain has limited past development and will limit future development. There are no native plant communities within the Project Area and only limited areas of wildlife habitat, therefore there is very little if any potential for cumulative effects to these resources as a result of this project. The Project will include reclamation of areas to be mined; future reclamation activities on the mining portions of the Project will have a positive impact on the biodiversity of the Project Area and surrounding areas. During the reclamation process,

water bodies will be created and native plant species will be re-introduced to the area, possibly adding biodiversity to an area currently devoid of diversity due to past development.

Mining activity is progressive in nature and reclamation occurs in phases along with the progression of mining so that 100% of the area will not be disturbed at one time. The majority of area currently subject to mining activity is subject to reclamation plans which have goals of reclaiming the area to provide more diverse and higher quality habitat than currently exists today. The Unimin North Mine and Kasota Mine are subject to reclamation plans and reclamation is an on-going process at those facilities. Therefore when considering the reclamation requirements and currently approved and proposed reclamation plans of nearby projects and the proposed reclamation plan of the Project itself, there is no potential for significant cumulative effect on wildlife and natural plant communities.

2. Ground Water Quantity and Quality

The area surrounding the Project Area is primarily gravel mining, agricultural, or the Hometown BioEnergy biofuel plant. Of the five wells nearby, two are used for irrigation and the other three are domestic supply. This Project does not include adding a well or dewatering, so no cumulative impacts on groundwater quantity are anticipated.

No chemicals are used in the mining process at the current gravel mine site. Spill containment kits are available should there be a spill or leak of fuel or engine fluid from the mining equipment. Cumulative potential effects to water quality are not anticipated as a result of the Project.

3. Surface and Wastewater

The Proposer intends to infiltrate stormwater into the ground as much as possible, thus lessening stormwater runoff volume and improve stormwater quality leaving the Project site.

Cumulative effects from existing or future projects could result from “run-in” if substantial impervious surface development directs excessive surface water to the Project Area. Impacts could result in water quality issues. The Le Sueur County Comprehensive Plan states that the areas of aggregate resources shall be protected from development pressure, so substantial impervious surface development is unlikely. Berming and/or diversion around mining areas will eliminate this potential cumulative effect.

The gravel processing water will be placed in the wash water pond and infiltrated into the ground, as the processing has been currently operating.

Wastewater generation will not be increased beyond what is currently produced at the existing gravel mine and processing equipment as a result of this Project, and thus cumulative effects are not anticipated.

4. Traffic

Cumulative effects to traffic in the area have been estimated to be minimal. The rate of mining and the location of the processing equipment will not change. Therefore, there will not be an increase in truck traffic in the area, nor a change in location where trucks would access the highway.

5. Air

The current gravel mine does not operate under a state air permit, therefore potential emissions are not available. The Project would be mining at approximately the same rate, with the same methods as the current gravel mine. No additional gravel processing equipment is proposed to be constructed. The Project is not anticipated to need a state air permit.

Hometown BioEnergy, to the northeast of the Project, has an active state air permit. There are other sand mining, sand processing, and quarry activities nearby to the proposed Project. The SMC pits and the Vetter Stone Quarry do not operate under a state air permit; therefore, their potential emissions are not available. However, Unimin operates with an individual state permit. From its air permit, the potential to

emit (PTE) particulate matter (PM) is 73.3 tpy and 36.7 tpy of PM10. This is considered a state permit in regards to air permitting rules.

Unimin voluntarily conducts perimeter monitoring for environmental exposure to airborne respirable nuisance dust, including silica. Although the purpose of this monitoring is used with comparison to the occupational standard of silica, results showed that none of the sampling events exceeded the occupational standard. In fact, none of the samples even resulted in Total Dust levels (which also include fugitive dust from organic topsoil and other nuisance dust) that were above the 0.1 mg/m3 occupational industrial standard limit for respirable silica. In conclusion, it was determined that Unimin does not have a problem associated with ambient impacts of particulates or respirable silica dust.

The MPCA regulates individual air permits using federal and state guidelines. The MPCA also monitors cumulative potential effects using regional ambient air monitors and other statistical tools. The Proposer will cooperate with the MPCA if it is determined that the Project would require an air permit. In conclusion, the Proposer considers the cumulative effect from their facility to be insignificant, and that no further analysis is required.

6. Noise

The Project would be mining at approximately the same rate, with the same methods as the current gravel mine, and during the same hours of the day. No blasting will be done as a part of this Project. No additional gravel processing equipment is proposed to be constructed, and the existing equipment will operate during the same hours of the day as it currently does. The Project is not anticipated to change the noise levels from what is currently occurring. The Project will not have a significant cumulative potential effect on noise levels at receptor sites within the area.

No are no anticipated further investigations before the project begins.

20. Other Potential Environmental Effects:

If the project may cause any additional environmental effects not addressed by items 1 to 19, describe the effects here, discuss the how the environment will be affected, and identify measures that will be taken to minimize and mitigate these effects.

There are no other potential environmental impacts that have not already been discussed above.

RGU CERTIFICATION. *(The Environmental Quality Board will only accept SIGNED Environmental Assessment Worksheets for public notice in the EQB Monitor.)*

I hereby certify that:

- The information contained in this document is accurate and complete to the best of my knowledge.
- The EAW describes the complete project; there are no other projects, stages or components other than those described in this document, which are related to the project as connected actions or phased actions, as defined at Minnesota Rules, parts 4410.0200, subparts 9c and 60, respectively.
- Copies of this EAW are being sent to the entire EQB distribution list.

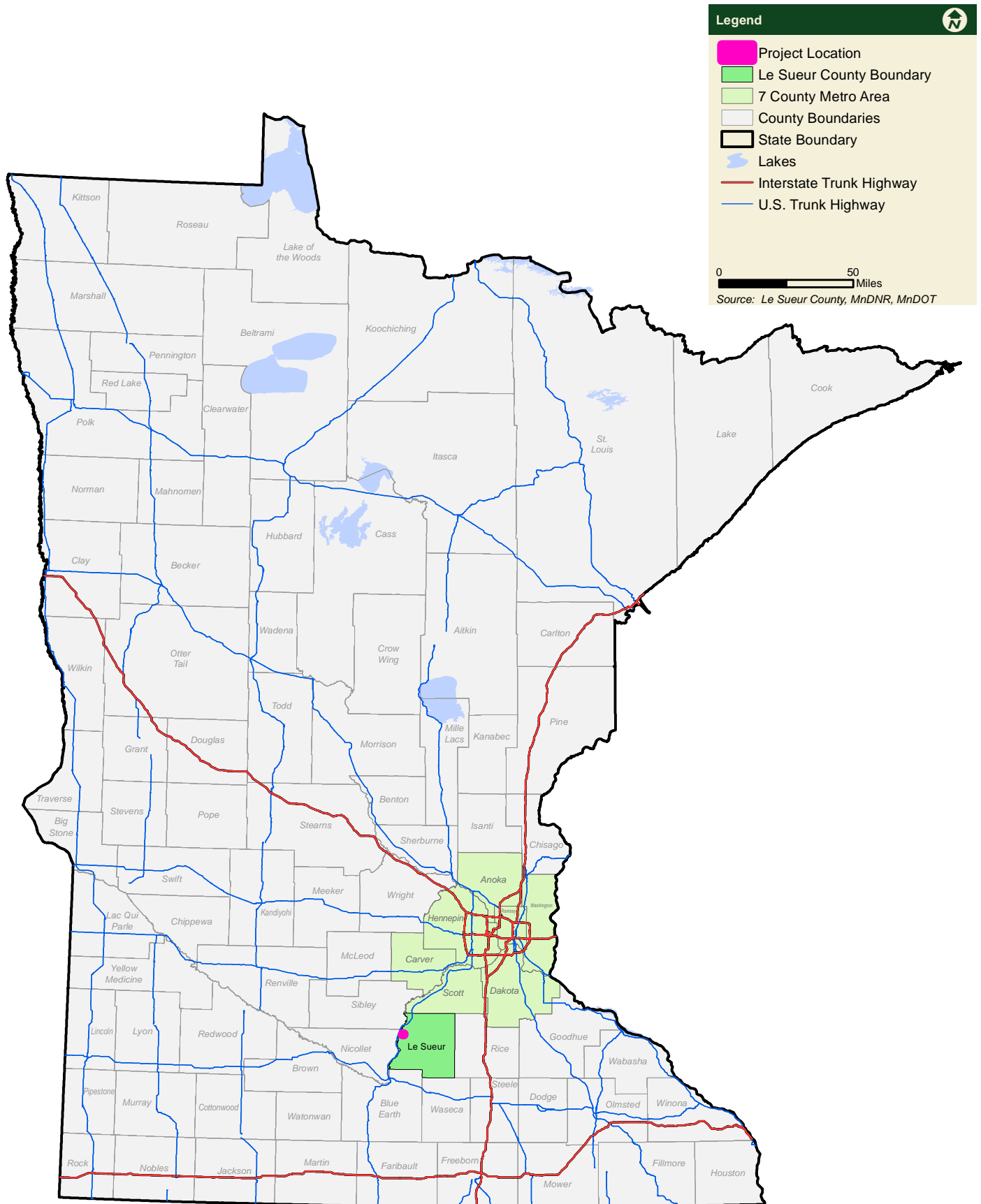
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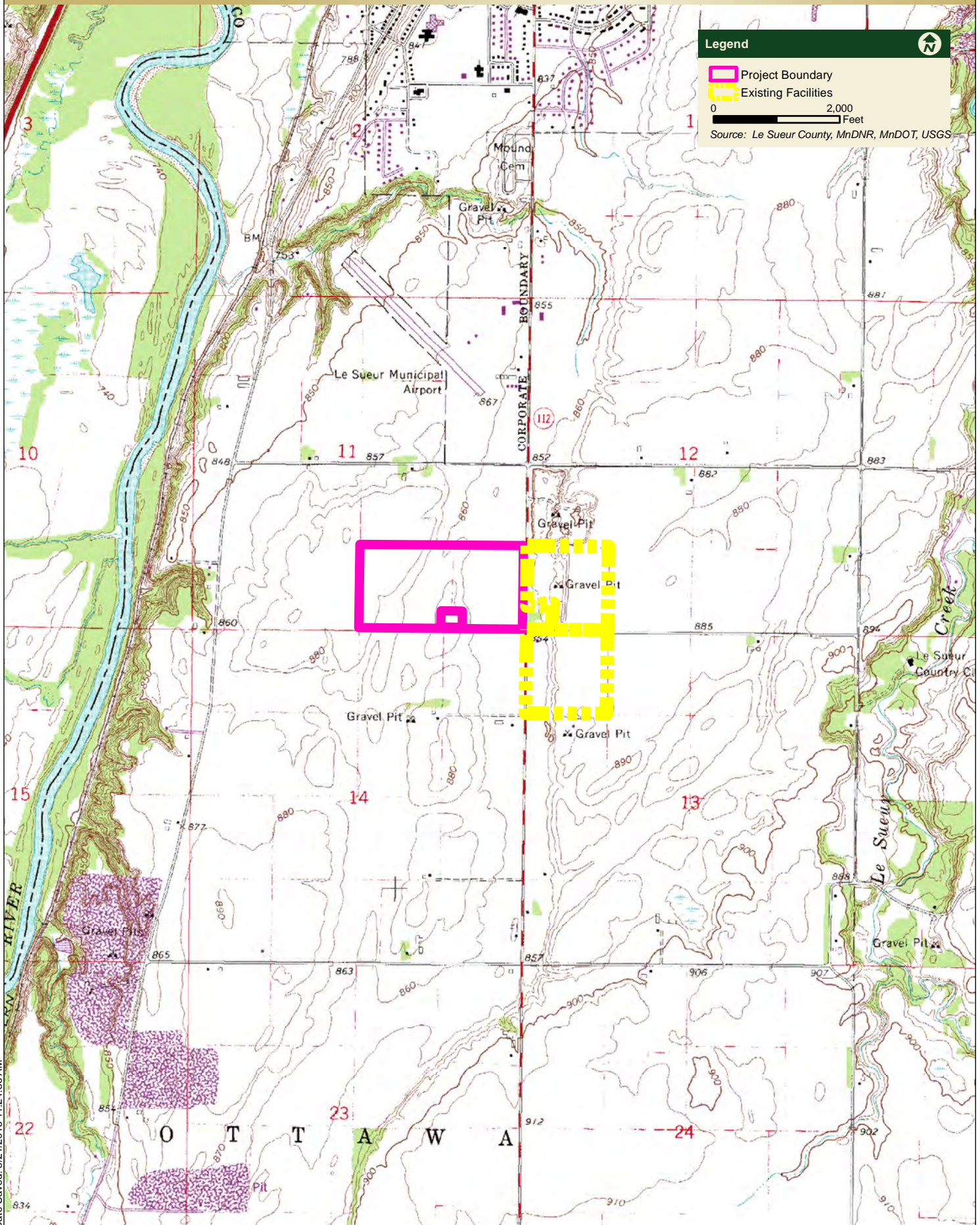
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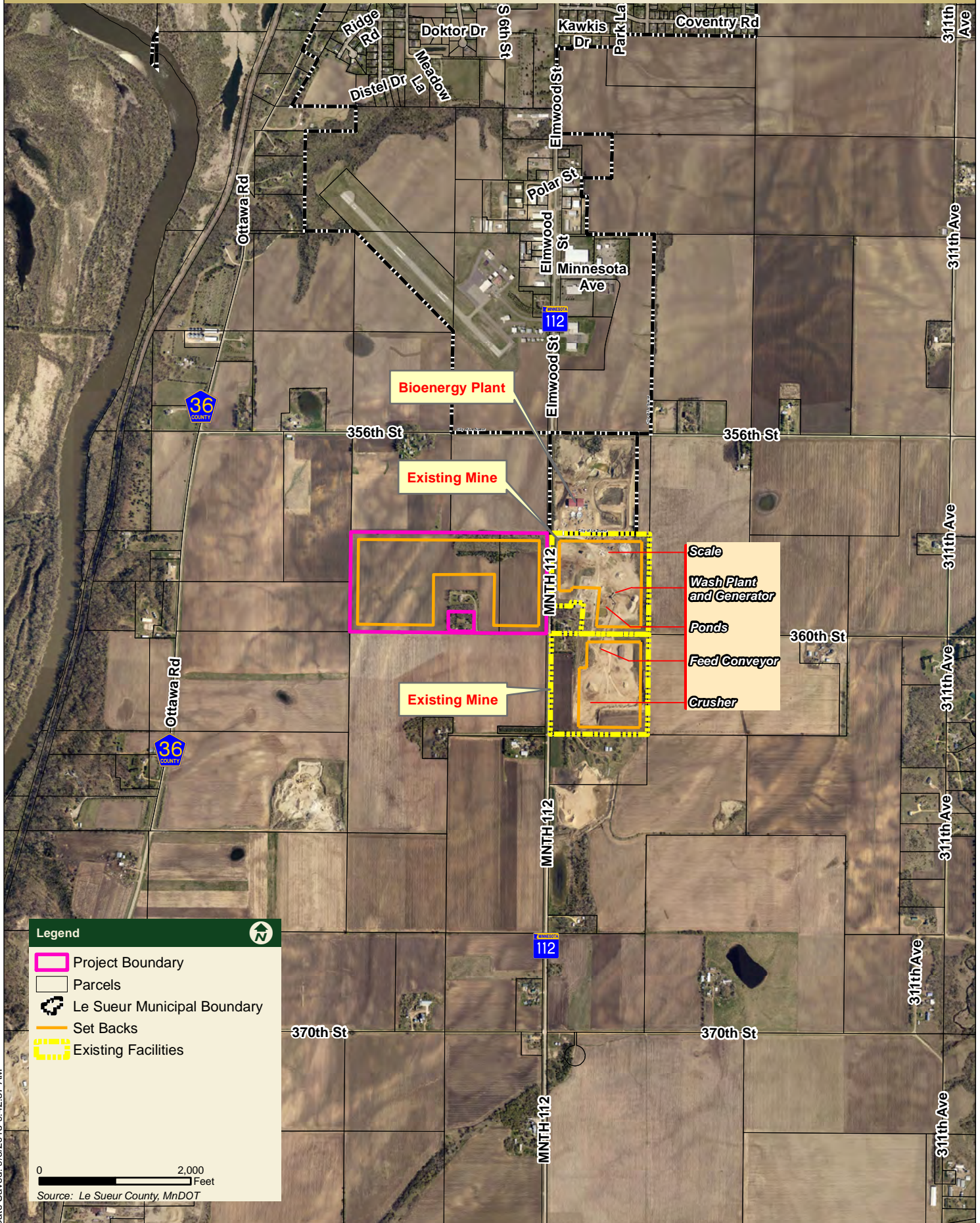
Appendix



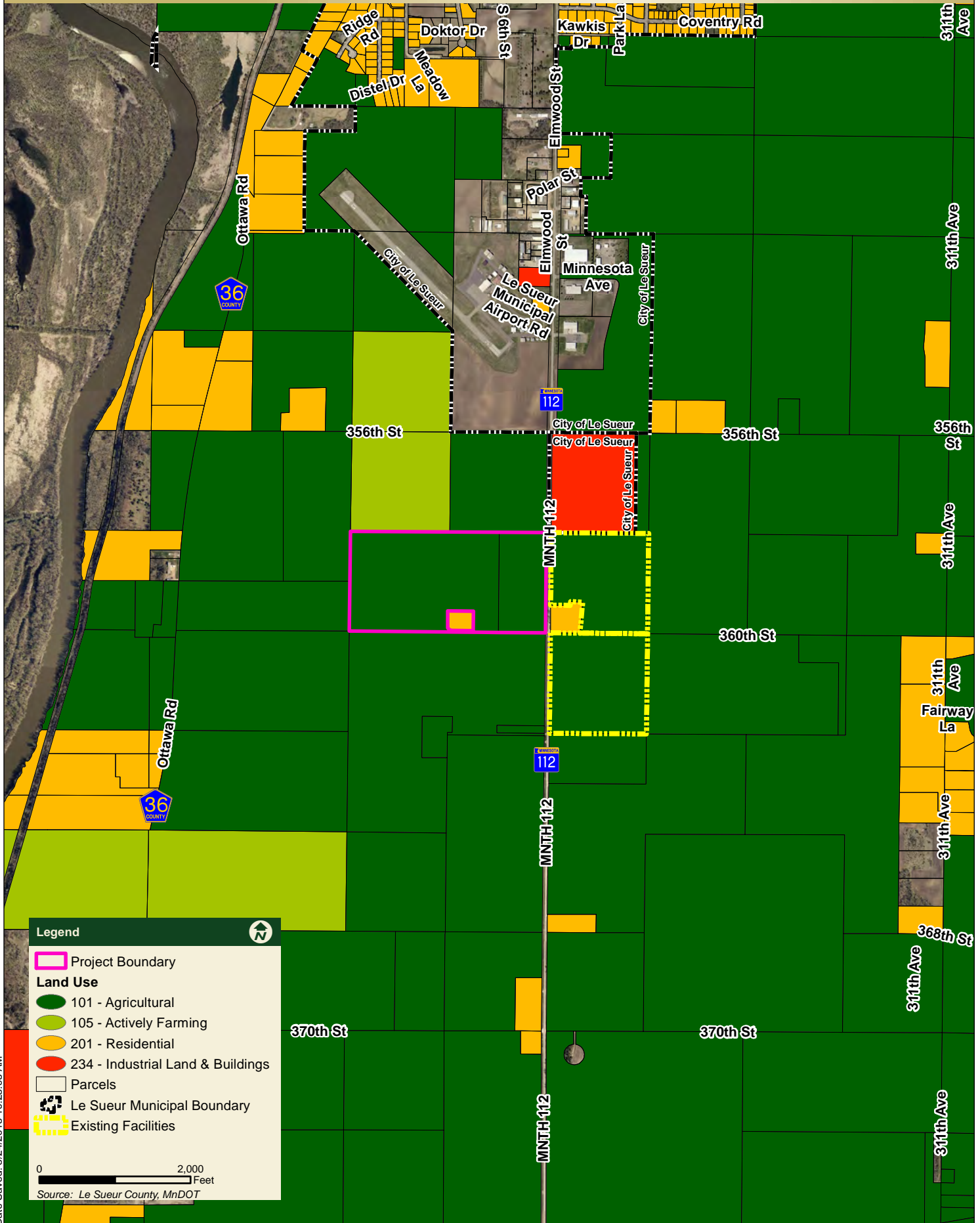
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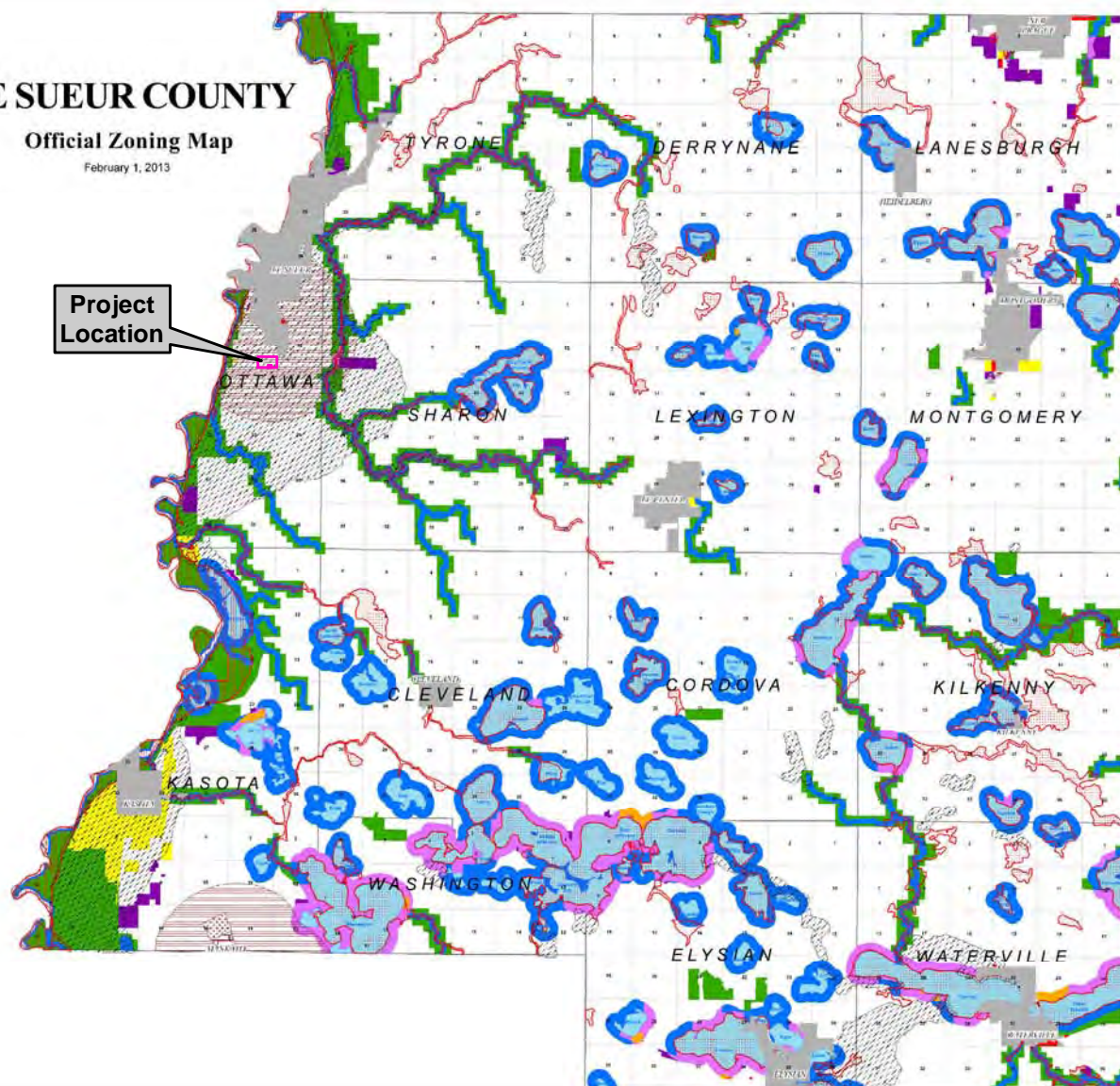
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LE SUEUR COUNTY

