

---

**From:** Landwehr, Tom (DNR)  
**Sent:** Tuesday, May 13, 2014 1:30 PM  
**To:** Seuffert, Will (MPCA)  
**Cc:** Stine, John (MPCA); Naramore, Barb (DNR)  
**Subject:** FW: Erickson Mine - Update from Houston County

FYI

Tom Landwehr  
Commissioner  
Minnesota Department of Natural Resources

*Take a Child Outdoors Today!*

**From:** Marilyn Bayer [<mailto:marilyn.bayer@gmail.com>]  
**Sent:** Tuesday, May 13, 2014 1:09 PM  
**To:** Landwehr, Tom (DNR); Stine, John (MPCA)  
**Subject:** Erickson Mine - Update from Houston County

Gentlemen,

This is being sent to you in the interest of bringing about a greater understanding of the current "playing field" here is Houston County, with regard to silica sand mining; and with the deepest respect and regard for the ethics and integrity with which you both carry out the missions of your respective agencies.

The Erickson mine is, as you know, one of five Houston County mines included in the Minnesota Sands multi-site EIS for which the EQB is the RGU.

Recently, there has been an interest on the part of the Houston County Environmental Services Department, and in particular, Zoning Administrator Bob Scanlan, to get the Erickson mine released from the multi-site EIS so he can issue a permit. He has also expressed an interest in simply

processing the request as a renewal, rather than a new permit. This department also adamantly maintains no additional conditions on the renewal are required because it will be a "construction sand mine" rather than a "silica sand mine".

As you know, the environmental risks from the mine are the same regardless of the end use, and the health risks posed by respirable silica dust are the same, as well.

There is concern on the part of neighbors this mine, which is roughly 500 - 600 feet from one neighbor's home, will pose serious health risks to themselves and their two small children.

This mine has been a concern for a couple of years now. In 2012, Tracie Erickson, and Minnesota Sands LLC, decided to violate Houston County's moratorium. The County Board issued a stop work order. Mr. Erickson, and Minnesota Sands LLC, sued Houston County to, among other things, bring an injunction against Houston County to lift the stop work order. After failing to answer repeated discovery orders, the judge denied the injunction (11/27/12), and later (10/24/13) dismissed the case with prejudice.

After learning of the possible renewal of the permit (which expired in January of 2013), the next door neighbor, Jackie Baker sent a strong email message to Houston County Commissioners. One of the commissioners, Judy Storlie, forwarded the message to Environmental Services Director, Rick Frank, who, in turn, forwarded it on to Zoning Administrator, Bob Scanlan. Mr. Scanlan then took an astounding step -- he forwarded the message thread along to Ms. Baker's employer, St. Mary's University, accusing her of "lies and outright slander," and saying that he holds "the entire university liable for the actions of Ms. Baker." (Ms. Baker sent the message from her work email.) The email thread is attached.

In addition, the message was forwarded to Ms. Baker's next-door neighbor, Tracie Erickson, Houston County Sheriff's Deputy and owner of the property on which the mine sits. The Ericksons sent a similar message to Ms. Baker's employer.

This is the sort of thing which is increasingly being experienced by Houston County residents who choose to exercise their first amendment right to publicly voice their concerns about silica sand mining. There are several people in the county who have voiced concerns about silica sand mining who have also been, subsequently, retaliated against by Mr. Scanlan.

This is also not the first retaliation experienced by the Bakers. Houston County Environmental Services Director, Rick Frank, also called in a complaint to the MPCA regarding the disposal of the house they tore down before building their current house. This was a disposal process which Mr. Frank himself had overseen.

This most recent example, however, rises to a level of harassment, as the story has actually gotten worse. The Bakers received a certified letter last week, from Mr. Scanlan, indicating their house (built in 2005) is too close to the mine, (which Mr. Erickson purchased in 2009) and they'll need to either, 1) get an after the fact variance, 2) move their house, or 3) tear down their house. So NOW somehow the house is determined to be too close to the mine? Really? Hmmm.