Official Zoning Map

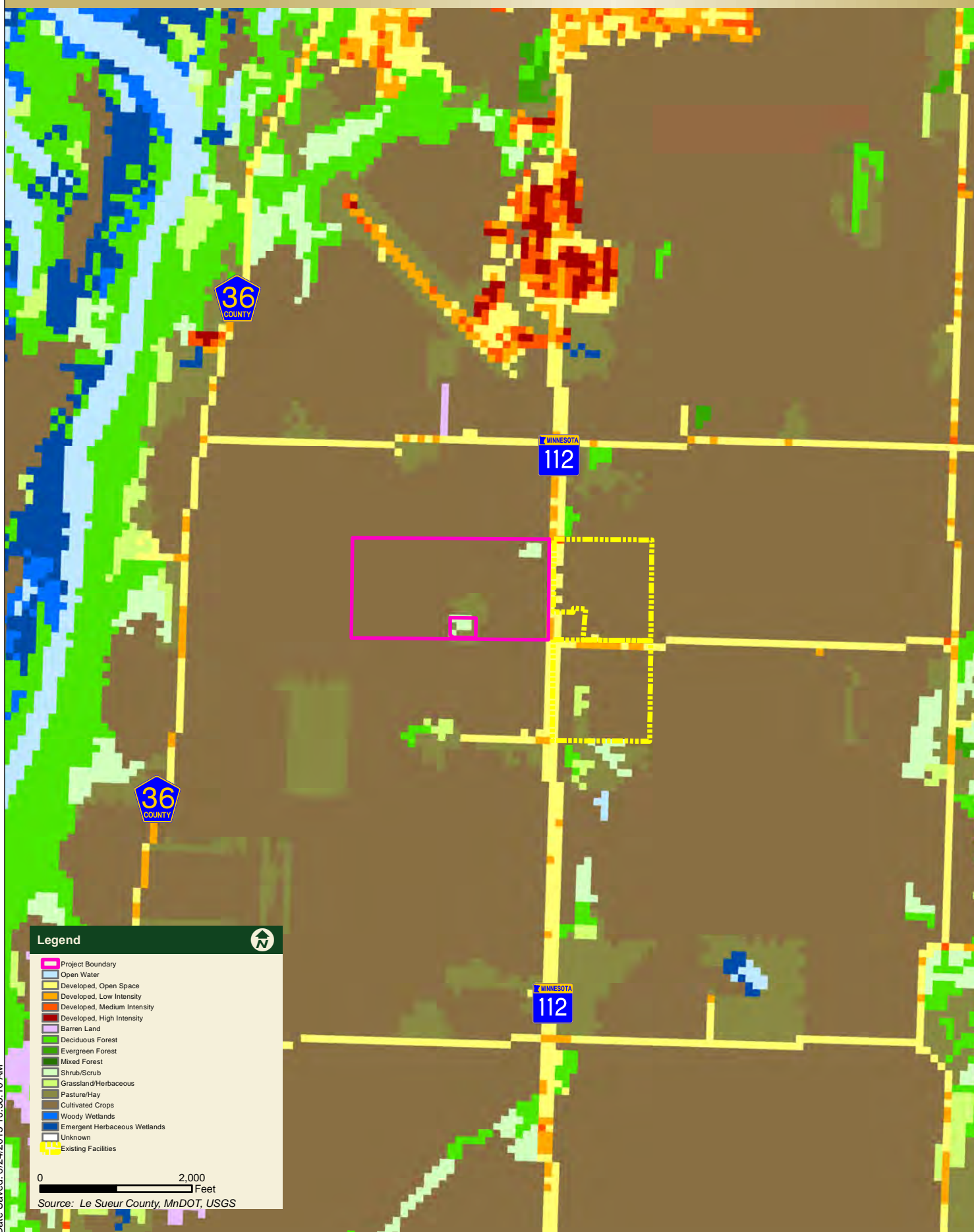
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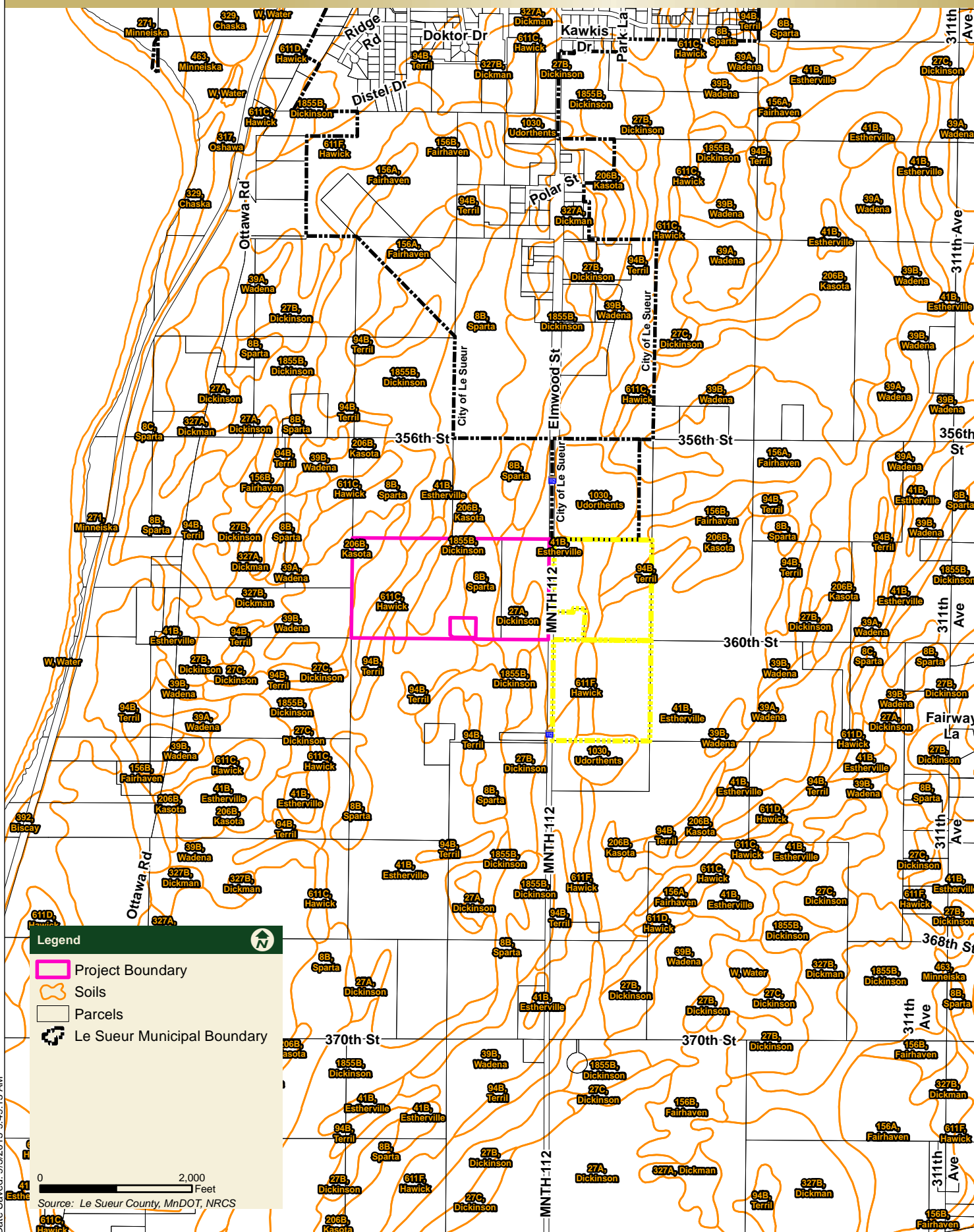


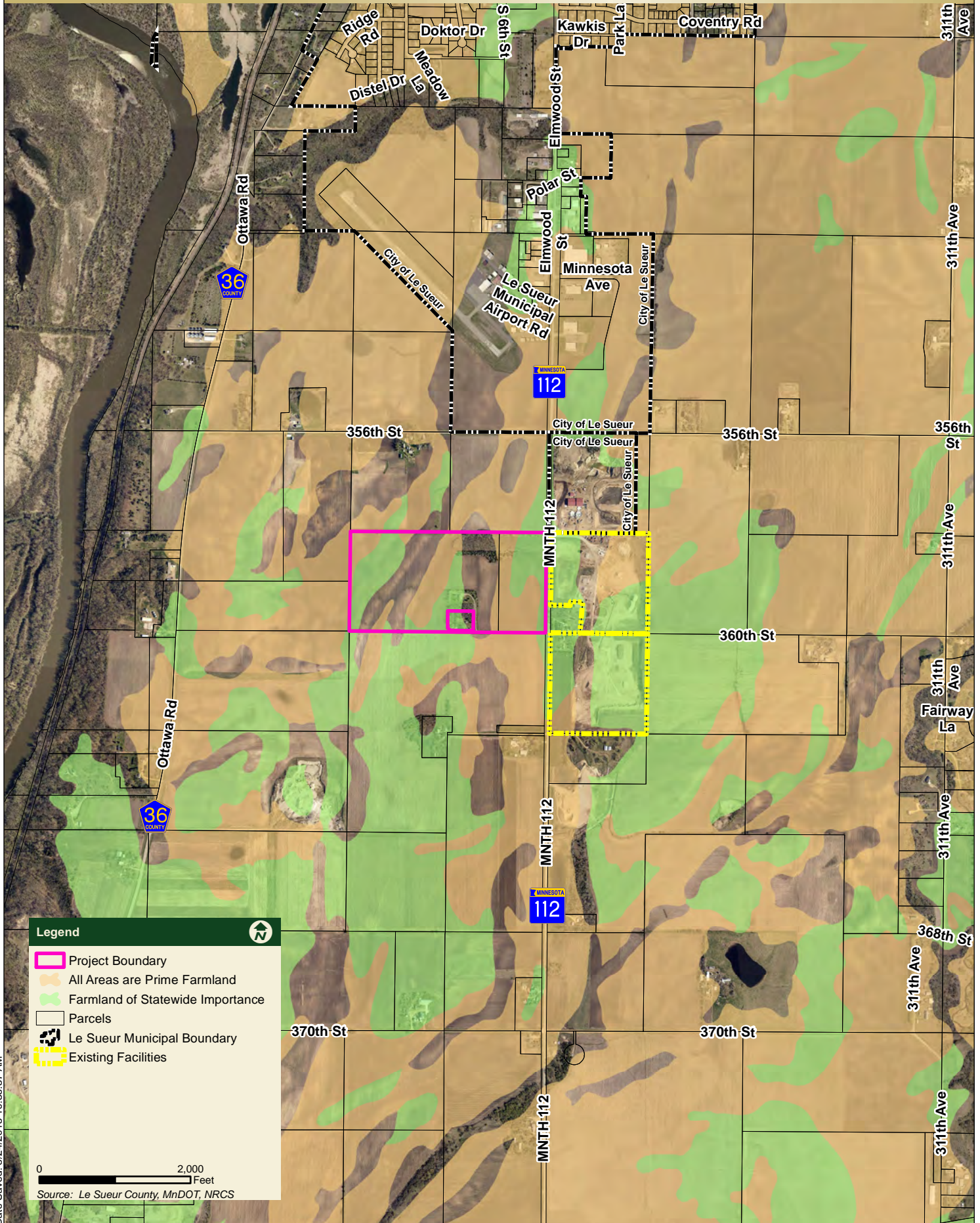
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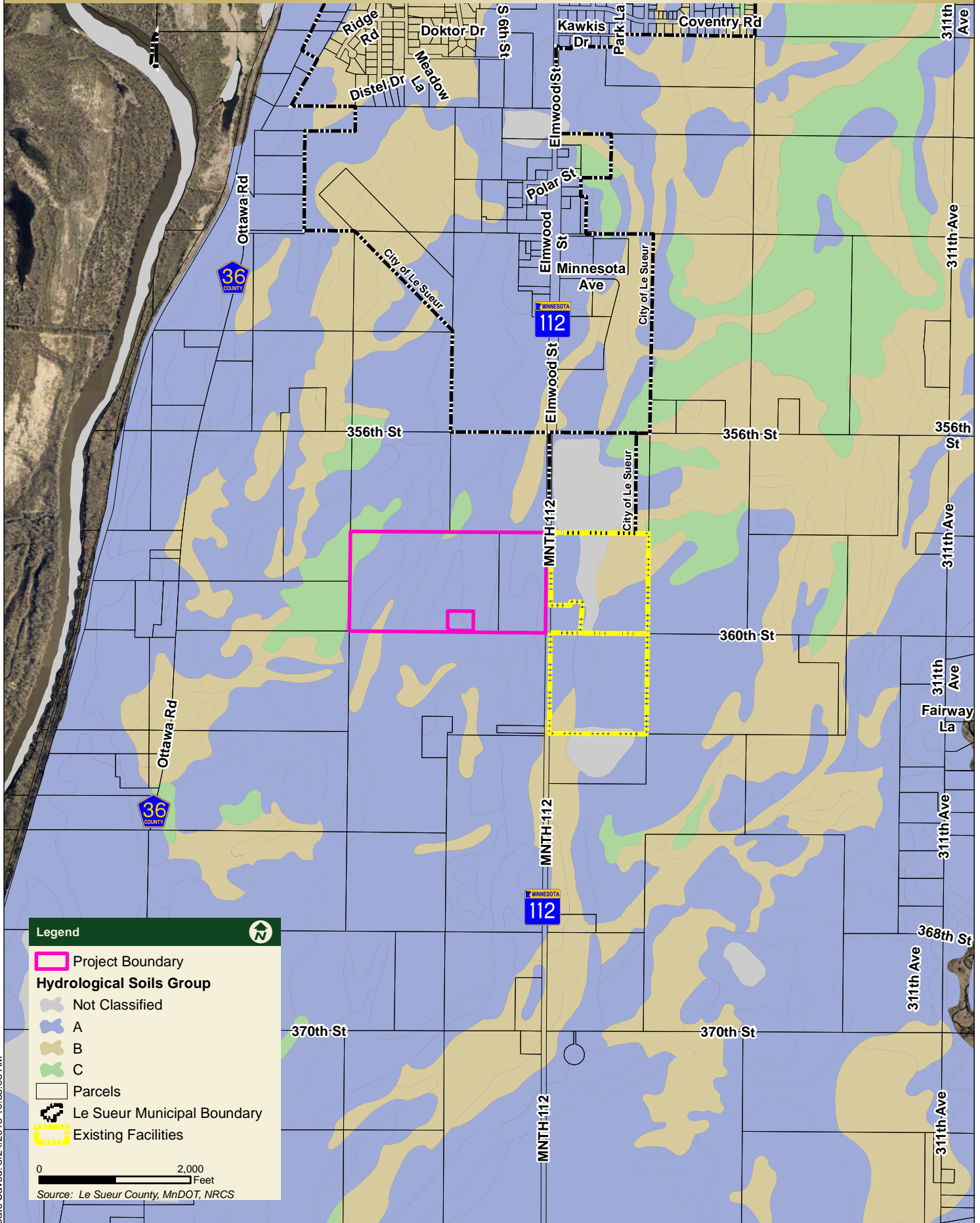
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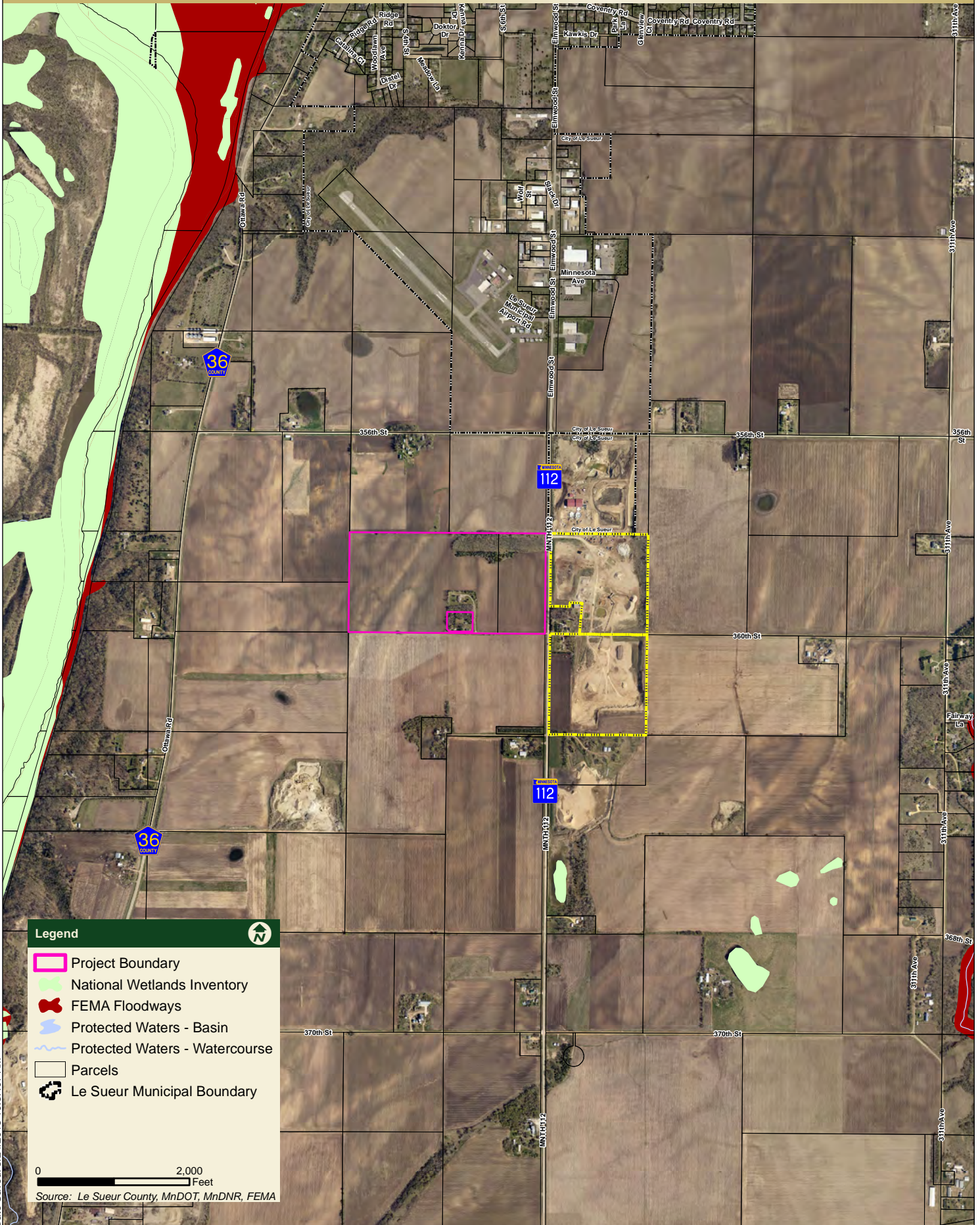
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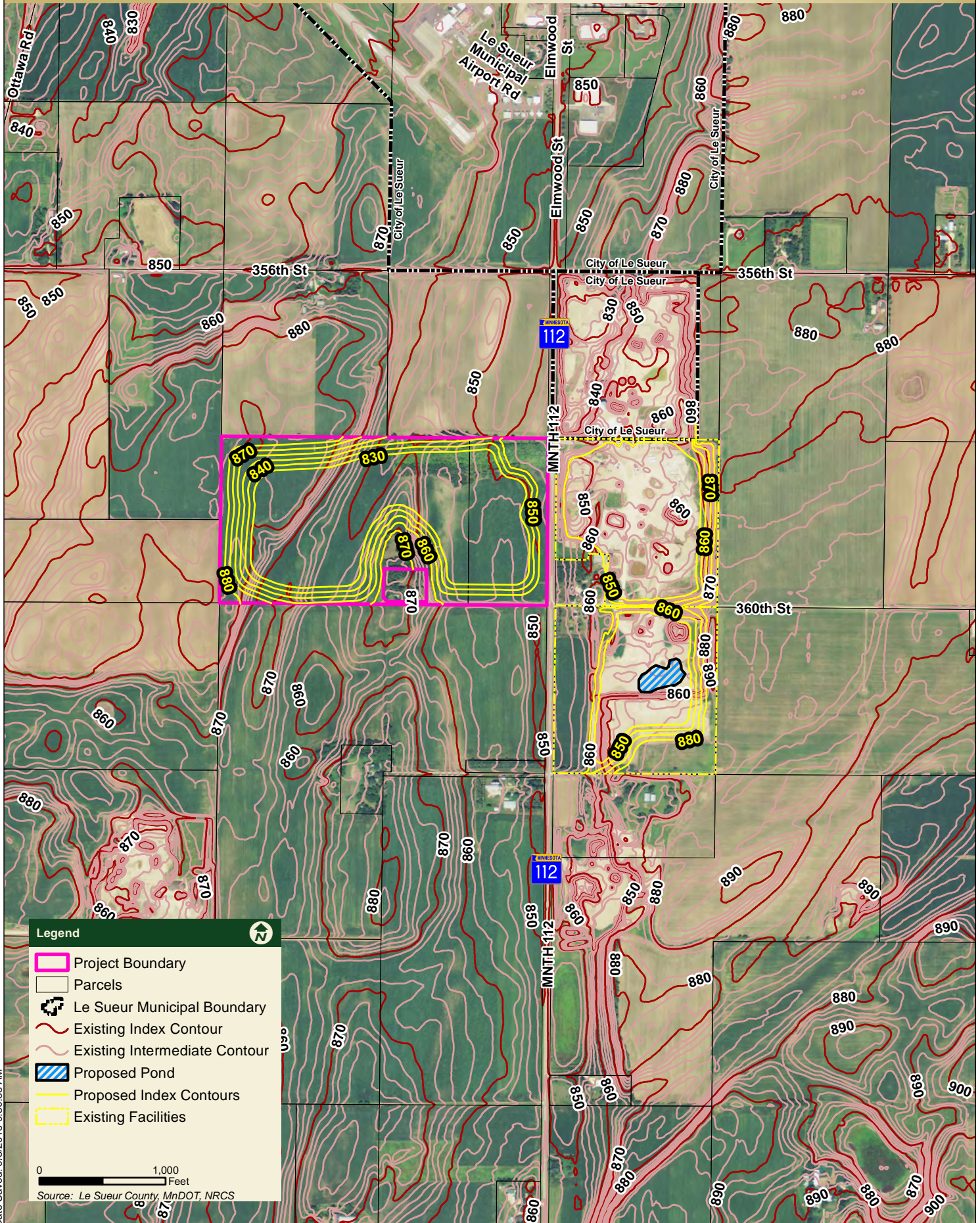




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Appendix

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.

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.

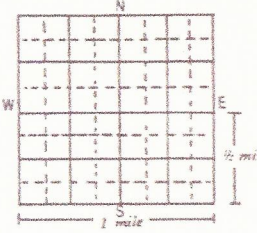
Vertical Profile of the Reclaimed Area



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

WELL LOCATION					MINNESOTA DEPARTMENT OF HEALTH WELL RECORD <i>Minnesota Statutes Chapter 103I</i>		MINNESOTA UNIQUE WELL NO.	
County Name <u>Le Sueur</u>								
Township Name	Township No.	Range No.	Section No.	Fraction	WELL DEPTH (completed) <u>194</u> ft.	Date of Completion <u>7-8-82</u>		
Numerical Street Address or Fire Number and City of Well Location					DRILLING METHOD <input type="checkbox"/> Cable Tool <input type="checkbox"/> Driven <input type="checkbox"/> Dug <input type="checkbox"/> Auger <input checked="" type="checkbox"/> Rotary <input type="checkbox"/> Jetted <input type="checkbox"/> _____			
Show exact location of well in section grid with "X". 					Sketch map of well location. Showing property lines, roads and buildings.			
PROPERTY OWNER'S NAME <u>Traxler Construction</u> Mailing address if different than property address indicated above.					DRILLING FLUID <u>Water</u>			
USE <input type="checkbox"/> Domestic <input type="checkbox"/> Monitoring <input type="checkbox"/> Heating-Cooling <input type="checkbox"/> Irrigation <input type="checkbox"/> Public <input type="checkbox"/> Industry/Commercial <input checked="" type="checkbox"/> Test Well <input type="checkbox"/> Dewatering <input type="checkbox"/> _____					CASING Drive Shoe? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> Steel <input type="checkbox"/> Threaded <input type="checkbox"/> Welded <input checked="" type="checkbox"/> Plastic <input type="checkbox"/> _____			
CASING DIAMETER WEIGHT <u>6</u> in. to <u>194</u> ft. <u>200psi</u> lbs./ft.					HOLE DIAM. _____ in. to _____ ft.			
SCREEN Make <u>Johnson</u> Type <u>Stainless</u> Slot/Gauze <u>018 - 015</u> Set between <u>184</u> ft. and <u>194</u> ft.					OPEN HOLE from _____ ft. to _____ ft. Diam. _____ Length _____ FITTINGS: <u>one 1/2" pipe</u>			
FORMATION LOG COLOR HARDNESS OF FORMATION FROM TO					STATIC WATER LEVEL <u>94</u> ft. below <input type="checkbox"/> above land surface Date measured <u>7-8-82</u>			
<u>Fill</u> <u>soft</u> <u>0</u> <u>8</u>					PUMPING LEVEL (below land surface) <u>106</u> ft. after <u>2</u> hrs. pumping <u>40</u> g.p.m.			
<u>Gravel</u> <u>Yellow</u> <u>soft</u> <u>8</u> <u>32</u>					WELL HEAD COMPLETION <input type="checkbox"/> Pitless adapter manufacturer _____ Model _____ <input checked="" type="checkbox"/> Casing Protection <u>steel casing</u>			
<u>Clay</u> <u>Yellow</u> <u>soft</u> <u>32</u> <u>58</u>					GROUTING INFORMATION Well grouted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Grout Material <input type="checkbox"/> Neat cement <input checked="" type="checkbox"/> Bentonite from <u>60</u> to <u>0</u> ft. _____ yds. _____ bags from _____ to _____ ft. _____ yds. _____ bags from _____ to _____ ft. _____ yds. _____ bags			
<u>Clay</u> <u>Gray</u> <u>soft</u> <u>58</u> <u>121</u>					NEAREST SOURCE OF POSSIBLE CONTAMINATION _____ feet _____ direction _____ type			
<u>Clay Sand layers</u> <u>Gray</u> <u>soft</u> <u>121</u> <u>130</u>					Well disinfected upon completion? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
<u>Sand</u> <u>Yellow</u> <u>soft</u> <u>130</u> <u>194</u>					PUMP <input type="checkbox"/> Not installed Date installed _____ Manufacturer's name <u>Grundfos</u> Model number _____ HP <u>5</u> Volts <u>230</u> Length of drop pipe <u>168</u> ft. Capacity <u>65</u> g.p.m. Pressure Tank Capacity _____ Type: <input checked="" type="checkbox"/> Submersible <input type="checkbox"/> L.S. Turbine <input type="checkbox"/> Reciprocating <input type="checkbox"/> Jet <input type="checkbox"/> _____			
					ABANDONED WELLS Not in use and not sealed well on property? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
					WELL CONTRACTOR CERTIFICATION This well was drilled under my jurisdiction and in accordance with Minnesota Rules, Chapter 4725. The information contained in this report is true to the best of my knowledge.			
REMARKS, ELEVATION, SOURCE OF DATA, etc.					Licensee Business Name _____ Lic. or Reg. No. _____ Authorized Representative Signature _____ Date _____ Name of Driller _____ Date _____			
Use a second sheet, if needed								
WORK COPY					HE-01205-03 (Rev. 9/91)			

Minnesota Unique Well No.		County Le Sueur		MINNESOTA DEPARTMENT OF HEALTH WELL AND BORING RECORD <i>Minnesota Statutes Chapter 103I</i>		Entry Date 04/11/1988	
129228		Quad Le Sueur				Update Date 08/18/2014	
		Quad ID 74B				Received Date	