In addition, Rosie Iverson a (neighbor who purchased two cabins located behind the mine, from Thorsen, the original mine owner,) has apparently gotten a similar letter, saying "failure to get them into compliance with county ordinances will result in demolition." She has also taken steps to stop the mine.

One wonders why Mr. Scanlan and Mr. Frank have such a keen interest in getting the Erickson mine permitted. With his current recommendations to the county board, Mr. Scanlan seeks to bypass current ordinance requirements by "renewing" an expired permit, to ignore the judge's 11/27/12 order the more limited mining cannot take place until the moratorium is over (judge's memorandum on page 72 of your EQB packet), and to circumvent new DNR trout stream setback permit rules by renewing an expired permit.

The concern is the Erickson mine represents an attempt to allow silica sand mining "through the back door" by letting it take place under old, "grandfathered", permits, originally permitted as occasional-use sand pits.

Another highly interesting aspect of this particular project proposal is the "Operation and Reclamation Plan" submitted by Mr. Scanlan to Caroline Magnuson on 5/7/14 (included in your EQB packet starting on page 103).

Back in June of 2012, a company called G-Cubed submitted permit application documents for the original frac sand mine proposed for the Erickson property (attached). The documents in your EQB board packet appear to be the same documents, with a new title page, and certain portions manually masked out. For example, under the "Access" heading on the second page, the old plan calls for dust mitigation on the access road. The document in your packet does not include that point, but the space where it would have been is still there. The "Operations Map" is exactly the same, except the

old "Earthworks/Excavation Summary", previously under the "LEGEND" has been masked out, and, at the bottom right corner of the page, "Rick Frick" has been masked out and replaced with a handwritten "Tracie Erickson".

The area of the mine is the same. The minerals being extracted are the same. The names have been changed. Now, some of the minor safeguards included in the original documents have been omitted.

This looks like the same mine originally proposed. The potential for cumulative effects is still present, even more so if all the mines in Houston County are able to start mining silica sand under old permits. What would prevent Minnesota Sands LLC, from starting a new LLC and entering into a new lease with Erickson? As I understand it, these sorts of "shell games" are all too common in these circles. This mine needs to stay in the ordered EIS, as the cumulative environmental impacts of the mining will be the same.

These developments, including retaliation, harassment, and overly zealous mine support on the part of the Houston County Zoning Department are very troubling.

Any advice you may have on steps we can take to protect our county from the devastation posed by silica sand mining would be greatly appreciated, especially given the observable stance and actions of our zoning office.

This information is shared with you to give you a better understanding of the entire picture here in Houston County, and with the hope you may have some advice on how we might protect ourselves.

With kindest personal regards,

Marilyn Frauenkron Bayer  
15910 Catalpa Coulee Drive  
Houston, Minnesota 55943  
507-896-2301

*This electronic message is confidential and is intended only for the use of the individual/individuals to whom it is addressed. The information may also be legally privileged. This transmission is sent in trust, for the sole purpose of delivery to the intended recipient/s. If you have received this transmission in error, you are hereby notified that any use, dissemination, distribution or reproduction of this transmission is strictly prohibited. If you are not the intended recipient, please immediately notify the sender and delete the message from your system.*



----- Forwarded message -----

From: **Bob Scanlan** <[Bob.Scanlan@co.houston.mn.us](mailto:Bob.Scanlan@co.houston.mn.us)>

Date: Tue, Apr 29, 2014 at 4:23 PM

Subject: FW: A must read - from Jackie Baker

To: "[eperalez@smumn.edu](mailto:eperalez@smumn.edu)" <[eperalez@smumn.edu](mailto:eperalez@smumn.edu)>

Dear Ms. Peralez,

I write to you with great disappointment in regard to the lack of professionalism portrayed by one of your staff at SMU. Please see the email below written by SMU's Internship and Career Services Director, Jackie Baker. It was written to the entire Houston County Board of Commissioners and included numerous lies and outright slander against myself and other employees of Houston County.

My question to you , is this how Saint Mary's University wishes to portray itself in dealing with all county government officials or just Houston County? As Ms. Baker's title is the Director of Career Services at SMU, I would expect a much higher standard of professionalism. My view of the integrity of your entire staff is questionable. As the former email was sent from university staff, using university email I hold the entire university liable for the actions of Ms. Baker.