Well Name BAULEKE, FLOYD Township Range Dir Section Subsections Elevation 885 ft. 111 26 W 13 ABBCCA Elevation Method 7.5 minute topographic map (+/- 5 feet)				Well Depth 550 ft. Depth Completed 550 ft. Date Well Completed 09/17/1976																																														
				Drilling Method Cable Tool																																														
<table style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: left;">Geological Material</th> <th style="text-align: left;">Color</th> <th style="text-align: left;">Hardness</th> <th style="text-align: left;">From</th> <th style="text-align: left;">To</th> </tr> <tr><td>CLAY</td><td>YEL/GRY</td><td>SOFT</td><td>0</td><td>40</td></tr> <tr><td>SAND COURSE</td><td>BROWN</td><td>SOFT</td><td>40</td><td>50</td></tr> <tr><td>CLAY</td><td>GRAY</td><td>SOFT</td><td>50</td><td>155</td></tr> <tr><td>LIMESTONE</td><td>YELLOW</td><td>MEDIUM</td><td>155</td><td>190</td></tr> <tr><td>SANDROCK</td><td>YELLOW</td><td>MEDIUM</td><td>190</td><td>275</td></tr> <tr><td>LIMESTONE (SANDY)</td><td>RED</td><td>MEDIUM</td><td>275</td><td>400</td></tr> <tr><td>SHALE (SANDY)</td><td>GREEN</td><td>MEDIUM</td><td>400</td><td>440</td></tr> <tr><td>SANDSTONE</td><td>WHITE</td><td>SOFT</td><td>440</td><td>550</td></tr> </table>				Geological Material	Color	Hardness	From	To	CLAY	YEL/GRY	SOFT	0	40	SAND COURSE	BROWN	SOFT	40	50	CLAY	GRAY	SOFT	50	155	LIMESTONE	YELLOW	MEDIUM	155	190	SANDROCK	YELLOW	MEDIUM	190	275	LIMESTONE (SANDY)	RED	MEDIUM	275	400	SHALE (SANDY)	GREEN	MEDIUM	400	440	SANDSTONE	WHITE	SOFT	440	550	Drilling Fluid -- Well Hydrofractured? <input type="checkbox"/> Yes <input type="checkbox"/> No From Ft. to Ft.	
				Geological Material	Color	Hardness	From	To																																										
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Use Irrigation																																																		
Casing Type Joint Welded Drive Shoe? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Above/Below 1 ft.																																																		
<table style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: left;">Casing Diameter</th> <th style="text-align: left;">Weight</th> <th style="text-align: left;">Hole Diameter</th> </tr> <tr> <td>16 in. to 163 ft.</td> <td>62.58 lbs./ft.</td> <td></td> </tr> <tr> <td>12 in. to 188 ft.</td> <td>lbs./ft.</td> <td></td> </tr> </table>		Casing Diameter	Weight	Hole Diameter	16 in. to 163 ft.	62.58 lbs./ft.		12 in. to 188 ft.	lbs./ft.																																									
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Static Water Level 116 ft. from Land surface Date Measured 09/17/1976																																																		
PUMPING LEVEL (below land surface) 150 ft. after 24 hrs. pumping 580 g.p.m.																																																		
Well Head Completion Pitless adapter manufacturer Model <input type="checkbox"/> Casing Protection <input checked="" type="checkbox"/> 12 in. above grade <input type="checkbox"/> At-grade (Environmental Wells and Borings ONLY)																																																		
REMARKS CASING: 016 TO 0163;012 TO 0188. CASING: 016 TO 0163;012 TO 0188;																																																		
Located by: Minnesota Geological Survey Method: Digitized - scale 1:24,000 or larger (Digitizing Table)																																																		
Unique Number Verification: N/A Input Date: 01/01/1990																																																		
System: UTM - Nad83, Zone15, X: 428473 Y: 4919623 Meters																																																		
Grouting Information Well Grouted? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not Specified																																																		
Nearest Known Source of Contamination 1020 feet E direction Barnyard type Well disinfected upon completion? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																																																		
Pump <input type="checkbox"/> Not Installed Date Installed Manufacturer's name Model number HP 0 Volts Length of drop Pipe ft. Capacity g.p.m. Type Material																																																		
Abandoned Wells Does property have any not in use and not sealed well(s)? <input type="checkbox"/> Yes <input type="checkbox"/> No																																																		
Variance Was a variance granted from the MDH for this well? <input type="checkbox"/> Yes <input type="checkbox"/> No																																																		
Well Contractor Certification <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Hydro Engineering</td> <td style="text-align: center;">10318</td> <td style="text-align: center;">KLOECKL, J.</td> </tr> <tr> <td style="text-align: center;">License Business Name</td> <td style="text-align: center;">Lic. Or Reg. No.</td> <td style="text-align: center;">Name of Driller</td> </tr> </table>				Hydro Engineering	10318	KLOECKL, J.	License Business Name	Lic. Or Reg. No.	Name of Driller																																									
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First Bedrock Prairie Du Chien Group Aquifer Multiple Last Strat Wonewoc Sandstone Depth to Bedrock 155 ft.																																																		
County Well Index Online Report		129228		Printed 1/5/2015 HE-01205-07																																														

Minnesota Unique Well No.		County Le Sueur		MINNESOTA DEPARTMENT OF HEALTH WELL AND BORING RECORD Minnesota Statutes Chapter 103I		Entry Date 07/13/1992	
161349		Quad Le Sueur				Update Date 02/14/2014	
		Quad ID 74B				Received Date	

Well Name DENGEL, ERNIE Township Range Dir Section Subsections Elevation 111 26 W 13 BCBADC Elevation Method 872 ft. 7.5 minute topographic map (+/- 5 feet)				Well Depth 173 ft. Depth Completed 173 ft. Date Well Completed 09/00/1986																															
				Drilling Method Non-specified Rotary																															
<table style="width:100%; border-collapse: collapse;"> <tr> <th style="text-align: left;">Geological Material</th> <th style="text-align: left;">Color</th> <th style="text-align: left;">Hardness</th> <th style="text-align: left;">From</th> <th style="text-align: left;">To</th> </tr> <tr> <td>GRAVEL</td> <td>BROWN</td> <td>HARD</td> <td>0</td> <td>28</td> </tr> <tr> <td>SAND</td> <td>BROWN</td> <td>MEDIUM</td> <td>28</td> <td>89</td> </tr> <tr> <td>CLAY</td> <td>BLUE</td> <td>MEDIUM</td> <td>89</td> <td>148</td> </tr> <tr> <td>SAND FINE</td> <td>GRAY</td> <td>MEDIUM</td> <td>148</td> <td>158</td> </tr> <tr> <td>SAND</td> <td>GRAY</td> <td>MEDIUM</td> <td>158</td> <td>173</td> </tr> </table>				Geological Material	Color	Hardness	From	To	GRAVEL	BROWN	HARD	0	28	SAND	BROWN	MEDIUM	28	89	CLAY	BLUE	MEDIUM	89	148	SAND FINE	GRAY	MEDIUM	148	158	SAND	GRAY	MEDIUM	158	173	Drilling Fluid -- Well Hydrofractured? <input type="checkbox"/> Yes <input type="checkbox"/> No From Ft. to Ft.	
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				SAND	GRAY	MEDIUM	158	173																											
				Use Domestic																															
				Casing Type Steel (black or low carbon) Joint Threaded Drive Shoe? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Above/Below 1 ft.																															
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PUMPING LEVEL (below land surface) 102 ft. after 1 hrs. pumping 35 g.p.m.																																			
Well Head Completion Pitless adapter manufacturer YES Model <input type="checkbox"/> Casing Protection <input type="checkbox"/> 12 in. above grade <input type="checkbox"/> At-grade (Environmental Wells and Borings ONLY)																																			

NO REMARKS		Grouting Information Well Grouted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Specified Grout Material: Bentonite from 0 to ft. 0					
Located by: Minnesota Geological Survey Method: Digitized - scale 1:24,000 or larger (Digitizing Table) Unique Number Verification: Information from owner Input Date: 01/01/1990 System: UTM - Nad83, Zone15, Meters X: 427792 Y: 4919311		Nearest Known Source of Contamination 105 feet South West direction Septic tank/drain field type Well disinfected upon completion? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					
		Pump <input checked="" type="checkbox"/> Not Installed Date Installed Manufacturer's name MEYERS Model number HP 0.75 Volts 220 Length of drop Pipe 126 ft. Capacity 15 g.p.m. Type Submersible Material Galvanized					
		Abandoned Wells Does property have any not in use and not sealed well(s)? <input type="checkbox"/> Yes <input type="checkbox"/> No					
First Bedrock Last Strat sand-gray Aquifer Quat. Buried Artes. Aquifer Depth to Bedrock ft.		Variance Was a variance granted from the MDH for this well? <input type="checkbox"/> Yes <input type="checkbox"/> No					
		Well Contractor Certification <table style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Geib Well Co.</td> <td style="text-align: center;">72027</td> <td style="text-align: center;">GEIB, D.</td> </tr> <tr> <td style="text-align: center;">License Business Name</td> <td style="text-align: center;">Lic. Or Reg. No.</td> <td style="text-align: center;">Name of Driller</td> </tr> </table>		Geib Well Co.	72027	GEIB, D.	License Business Name
Geib Well Co.	72027	GEIB, D.					
License Business Name	Lic. Or Reg. No.	Name of Driller					

County Well Index Online Report	161349	Printed 1/5/2015 HE-01205-07
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Minnesota Unique Well No.		County Le Sueur		Quad Le Sueur		Quad ID 74B		MINNESOTA DEPARTMENT OF HEALTH WELL AND BORING RECORD			Entry Date 04/11/1988		
129234		Township 111		Range 26		Dir W		Section 14		Subsections ADACDB		Elevation 855 ft.	
Elevation Method 7.5 minute topographic map (+/- 5 feet)		Well Depth 242 ft.		Depth Completed 242 ft.		Date Well Completed 10/18/1976							
Drilling Method Cable Tool													
Geological Material TOP SOIL GRAY SOFT 0 2 CLAY YELLOW SOFT 2 30 CLAY GRAY SOFT 30 70 CLAY BLUE SOFT 70 85 COARSE SAND GRAY SOFT 85 100 CLAY GRAY SOFT 100 120 CLAY BLUE SOFT 120 140 MEDIUM SAND GRAY SOFT 140 150 CLAY GRAY SOFT 150 170 CLAY GRAY SOFT 170 182 SANDROCK & GRAVEL & LIMEROCK RED MEDIUM 182 220 GRAVEL & LIMEROCK RED MEDIUM 220 240 SANDROCK PINK MEDIUM 240 242		Drilling Fluid --		Well Hydrofractured? <input type="checkbox"/> Yes <input type="checkbox"/> No From Ft. to Ft.									
		Use Irrigation											
		Casing Type		Joint Welded		Drive Shoe?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Above/Below 1 ft.			
		Casing Diameter		Weight		Hole Diameter							
		16 in. to		212 ft.		62.58 lbs./ft.							
		Open Hole from ft. to ft.											
		Screen YES		Make JOHNSON		Type punched pipe							
		Diameter		Slot/Gauze		Length		Set Between					
		0		50		30		212 ft. and 242 ft.					
		Static Water Level		84 ft. from Land surface Date Measured 10/18/1976									
PUMPING LEVEL (below land surface)		122 ft. after 10 hrs. pumping 692 g.p.m.											
Well Head Completion		Pitless adapter manufacturer Model <input type="checkbox"/> Casing Protection <input checked="" type="checkbox"/> 12 in. above grade <input type="checkbox"/> At-grade (Environmental Wells and Borings ONLY)											
NO REMARKS Located by: United States Geological Survey Method: Digitized - scale 1:24,000 or larger (Digitizing Table) Unique Number Verification: N/A Input Date: 01/01/1990 System: UTM - Nad83, Zone15, Meters X: 427498 Y: 4919222		Grouting Information Well Grouted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Specified											
		Nearest Known Source of Contamination 300 feet S direction Feedlot type Well disinfected upon completion? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No											
		Pump <input type="checkbox"/> Not Installed Date Installed Manufacturer's name Model number HP 0 Volts Length of drop Pipe ft. Capacity g.p.m. Type Material											
		Abandoned Wells Does property have any not in use and not sealed well(s)? <input type="checkbox"/> Yes <input type="checkbox"/> No											
First Bedrock Jordan Sandstone Aquifer Quat. Buried Artes. Aquifer Last Strat Jordan Sandstone Depth to Bedrock 240 ft.		Variance Was a variance granted from the MDH for this well? <input type="checkbox"/> Yes <input type="checkbox"/> No											
		Well Contractor Certification Hydro Engineering 10318 KLOECKL, J. License Business Name Lic. Or Reg. No. Name of Driller											
County Well Index Online Report		129234		Printed 1/5/2015 HE-01205-07									

Minnesota Unique Well No.		County Le Sueur		MINNESOTA DEPARTMENT OF HEALTH WELL AND BORING RECORD Minnesota Statutes Chapter 103I		Entry Date 05/11/2001	
647224		Quad Le Sueur				Update Date 12/20/2011	
		Quad ID 74B				Received Date	

Well Name GIESLER, CLEO Township Range Dir Section Subsections Elevation 872 ft. 111 26 W 11 DCCCC Elevation Method Calc from NED (Natl. Elev. Dataset-30m)				Well Depth 194 ft. Depth Completed 194 ft. Date Well Completed 10/23/2000	
				Drilling Method Non-specified Rotary	
Well Address RR 1 BOX 236 LE SUEUR MN 56058				Drilling Fluid Water	
				Well Hydrofractured? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No From Ft. to Ft.	
				Use Domestic	
Geological Material SANDY CLAY GRAVELY SAND				Casing Type Steel (black or low carbon) Joint Threaded Drive Shoe? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No No Above/Below ft.	
Color TAN GRAY YELLOW YELLOW				Hardness MEDIUM MEDIUM MEDIUM MEDIUM	
From To 0 28 28 136 136 163 163 194				Casing Diameter Weight Hole Diameter 5 in. to 186 ft. 15 lbs./ft. 7.8 in. to 184 ft.	
				Open Hole from ft. to ft.	
				Screen YES Make JOHNSON Type stainless steel	
				Diameter Slot/Gauze Length Set Between 5 12 8 186 ft. and 194 ft.	
				Static Water Level 102 ft. from Land surface Date Measured 10/23/2000	
				PUMPING LEVEL (below land surface) ft. after 1 hrs. pumping 50 g.p.m.	
				Well Head Completion Pitless adapter manufacturer MONITOR Model 6PS56 <input type="checkbox"/> Casing Protection <input type="checkbox"/> 12 in. above grade <input type="checkbox"/> At-grade (Environmental Wells and Borings ONLY)	
NO REMARKS				Grouting Information Well Grouted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Specified Grout Material: High solids bentonite from 0 to 150 ft. 8 bags	
Located by: Minnesota Department of Health Method: Digitization (Screen) - Map (1:24,000)				Nearest Known Source of Contamination 110 feet E direction Septic tank/drain field type Well disinfected upon completion? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Unique Number Verification: Information from owner Input Date: 09/15/2010				Pump <input type="checkbox"/> Not Installed Date Installed Manufacturer's name RED JACKET Model number GRIZZLY HP 0.75 Volts 220 Length of drop Pipe 130 ft. Capacity 15 g.p.m. Type Submersible Material	
System: UTM - Nad83, Zone15, Meters X: 427250 Y: 4919818				Abandoned Wells Does property have any not in use and not sealed well(s)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
				Variance Was a variance granted from the MDH for this well? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
First Bedrock Aquifer Last Strat Depth to Bedrock ft.				Well Contractor Certification Geib Well Co. 72027 GEIB, S. License Business Name Lic. Or Reg. No. Name of Driller	
County Well Index Online Report				647224	
				Printed 1/5/2015 HE-01205-07	

Minnesota Unique Well No.		County Le Sueur		MINNESOTA DEPARTMENT OF HEALTH WELL AND BORING RECORD Minnesota Statutes Chapter 103I		Entry Date 10/24/1991																																	
469312		Quad Le Sueur Quad ID 74B				Update Date 05/22/2014		Received Date																															
Well Name MOLLENHAUER, FLOYD Township Range Dir Section Subsections Elevation 111 26 W 11 DDCBCB Elevation Method 871 ft. Calc from NED (Natl. Elev. Dataset-30m)				Well Depth 184 ft.		Depth Completed 184 ft.		Date Well Completed 02/00/1991																															
Well Address RR 1 BOX 237 LE SUEUR MN 56058 <table border="0" style="width:100%;"> <tr> <td style="width:20%;">Geological Material</td> <td style="width:15%;">Color</td> <td style="width:15%;">Hardness</td> <td style="width:10%;">From</td> <td style="width:10%;">To</td> </tr> <tr> <td>SANDY CLAY</td> <td>YELLOW</td> <td>MEDIUM</td> <td>0</td> <td>6</td> </tr> <tr> <td>GRAVEL</td> <td>YELLOW</td> <td>MEDIUM</td> <td>6</td> <td>67</td> </tr> <tr> <td>CLAY</td> <td>GRAY</td> <td>MEDIUM</td> <td>67</td> <td>142</td> </tr> <tr> <td>CLAY</td> <td>YELLOW</td> <td>MEDIUM</td> <td>142</td> <td>169</td> </tr> <tr> <td>SAND</td> <td>YELLOW</td> <td>MEDIUM</td> <td>169</td> <td>184</td> </tr> </table>				Geological Material	Color	Hardness	From	To	SANDY CLAY	YELLOW	MEDIUM	0	6	GRAVEL	YELLOW	MEDIUM	6	67	CLAY	GRAY	MEDIUM	67	142	CLAY	YELLOW	MEDIUM	142	169	SAND	YELLOW	MEDIUM	169	184	Drilling Method --					
				Geological Material	Color	Hardness	From	To																															
				SANDY CLAY	YELLOW	MEDIUM	0	6																															
				GRAVEL	YELLOW	MEDIUM	6	67																															
				CLAY	GRAY	MEDIUM	67	142																															
				CLAY	YELLOW	MEDIUM	142	169																															
				SAND	YELLOW	MEDIUM	169	184																															
				Drilling Fluid Water		Well Hydrofractured? <input type="checkbox"/> Yes <input type="checkbox"/> No From Ft. to Ft.																																	
				Use Domestic																																			
				Casing Type Steel (black or low carbon) Joint Threaded Drive Shoe? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No No Above/Below 1 ft.																																			
Casing Diameter 4 in. to 180 ft.		Weight 11 lbs./ft.		Hole Diameter 6.75 in. to 175 ft.																																			
Open Hole from ft. to ft.																																							
Screen YES Make JOHNSON Type stainless steel																																							
Diameter 4 Slot/Gauze 10 Length 4 Set Between 180 ft. and 184 ft.																																							
Static Water Level 109 ft. from Land surface Date Measured 02/00/1991																																							
PUMPING LEVEL (below land surface) 112 ft. after 1 hrs. pumping 25 g.p.m.																																							
Well Head Completion Pitless adapter manufacturer BAKER Model 6PS45 <input type="checkbox"/> Casing Protection <input type="checkbox"/> 12 in. above grade <input type="checkbox"/> At-grade (Environmental Wells and Borings ONLY)																																							
NO REMARKS Located by: Minnesota Department of Health Method: Digitization (Screen) - Map (1:24,000) Unique Number Verification: Information from owner Input Date: 09/15/2010 System: UTM - Nad83, Zone15, Meters X: 427251 Y: 4919929				Grouting Information Well Grouted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Specified Grout Material: Bentonite from to ft.																																			
				Nearest Known Source of Contamination 130 feet E direction Septic tank/drain field type Well disinfected upon completion? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																																			
				Pump <input type="checkbox"/> Not Installed Date Installed Manufacturer's name JACUZZI Model number 754 HP 0.75 Volts 220 Length of drop Pipe 147 ft. Capacity 14 g.p.m. Type Submersible Material Galvanized																																			
				Abandoned Wells Does property have any not in use and not sealed well(s)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																																			
				Variance Was a variance granted from the MDH for this well? <input type="checkbox"/> Yes <input type="checkbox"/> No																																			
First Bedrock Last Strat				Aquifer Depth to Bedrock ft.		Well Contractor Certification Geib Well Co. 72027 GEIB, D. License Business Name Lic. Or Reg. No. Name of Driller																																	
County Well Index Online Report				469312		Printed 1/5/2015 HE-01205-07																																	



Minnesota Department of Natural Resources

Division of Ecological and Water Resources, Box 25

500 Lafayette Road

St. Paul, Minnesota 55155-4025

Phone: (651) 259-5109 E-mail: lisa.joyal@state.mn.us

January 12, 2015

Correspondence # ERDB 20150194

Ms. Chantill Kahler Royer
Bolton & Menk, Inc.
1960 Premier Drive
Mankato, MN 56001

RE: Natural Heritage Review of the proposed Traxler Construction Gravel Mine Expansion;
T111N R26W Section 11; Le Sueur County

Dear Ms. Kahler Royer,

As requested, the above project has been reviewed for potential effects to known occurrences of rare features. A search of the Minnesota Natural Heritage Information System did identify rare features within an approximate one-mile radius of the proposed project, but these records did not include any federally listed species and were either historical or not of concern given the project details that were provided with the data request form. As such, I do not believe the proposed project will adversely affect any known occurrences of rare features.

The Natural Heritage Information System (NHIS), a collection of databases that contains information about Minnesota's rare natural features, is maintained by the Division of Ecological and Water Resources, Department of Natural Resources. The NHIS is continually updated as new information becomes available, and is the most complete source of data on Minnesota's rare or otherwise significant species, native plant communities, and other natural features. However, the NHIS is not an exhaustive inventory and thus does not represent all of the occurrences of rare features within the state. Therefore, ecologically significant features for which we have no records may exist within the project area.

For environmental review purposes, the results of this Natural Heritage Review are valid for one year; the results are only valid for the project location (noted above) and project description provided on the NHIS Data Request Form. Please contact me if project details change or if an updated review is needed.

Furthermore, the Natural Heritage Review does not constitute review or approval by the Department of Natural Resources as a whole. Instead, it identifies issues regarding known occurrences of rare features and potential effects to these rare features. Additional rare features for which we have no data may be present in the project area, or there may be other natural resource concerns associated with the proposed project. For these concerns, please contact your DNR Regional Environmental Assessment Ecologist (contact information available at http://www.dnr.state.mn.us/eco/ereview/erp_regioncontacts.html). Please be aware that additional site assessments or review may be required.

Thank you for consulting us on this matter, and for your interest in preserving Minnesota's rare natural resources. An invoice will be mailed to you under separate cover.

Sincerely,

Samantha Bump
Natural Heritage Review Specialist



Le Sueur County, MN

Thursday, November 12, 2015

Regular session

Item 2

Unimin Corporation

Staff Contact: Kathy Brockway or Michelle Mettler

STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: UNIMIN CORPORATION - SOUTHEAST MINE

PROJECT DESCRIPTION: Amend an existing Conditional Use Permit #29000, to allow a mineral extraction expansion of 500.3 mineable acres to be known as the 'Southeast Mine'.

MANDATORY EIS

(No public comment due to a Mandatory Environmental Review).
THEREFORE THE APPLICATION SHALL BE TABLED UNTIL SUCH TIME THE EIS IS COMPLETE

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.

MINERAL OVERLAY DISTRICT PURPOSE:

- The Mineral Resources Overlay District is intended to protect areas with existing significant mineral resources including sand, gravel, limestone and sandstone deposits, as shown in the Le Sueur County Aggregate Resources Inventory completed pursuant to Minnesota Statutes Chapter 84.94.
- This Mineral Resources Overlay District shall not prohibit mining in other areas of the County not identified within the Mineral Resources Overlay District boundaries as shown on the Official Zoning Map.

ZONING ORDINANCE SECTIONS: Sections 6, 7, 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 LSC COMPREHENSIVE LAND USE PLAN

Goal #6: Aggregate resources are a finite resource that is directly impacted by scattered site development. The County should protect its aggregate resources from premature development.

SITE INFORMATION

LOCATION: 500.3 Mineable acres Sections 5-8, 17, Kasota Township

ZONING: Conservancy, Mineral Extraction Overlay District.

**GENERAL SITE
DESCRIPTION:**

Ag land/existing mining

EXISTING LAND USE WITHIN ¼ MILE:

North:	Ext.mining	South:	Existing mining/Ag
East:	Ag/Residential/Mining	West:	Mixed land uses- Ag/Residential/mining

TOWNSHIP BOARD NOTIFICATION

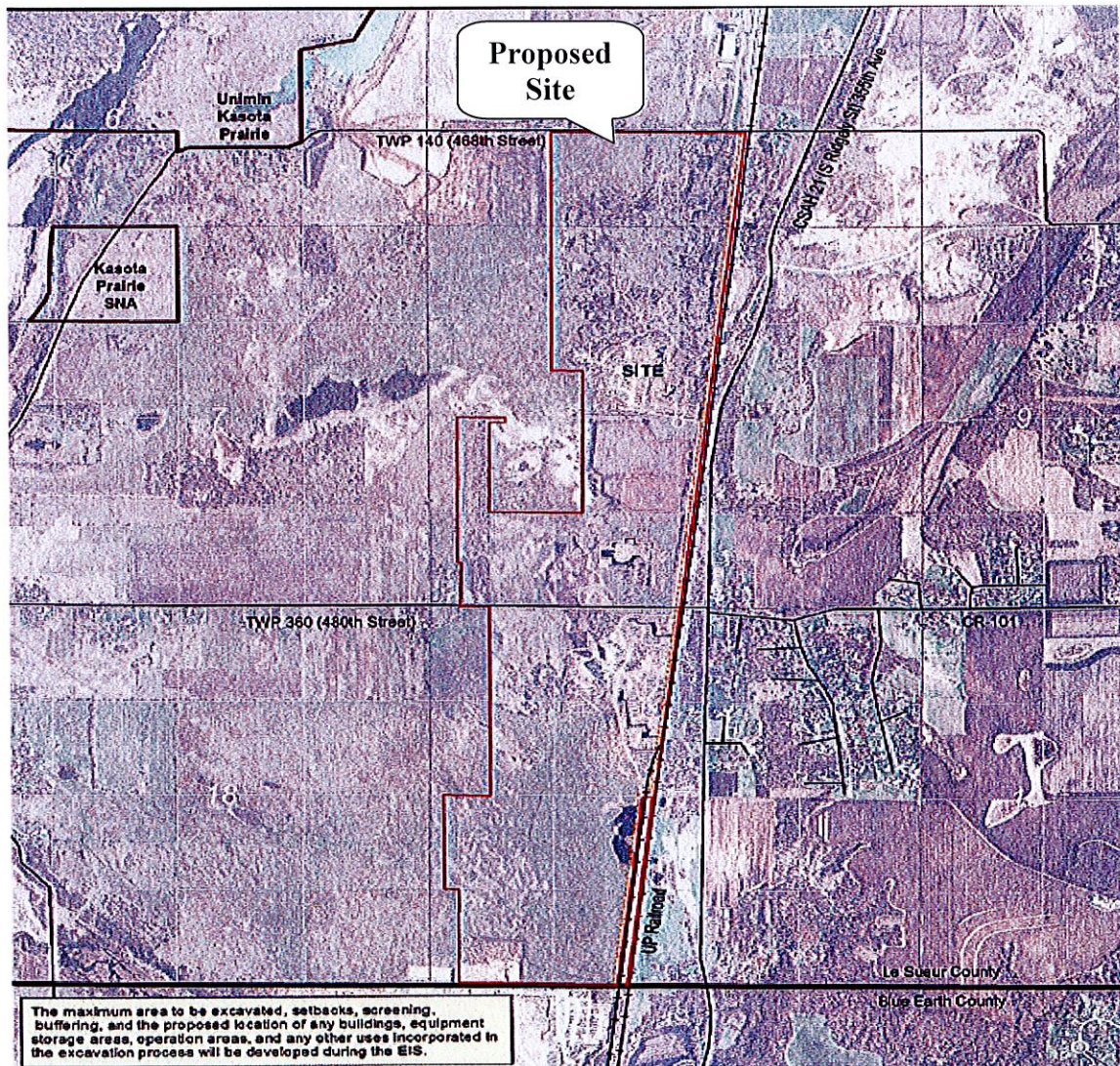
Letter dated October 12, 2015 to Joe Kienlen, Kasota Township.