I would appreciate a prompt response to this matter.

Sincerely,

Bob Scanlan

Planning and Zoning Adm.

Houston County

**From:** Rick Frank **Sent:** Monday, April 28, 2014 1:29 PM **To:** Bob Scanlan; Brian Pogodzinski **Subject:** FW: A must read - from Jackie Baker

**From:** Judy Storlie **Sent:** Monday, April 28, 2014 12:05 PM **To:** Rick Frank **Subject:** Fwd: A must read - from Jackie Baker

Sorry to share this with you but jerks seem to out number decent people lately.  
from my iPhone

Sent

Begin forwarded message:

**From:** Jackie Baker <[jbaker@smumn.edu](mailto:jbaker@smumn.edu)> **Date:** April 28, 2014 at 11:51:25 AM CDT **To:** Teresa Walter <[teresa.walter@co.houston.mn.us](mailto:teresa.walter@co.houston.mn.us)>, <[judy.storlie@co.houston.mn.us](mailto:judy.storlie@co.houston.mn.us)>, Steve Schuldt <[Steve.Schuldt@co.houston.mn.us](mailto:Steve.Schuldt@co.houston.mn.us)>, Justin Zmyewski <[Justin.Zmyewski@co.houston.mn.us](mailto:Justin.Zmyewski@co.houston.mn.us)>, <[dana.kjome@co.houston.mn.us](mailto:dana.kjome@co.houston.mn.us)> **Subject:** A must read - from Jackie Baker

My name is Jackie Baker, Yucatan Twp, Houston County. Neighbor to Tracie Erickson. I don't bother you often as I know you are all busy, we all are. It's unfortunate that I feel compelled to write this email. I am frustrated with the Board of Commissioners and the way you have handled the Tracie Erickson sand pit issue recently. It has turned into a debacle and frankly I'm embarrassed for you.  
week in Houston County. On Wednesday the Planing Commission is scheduled to discuss the renewal of the 1992 Thorson permit. If you recall, the permit is not transferable and that was clearly written on the permit itself. I have a copy of it and you should too. Tracie Erickson has never renewed the permit - he was simply using the permit until it expired under Thorson's name. There have been numerous written complaints regarding violations that have gone unchecked by the zoning office. This same permit and it's vagueness prompted a lawsuit brought forth by the Ericksons and MN Sands. If the County renews this permit in Erickson's name you will be faced with

It's a big



multiple lawsuits from citizens you were elected to serve. Your hideous staff in the zoning office have dug themselves a hole with this permit and will ultimately cost the citizen's thousands of dollars. Why? Sadly it needs to happen in order to force the select few, like yourselves and the zoning staff to man up and do the right thing. Tracie Erickson needs to apply for his own permit, a new permit that is in compliance with the current zoning ordinance. As you are fully aware, our attorney Jim Peters has filed a motion with the court for clarification of Judge Walters final judgement. **I request you postpone any decision on this permit until clarification has been made by the court of law. I request a motion be made and you vote on it at tomorrow's County Board meeting.**

Your comments are welcome, please call me at [507-864-7463](tel:507-864-7463) or email.

Jackie Baker

22848 State Hwy 16

Houston County

--

Jackie M. Baker, M.S. Ed.  
Center

Director of Career S

Saint Mary's University of Minnesota 700 Terrace Heights #6  
[507-457-6695](tel:507-457-6695) Fax: [507-457-6990](tel:507-457-6990) [www.smumn.edu/careerservices](http://www.smumn.edu/careerservices)

507-457-6697  
Director of Career S

Career Services & Internships on LinkedIn [www.smumn.edu/cslinkedin](http://www.smumn.edu/cslinkedin)

--

Ann E. Merchlewitz  
Executive Vice President and General Counsel  
Saint Mary's University of Minnesota  
700 Terrace Heights #30  
Winona, MN 55987  
[507.457.1587](tel:507.457.1587) (Work Phone)  
[507.457.1566](tel:507.457.1566) (Fax)

[amerchle@smumn.edu](mailto:amerchle@smumn.edu)  
<http://www.smumn.edu>

NOTICE: The foregoing message (including all attachments) is covered by the Electronic Communication Privacy Act, 18 U.S.C. Sections 2510-2521, is CONFIDENTIAL and may also be protected by ATTORNEY-CLIENT or other PRIVILEGE. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, use of or reliance on, the contents of this e-mail is prohibited. If you have received this e-mail in error, please notify me immediately by replying to sending e-mail address and delete this e-mail message from your computer.