NATURAL RESOURCES INFORMATION

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

WETLANDS: Type 3 wetlands located within the quarter-quarter section where mining operation is proposed.

SITE PLAN



ATTACHMENTS

Narrative-Maps

LAND USE APPLICATION PERFORMANCE STANDARDS (to be discussed during the Conditional Use Permit process)

STAFF FINDINGS

Staff findings per Le Sueur County Ordinance:

1. MANDATORY EIS

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.

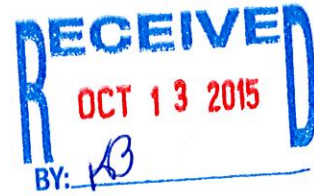
PLANNING AND ZONING COMMISSION FINDINGS

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.



12 October 2015

Joe Kienlen, Kasota Township
45840 Shanaska Creek Road
St Peter, MN 56082

Re: Kasota Township Notice: Conditional Use Permit Application, Southeast Mine, Unimin Corporation

Dear Mr. Kienlen:

This letter serves as notice to the township for the application of a Conditional Use Permit (CUP) for Mineral Extraction as required by Le Sueur County. Attached is a copy of the (CUP) Application for the proposed Southeast Mine for the November Planning & Zoning Commission Agenda. This site is approximately 500 acres and is adjacent to our existing Kasota Plant in Sections 5, 8, and 17 between 468th Street to the north, the Le Sueur/Blue Earth County boundary to the south, Unimin's existing South Mine boundary to the west and the Union Pacific Railroad to the east. This application triggers the initiation of Environmental Review for the proposed project per Minnesota Rules 4410 and a decision on the CUP will be tabled until the Environmental Review is complete.

Please review the attached documentation and contact me with any questions you may have. I can be reached by email at jswenson@unimin.com or by phone at 507-386-2127.

Sincerely,

A handwritten signature in blue ink that reads 'Jamie Swenson'.

Jamie Swenson
Environmental Affairs Manager
Unimin Corporation

Enclosures: Conditional Use Permit Application

cc: Kathy Brockway, Le Sueur County



12 October 2015

Kathy Brockway
Le Sueur County Environmental Services
88 South Park Avenue
Le Center, MN 56057

Re: Conditional Use Permit Application, Southeast Mine, Unimin Corporation, Kasota Township, Le Sueur County, Minnesota

Dear Ms. Brockway:

Attached is a Conditional Use Permit (CUP) Application for Mineral Extraction at the proposed Southeast Mine, Kasota Township, Le Sueur County, Minnesota. This application triggers the initiation of Environmental Review for the proposed project per Minnesota Rules 4410. Unimin acknowledges prior to the commencement of the CUP process, the project requires Environmental Review.

Please review the attached documentation and contact me with any questions you may have. I can be reached by email at jswenson@unimin.com or by phone at 507-386-2127.

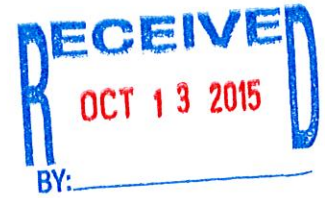
Sincerely,

A handwritten signature in blue ink that reads 'Jamie Swenson'. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jamie Swenson
Environmental Affairs Manager
Unimin Corporation

Enclosures: Conditional Use Permit Application, CUP Application & Filing Fee

cc: Joe Kienlen, Kasota Township



CONDITIONAL USE PERMIT APPLICATION

SOUTHEAST MINE

KASOTA TOWNSHIP, LE SUEUR COUNTY, MINNESOTA

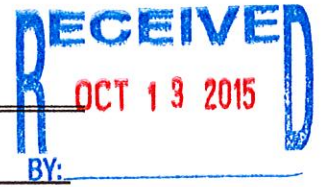
Applicant:



OCTOBER 2015

Le Sueur County

Conditional Use Application



I. Applicant:

Name Unimin Corporation
Mailing Address 35496 468th Street
City Kasota State MN Zip 56050
Phone # 507-931-6081 Phone # _____

II. Landowner:

Name Unimin Corporation
Mailing Address 258 Elm St
City New Canaan State CT Zip 06840
Property Address 35496 468th Street
City Kasota State MN Zip 56050
Phone # 507-931-6081 Phone # _____

III. Parcel Information:

Parcel Number Multiple, See Addendum A Parcel Acreage ~515.3 ac
Attach Full Legal Description (**NOT** abbreviated description from tax statement)
Township Kasota (T109N, R26W) Section 5, 8, 17
Subdivision _____ Lot _____ Block _____

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

Kasota Township notified on Oct 13, 2015
(Township Name) (Date)
Board Member Joe Kienlen 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.
- Appointment is necessary.
- 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
After-The-Fact Penalty \$ 1,500 OR 10% of improvement, whichever is greater

VII. Type of Request:

- | | |
|--|---|
| <input type="checkbox"/> Self Service Storage | <input type="checkbox"/> Value Added Agriculture |
| <input type="checkbox"/> School/Church/Cemetery | <input type="checkbox"/> Antique Sales/Service/Repair |
| <input type="checkbox"/> Retail Nursery/Greenhouse | <input type="checkbox"/> Substation/Transmission Lines etc |
| <input type="checkbox"/> School/Church/Cemetery | <input checked="" type="checkbox"/> Other <u>Mineral Extraction</u> |



VIII. Description of Request:

- a. A full description of request with detailed information must be attached.
- b. Complete the following in relationship to the proposed Conditional Use Permit.
1. PROPOSED DAYS AND HOURS OF OPERATION: See Addendum B for further information.
 2. ESTIMATED NUMBER OF PERSONS TO ATTEND PLACE OF BUSINESS/LOCATION ON A DAILY OR WEEKLY BASIS:
Increase to existing not anticipated.
 3. LIST OF PUBLIC HEALTH PLANS:
 - i. Water Supply: N/A
 - ii. Toilet facilities: N/A
 - iii. Solid Waste Collection: N/A
 4. FIRE PREVENTION: N/A
 5. SECURITY PLANS: N/A
 6. RETAIL SALES: N/A
 7. FOOD OR ALCOHOL SERVED OR FOR SALE: N/A
 8. DESCRIBE IF THE APPLICANT REQUESTS THE COUNTY TO PROVIDE ANY SERVICES OR COUNTY PERSONNEL: (For example, pedestrian and/or vehicular traffic control.)
No County services or personnel requested.
 9. SOUND AMPLIFICATION, PUBLIC ADDRESS SYSTEM, PLAYING OF MUSIC:
N/A
 10. EXTERIOR LIGHTING: Lighting will be utilized per MSHA safety requirements.
 11. PARKING AND LOADING: Increase to existing not anticipated.
 12. SIGNAGE: N/A
 13. ROAD ACCESS: (Approved by the road authority) N/A
 14. CERTIFICATE OF INSURANCE: N/A
 15. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS:
(For example additional licensing and/or permitting) See Addendum B for further information.

IX. Site Plan: Shall include but not limited to the following:

- | | | | |
|---------------------|-----------|-----------------------|----------------------------|
| • North point | • Lake | • Existing Structures | • Septic system |
| • Setbacks | • River | • Proposed Structures | • Well |
| • Property Lines | • Wetland | • Lot Dimensions | • Access (size & location) |
| • Road Right-Of-Way | • Stream | • Ponds | • Easements |
- Parking (Size & location-if applicable to application)
 - Landscape, screening and buffering (if applicable to application)
 - Location of significant trees to be removed (if applicable to application)

X. Attachments: shall include but not limited to:

- ☒ a. **Description of Request**-See Part VIII for full details and requirements.
☒ b. **Site Plan**-See Part IX for full details and requirements.
☒ c. **Full legal description**-Not abbreviated description from tax statement.
☐ d. **Access approval**-Attach approval in writing from proper road authority.
☒ e. **Township Notification**-See Part IV for details and requirements.
☐ f. **Septic System Compliance Inspection**
☒ g. **Erosion control plan**-Attach completed and signed plan including map.
☐ h. **Floor plans and/or blue prints**



XI. Procedure:

The Planning & Zoning Commission shall hold a public hearing on the proposed Conditional Use Permit at a scheduled Planning and Zoning Commission meeting.

The Planning and Zoning Commission is an advisory board to the County Board of Commissioners and will make a recommendation to the County Board.

The Department shall report the findings and the recommendations of the Planning Commission to the County Board for final decision.

Action by the County Board shall be a majority vote of its members.

The Department shall notify the applicant and/or landowner in writing of the County Board decision.

A certified copy of the Conditional Use Permit shall be filed with the Le Sueur County Recorder by the Department.

XII. Signatures:

I hereby certify with my signature that all data contained herein as well as all supporting data are true and correct to the best of my knowledge.

[Signature] 10-9-15
Applicant signature Date

I hereby certify with my signature that all data contained herein as well as all supporting data are true and correct to the best of my knowledge.

[Signature] 10-9-15
Property Owner signature Date

OFFICE USE ONLY

Request: _____

Pre-App Date _____	Lake Classification <u>1</u>	Feedlot	500'	1000'	N
Meeting Date <u>11-12-</u>	Lake _____	Wetland Type	1-2	3-8	N
60 Day <u>12-14-15</u>	FEMA Panel # 27079C0220	Water courses		Y	N
Zoning District <u>101me</u>	Flood Zone <u>X outside</u>	Bluff		Y	N

<input checked="" type="checkbox"/> Request Description	<input type="checkbox"/> Access Approval	<input type="checkbox"/> Septic	Comp Insp / Design
<input checked="" type="checkbox"/> Site Plan	<input checked="" type="checkbox"/> Erosion Control Plan	<input type="checkbox"/> Meeting	Reg / ATF / Spec
<input checked="" type="checkbox"/> Full Legal	<input type="checkbox"/> Blue Prints	<input type="checkbox"/> Fee	\$ <u>796.</u>
<input type="checkbox"/> Ordinance	<input type="checkbox"/> Other _____	<input type="checkbox"/> Penalty	\$ _____

☒ Application Complete [Signature] 10/13/15 15261
Planning & Zoning Department Signature Date Permit #

Mandatory Environmental Review

Le Sueur County

Conditional Use Permit Specific Use Form

Mineral Extraction:

Permit # 15261

A. No person, firm, or corporation shall engage in the mining and processing of sand, gravel, limestone or other minerals on any land within Le Sueur County, located outside the boundaries of any city, village or incorporated town without first obtaining from the County a Conditional Use Permit.

B. **Specific Use Form:** The Specific Use Form for Mineral Extraction must accompany the Conditional Use Permit application, as well as any supporting documentation listed on the application and listed below

- _____ 1. Estimated life expectancy of the proposed operation.
- _____ 2. Detailed site plan indicating:
 - a. Existing topographical features at 10-foot contours.
 - b. Location of water courses, drainage systems and impounded waters.
 - c. Outline of the maximum area to be mined.
 - d. Vertical profile of area to be excavated indicating over-burden and other geological layers to the extent known.
 - e. The proposed location of any buildings, equipment storage areas, and any other uses incorporated in the excavation process.
 - f. Location and names of existing roads, trails, railroads, buildings, utility ROW, vegetation, wells and any other features within and adjacent to the proposed excavation area within 500 feet.
 - g. Access routes within one mile of the site.
- _____ 3. Erosion control plan.
- _____ 4. Dust and noise control plan.
- _____ 5. Bond
- _____ 6. Recycling plan for concrete or other forms of aggregate, if applicable.

C. **Reclamation Plan:** A reclamation plan shall be prepared for the planned after-use of the affected areas and the nature and extent of reclamation. The following are minimum standards for reclamation:

- _____ 1. Proposed contours after any proposed filling.
- _____ 2. Depth of restored ⁰⁷⁻⁰⁹⁻⁰⁹ top soil if restoration is proposed.
- _____ 3. Type of fill, if applicable.
- _____ 4. Type of planting and restoration.
- _____ 5. Estimated progress and completion dates. Reclamation shall progress on a phased basis.
- _____ 6. Written statement containing on explanation of the character of the site to be mined, the surrounding territory, the reclamation plan, and the schedule of development which shall include phase development.

D. Signatures:

I hereby certify with my signature that all data contained herein as well as all supporting data are true and correct to the best of my knowledge.

Applicant signature

Date

10-7-15

I hereby certify with my signature that all data contained herein as well as all supporting data are true and correct to the best of my knowledge.

Property Owner signature

Date

10-7-15

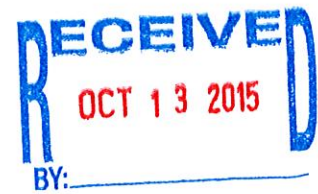
OFFICE USE ONLY

Date received _____
Initials _____
☐ Site plan

☐ Erosion control plan
☐ Restoration plan
☐ Life Expectancy

☐ Dust & Noise Control Plan
☐ Recycling Plan
☐ Bond

07-09-09



ADDENDUM A
Le Sueur County Conditional Use Permit Application
Unimin Corporation

III. Parcel Information

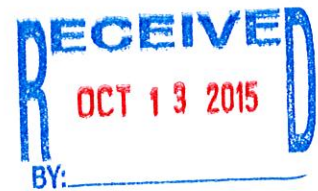
The applicant has the right of ownership to mine and reclaim the land described in this application.

Parcel No(s). (See map for parcel locations)					Parcel Acreage
005.105.5600	005.108.0200	005.108.2800	005.108.7800	005.117.7600	515.31 acres
005.105.6100	005.108.0300	005.108.3300	005.108.8000	005.117.8000	
005.105.7600	005.108.0500	005.108.7500	005.117.0400	005.117.8100	
005.108.0100	005.108.2700	005.108.7700	005.117.0700	005.117.8300	
			005.117.2500	005.117.8400	

Legal Description: (full legal description)

All that part of Sections 5, 8, and 17, all in Township 109 North, Range 26 West, Le Sueur County, Minnesota described as follows:

Commencing at the Northwest Corner of said Section 17; thence South 88 degrees 53 minutes 05 seconds East (assumed bearing) on the north line of the Northwest Quarter of said Section 17, a distance of 354.00 feet to the point of beginning; thence South 88 degrees 53 minutes 05 seconds East on said north line, 306.42 feet to the northeast corner of the West 40 acres of said Northwest Quarter; thence South 00 degrees 12 minutes 33 seconds West on the east line of said West 40 acres of said Northwest Quarter, 2639.17 feet to the southeast corner of said West 40 acres of said Northwest Quarter; thence North 88 degrees 47 minutes 43 seconds West on the south line of the Northwest Quarter of said Section 17, a distance of 494.67 feet to the northwest corner of the East 5 acres of the West 10 acres of the Northwest Quarter of the Southwest Quarter of said Section 17; thence South 00 degrees 12 minutes 50 seconds West on the west line of said west 5 acres, 1314.23 feet to the southwest corner of said East 5 acres of the West 10 acres of the Northwest Quarter of the Southwest Quarter; thence South 88 degrees 42 minutes 40 seconds East on the south line of the North Half of the Southwest Quarter of said Section 17, a distance of 149.50 feet to the northwest corner of the East 30 acres of the Southwest Quarter of the Southwest Quarter of said Section 17; thence South 00 degrees 22 minutes 39 seconds West on the west line of said East 30 acres of the Southwest Quarter of the Southwest Quarter, 1314.38 feet to the southwest corner of said East 30 acres of the Southwest Quarter of the Southwest Quarter; thence South 88 degrees 37 minutes 35 seconds East on the south line of said Southwest Quarter, 1681.82 feet to a point on the westerly 50.00 foot right-of-way line of Chicago, Milwaukee, St. Paul and Pacific Railway Company (now abandoned); thence North 06 degrees 30 minutes 30 seconds East on said westerly right-of-way line, 1362.12 feet; thence North 06 degrees 29 minutes 31 seconds East on said westerly right-of-way line, 1282.62 feet to a point on the north line of the Southwest Quarter of said Section 17; thence South 88 degrees 47 minutes 43 seconds East on said north line, 100.43 feet to a point on the easterly 50.00 foot right-of-way line of Chicago, Milwaukee, St. Paul and Pacific Railway Company (now abandoned); thence South 06 degrees 29 minutes 31 seconds West on said easterly right-of-way line, 1291.89 feet; thence South 06 degrees 30 minutes 30 seconds West on said easterly right-of-way line, 1353.15 feet to a point on the south line of said Southwest Quarter; thence South 88 degrees 37 minutes 35 seconds East on said south line 20.08 feet to a point on a line distant 30 feet Westerly, measured at right angles, from the center line of the main track of the Chicago and North Western Transportation Company (now Union Pacific), as said main track is now located; thence North 06 degrees 30 minutes 30 seconds East on a line distant 30 feet Westerly, measured at right angles, from said center line, 1351.35 feet; thence North 06 degrees 29 minutes 31 seconds East on a line distant 30 feet Westerly, measured at right angles, from said center line, 2870.53 feet; thence North 06 degrees 29 minutes 59 seconds East on a line distant 30 feet Westerly, measured at right angles, from said center line, 5128.10 feet; thence North 06 degrees 30 minutes 44 seconds East on a line distant 30 feet Westerly, measured at right angles, from said center line, 1878.57 feet; thence North 06 degrees 29 minutes 42 seconds East on a line distant 30 feet Westerly, measured at right angles, from said center line, 676.41 feet to a point on the north line of the Southwest Quarter of the Southeast Quarter of said Section 5; thence North 89 degrees 22 minutes 08 seconds West on said north line, 753.96 feet to the northwest corner of said Southwest Quarter of the Southeast Quarter; thence North 89 degrees 22 minutes 46 seconds West on the north line of the Southeast Quarter of the Southwest Quarter of said Section 5, a distance of 1326.21 feet to the northwest corner of said Southeast Quarter of the Southwest Quarter; thence South 00 degrees 13 minutes 33 seconds West on the west line of said Southeast Quarter of the Southwest Quarter, 1303.42 feet to the southwest corner of said Southeast Quarter of the Southwest Quarter; thence South 00 degrees 20 minutes 25 seconds West on the west line of the Northeast Quarter of the Northwest Quarter of said Section 8 and on the west line of the Southeast Quarter of the Northwest Quarter of said Section 8, a distance of 1971.10 feet to the southwest corner of the North Half of the Southeast Quarter of the Northwest Quarter of said Section 8; thence South 88 degrees 59 minutes 35 seconds East on the south line of said North Half of the Southeast Quarter of the Northwest Quarter, 330.39 feet to the northeast corner of said West Half of the Southwest Quarter of the Southeast Quarter of the Northwest Quarter; thence South 00 degrees 22 minutes 03 seconds West on the east line of said West Half of the Southwest Quarter of the Southeast Quarter of the Northwest Quarter, 657.31 feet to the northwest corner of the East Half of the West Half of the Northeast Quarter of the Southwest Quarter; thence South 00 degrees 27 minutes 00 seconds West on the west line of said East Half of the West Half of the Northeast Quarter of the Southwest Quarter, 1314.49 feet to the southwest corner of the East Half of the West Half of the Northeast Quarter of the Southwest Quarter of said Section 8; thence North 88 degrees 54 minutes 52 seconds West on the north line of the Southeast Quarter of the Southwest Quarter and the north line of the Southwest Quarter of the Southwest Quarter of said Section 8, a distance of 990.26 feet to the southwest corner of the North Half of the East Half of the West Half of the Southwest Quarter of said Section 8; thence North 00 degrees 27 minutes 03 seconds East on the west line of said North Half of the East Half of the West Half of the Southwest Quarter, 1247.97 feet to a point which is 4 rods south of, measured perpendicular to, the north line of the Southwest Quarter of said Section 8; thence South 88 degrees 56 minutes 40 seconds East on the south line of the north 4 rods of the Southwest Quarter of said Section 8, a distance of 165.01 feet; thence North 00 degrees 27 minutes 03 seconds East, 66.00 feet to the north line of the Southwest Quarter of said Section 8; thence North 88 degrees 56 minutes 40 seconds West on said north line, 502.02 feet; thence South 00 degrees 27 minutes 05 seconds West, parallel to the west line of the Southwest Quarter of said Section 8, a distance of 2021.08 feet; thence South 88 degrees 53 minutes 05 seconds East parallel to the south line of said Southwest Quarter, 43.69 feet; thence South 01 degrees 39 minutes 55 seconds West, 606.50 feet to the point of beginning.



ADDENDUM B
Le Sueur County Conditional Use Permit Application
Unimin Corporation

VIII. Description of Request (Narrative)

This CUP application is for mining of alluvial sand/stone/gravel, dolomite and the extraction and processing of sandstone to produce industrial sand at the applicant's existing Kasota operations. The property is approximate 515.3 acres with an estimated 500.3 acres within the proposed mine area which exclude railroad rights-of-way and setback area. The proposed project is similar in operation and appearance as the applicant's current mine site adjacent to the north and west. Market demand, current production capabilities, and direct customer pressures have resulted in the decision by the applicant to begin the permitting process for the proposed project area.

The mining involves the removal of overburden to expose Jordan sandstone. Topsoil and alluvial material will be removed by typical mining equipment and utilized in either the final reclamation process or used in visual screening berms as necessary. The total overburden (topsoil, alluvial, dolomite) depth averages approximately twenty to thirty feet. The dolomite will either continue to be removed by Vetter Stone Company for dimensional stone or will require blasting similar to current operations at the existing site. Some of the overburden material (volumes to be determined by market conditions) may be processed for sale as an aggregate resource as market conditions allow.

Once overburden is removed, sandstone is removed via blasting, and initially crushed to a size where it can be transported via conveyor or pumped through a pipeline in slurry form to the existing processing facility. The mining process requires dewatering a portion of the Jordan sandstone through a water appropriations permit administered by the Minnesota Department of Natural Resources (MN DNR), in order to dry mine the formation, similar to existing operations. After material is processed, the finished products will be loaded and shipped via rail on the Union Pacific (UP) railroad.

Life Expectancy

The applicant will review multiple mine sequences in the Environmental Review with alternative start dates. The mine life is inevitably dependant on mining practices, site characteristics, and many unknown variables such as the volume and quality of materials available, and market demand. Given these variables, the actual mine life will vary, however using assumed setbacks, maximum production rates and conservative estimates for the other variables; the life of mine is estimated at 20-25 years.

Soil Erosion & Sediment Control Plan

A soil erosion & sediment control plan will be developed in conformance with Local and State standards and in association with the environmental review process and amended to the CUP.

Dust & Noise Control Plan

A dust & noise control plan will be developed in conformance with Local and State standards in association with the environmental review process and amended to the CUP.

Bond

The applicant will update the existing bond at the approximate time, in compliance with the County's ordinance. The applicant shall also furnish proof to the County yearly that the bond has been renewed.

Recycling Plan for Concrete or other Forms of Aggregate

Storing and recycling of aggregate, bituminous and concrete materials are not anticipated at this site, however, if concrete and bituminous disposal is anticipated, a recycling plan will be developed in conformance with local and state standards.



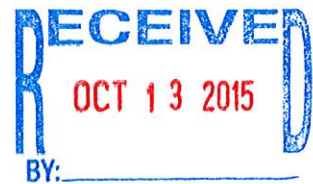
Term of Permit

The applicant requests to keep similar terms for this permit as the current CUP for Kasota. This includes an annual review and no renewals or expirations of the CUP.

Reclamation Plan

A Reclamation Plan will be developed in conformance with Le Sueur County requirements for the planned after-use of the affected areas and the nature and extent of reclamation during the environmental review process and amended to the CUP in order to take into consideration any findings discovered in the process. This plan will include the following:

1. Proposed contours after any proposed filling
2. Approximate depth of restored top soil
3. Type of fill
4. Type of planting and restoration
5. Estimated progress and completion dates for reclamation activities
6. An explanation of the character of the site to be mined and of the character of the surrounding territory; an explanation of the reclamation plan.



ADDENDUM C
Le Sueur County Conditional Use Permit Application
Unimin Corporation

VI. Existing Conditions Map

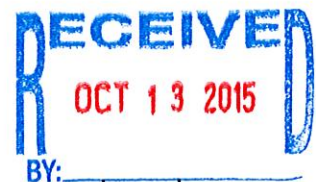
Maps of the land drawn at a scale of one inch equals 100 feet or larger showing the following are attached.

- a. Existing topographical features at ten (10) foot contour intervals.
- b. Location of watercourses, drainage systems, water tables and impounded waters.
Watercourses and impounded waters are shown on the map, however drainage tile locations, if present, are unknown. Should mining activity impact a drainage tile, the outlet will perform to similar functions as to not impact upstream landowners.
- c. Outline of the maximum area to be excavated and total surficial acres to be excavated.
- d. Vertical profile of area to be excavated indicating overburden, water tables, and other geological layers to the extent known.
- e. Location and names of existing roads, trails, railroads, structures, utility rights-of-way, vegetation, wells and other cultural features within and immediately adjacent (500 feet) to the proposed excavation area.
- f. Access routes within one mile of the site.

Proposed Mining Operations Plan

- a. The proposed location of any buildings, equipment storage areas, operation areas, and any other uses incorporated in the excavation process.
- b. Aerial extent, geologic composition and depth of mineral deposit, distribution, thickness and type of topsoil
- c. Approximate proposed volume of excavation and anticipated timeline of excavation, volume removed over time.
- d. Method of stripping and location for stripped material not leaving the site.
- e. The proposed location of any buildings, equipment storage areas, operation areas, and any other uses incorporated in the excavation process.
- f. Information available on ecological and biological resources, plant communities, and wildlife use at and adjacent to the proposed site.
- g. Soil erosion and sediment control plans meeting the Agency standards under Construction Activity and the Industrial Stormwater Program.
- h. Dust and noise control plan meeting the Agency standards.
- i. Recycling plan for concrete or other forms of aggregate.
- j. Storage and location of any on-site fuel storage and a copy of the Spill Prevention Control and Countermeasures (SPCC) Plan, if required per the Environmental Protection Agency (EPA) guidelines.

The proposed mining operations plan will be updated with additional information to satisfy the requirement of a through j once the environmental review process is complete. No permanent buildings are anticipated in the project area. Existing buildings located within the mining area will be removed as the mining



activities process. A description on how disturbed areas will be restored, the landscape, screening and buffering, wetlands, and the location of significant trees to be removed will be developed as part of the environmental review process.

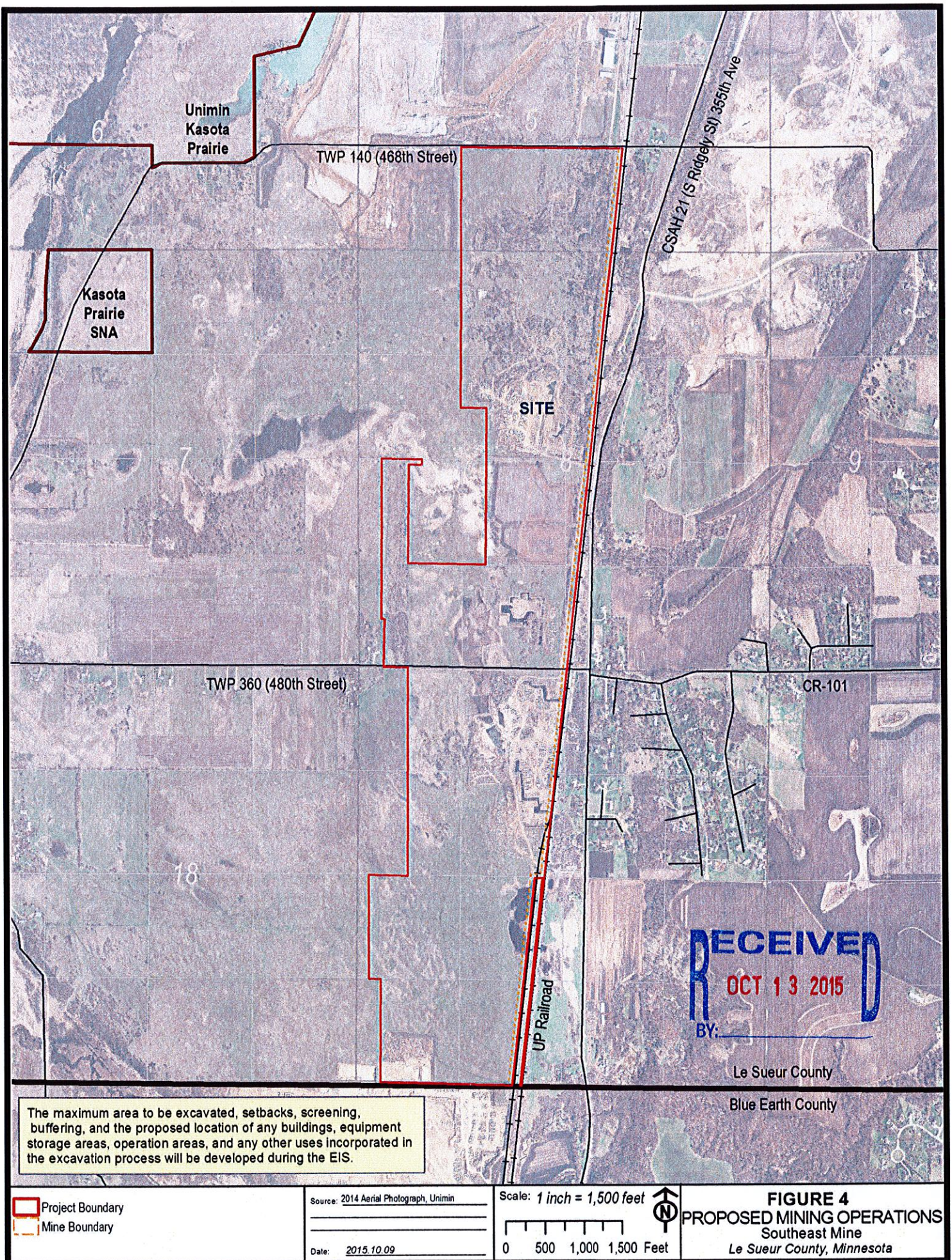
Additional plans for reclamation, hydrogeology, dewatering will be defined once the environmental review process is complete.

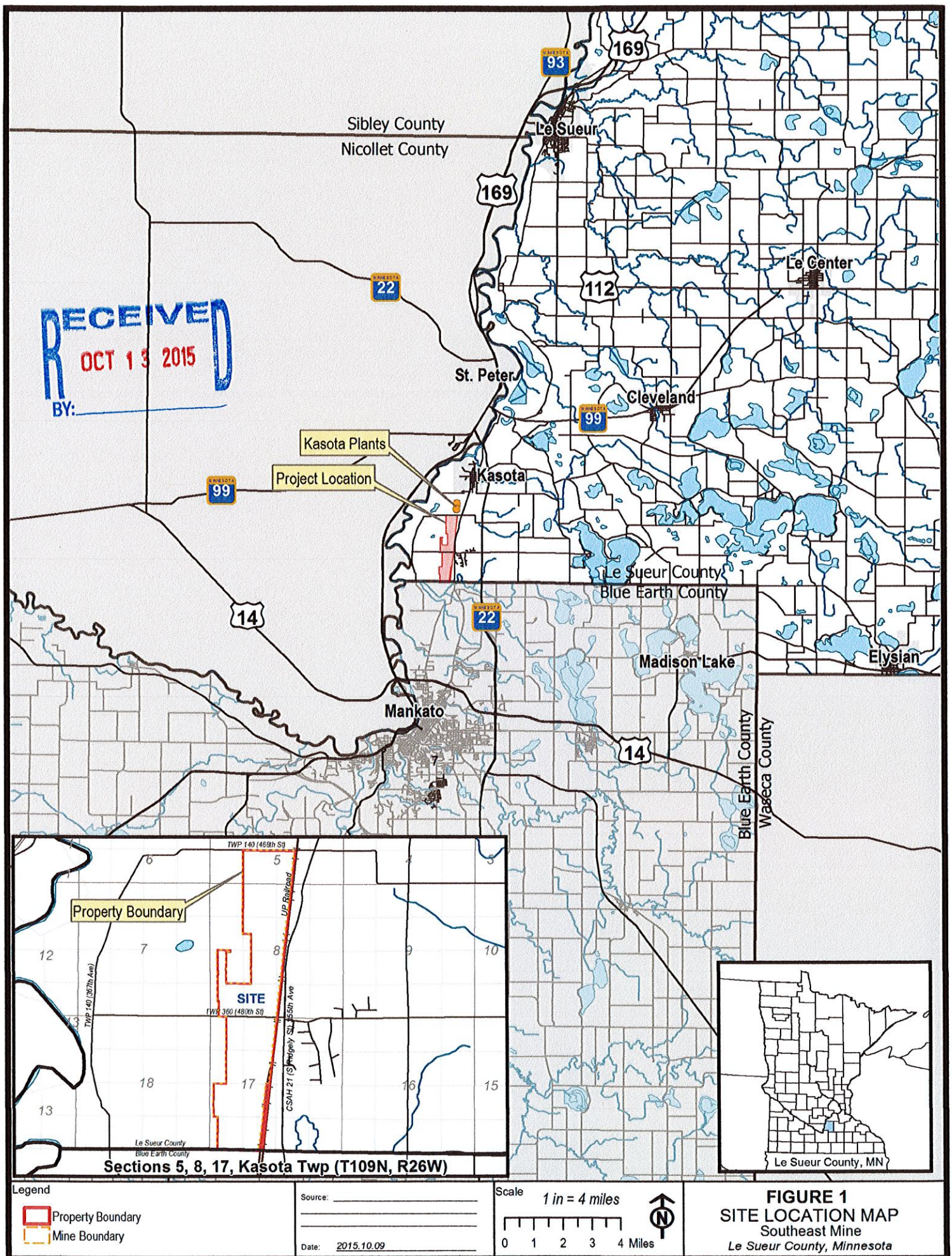
These maps also include easements, property lines, and the anticipated setbacks listed below. The setbacks follow the local ordinances and are based on the adjoining land use are laid out in the Le Sueur County Zoning Ordinance, Section 20, Subdivision 3.B.

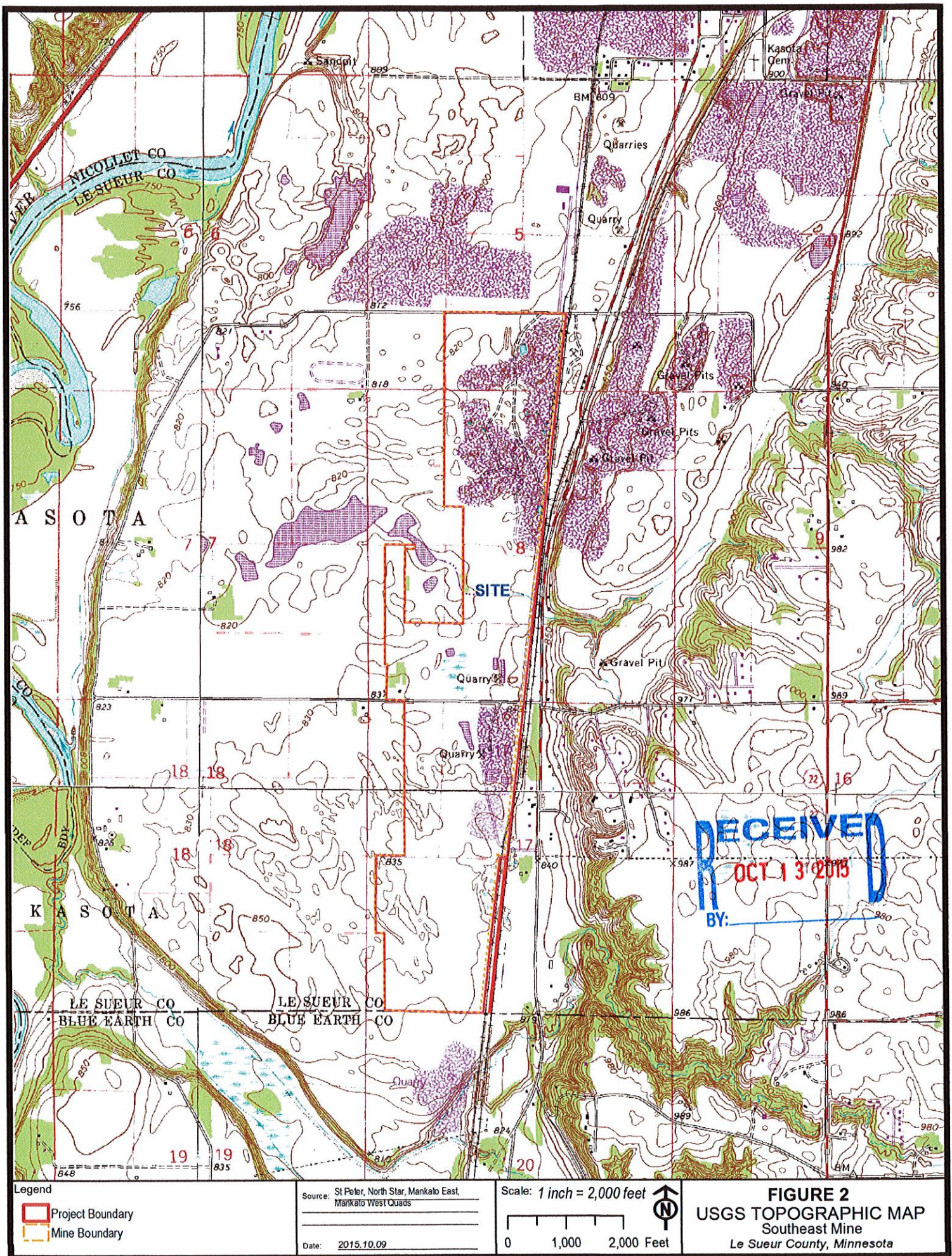
- 50 feet to the boundary of any adjoining property line, unless the written consent of the owner of such adjoining property is first secured.
- Excavation or stockpiling shall not be conducted closer than 100 feet to the right-of-way line of any existing or platted street, road or highway.
- Dust and 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.

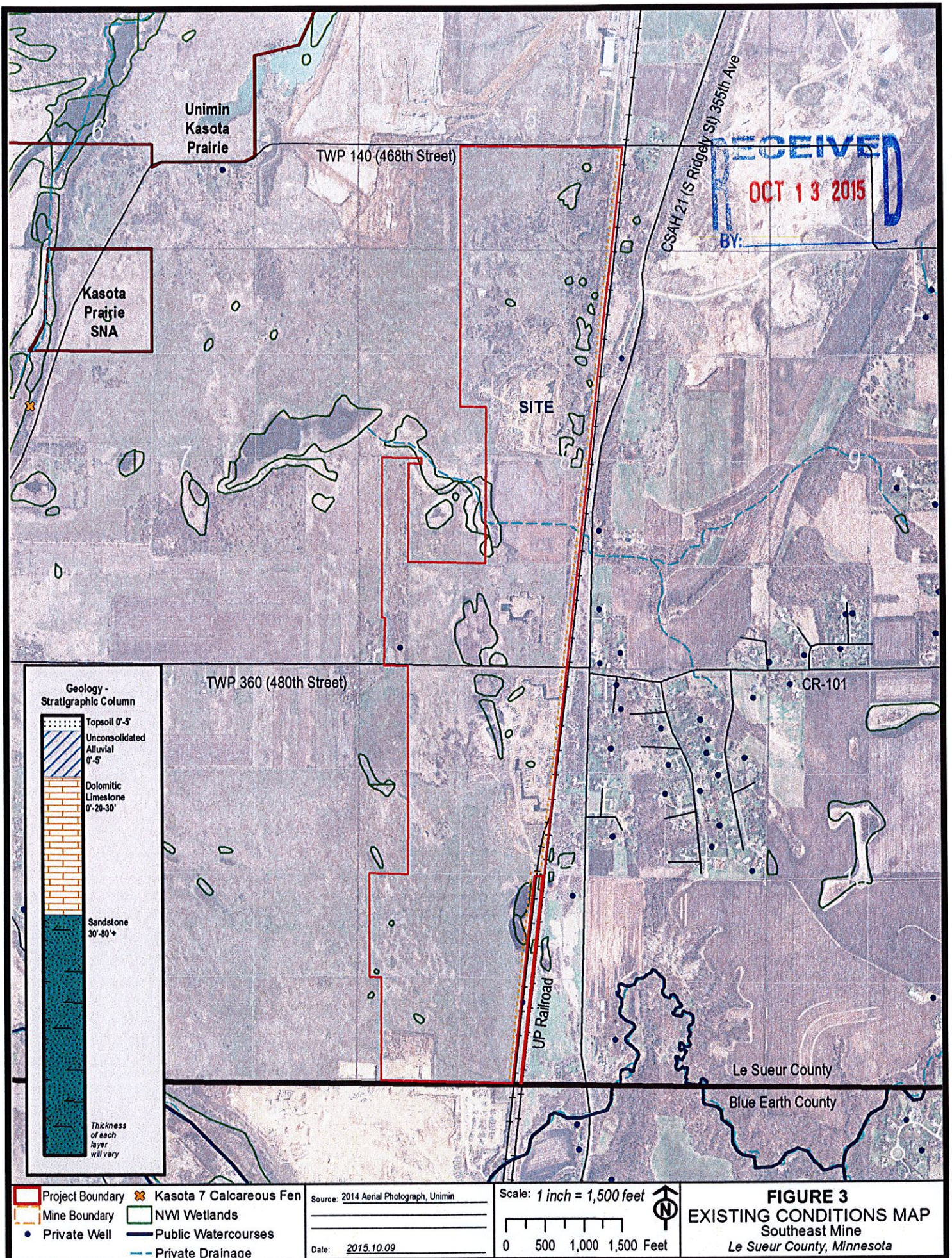
Attached Maps:

- Site Location Map
- USGS Topography Map
- Existing Conditions Map
- Proposed Mining Operations Plan











Le Sueur County, MN

Thursday, November 12, 2015

Regular session

Item 3

Le Sun LLC (applicant), Gregor (owner)

Staff Contact: Kathy Brockway or Michelle Mettler

STAFF REPORT

GENERAL INFORMATION

APPLICANT: LeSun LLC

OWNER: Pat Gregor

911 ADDRESS: New Off Hwy 60

PROJECT DESCRIPTION: Establish up to 5MW Solar Farm on approximately 50 acres in an Agriculture "A" District.

ZONING ORDINANCE SECTIONS: Section 8

SITE INFORMATION

LOCATION: 76.08 acre parcel in the Southeast 1/4 and Government Lot 6, Section 26, Waterville Township.

ZONING: Agriculture "A" District

**GENERAL SITE
DESCRIPTION:** AG LAND

ACCESS: New off Hwy 60-pending MN DOT approval

EXISTING LAND USE WITHIN ¼ MILE:

North: Wooded(State Park), City Limits, Business, Single Family Dwelling
East: Ag Land, Cemetery

South: Ag land, Cemetery, Scattered residential
West: City of Elysian, Business

TOWNSHIP BOARD NOTIFICATION

The applicants contacted Al Gehrke, Waterville Township Board member on October 12, 2015.

NATURAL RESOURCES INFORMATION

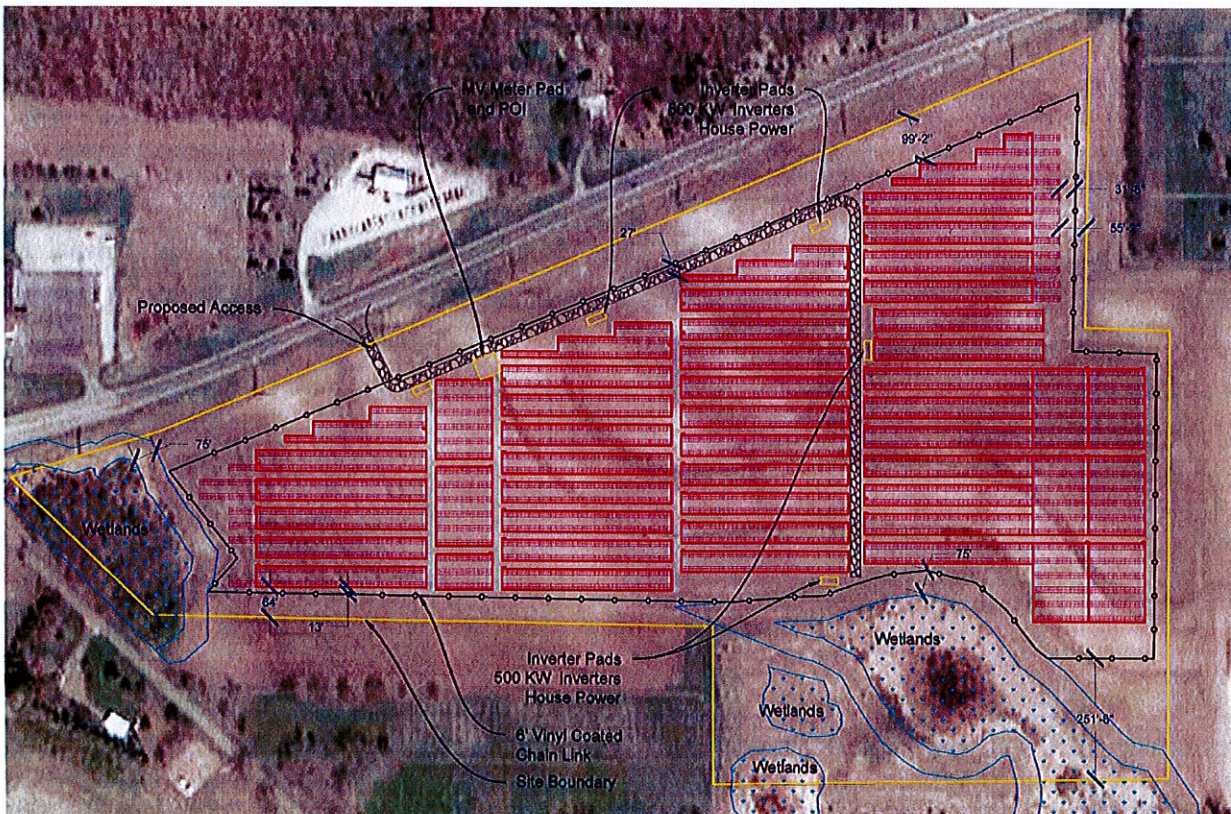
SHORELAND: The proposal is not located within the Shoreland District.

WETLANDS: According to the National Wetlands Inventory, Type 3 wetlands located in the quarter-quarter section where the project is proposed.

ATTACHMENTS

Narrative, Site Plans

AERIALS/SITE PLAN



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.)

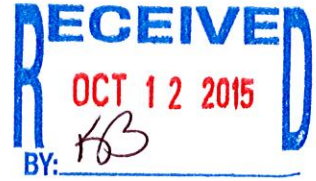
1. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity. **A D NA**
2. The establishment of the conditional use will not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

Conditional Use Permit Application

October 13, 2015

Le Sueur County
Planning Commission Request
Attention: Kathy Brockway, Department Head
88 South Park Avenue
Le Center, MN 56057



Dear Kathy,

Attached you will find an application for a Conditional Use Permit (CUP) to construct a Community Solar Garden within Le Sueur County. The request is being made by LeSun LLC.

LeSun LLC plans to develop and construct an up to 5 mega-watt (MW) Community Solar Garden. The site encompasses approximately 50 acres and is currently used for agricultural purposes.

In 2013, Xcel Energy was directed by the State of Minnesota to obtain 1.5% of its energy from solar by the year 2020. The development and operation of this Community Solar Garden will aid Xcel Energy in complying with this requirement. LeSun LLC is planning an up to 5 MW garden that will allow Xcel ratepayers, businesses, government entities and schools in Le Sueur County and surrounding areas to choose solar power and save money on their electricity bill.

Exhibits to Application:

- Exhibit A: Le Sueur County Conditional Use Application Form
- Exhibit B: Conditional Use Application Requirements
- Exhibit C: Site Maps

LeSun LLC hopes this correspondence and enclosures explain our application and address the requirements of Le Sueur County. Should you have any questions regarding the attached application for a Conditional Use Permit, please feel free to contact Chuck Beisner at 612-701-4855.

SunShare, LLC
609 South 10th Street, Minneapolis, MN 55404

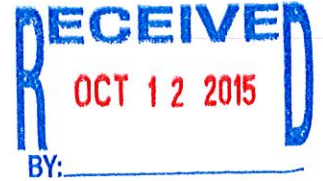
Conditional Use Permit Application

LeSun LLC appreciates the assistance that we have received from you and your staff and we look forward to working with you to better serve the public in this area. Thank you in advance for your consideration of this matter.

Sincerely,



Chuck Beisner
cbeisner@mysunshare.com
612-701-4855



SunShare, LLC
609 South 10th Street, Minneapolis, MN 55404

Conditional Use Permit Application

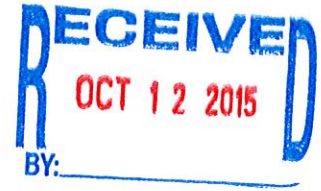


Exhibit A: Le Sueur County Application Form

SunShare, LLC
609 South 10th Street, Minneapolis, MN 55404

Le Sueur County

Conditional Use Application



I. Applicant:

Name Le Sueur LLC c/o Chuck Buisner
Mailing Address 609 South 10th Street, Suite 210
City Minneapolis State MN Zip 55404
Phone # 612-345-8881 Phone # _____

II. Landowner:

Name Pat Gregor
Mailing Address 40102 140th St
City Waseca State MN Zip 56093
Property Address _____
City _____ State _____ Zip _____
Phone # _____ Phone # _____

III. Parcel Information:

Parcel Number 14.026.2500 Parcel Acreage 57.5
Attach Full Legal Description (**NOT** abbreviated description from tax statement)
Township 109 N Section 26
Subdivision _____ Lot _____ Block _____

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

Waterville Township notified on 10/12/15
(Township Name) (Date)

Board Member Alan Gehrke 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.
- Appointment is necessary.
- Applications will not be accepted by mail.**

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

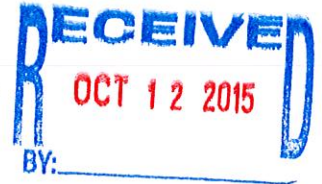
Conditional Use Permit \$ 750 After-The-Fact fee is **doubled.**
Filing Fee \$ 46

Additional Fees:

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

VII. Type of Request:

- | | |
|--|---|
| <input type="checkbox"/> Self Service Storage | <input type="checkbox"/> Value Added Agriculture |
| <input type="checkbox"/> School/Church/Cemetery | <input type="checkbox"/> Antique Sales/Service/Repair |
| <input type="checkbox"/> Retail Nursery/Greenhouse | <input type="checkbox"/> Substation/Transmission Lines etc. |
| <input type="checkbox"/> School/Church/Cemetery | <input checked="" type="checkbox"/> Other <u>Solar garden</u> |



VIII. Description of Request:

See Exhibit B (attached)

- a. A full description of request with detailed information must be attached.
- b. Complete the following in relationship to the proposed Conditional Use Permit.