ENGINEERING  
SURVEYING  
PLANNING

June 6, 2012

RECEIVED

Bob Scanlan  
Houston County Zoning Administrator  
304 South Marshal Street  
Caledonia, MN 55921

JUN 11 2012

Houston County

RE: Legal issues related to the operation of the Erickson Quarry in Houston County

Dear Mr. Scanlan,

In response to your letter dated June 1, 2012 regarding the operation of the Erickson Quarry please see the following:

1. *Where is the location of the proposed scale as mentioned within the lease agreement under #3 Royalties?*

**A bucket scale will be used to weigh the sand, if a truck scale is used it will be placed at the entrance/exit of the quarry.**

2. *Number 4 possession. Mentions that, "Tenant may complete mining activities from noon until 6:00 p.m. on Sunday." This is now allowed under the current Conditional Use Permit or the Houston County Zoning Ordinance.*

**Per the operation plan mining operations can only be conducted Monday through Saturday which is allowable by the current Conditional Use Permit and the Houston County Zoning Ordinance. The tenant shall abide by the Operation and Reclamation Plan constructed for this Quarry.**

3. *Under #5 Use and Condition of Premises. There is mention of weighing, processing, washing plant, and drilling on necessary wells. These issues must be addressed within the "Operation and Reclamation Plan: as to location, type, and extent of these processes.*

**At this time there are no plans for a wash plant. If in the future a wash plant is planned the Operation and Reclamation plan will be updated.**

4. *Number 10 Zoning. There is mention of approvals..."any permits or approvals required by the Minnesota Department of Natural Resources, the United States Mine Safety and Health Administration, and county permits, and any mining plans and reclamation plans as may be required." These approvals shall be complete prior to commencement of any mining activities. All approvals for the Conditional Use Permit were met prior to the tenant signing the lease. If additional activities are proposed, beyond normal mining activities, all approvals will be received prior to the commencement of the proposed activity.*

5. *Number 16 Protection and Restoration of Surface. The Houston County Zoning Ordinance requires that reclamation commencement shall be within 3 months of termination of mining operation. This is required within the "Operation and Reclamation Plan for the Erickson Quarry".*

**As stated on the Reclamation Plan Map "Reclamation activities shall commence within 90 days after the termination of the mining activities. The Reclamation plan also states that site reclamation shall be in accordance with the Houston County Zoning Ordinance.**

6. *If the Water Appropriation Permit is approved by the Department of Natural Resources, then Houston County Zoning will Require adequate explanation of the use of the water for processing, details of these processes, location of any washing plants, ponds, etc. including depth and other dimensions, daily water usage and the end point for said water as well as details for potential soil erosion and abatement. These details will be required within the "Operation and Reclamation Plan for the Erickson Quarry" and will be required before commencement of mining operations. At this time there are no plans to drill a well to be used for washing operations. If in the future plans expand to add a wash plant all state, federal, and local requirements will be met.*

If you have any additional questions or concerns please give me a call me at 507-867-1666.

Sincerely,



Chris Priebe  
Engineering Specialist  
G-Cubed Inc.

OPERATION & RECLAMATION  
PLAN  
FOR

Minnesota Sand, LLC  
959 W. 5<sup>th</sup> St.  
Winona, MN

**ERICKSON**  
**QUARRY**  
HOUSTON COUNTY, MN

Prepared by: G-Cubed Inc.  
14070 Hwy 52 SE  
Chatfield, MN 55923

## EXISTING CONDITIONS

The site is currently an unnamed bluff quarry operating under Conditional Use Permit No. 261. The permitted property consists of woodlands, a building site, and some grassland. There are no wetlands, water courses, major drainage systems or impounded waters on-site. There is currently one well on the property which is used for residential purposes. There are no other wells planned at this time.