1. PROPOSED DAYS AND HOURS OF OPERATION: _____
2. ESTIMATED NUMBER OF PERSONS TO ATTEND PLACE OF BUSINESS/LOCATION ON A DAILY OR WEEKLY BASIS: _____
3. LIST OF PUBLIC HEALTH PLANS:
 - i. Water Supply: _____
 - ii. Toilet facilities: _____
 - iii. Solid Waste Collection: _____
4. FIRE PREVENTION: _____
5. SECURITY PLANS: _____
6. RETAIL SALES: _____
7. FOOD OR ALCOHOL SERVED OR FOR SALE: _____
8. DESCRIBE IF THE APPLICANT REQUESTS THE COUNTY TO PROVIDE ANY SERVICES OR COUNTY PERSONNEL: (For example, pedestrian and/or vehicular traffic control.)

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

10. EXTERIOR LIGHTING: _____
11. PARKING AND LOADING: _____
12. SIGNAGE: _____
13. ROAD ACCESS: (Approved by the road authority) _____
14. CERTIFICATE OF INSURANCE: _____
15. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS:
(For example additional licensing and/or permitting) _____

IX. Site Plan: Shall include but not limited to the following:

- | | | | |
|---------------------|-----------|-----------------------|----------------------------|
| • North point | • Lake | • Existing Structures | • Septic system |
| • Setbacks | • River | • Proposed Structures | • Well |
| • Property Lines | • Wetland | • Lot Dimensions | • Access (size & location) |
| • Road Right-Of-Way | • Stream | • Ponds | • Easements |
- Parking (Size & location-if applicable to application)
- Landscape, screening and buffering (if applicable to application)
- Location of significant trees to be removed (if applicable to application)

X. Attachments: shall include but not limited to:

- ☒ a. **Description of Request**-See Part VIII for full details and requirements.
- ☒ b. **Site Plan**-See Part IX for full details and requirements.
- ☒ c. **Full legal description**-Not abbreviated description from tax statement.
- ☒ d. **Access approval**-Attach approval in writing from proper road authority.
- ☒ e. **Township Notification**-See Part IV for details and requirements.
- ☐ f. **Septic System Compliance Inspection** N/A
- ☒ g. **Erosion control plan**-Attach completed and signed plan including map.
- ☐ h. **Floor plans and/or blue prints** N/A



XI. Procedure:

The Planning & Zoning Commission shall hold a public hearing on the proposed Conditional Use Permit at a scheduled Planning and Zoning Commission meeting.

The Planning and Zoning Commission is an advisory board to the County Board of Commissioners and will make a recommendation to the County Board.

The Department shall report the findings and the recommendations of the Planning Commission to the County Board for final decision.

Action by the County Board shall be a majority vote of its members.

The Department shall notify the applicant and/or landowner in writing of the County Board decision.

A certified copy of the Conditional Use Permit shall be filed with the Le Sueur County Recorder by the Department.

XII. Signatures:

I hereby certify with my signature that all data contained herein as well as all supporting data are true and correct to the best of my knowledge.

Applicant signature

Date

10/12/15

I hereby certify with my signature that all data contained herein as well as all supporting data are true and correct to the best of my knowledge.

Property Owner signature

Date

10-12-15

OFFICE USE ONLY

Request:

Pre-App Date 10/12/15
Meeting Date 11/12/15
60 Day 12/14/15
Zoning District AG

Lake Classification /
Lake /
FEMA Panel # 27079C0.433
Flood Zone X outland

Feedlot 500' 1000' N
Wetland Type 1-2 3-8 N
Water courses Y N
Bluff Y N

☒ Request Description
☒ Site Plan
☒ Full Legal
☐ Ordinance

☐ Access Approval pending CUP
☐ Erosion Control Plan
☐ Blue Prints
☐ Other

☐ Septic
☐ Meeting Reg / ATF / Spec
☐ Fee \$ 796.60
☐ Penalty \$

☒ Application Complete

Planning & Zoning Department Signature

Date

Permit #

Kathy Brockway

10/15/15

15259

Application Incomplete 10/12/15

Conditional Use Permit Application



Exhibit B: Conditional Use Application Requirements

SunShare, LLC
609 South 10th Street, Minneapolis, MN 55404

Conditional Use Permit Application



Legal Description

All that part of the Southeast Quarter and Government Lot 6, Section 26, Township 109 North, Range 23 West, LeSueur County, Minnesota, lying South of the centerline of Minnesota Trunk Highway No. 60,

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TRACTS, TO-WIT:

Real estate described in deed recorded in Book 18 of Deeds, page 455: Commencing at a point 1035.54 feet West from the Southeast Corner of Section 26-109-23, thence North 9 rods, thence West 856 1/2 feet to public highway at a point 9 rods North of the South line of said Section, thence Southwesterly along said highway to said Section line, thence East along said Section line to point of beginning, to include all land within said bounds, excepting the piece of land 8 rods North and South and 20 rods East and West situated North of said Section line 1 rod West of the point of beginning herein, deeded to Sakatah Cemetery Association in 1868

Real estate described in deed recorded in Book 54 of Deeds, page 33: Commencing at a point 16 1/2 feet East of a point 15 chains and 94 links West of the Southeast Corner of Section 26-109-23, thence East 4 rods, thence North 17 rods, thence West 40 rods, thence in a Southwesterly direction to a point on East side of public highway 9 rods North of the South line of said Section 26, thence East to a point directly North of the point of beginning, thence South to the place of beginning.

Real estate described in deed recorded in Book 112 of Deeds, page 225: Commencing at a point 40 rods or 660 feet West and 17 rods or 280.5 feet North of a point 969.54 feet West of the Northeast corner of Section 35-109-23 West, thence continuing West 452.3 feet to the center of public highway, thence South 51 degrees 30 minutes East along the center of the public highway a distance of 189.7 feet, thence South 42 degrees 15 minutes East along the center of the public highway a distance of 198.3 feet to a point on the North line of said Section 35-109-23 West, 1781.94 feet West of the Northeast Corner of said Section 35-109-23, thence North 36 degrees 30 minutes West a distance of 182.7 feet which point is 1035.54 feet West, 148.5 feet North and 856.5 feet West of the Northeast corner of said Section 35-109-23, thence North 63 degrees 15 minutes East a distance of 291.7 feet to a point of beginning.

Real estate described in deed recorded in Book 112 of Deeds, page 514: Commencing at a point 17 rods, or 280.5 feet North of a point 969.54 feet West of the Northeast Corner of Section 35-109-23, thence North 125 feet, thence West 1269.4 feet to the center of the Public Highway, thence South 51 degrees and 30 minutes East along the center of the highway a distance of 200.8 feet, thence North 1112.3 feet to the point of beginning.

Real estate described in deed recorded in Book 116 of Deeds, page 503: Commencing at a point 1225.4 feet due North and 164.0 feet West of the Southeast corner of Section 26-109-23 West, thence running East 164.0 feet to the Section line between Sections 25 and 26, in said Township and Range, thence North on such Section line 550.00 feet, more or less, and to the South line of Minnesota Trunk Highway No. 60, as now located, such point being the Northwest Corner of the Cemetery as conveyed by that certain Deed made to the Catholic Diocese of St. Paul, which deeds appears of record in the Office of the Register of Deeds of Le Sueur County, Minnesota, in Book 47 of Deeds, on page 108 thereof, thence running Southwesterly along the Southerly line of Trunk Highway No. 60, to a point due North of the point of beginning, and thence running South to the point of beginning, containing 2.00 acres, more or less, and being in the Southeast Quarter of the Southeast Quarter and Government Lot 6 of said Section 26, Township and Range aforesaid.

All that part of the Southeast Quarter (SE 1/4), Section 26, Township 109 North, Range 23 West, Le Sueur County, Minnesota, described as follows: Commencing at the Southeast corner of said Section 26, thence on an assumed bearing of North a distance of 922.90 feet to the point of beginning, thence on a bearing of West 164 feet, thence on a bearing of North a distance of 302.5 feet, thence on a bearing of East a distance of 164 feet, more or less, to the East Section line, and thence on a bearing of South a distance of 302.5 feet to the point of beginning, containing 1.14 acres.

SunShare, LLC
609 South 10th Street, Minneapolis, MN 55404

Conditional Use Permit Application



Description of Request:

a. LeSun LLC is requesting a conditional use permit for the purposes of constructing and operating a community solar garden.

b. **1. Proposed days and hours of operation:** The solar garden site will operate 24 hours a day, 365 days a year after construction has been completed. During construction, operating hours will be 8am-6pm. Construction will most likely occur during non-winter months.

2. Estimated number of persons to attend place of business/location on a daily or weekly basis: After construction, approximately 4 – 12 trips to the site will be conducted annually. Two or three people will be present on each trip.

3. List of public health plans:

i. **Water Supply:** No water will be required on site

ii. **Toilet facilities:** No toilet facilities will be on site

iii. **Solid Waste Collection:** No solid waste will be collected on site

4. Fire prevention: The solar garden will meet International Building Code (IBC), National Electric Code (NEC), and local electric and firecode. NEC Code is produced by the National Fire Protection Agency (NFPA) with safety of the public, contractors, and firefighters as the entire objective. Solar specific Code has been included in the NEC for over a decade. Safety is paramount in our solar PV facilities as we need them to function optimally for their entire system life.

5. Security plans: The solar garden will be fenced with 6 ft vinyl chain link for security.

6. Retail sales: There will not be any retail sales associated with this facility.

7. Food or alcohol served or for sale: N/A

8. Describe if the applicant requests the county to provide any services or county personnel:
N/A

9. Sound amplification, public address system, playing of music: N/A

10. Exterior lighting: There will not be any exterior lighting at the solar facility.

11. Parking and loading: Parking will be on an access road off Highway 60.

12. Signage: There will be signage, approximately 2' x 3', indicating utility hazard, company information, and contact information.

13. Road Access: The site will be accessed from Highway 60.

14. Certificate of Insurance: LeSun LLC has appropriate insurance coverage.

SunShare, LLC
609 South 10th Street, Minneapolis, MN 55404

Conditional Use Permit Application

15. Meet all applicable county, state, and federal regulations: The solar garden will comply with all applicable regulations.



SunShare, LLC
609 South 10th Street, Minneapolis, MN 55404

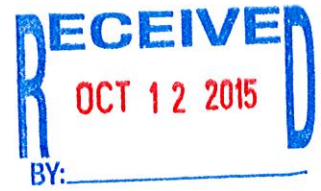


Exhibit C: Site Maps

SunShare, LLC
609 South 10th Street, Minneapolis, MN 55404

Information regarding LeSun solar project



General:

In 2013, the Minnesota State Legislature passed a landmark Community Solar Gardens law that established a new market in the solar industry. Similar legislation and programs are now being adopted by states, cities, and utilities across the nation.

Community Solar Gardens are field installations of solar panels connected directly to Xcel Energy's grid. Residents, businesses, and governmental customers can opt to use the solar energy from those panels to offset their electricity bill instead of installing panels on their property. Private companies like SunShare handle the land acquisition, solar array design, construction, financing, customer enrollment, and ongoing maintenance of the solar panel systems. The Minnesota program is especially important for the fast-growing Community Solar industry because it is the first program in the nation that is uncapped, allowing companies like SunShare to scale their businesses based on market demand, rather than mandatory utility or policy carve-outs and caps.

SunShare's local presence, community relationships, and years of experience in Community Solar Gardens are shown decisively through the decisions of our customers to work with us over our competition. Our first Colorado Springs Community Solar Gardens were fully subscribed within 10 weeks, a feat that garnered national attention. Our customers are residents, leaders in our community, renowned institutions, and local businesses. Our appeal to the residential customer base sets us aside from our competition - we have hundreds of homeowners participating in each of our current Solar Gardens and have consistently sold out our Solar Gardens before construction begins, an accomplishment no other Community Solar company can claim. We also recognize and acknowledge that Community Solar developers can play an important role in creating on-site habitats that support and generate environmentally beneficial pollinators, including monarch butterflies and various bee species. For this reason, we pledge to evaluate and when feasible adopt the use of pollinator-friendly ground-cover and vegetation-management practices for all the solar PV sites we develop and manage in Minnesota.

We have a local presence in Minnesota, with an office located in downtown Minneapolis and a strong leadership team. Former roles for our local management team include CEO of another community solar company in Minnesota and developers of utility-scale renewable energy projects throughout the Midwest, giving our team extensive experience with law, policy development, and regulatory law-making. This experience is further bolstered through our partnership with Mortenson Construction. Mortenson was incorporated in Minneapolis, Minnesota in 1954. Today, Mortenson has grown to over 2,100 team members with project operations across 48 states and select international locations. Mortenson has been ranked as the nation's 5th largest solar EPC contractor and has the breadth of experience needed to build successful Community Solar Gardens in Minnesota.



Erosion Control

Our engineering contractor will develop a detailed Stormwater Pollution Prevention Plan (SWPPP) and Erosion Control Plan prior to the start of construction that satisfies all local, state, and federal requirements. The SWPPP will include a summary of the general construction activity, what the receiving waters are, storm water mitigation and management measures, any wetland impact, project plans and specifications, temporary erosion prevention measures, temporary sediment control measures, inspection and maintenance activities, pollution prevention management measures, and final stabilization. Any hazardous or toxic materials brought on site will be stored, contained, and secured in compliance with the project Stormwater Pollution Prevention Plan (SWPPP) and section IV.F of the MPCA NPDES Construction General Permit MN R100001 and other applicable local and state permits. Additionally, industry standard Best Management Practices (BMPs) will be put in place; typical solar construction BMPs may include as appropriate, but are not limited to: run off control, solid waste control, retention ponds, vegetative ground cover, fiber rolls, silt fences, erosion blankets, etc.

The project will include both a temporary and permanent Erosion Control Plan (ECP). Erosion Control. BMPs may include minimizing amount of exposed soil, exposed soil areas within 200 feet of protected water to have temporary erosion protection, normal wetted perimeter of drainage ditch on site to be stabilized, no unbroken slope lengths greater than 75 feet for slopes of grade 3:1 or steeper, use of erosion blankets or vegetative ground cover etc.

Construction

Solar Modules: Solar modules will use monocrystalline or polycrystalline cell technology. The primary raw materials used in this type of module technology consist of but is not limited to aluminum, glass, silicon, trace amounts of phosphorous, boron, silver, and copper. Solar modules will be UL listed, CEC listed, and approved for use by the National Electrical Code (NEC).

Inverters, combiner boxes, transformers, disconnects: These are the primary electrical components required by the National Electric Code. The purpose of the inverter is to invert the DC sine wave to AC grid compatible frequency. Disconnects and combiner boxes are used to combine strings of modules, transition to different wire types, shut off the system and key nodes, and protect non-qualified workers from injury. Transformers are used to step up voltage to be compatible with local utility infrastructure. These components consist of but are not limited to copper, aluminum, steel, plastic, and other common material in electrical equipment.

Racking: Racking is used to attach the solar modules to the ground surface. There will be steel vertical members installed directly into the ground without the use of concrete foundations. The soil acts as the foundation. Long horizontal steel members will then connect to the vertical members. Finally, the modules will connect to horizontal members. The racking is typically anodized steel or aluminum



alloys. Company has historically used both fixed tilt and single-axis tracking technology. Single-axis trackers track or move east to west along with the sun throughout the day. An electric motor powers this mechanical action. Fixed tilt is fixed in place and faces in a southern direction.

Fence: There will be a fence protecting the solar equipment from vandalism and unqualified personnel entering the site. Typically the fence is a six (6') foot link fence.

Permitting: All required Federal, State, and Local approvals will be obtained. This includes but is not limited to conditional use permits, zoning, environmental, wildlife, aviation, electrical, structural, civil, and building permits or approvals.

Civil Construction: We try to select relatively flat sites whenever possible, but some sites do need grading and grubbing. We work with civil engineers and planning departments to ensure paths of drainage will not be altered and that storm water and erosion will be controlled. An access road will need to be added that connects the solar site to a nearby road, typically this is a county specified road base. Company also must pour concrete pad(s) where central electrical equipment will be located. Company may mow the native grass prior to construction to facilitate easier navigation, measuring, and marking. Company equipment and vehicles may cause disturbance to the soil during the construction period. Company plans to reseed the disturbed areas after construction is complete. Overall, we aim to maintain clean, organized sites that function for multiple decades.

Mechanical Construction: Company proposes to use vertical piers, pile driven directly into the soil. The soil itself serves as the foundation for the vertical piers. Mechanical construction also includes other racking supports, attaching PV modules, and mounting miscellaneous equipment.

Electrical Construction: Electrical construction consists of wiring solar modules, combiner boxes, inverters, transformers, disconnects, monitoring equipment, meters, switchgear, and other necessary components. Module wiring will be hidden under the modules and racking. Underground trenches will connect solar arrays and eventually meet at the point of interconnect (POI). Utility conductors will most likely come underground from an adjacent road and connect to the POI.

Inspection & Commissioning: Upon substantial completion of the solar facility we must pass an inspection with the utility and the authority having jurisdiction (AHJ). Passing inspection is a required step to close permits and to complete utility interconnect applications. Besides these inspections the Company will also conduct a rigorous commissioning procedure that serves as a means of quality control, performance diagnostic, and a financing requirement.

Operations and Maintenance: The Solar Energy Facility will operate for a period of 25 years with possible extended operations beyond the initial term. During this time Company will conduct occasional site inspections to conduct visual and electrical

diagnostics. In some circumstances equipment may need to be replaced. The native vegetation will be maintained so as not to shade or damage the equipment. Company will also have 24/7 data gathering including weather station, production monitoring, and surveillance.



MINNESOTA DEPARTMENT OF TRANSPORTATION APPLICATION FOR ACCESS (DRIVEWAY) PERMIT

Document Management System # _____
 District _____ Permit # _____
 C.S. _____ T.H. _____
 R.P. _____
 (THIS SECTION FOR MnDOT OFFICE USE ONLY.)

ATTACH A SKETCH OF THE PROPOSED WORK AREA AND RELATION TO TRUNK HIGHWAY.
 SUBMIT TO DISTRICT OFFICE OF MINNESOTA DEPARTMENT OF TRANSPORTATION.

APPLICANT LsSun LLC	TELEPHONE 612-701-4855	ADDRESS (Street, City, State, Zip) 609 South 10th Street, #210, Minneapolis, MN 55404
PROPERTY OWNER Patrick Gregor	TELEPHONE 507-521-5525	ADDRESS (Street, City, State, Zip) 40102 - 120th Street, Waseca, MN 56903

LOCATION OF PROPOSED WORK (City/Township) (County) (Distance) (N-S-E-W)	SPECIFIC ROAD INTERSECTION OR LANDMARK
Highway MN 60 in Waterville Le Sueur 0.17 Miles East of	Sakatah Cemetary Lane

WILL THIS ACCESS BE WITHIN TRIBAL LANDS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No IF YES, WHICH ONE?			
PURPOSE OF DRIVEWAY <input type="checkbox"/> Temporary <input type="checkbox"/> Field Entrance <input type="checkbox"/> Residential <input type="checkbox"/> Proposed Public Street <input checked="" type="checkbox"/> Commercial (Specify Type)	REQUESTED ENTRANCE WIDTH Feet	PROPERTY IS IN <input type="checkbox"/> Platted Area <input checked="" type="checkbox"/> Unplatted Area	ZONING FOR PROPERTY IS Ag.

IS BUILDING TO BE CONSTRUCTED <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (Specify Type) NA	WILL BUILDING BE <input type="checkbox"/> Temporary <input type="checkbox"/> Permanent	NUMBER OF PRESENT DRIVEWAYS TO PROPERTY
---	---	---

EXACT LOCATION OF PRESENT DRIVEWAY(S) None	EXACT LOCATION OF PROPOSED DRIVEWAY(S) 900 feet East of Sakatah Cemetary Lane on South side of road
---	--

LEGAL DESCRIPTION OF PROPERTY PID# 14.026.250 (Legal description attachde)

WORK TO START ON OR AFTER April 1, 2016	WORK TO BE COMPLETED BY August 1, 2016
--	---

APPLICANT'S ACCEPTANCE, WAIVER AND INDEMNIFICATION

The undersigned applicant hereby agrees to comply with applicable statutes, rules, and all the standard conditions and special provisions of this permit. The applicant understands and agrees that no work in connection with this application will be started until the application has been approved and the permit issued.

The applicant also understands that this permit may also be subject to the approval of local road authorities having joint supervision over said street or highway, and may be subject to applicant's compliance with the rules and regulations of the Minnesota Environmental Quality Board and/or any other affected governmental agencies.

The applicant is aware of circumstances or hazards that may arise while performing the work associated with this application that could result in injury, loss, damage or death, and the applicant assumes the risk of such circumstances, dangers or hazards, whether reasonably foreseeable or not.

The undersigned applicant expressly agrees that except for negligent acts of the State, its agents and employees, the applicant or his/her agents or contractor shall assume all liability for, and save the State, its agents and employees, harmless from any and all claims for damages, actions or causes of action arising out of the work to be done in connection with this application and permit.

NAME AND TITLE Chuck Beisner / Land Specialist	EMAIL ADDRESS CBeisner@mysunshare.com
DATE 10/13/2015	SIGNATURE

DO NOT WRITE BELOW THIS LINE

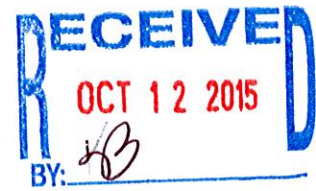
PERMIT NOT VALID UNLESS BEARING SIGNATURE AND NUMBER

AUTHORIZATION OF PERMIT

In consideration of the applicant's agreement to comply in all respects with the applicable laws and the conditions of the Commissioner of Transportation pertaining to this permit, permission is hereby granted for the work to be performed as described in the above application, said work to be performed in accordance with the following standard conditions and special provisions:

SEE ATTACHED STANDARD CONDITIONS AND SPECIAL PROVISIONS

Date All Work To Be Completed By	Authorized MnDOT Signature	Date of Authorized Signature
DISTRIBUTION Original to Area Maintenance Engineer Applicant Subarea Supervisor Roadway Regulations Supervisor	DEPOSIT REQUIREMENTS <input type="checkbox"/> No Deposit Required <input type="checkbox"/> Deposit Required in the Amount of \$ _____ Date Deposit Received _____ Deposit to be returned upon satisfactory completion of all work	DEPOSIT TYPE Cashier's Check # _____ Certified Check # _____ Money Order # _____ Bond # _____
DATE WORK COMPLETED (The date when the work is completed must be reported to the MnDOT District Permits Office)		



PERMIT SET
LESUN COMMUNITY SOLAR GARDEN
14437 STATE HWY 60, WATERVILLE, MN 56096



LESUN SOLAR GARDEN

14437 STATE HWY 60
WATERVILLE, MN 56096
Project # 32007000

DESIGNER: VI
REVIEWER: JPL
DATE: 9/22/2015

Tilt Angle: 25° | Azimuth:180°
Power Output (AC): 5.0 MW
Module: (21,600) @ 310 W
Inverter: (10) @ 500 KW

NOT FOR CONSTRUCTION

SCALE: 1/8" = 1'-0"

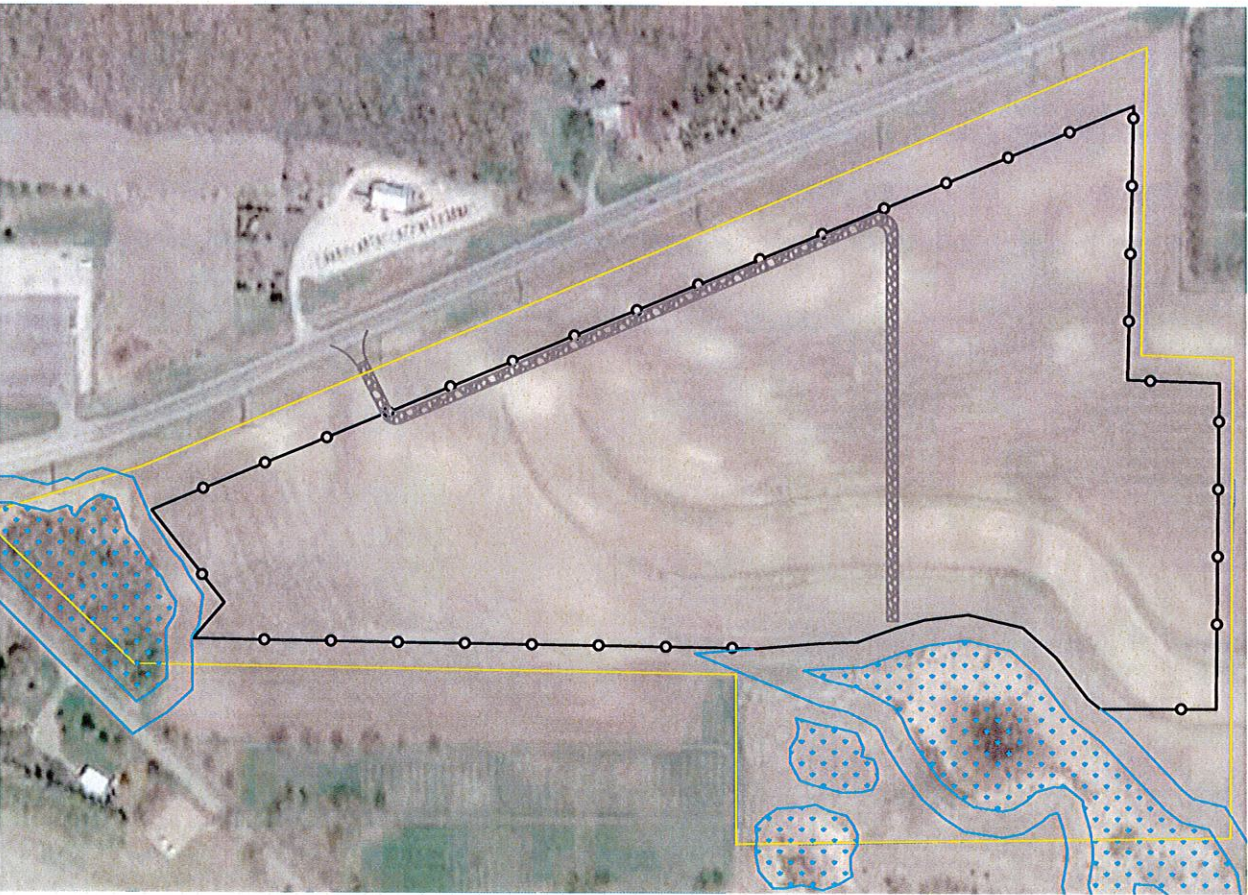
COVER SHEET

PV-00



VICINITY MAP

SHEET INDEX;
Sheet 1: COVER SHEET, EXISTING CONDITIONS
Sheet 2: PROPOSED DESIGN SITE PLAN
Sheet 3: RACKING AND FENCE DETAILS



SITE PLAN

DEVELOPER
SunShare, LLC
609 S 10th Street, Suite 210
Minneapolis, MN 55404

CONTRACTOR
Mortenson Construction
700 Meadow Lane North
Minneapolis, MN 55422

LESUN SOLAR GARDEN

14437 STATE HWY 60
WATERVILLE, MN 56096
Project # 32007000

DESIGNER: VI
REVIEWER: JPL
DATE: 10/14/2015

Tilt Angle: 25° | Azimuth: 180°

Power Output (AC): 5.0 MW

Modules: (21,600) @ 310 W

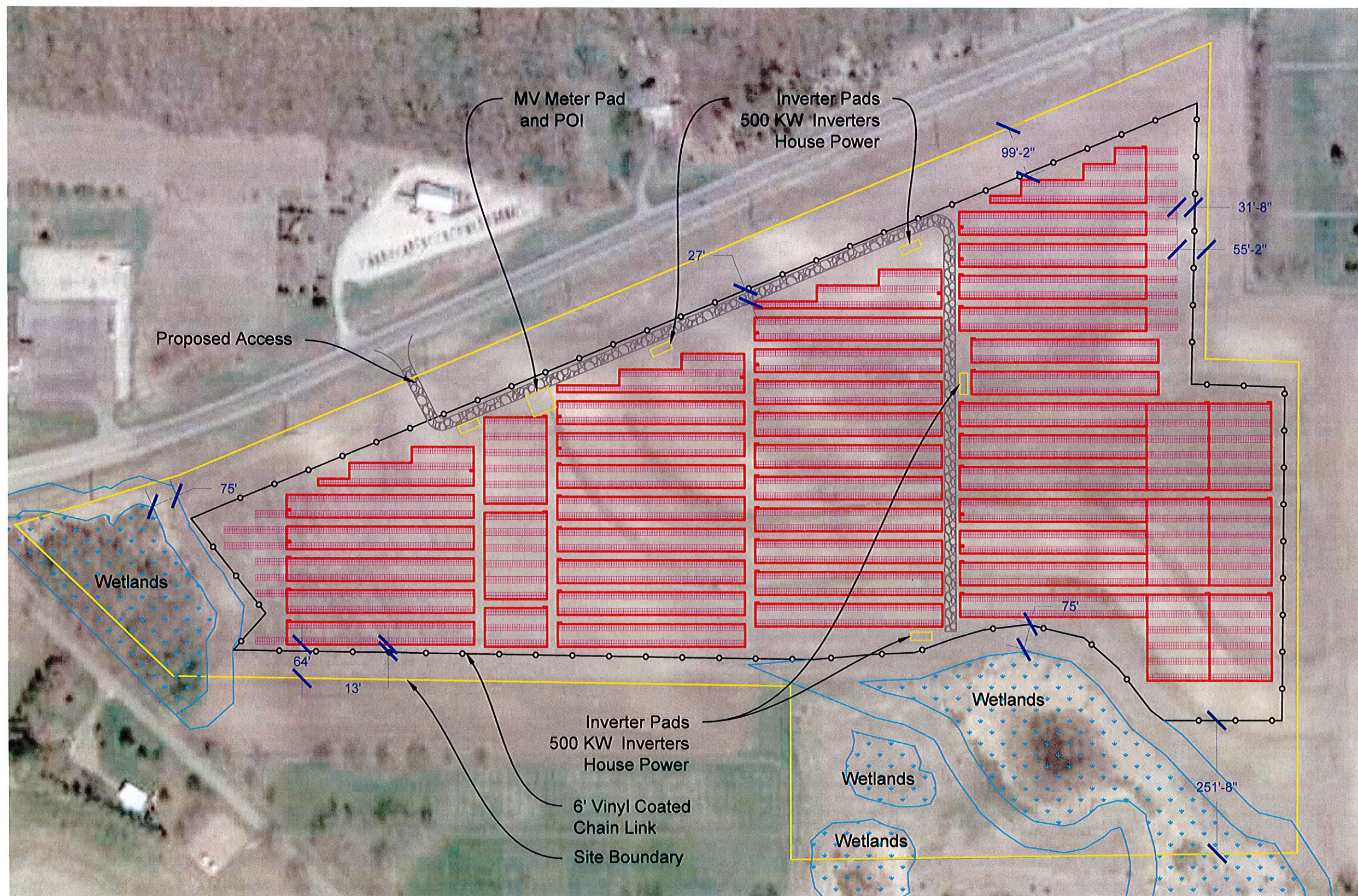
Inverters: (10) @ 500 KW

NOT FOR CONSTRUCTION

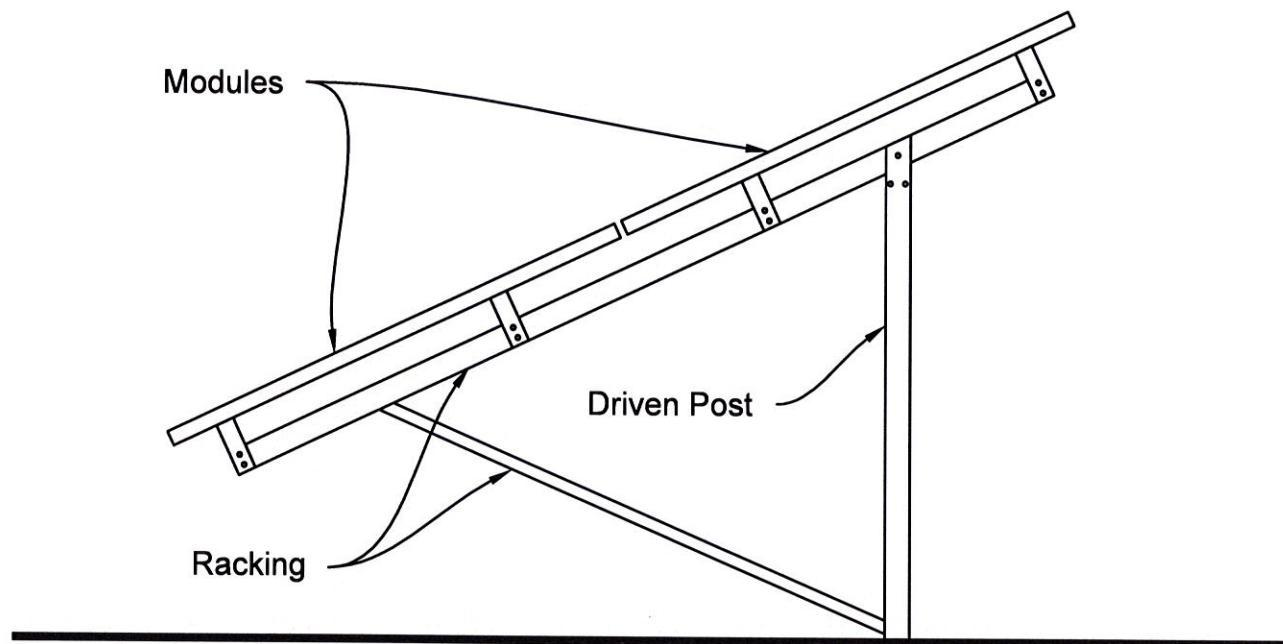
SCALE: 1/6" = 1'-0"

PRELIM SITE PLAN

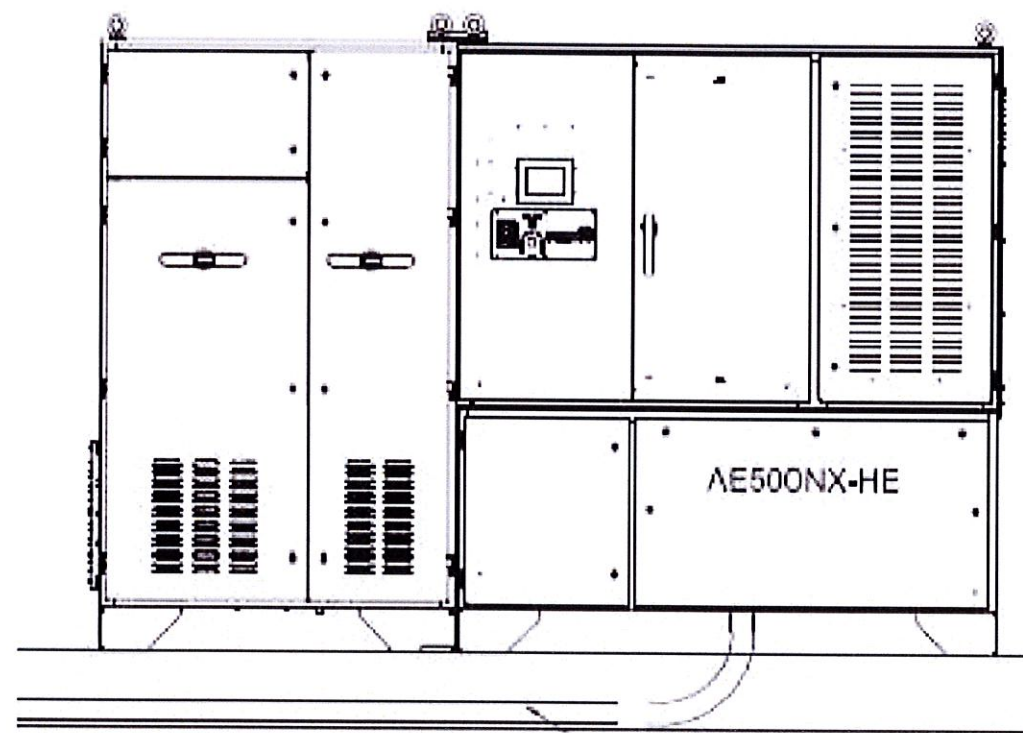
PV-01



1 Site Plan
Scale: 1/16" = 1'-0"



1 Racking Side Elevation
Scale: NTS



2 Typ. Inverter Elevation
Scale: NTS



3 Typ. Vinyl Coated Chain Link
Scale: NTS

LESUN SOLAR GARDEN

14437 STATE HWY 60
WATERVILLE, MN 56096
Project # 32007000

DESIGNER: VI
REVIEWER: JPL
DATE: 9/24/2015

Tilt Angle: 25° | Azimuth: 180°

Power Output (AC): 5.0 MW

Module: (21,600) @ 310 W

Inverter: (10) @ 500 KW

NOT FOR CONSTRUCTION

SCALE Scale: 1/6" = 1'-0"

DETAILS

PV-02



Le Sueur County, MN

Thursday, November 12, 2015

Regular session

Item 4

Section 17, Subsurface Sewage Treatment Systems Revisions, Le Sueur County Zoning Ordinance

Staff Contact: Kathy Brockway or Michelle Mettler

SECTION 17. SUBSURFACE SEWAGE TREATMENT SYSTEMS

SUBDIVISION 1. PURPOSE AND AUTHORITY

- A. This Section authorizes and provides for sewage treatment and soil dispersal in unsewered areas of the county. It establishes:
1. Minimum standards for and regulation of individual subsurface sewage treatment systems (ISTS) and mid-sized subsurface sewage treatment systems (MSTS) (collectively referred to as subsurface sewage treatment systems or SSTS) in unsewered incorporated and unincorporated areas of Le Sueur County incorporating by reference minimum standards established by Minnesota statutes and administrative rules of the Minnesota Pollution Control Agency (Agency).
 2. Requirements for issuing permits for installation, alteration, repair, or expansion of an SSTS.
 3. Requirements for all SSTS permitted under the revised Minnesota Rules, Chapters 7080 and 7081 to be operated under an approved management plan.
 4. Standards for upgrade, repair, replacement, or abandonment of an SSTS.
 5. Penalties for failure to comply with these provisions.
 6. Provisions for enforcement of these requirements, and
 7. Standards which promote the health, safety, and welfare of the public as reflected in Minnesota Statutes, Sections 115.55; 145A.05; 375.51; 394.21 through 394.37; and 471.82 and the Le Sueur County Land Use Plan and Zoning Ordinance.

B. PURPOSE

The purpose of this Section is to establish minimum requirements for regulation of ISTS and MSTS for the treatment and dispersal of sewage and standards for septage removal, transport, treatment, and disposal within the applicable jurisdiction of the County to protect public health and safety, surface and groundwater quality, and to prevent or eliminate the development of public nuisances. It is intended to serve the best interests of the County's citizens by protecting its health, safety, general welfare, and natural resources.

C. INTENT

It is intended by the County that this Section will promote the following:

1. The protection of lakes, rivers and streams, wetlands, and groundwater in Le Sueur County essential to the promotion of public health, safety, welfare, socioeconomic growth, and development of the County.
2. The regulation of proper SSTS construction, reconstruction, repair, and maintenance to prevent the entry and migration of contaminants, thereby protecting the degradation of surface and groundwater quality.
3. The establishment of minimum standards for SSTS placement, design, construction, reconstruction, repair, and maintenance to prevent contamination, and, if contamination is discovered, the identification and control of its consequences and the abatement of its source and migration.
4. The appropriate utilization of privy vaults and other non-water carried sewage collection and storage facilities.
5. The provision of technical assistance and education, plan review, inspections, SSTS surveys, and complaint investigations to prevent and control water-borne diseases, lake degradation, groundwater related hazards, and public nuisance conditions.

D. AUTHORITY

This Section is adopted pursuant to Minnesota Statutes, Section 115.55; Minnesota Statutes, Sections 145A.01 through 145A.08; Minnesota Statutes, Section 375.51; or successor statutes; and Minnesota Rules, Chapters 7080 through 7083; or successor rules.

E. EFFECTIVE DATE

The provisions set forth in this Section shall become effective [January 1, 2016](#). ~~February 3, 2010.~~

SUBDIVISION 2. GENERAL PROVISIONS

A. SCOPE

This Section regulates the siting, design, installation, alterations, operation, maintenance, monitoring, and management of all SSTS within the County's applicable jurisdiction including, but not necessarily limited to, individual SSTS, cluster or community SSTS, privy vaults, and other non-water carried SSTS. All sewage generated in unsewered areas of the County shall be treated and dispersed by an approved SSTS that is sited, designed, installed, operated, and maintained in accordance with the provisions of this Section or by a system that has been permitted by the Agency.

B. JURISDICTION

The jurisdiction of this Section shall include all lands of the County except for incorporated areas that administer an SSTS program by Ordinance within their incorporated jurisdiction, which is at least as strict as this Section and has been approved by the County. The Department shall keep a current list of local jurisdictions within the County administering an SSTS program.

C. ADMINISTRATION

1. **County**

The Department shall administer the SSTS program and all provisions of this Section. The County shall review, revise, and update this Section as necessary. The County shall employ or retain under contract qualified and appropriately licensed professionals to administer and operate the SSTS program.

2. **State of Minnesota**

- a. Where a single SSTS or group of SSTS under single ownership within one-half mile of each other has a design flow greater than 10,000 gallons per day, the SSTS owner or owner's agent shall make application for and obtain a State Disposal System permit from the Agency. A State Disposal System permit is required for any SSTS with a measured daily flow that equals or exceeds 10,000 gallons per day for a consecutive seven-day time period.
- b. SSTS serving establishments or facilities licensed or otherwise regulated by the State shall conform to the requirements of this Section.

3. **Cities and Townships**

Any jurisdiction within the County that regulates SSTS shall comply with the standards and requirements of this Section. The standards and ordinance of the jurisdiction may be administratively and technically more restrictive than this Section.

D. VALIDITY

The validity of this Section shall not be affected by any invalid part or parts of this Ordinance.

E. LIABILITY

Any liability or responsibility shall not be imposed upon the Department or Agency or any of its officials, employees, or other contract agent, its employees, agents, or servants thereof for damage resulting from the defective construction, operation, or abandonment of any onsite or cluster treatment system regulated under this rule by reason of standards, requirements, or inspections authorized hereunder.

SUBDIVISION 3. GENERAL REQUIREMENTS

A. RETROACTIVITY

1. All SSTS

All provisions of this Section shall apply to any SSTS regardless of the date it was originally permitted.

2. SSTS on Lots Created After January 23, 1996

All lots created after January 23, 1996 must have a minimum of two (2) soil treatment and dispersal areas that can support trenches, seepage beds, mounds, and at-grade systems as described in Minnesota Rules, Chapters 7080.~~2200 through 7080.2260 or site conditions described in 7081.0270, Subp. 3 through 7.~~ [through 7083, as amended from time to time.](#)

B. UPGRADE, REPAIR, REPLACEMENT, AND ABANDONMENT

1. SSTS Capacity Expansions

Expansion of an existing SSTS must include any system upgrades that are necessary to bring the entire system into compliance with the prevailing provisions of this Section at the time of the expansion.

2. Failure to Protect Groundwater

An SSTS that is determined not to be protective of groundwater, in accordance with Minnesota Rules, Chapter 7080.1500, Subp.4.B, shall be upgraded, repaired, replaced, or abandoned by the owner in accordance with the provisions of this Section within one (1) year of receipt of a Notice of Noncompliance.

3. Imminent Threat to Public Health or Safety

An SSTS that is determined to be an imminent threat to public health or safety, in accordance with Minnesota Rules, Chapter 7080.1500, Subp.4A, shall be upgraded, repaired, replaced, or abandoned by the owner in accordance with the provisions of this Section within [ten \(10\)](#) ~~six (6)~~ months of receipt of a Notice of Noncompliance.

4. Abandonment

Any SSTS, or any component thereof, which is no longer intended to be used, must be abandoned by a licensed installation business and in accordance with Minnesota Rules, Chapter 7080.2500.

C. SSTS IN FLOODPLAINS

An SSTS shall not be located in a floodway, and wherever possible, location within any part of a floodplain, shall be avoided. If no option exists to locate an SSTS outside of a floodplain, location within the flood fringe is allowed if the requirements in Minnesota Rules, Chapter 7080.2270 and all relevant local requirements are met.

D. CLASS V INJECTION WELLS

All owners of new or replacement SSTS that are considered to be Class V injection wells, as defined in the Code of Federal Regulations, title 40, parts 144 and 146, are required by the federal government to submit SSTS inventory information to the Environmental Protection Agency as described in CFR40, part 144. Further, SSTS owners are required to identify all Class V injection wells in property transfer disclosures.

E. SSTS PRACTITIONER LICENSING

1. No person shall engage in site evaluation, inspection, design, installation, construction, alteration, extension, repair, maintenance, or pumping of an SSTS without an appropriate and valid license issued by the Agency in accordance with Minnesota Rules, Chapter 7083 except as exempted in 7083.0700.
 - a. Minnesota Rules, Chapter 7083.0700.B: The County will allow homeowners to install their own systems provided they are non-pressurized systems.
 - b. The system shall be inspected by the Department (Pictures, and/or record drawings in lieu of Department inspection shall be prohibited).

F. PROHIBITIONS

1. **Occupancy or Use of a Structure without a Compliant SSTS**

It is unlawful for any person to maintain, occupy, or use any structure intended for habitation that is not provided with a wastewater treatment system that disposes of wastewater in a manner that does not comply with the provisions of this Section.

2. **Sewage Discharge to Ground Surface or Surface Water**

It is unlawful for any person to construct, maintain, or use any SSTS system regulated under this Section that results in raw or partially treated wastewater seeping to the ground surface or flowing into any surface water. Any surface discharging system must be permitted under the National Pollutant Discharge Elimination System (NPDES) program by the Agency.

3. Sewage Discharge to a Well or Boring

It is unlawful for any person to discharge raw or treated wastewater into any well or boring as described in Minnesota Rules, Chapter 4725.2050, or any other excavation in the ground that is not in compliance with this Section.

4. Discharge of Hazardous Materials

It is unlawful for any person to discharge into any sewage treatment system regulated under this Section any hazardous material that adversely affects the treatment or dispersal performance of the system or groundwater quality.

SUBDIVISION 4. SSTS STANDARDS

A. STANDARDS ADOPTED BY REFERENCE

The County hereby adopts by reference Minnesota Rules, Chapters 7080 and 7081 in their entirety as now constituted and as amended from time to time. This adoption does not supersede the County's right or ability to adopt local standards that are in compliance with Minnesota Statute, Section 115.55.

B. AMENDMENTS TO THE ADOPTED STANDARDS

1. List of Adopted Standards

- a. Type V Systems will not be allowed.
- b. Three (3) feet of vertical separation shall be required for all SSTS.
- c. Systems deemed as failing to protect groundwater shall be updated within one (1) year of receiving a Notice of Non Compliance (NONC).
- ~~d. Systems deemed an Imminent Threat to Public Health (ITPH) shall be updated within six (6) months of NONC.~~
- d. Septic designs must be submitted to the Department within twenty (20) calendar days after receipt of NONC or [Imminent Threat to Public Health](#) (ITPH).
- e. Request to the Department for a septic inspection or soil verification must be received one (1) calendar day prior to the inspection.
- f. Record drawings must be submitted to the Department within five (5) calendar days.
- g. Property transfers with a NONC must be updated within one (1) year of the NONC or within one year of the transfer, whichever occurs first.

- h. If compliance inspections cannot be performed between November 1 and April 30 due to soil conditions and/or weather conditions for property transfers and/or permit requirements, the compliance inspection is required to be submitted to the Department by the following June 1.
 - 1. If the SSTS is determined not to be protective of groundwater, the landowner shall submit a certificate of compliance by the following September 30th.
 - 2. If the SSTS is determined to be an imminent threat to public health or safety, the landowner shall submit a certificate of compliance by the following June 30th.
 - 3. Permits and/or variances may be issued by the County during this period in the County's sole discretion .
- i. The Compliance Inspection shall be the responsibility of the landowner.
- j. In lieu of a compliance inspection, the landowner shall provide a signed and notarized Waiver to the Department acknowledging that without an inspection the septic system servicing the property is non-compliant.
- ~~k. In all non-shoreland Zoning Districts, any zoning permits requested for the principal structure shall require a compliance inspection.~~
- k. ~~In all shoreland Zoning Districts,~~ Any zoning permits requested shall require a compliance inspection.
- l. A fifty (50) foot setback is required from the top of the drainage ditch or waters of the state, unless otherwise designated.
- m. A seventy-five (75) foot setback from Type 3 through 8 wetlands.
- n. A ten (10) foot setback from a septic tank to a pool.
- o. A twenty (20) foot setback from the absorption area to a pool.
- p. No SSTS shall be constructed within thirty (30) feet from the top or the toe of a bluff, SSTS upgrade and/or replacement for an existing dwelling shall be exempt from this standard, however, must not be located within the bluff.
- q. Continued use of an existing treatment tank shall be exempt from the required setback to a structure provided the tank meets all requirements of this Section and shall not be located under or within a structure or other impermeable surface.
- r. Abandonment of an SSTS shall be performed by a licensed installation business.

2. Determination of Hydraulic Loading Rate and SSTS Sizing

Table IX from Minnesota Rules, Chapter 7080.2150, Subp. 3(E) entitled “Loading Rates for Determining Bottom Absorption Area and Absorption Ratios Using Detail Soil Descriptions” and herein adopted by reference shall be used to determine the hydraulic loading rate and infiltration area for all SSTS permitted under this Section.

3. Compliance Criteria for Existing SSTS

- a. An SSTS built before April 1, 1996, outside of areas designated as shoreland areas, wellhead protection areas, or an SSTS providing sewage treatment for food, beverage, or lodging establishments, must have at least two (2) feet of vertical separation between the bottom of the dispersal system and the periodically saturated soil or bedrock.
- b. An SSTS built after March 31, 1996 or an SSTS located in a shoreland area, wellhead protection area, or serving a food, beverage, or lodging establishment as defined under 7080.1100, Subp. 84 shall have three (3) feet of vertical separation between the bottom of the dispersal system and the periodically saturated soil or bedrock. An existing system may be considered compliant under this Section if there is less than a fifteen (15) percent reduction in vertical separation (a separation distance of no less 30.6 inches) to account for the settling of sand or soil, normal variation of separation distance measurements, and interpretation of limiting layer characteristics.
- c. The vertical separation measurement described above shall be measured outside the area of system influence but in an area of similar soil as required in Minnesota Rules, Chapter 7080.1500, Subp.4.

4. Holding Tanks

- a. Holding tanks shall be installed in accordance with Minnesota Rules. Chapter 7080.2290. ~~and Chapter 7081.0240, Subp. 2.E~~
- b. Holding tanks may be allowed for areas only where it can be shown conclusively that a Type 1 SSTS, permitted under this Section, cannot be feasibly installed without a variance.
- c. Holding tanks shall not be allowed for any other wastewater applications except for the following:
 1. Other Establishments
 2. Conforming Accessory Structures.

C. VARIANCES

1. Variance Requests

A landowner may request a variance from the standards as specified in this Ordinance pursuant to county policies and procedures. The standards for the granting of a variance shall be those in this Ordinance, and any additional standards set forth in pertinent statutes and rules of the Agency.

2. Affected Agency

The County may only allow variances to the horizontal setbacks set forth below. Variances that pertain to the standards and requirements of the state of Minnesota must be approved by the affected state agency pursuant to the requirements of the state agency. Variances to wells and water supply lines must be approved by the Minnesota Department of Health.

D. SETBACKS

1. SSTS to structure
 - a. Absorption area ~~to structure~~ 20'
 - b. Tank ~~to structure~~ 10'
2. SSTS to property line 10'
3. SSTS to road Right-Of-Way (ROW) 20'
4. SSTS to road ROW for a nonconforming Lot of Record 10'
5. SSTS to Ordinary High Water Level (OHWL)
 - a. **Natural Environment (NE) Lake**
 1. Special Protection (SP) District 200'
 2. Recreational Residential (RR) District 200'
 3. Recreational Commercial (RC) District 75'
 - b. **Recreational Development (RD) Lake**
 1. Special Protection (SP) District 100'
 2. Recreational Residential (RR) District 75'
 3. Recreational Commercial (RC) District 75'
6. SSTS to Agricultural/ Transitional River, Tributary Stream 100'
7. SSTS to drainage ditch or waters of the state 50'
8. SSTS to Type 3 through 8 wetland 75'
9. SSTS to bluff 30'

- a. SSTS upgrade and/or replacement for an existing dwelling:
 1. Shall be exempt from bluff setback.
 2. May be located within the bluff impact zone.
 3. Shall not be located within the bluff.

10. SSTS to pool
 - a. [Absorption area](#) ~~10'~~
20'
 - b. [Structure](#) 10'

11. SSTS to buried water lines and water supply wells as defined in Minnesota Rules Chapters 4715 & 4725.

SUBDIVISION 5. SSTS PERMITTING

A. PERMIT REQUIRED

It is unlawful for any person to construct, install, modify, replace, or operate an SSTS without the appropriate permit from the Department. The issuing of any zoning permit, variance, or conditional use under the provisions of this Ordinance shall not absolve the applicant of responsibility to obtain any other required permit.

B. PERMIT

1. The SSTS owner or owner's agent shall obtain a zoning permit from the Department prior to the installation, construction, replacement, modification, alteration, repair, or capacity expansion of an SSTS. The purpose of this permit is to ensure that the proposed activity is sited, designed, and constructed in accordance with the provisions of this Section by appropriately certified and/or licensed practitioner(s).

2. Activities Requiring a Permit

A zoning permit is required for installation of a new SSTS, for replacement of an existing SSTS, or for any repair or replacement of components that will alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function.

3. Activities Not Requiring a Permit

A zoning permit is not required for minor repairs or replacements of system components that do not alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function.

4. Permit Required

An SSTS design must be submitted and approved prior to the issuance of a zoning permit for SSTS activity.

5. Conformance to Prevailing Requirements

- a. Any activity involving an existing system that requires a zoning permit shall require that the entire system be brought into compliance with this Section.
- b. Continued use of an existing treatment tank shall be exempt from the required setback to a structure provided the following:
 1. The tank meets tank integrity requirements.
 2. Tank integrity documentation must be submitted by an appropriately certified and/or licensed practitioner.
 3. Shall not be located under or within a structure or other impermeable surface.

6. Monitoring and Disposal Contract

- a. Owners of holding tanks shall provide to the Department a copy of a valid monitoring and disposal contract executed between the owner and a licensed maintenance business, which guarantees the removal of the holding tank contents in a timely manner that prevents an illegal discharge in accordance with Minnesota Rules, Chapter 7082.0100, Subp. 3G.
 1. This requirement is waived if the SSTS owner is a farmer who is exempt from licensing under Minnesota Statutes, section 115.56, subdivision ~~2~~ 3, paragraph (b), clause (3).

7. Permit Requirements for ISTS

- a. Owner name, mailing address, and telephone number.
- b. Property Identification Number and address or other description of property location.
- c. Site Evaluation Report as described in Minnesota Rules, Chapter 7080.1730.
- d. Design Report as described in Minnesota Rules, Chapter 7080.2430.
- e. Management Plan as described in Minnesota Rules, Chapter 7082.0600.
- f. Additional information as deemed necessary by the Department.

8. Permit Requirements for MSTs

- a. Owner name, mailing address, and telephone number.
- b. Property Identification Number and address or other description of property location.
- c. Soil and Site Report as described in Minnesota Rules, Chapter 7081.0200.
- d. Groundwater Investigation as described in Minnesota Rules, Chapter 7081.0210.
- e. Design Report as described in Minnesota Rules, Chapter 7081.0270, Subp. 11.
- f. Operation and Maintenance Plan as described in Minnesota Rules, Chapter 7080.2450 and Chapter 7081.0290.
- g. Management Plan as described in Minnesota Rules, Chapter 7082.0600.
- h. Additional information as deemed necessary by the Department.

9. Application Review and Response

- a. The Department shall review the permit application and supporting documents.
- b. Upon satisfaction that the proposed work will conform to the provisions of this Section, the SSTS owner or owner's agent shall obtain a zoning permit authorizing construction of the SSTS as designed.
- c. In the event the designer makes a significant change to the approved design documentation, the designer must file an amended documentation detailing the changed conditions for approval prior to initiating or continuing construction, modification, or operation for approval or denial.
 - 1. The Department shall the review of the amended design.
 - 2. Upon satisfaction that the amended design will conform to the provisions of this Section, the SSTS owner or owner's agent shall obtain a new zoning permit authorizing construction of the SSTS as designed.
- d. If the design, is incomplete or does not meet the requirements of this Section, the Department shall deny the design. A notice of denial shall be provided to the designer, which must state the reason for the denial.

10. Appeal

The SSTS owner or designer may appeal the Department's decision to deny the permit in accordance with the County's established policies and appeal procedures.

C. OPERATING PERMIT

1. SSTS Requiring an Operating Permit

- a. An operating permit shall be required of all owners of new MSTs, Type IV, or any other system deemed by the Department to require operational oversight.
- b. An operating permit shall be required of all owners of existing MSTs, Type IV, or any other system deemed by the Department to require operational oversight upon the following:
 1. Transfer of ownership.
 2. Any replacement, modification or expansion requiring a zoning permit.
 3. Following any SSTS enforcement action.
- c. The SSTS owner shall be responsible for the operating permit.

2. Operating Permit Application Requirements

- a. Application for an operating permit shall be made as provided by the Department including:
 1. SSTS owner name, mailing address, and telephone number.
 2. Property Identification Number.
 3. Permit reference number and date of issuance.
 4. Record drawings.

3. Department Response

If the submitted documents fulfill the requirements, the Department shall issue an operating permit.

4. Operating Permit Terms and Conditions

The operating permit shall comply with Minnesota Rules, Chapter 7082.0600, Subp.2-~~B~~.

5. Operating Permit Expiration and Renewal

- a. Operating permits shall be valid for three (3) years from date of Certificate of Compliance. The Department shall notify the holder of an operating permit at least ninety (90) calendar days prior to expiration.
- b. An operating permit must be renewed thirty (30) days prior to its expiration. If not renewed, the Department will issue a Notice of Noncompliance.
- c. Application shall be made as provided by the Department.

6. Amendments to Existing Operating Permits

The Department may not amend an existing operating permit to reflect changes in this Section until the operating permit term has expired and is renewed, unless an amendment is necessary to eliminate an imminent threat to public health or safety.

7. Transfers

The operating permit may be transferred to the new landowner.

8. Suspension or Revocation

- a. The Department may suspend or revoke any operating permit issued under this Section for any false statements or misrepresentations of facts on which the operating permit was issued.
- b. Notice of suspension or revocation and the reasons for revocation shall be conveyed in writing to the SSTS owner.
- c. If suspended or revoked, the Department will issue a Notice of Noncompliance.
- d. At the Department's discretion, the operating permit may be reissued upon the SSTS owner taking appropriate corrective actions.

9. Compliance Monitoring

- a. Performance monitoring of an SSTS shall be performed by a licensed service provider hired by the holder of the operating permit in accordance with the monitoring frequency and parameters stipulated in the permit.
- b. A monitoring report shall be prepared and certified by a licensed service provider. The report shall be submitted to the Department on or before the compliance reporting date stipulated in the operating permit. The report shall contain a description of all maintenance and servicing activities performed since the last compliance monitoring report as described below:

1. SSTS owner name, mailing address, and telephone number.
2. Property Identification Number.
3. Operating permit number.
4. Average daily flow since last compliance monitoring report.
5. Description of type of maintenance and date performed.
6. If required, analytical laboratory used and results of analyses.
7. Problems noted with the system and actions proposed or taken to correct them.
8. Name, signature, and certification and license number of the licensed professional who performed the work.

D. ABANDONMENT CERTIFICATION

1. **Purpose**

The purpose of the abandonment certification is to ensure that a treatment system no longer in service is abandoned within a reasonable time following decommissioning and in a manner that protects public health, safety, and water quality. It also terminates all permits associated with the system.

2. **Abandonment Requirements**

- a. Whenever the use of an SSTS or any system component is discontinued as the result of a system repair, modification, replacement, or decommissioning following connection to a municipal or private sanitary sewer or condemnation or demolition of a structure served by the system, further use of the system or any system component for any purpose under this Section, shall be prohibited.
- b. Continued use of a treatment tank, where the tank is to become an integral part of a replacement system or a sanitary sewer system, requires a written statement by an appropriately certified and/or licensed practitioner.
- c. An owner of an SSTS must retain a licensed installation business to abandon all components of the treatment system. Abandonment shall be completed in accordance with Minnesota Rules, Chapter 7080.2500.
- d. A report of abandonment certified by the licensed installation business shall be submitted to the Department within fifteen (15) calendar days of completed system abandonment.

3. **Certificate of Abandonment**

The Department shall keep on file a copy of the Certificate of Abandonment as submitted by a licensed installation business.

SUBDIVISION 6. MANAGEMENT PLANS

A. PURPOSE

The purpose of management plans is to describe how a particular SSTS is intended to be operated and maintained to sustain the performance required. The plan is to be provided by the certified designer to the SSTS owner when the treatment system is designed.

B. MANAGEMENT PLAN REQUIREMENTS

1. **SSTS Requiring Management Plans**

Management plans are required for all new or replacement SSTS. The management plan shall be submitted to the Department with the permit for review and approval. The Department shall be notified of any system modifications made during construction, and the management plan revised and resubmitted at the time of final construction certification.

2. **Required Contents of a Management Plan**

a. Management Plans shall contain all the information required by Minnesota Rules, Chapter 7082.0600, Subp.1.

b. Other requirements as determined by the Department.

3. **Requirements for Systems not Operated under a Management Plan** as described in Minnesota Rules, Chapter 7082.0100, Subp. 3.(L).

a. SSTS that are not operated under a management plan or operating permit must have their treatment tanks inspected and provide for the removal of solids accumulation at least once every three (3) years as described in Minnesota Rules, Chapter 7080.2450.

SUBDIVISION 7. COMPLIANCE INSPECTION PROGRAM

A. COMPLIANCE INSPECTION

1. **SSTS compliance inspections must be performed:**

a. To ensure compliance with applicable requirements.

- b. Prior to issuance of any zoning permit. ~~within Shoreland Zoning Districts.~~
 - ~~e. Prior to issuance of a zoning permit for single family dwellings or any change in the principle structure in all non-shoreland Zoning districts.~~
 - c. For all new SSTS construction replacement.
 - d. At any time as required by this Section or when the Department deems appropriate, such as upon receipt of a complaint or other notice of a system malfunction.
2. It shall constitute a compliance inspection when a party who is not the SSTS owner conducts an evaluation, investigation, inspection, recommendation, or other process used to prepare a disclosure statement. This process shall be conducted in accordance with Minnesota Rules, Chapter 7082.0700 using the SSTS inspection report forms provided by the Agency.

B. DEPARTMENT RESPONSIBILITY

1. It is the responsibility of the Department, or its agent, to perform various SSTS compliance inspections on new SSTS, for replacement of an existing SSTS, or for any repair or replacement of components that will alter the original function of the system, change the location of the system, or otherwise change the original system's design, layout, or function to assure that the requirements of this Section are met.
2. The Department shall be given access to enter a property at any reasonable time to inspect the SSTS system. As used in this paragraph, "property" does not include a residence or private structure.
3. No person shall hinder or otherwise interfere with the Department's employees in the performance of their duties and responsibilities pursuant to this Ordinance. Refusal to allow reasonable access to the property by the Department shall be deemed a separate and distinct offense.

C. NEW CONSTRUCTION OR REPLACEMENT

1. Compliance inspections must be performed on new or replacement SSTS to determine compliance with Minnesota Rules, Chapters 7080 or 7081. All compliance inspections must be performed and signed by qualified employees. An SSTS found to be noncompliant with other applicable requirements must be repaired or replaced according to the Department's requirements.
2. Soil Verifications-Periodically Saturated Soils Dispute Procedures between a certified licensed business and the Department shall:
 - a. Meet on-site with designer;

- b. If not resolved, meet on-site with another qualified employee from the Department along with the designer;
 - c. If not resolved, hire a Minnesota licensed professional soil scientist who is a certified SSTS designer or inspector at the landowner's expense to make the final judgment.
3. It is the responsibility of the SSTS owner or the owner's agent to notify the Department, one (1) calendar day prior to soil verification and/or inspection of the SSTS.
4. The Department will conduct up to three (3) inspections during construction of the SSTS at such time to assure that the system has been constructed per submitted and approved design.
 - a. If proper notice is received and the Department does not appear for an inspection within two (2) hours after time set, the permittee may complete the installation.
 - b. The permittee shall then file a signed record drawing including photographs of the system prior to covering with the Department within five (5) calendar days that the work was installed in accordance with the submitted design, permit conditions, and that it was free from defects.
5. Signed record drawings shall be submitted to the Department within five (5) calendar days.
6. The Department shall issue a Certificate of Compliance for new SSTS construction or replacement, which shall be valid for five (5) years. The Department must have reasonable assurance that the system was built in accordance with the applicable requirements as specified in the design and permit. The Certificate of Compliance shall become invalid if the Department finds evidence of noncompliance.
7. The Certificate of Compliance must include a certified statement by a certified, licensed inspector or qualified employee who conducted the inspection that the SSTS is or is not in compliance with the Section requirements. If the SSTS is determined not to be in compliance with the applicable requirements, a Notice of Noncompliance shall be issued to the SSTS owner, which includes a statement specifying those Section provisions with which the SSTS does not comply.
8. The Department shall issue the Certificate of Compliance or Notice of Noncompliance to the SSTS owner or the owner's agent within fifteen (15) calendar days of receipt all necessary documentation from the septic installer.

D. EXISTING SYSTEMS

1. Compliance inspections shall be required when any of the following conditions occur:
 - a. Prior to issuance of any zoning permit. ~~within Shoreland Zoning Districts~~

- ~~b. Prior to issuance of a zoning permit requested for all single-family dwellings or change in the principal structure for all non-shoreland Zoning districts.~~
- b. Upon receipt of a variance and/or conditional use permit application.
 - c. When a construction permit is required to repair, modify, or upgrade an existing system.
 - d. Any time there is a change in use of the property and/or expansion of the structure being served by an existing SSTS, which may impact the performance of the system.
 - e. Prior to property sale or transfer.
 - f. At any time as required by this Section or the Department deems appropriate such as upon receipt of a complaint or other notice of a system malfunction.
- 2. All property conveyances subject to this Section occurring during the period between November 1 and April 30, or when an SSTS compliance cannot be determined due to frozen soil conditions, shall require a compliance inspection by the following June 1 by a licensed inspection business.
 - a. If the SSTS is determined not to be protective of groundwater, the landowner shall submit a certificate of compliance by the following September 30th.
 - b. If the SSTS is determined to be an imminent threat to public health or safety, the landowner shall submit a certificate of compliance by the following June 30th.
 - 3. Compliance inspections of an existing SSTS shall be documented on the inspection report forms provided by the Agency. Requirements for inspection reports are described in Minnesota Rules, Chapter 7082.0700. Requirements for inspection reports are described in Minnesota Rules, Chapter 7082.0700, Subp. 4(B).
 - 4. Periodically saturated soils dispute procedure between two (2) certified, licensed businesses as described in Minnesota Rules 7082.0700, Subp. 5.
 - 5. SSTS that are determined to have operational or monitoring deficiencies must immediately be maintained, monitored, or otherwise managed according to the operating permit.
 - 6. In lieu of a compliance inspection, the landowner shall provide a signed and notarized Waiver to the Department acknowledging that without an inspection the septic system servicing the property is non-compliant.
 - 7. The Certificate of Compliance must include a certified statement by a qualified employee or licensed inspection business, indicating whether the SSTS is in compliance with the

Section requirements. If the SSTS is determined not to be in compliance with the applicable requirements, a Notice of Noncompliance must include a statement specifying those Section provisions with which the SSTS does not comply. A permit application must be submitted to the Department if required. The Certificate of Compliance or Notice of Noncompliance must be submitted to the Department and to the SSTS owner or the owner's agent from the licensed inspection business no later than fifteen (15) calendar days after the date the inspection was performed.

8. Certificates of Compliance for existing SSTS shall remain valid for three (3) years from the date of issue unless the Department finds evidence of noncompliance.

F. TRANSFER OF PROPERTIES

1. Whenever a conveyance of land occurs upon which a structure is located that has an existing SSTS, a Compliance Inspection shall be provided by the seller to the buyer at or before the closing date, unless there is a valid Certificate of Compliance on file with the Department.
2. The compliance inspection need not be completed if the sale or transfer involves the following circumstances:
 - a. The affected tract of land is without structures or contains no structures with plumbing fixtures.
 - b. The transfer does not require the filing of a Certificate of Real Estate Value, as described in Minnesota Statutes, Section 272.115, Subdivision 1.
 - c. The sale or transfer completes a contract for deed or purchase agreement entered into prior to June 18, 1996. This subsection applies only to the original vendor and vendee on such a contract.
 - d. Any structures that are connected exclusively to a municipal wastewater treatment system; any structures that are located within the jurisdiction of the County with an approved agreement requiring exclusive connection to a municipal wastewater treatment system; or, any structures that are connected exclusively to an approved wastewater treatment facility other than an individual sewage treatment system.
3. [In lieu of a compliance inspection, the landowner shall provide a signed and notarized Waiver to the Department acknowledging that without an inspection the septic system servicing the property is non-compliant.](#)
4. The responsibility of upgrading the non-complying SSTS shall be that of the landowner.

SUBDIVISION 8. ENFORCEMENT

A. VIOLATIONS

1. Cause to Issue a Notice of Violation

Any person, firm, agent, or corporation who violates any of the provisions of this Section, or who fails, neglects, or refuses to comply with the provisions of this Section, including violations of conditions and safeguards, or who knowingly makes any material false statement or knowing omission in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable as defined by Minnesota State Statutes. Each day that a violation exists shall constitute a separate offense.

2. Notice of Violation

- a. The Department shall serve, in person or by mail, a Notice of Violation (NOV) to any person determined to be violating provisions of this Section. The NOV shall contain:
 1. A statement documenting the findings of fact determined through observations, inspections, or investigations.
 2. A list of specific violation(s) of this Section.
 3. Specific requirements for correction or removal of the specified violation(s).
 4. A mandatory time schedule for correction, removal and compliance with this Section.

3. Cease and Desist Orders

Cease and desist orders may be issued when the Department has probable cause that an activity regulated by this Section or any other Section of this Ordinance is being or has been conducted without a permit or in violation of a permit. When work has been stopped by a cease and desist order, the work shall not resume until the reason for the work stoppage has been completely satisfied, any fees paid as deemed necessary by the Department, and the cease and desist order lifted.

B. PROSECUTION

In the event of a violation or threatened violation of any part of this Section, the County shall enforce the provisions of this Section as provided for and described in this Ordinance.

C. NOTIFICATION OF VIOLATION

The Department shall notify the Agency of any inspection, installation, design, construction, alteration, or repair of an SSTs by a licensed/certified person or any septage removal by a licensed maintainer that is performed in violation of the provisions of this Section or Minnesota Rules, Chapters 7080 or 7081.

D. RECORD KEEPING

The County shall maintain current record records as described in Minnesota Rules, Chapter 7082.0300, Subp.4.

E. FEES

From time to time, the County Board shall, by resolution, establish fees for activities undertaken by the Department pursuant to this Ordinance. Fees shall be due and payable at a time and in a manner to be determined by the Department.

F. INTERPRETATION

In their interpretation and application, the provisions of this Section shall be held to be minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other powers granted by Minnesota Statutes.

G. SEVERABILITY

If any subdivision, clause, provision, or portion of this Section is adjudged unconstitutional or invalid by a court of law, the remainder of this Ordinance shall not be affected and shall remain in full force.

H. ABROGATION AND GREATER RESTRICTIONS

It is not intended by this Section to repeal, abrogate, or impair any other existing County Ordinance, easements, covenants, or deed restrictions. However, where this Section imposes greater restrictions, the provisions of this Section shall prevail. All other Sections and/or Ordinances inconsistent with this Section, are hereby repealed to the extent of the inconsistency only.



Le Sueur County, MN

Thursday, November 12, 2015

Regular session

Item 1

Planning and Zoning Commission Draft Minutes

Staff Contact: Kathy Brockway or Michelle Mettler

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
September 10, 2015

MEMBERS PRESENT: Don Reak, Don Rynda, Chuck Retka, Shirley Katzenmeyer, Steve Olson, Doug Krenik, Pam Tietz
MEMBERS ABSENT: Betty Bruzek, Al Gehrke, Jeanne Doheny
OTHERS PRESENT: Kathy Brockway, Commissioner Connolly

The meeting was called to order at 7:00 PM by Vice-Chairperson, Steve Olson.

ITEM #1: CHRISTOPHER SEELY, CLEVELAND, MN, (APPLICANT/OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of 500 cubic yards of material outside the shore impact zone in a Special Protection "SP" District, on a Natural Environment "NE" lake, Lake Henry. Property is located in the Government Lot 1, Section 34, Cleveland Township & Government Lot 3, Section 3, Cleveland Township.

Kathy Brockway presented power point presentation. Christopher Seely was present for application.

TOWNSHIP: Notified Cleveland Township per the application process. **DNR:** No comments **LETTERS:** Joshua Mankowski, LSC Resource Specialist (see file)

PUBLIC COMMENT: none

Discussion was held regarding: removal of 150 cubic yards of material and replace with 350 cubic yards of material to change the elevation of the shed site, variance granted in July of 2015 for the placement of the shed, no change in the drainage of the lot, additional screening between the shed and lake per variance approval, required setback from the lake is 250 feet, shed will be 192 feet, gradual slope to the bluff.

Findings by majority roll call vote:

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.*
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.*
3. *Adequate utilities, access roads, drainage and other facilities are being provided.*
4. *Adequate measures 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.*

Motion was made by Doug Krenik to approve the application as presented. Seconded by Don Rynda. Motion approved. Motion carried.

ITEM #2: STEVAN HELMSTETTER, KASOTA, MN, (APPLICANT/OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of 1439 cubic yards of material in an Urban/Rural Residential "R1" District. Property is located in the NE 1/4 SW 1/4, Section 9, Kasota Township.

Kathy Brockway presented power point presentation. Stevan Helmstetter was present for application.

TOWNSHIP: Notified Joe Kienlen, Kasota Township Board member during the application process. **DNR:** No comments. **LETTERS:** Joshua Mankowski, LSC Resource Specialist (see file)

PUBLIC COMMENT: none

Discussion was held regarding: Erosion control measures, time frame for the project from start to finish, approximately 3 days, depending on weather, placement of piping within the bluff, existing pathway within the bluff, no maintenance required, concerns with vegetation cover this late in the season, line connecting the bed to the home will be approximately 3 feet wide trench, 6 feet deep through the bluff, geothermal heats and cools, K & K Plumbing of St. Peter will do the installation.

Findings by majority roll call vote:

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.*
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.*
3. *Adequate utilities, access roads, drainage and other facilities are being provided.*
 4. *Adequate measures 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.*

Motion was made by Don Reak to approve the application with the conditions;

1. *Work in the bluff should be restricted to remain within the driving path that has been used to access the lowland area*
2. *The trench must be filled in immediately once the pipes have been installed.*
3. *The disturbed soils within the trench should be compacted to reduce the chances of washout.*
4. *Silt fence needs to be correctly installed (staked and keyed into the ground) to protect the wetland and sloped areas should be covered with erosion control blanket.*
5. *Once work is done, the entire area should be seeded with native vegetation to stabilize the area and reduce colonization from noxious weeds.*
6. *Special attention should be payed to the weather forecast to reduce the chance of washout while work is done within the bluff.*

Seconded by Chuck Retka. Motion approved. Motion carried.

ITEM #3: ERIC SOLHEID CONSTRUCTION, NEW PRAGUE, MN, (APPLICANT); JOEL & DEBBIE SOLHEID, NEW PRAGUE, MN, (OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of 330 cubic yards of material outside the shore impact zone in a Special Protection "SP" District, on an un-named stream. Property is located in the W 1/2 NW 1/4, Section 3, Derrynane Township.

Kathy Brockway presented power point presentation. Eric Solheid was present for application.

TOWNSHIP: Notified Derrynane Township board member per the application process. **DNR:** No comments
LETTERS: Joshua Mankowski, LSC Resource Specialist (see file)

PUBLIC COMMENT: none

Discussion was held regarding: removing existing shed and replacing with a new shed, change elevation in order to meet the Regulatory Flood Protection Elevation, improvement on property, storage shed.

Findings by majority roll call vote:

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

Motion was made by Pam Tietz to approve the application as presented. Seconded by Don Rynda. Motion approved. Motion carried.

Motion was made by Don Reak to approve the minutes from the August 13, 2015 meeting by Seconded by Shirley Katzenmeyer. Motion approved. Motion carried.

Motion to adjourn meeting by Chuck Retka. Seconded by Don Reak. Motion approved. Motion carried.
 Meeting Adjourned.

Shirley Katzenmeyer
 Kathy Brockway
 Respectfully submitted,

Tape of meeting is on file in the Le Sueur County Environmental Services Office