Conditional Permit No. 261 covers the entire property and expires on January 8, 2013. If excavation activities are to be extended beyond that date, the permit will need to be renewed with Houston County. Excavation shall be limited to the 19.11 acre area depicted on the attached Existing Conditions Map.

## OPERATIONAL GUIDELINES

Operation of the quarry shall conform to the Houston County Zoning Ordinance Section 26 and any other applicable County, State or Federal Laws and Regulations. Attached for reference and as part of this plan is Section 26 – Mineral Extraction.

### General Requirements:

1. **Compliance** - The mining operations shall be conducted in compliance with the laws of the State of Minnesota and the Federal Government, especially as related to safety standards, and ordinances and resolutions of Houston County, as amended from time to time, and in compliance with and furtherance of the approved reclamation plan for the affected land.
2. **Operation of Equipment** - All equipment used for mining operations shall be constructed, maintained and operated in such a manner as to minimize, as far as is practicable, noises and vibrations which are injurious or substantially annoying to persons living in the vicinity.
3. **Explosives** - When explosives are used, the operator shall take all necessary precautions not to endanger life and damage or destroy property. The method of storing and handling explosives shall conform to all laws and regulations relating thereto.

### Vegetation:

1. **Removal of Trees and Shrubs** - All woody vegetation and grasses shall remain until the area is to be excavated then shall be removed from the site.
2. **Weeds and Noxious Vegetation** - Weeds and other unsightly or noxious vegetation shall be cut or trimmed as may be necessary to preserve a reasonably neat appearance and to prevent seeding on adjoining property.
3. **Preservation of Existing Trees and Ground Cover** - The existing woodlands and grasses aid in the prevention of erosion and act as screening buffers. They shall be protected and preserved outside of the active mining operation.

### Access:

1. **Jurisdiction** - The existing access to the site is from State Highway 16. The access is shared with an adjacent property. The access to the adjacent property must remain in place at all times.
2. **Avoid Residential Streets** - Residential streets shall be avoided as any access to and from the site. This site does not affect primary residential streets.
3. **Access Signage** - Prior to hauling equipment on-site or materials off-site proper signs and traffic control devices must be installed on haul roads. See the current Minnesota MUTCD for guidance. Only signed access points shall be utilized for ingress and egress.
4. **Spillage on Roadways** - Trucks used in hauling materials from the site shall be loaded in such manner as to minimize spillage onto public roadways. Any spillage shall be removed at regular intervals.
5. **Dust** - Water is used for on-site dust control on haul roads and stock piles, and will be administered from a tanker truck. The site will be sprinkled as needed depending on weather and material conditions.

### Water Resources:

1. **Drainage Interference Prohibited** - The mining operation shall not interfere with surface water drainage beyond the boundaries of the active mining operation.
2. **Surface and Subsurface Water Quality** - All runoff from the site is to be routed to the temporary sedimentation basins through the construction of berms and swales. Periodically the sedimentation basins shall be excavated, and the fines stockpiled for use in final closure of the site.
3. **Non-degradation of Surface Water** - Surface water originating outside the site may be diverted around the mining operation, to eliminate any degradation of water quality, as long as it doesn't negatively affect the adjoining properties.

### Safety Fencing:

1. **Ponded Water** - During active mining any areas of ponded water (temporary sedimentation basin) there shall be a fence at least four feet in height.
2. **Steep Slopes** - Along the open rock face there shall be a fence at least four feet in height.

### Screening:

1. **Residential and Commercial Properties** - The existing trees act as a natural screen for the adjacent properties to the south, west, and north. The use to the east is currently agricultural which does not require screening.
2. **Public Roads** - The existing trees shall act as a natural screen to State Highway 16 which is greater than 500 feet from the quarry.

**Setback Requirements: Permitted area and all adjacent properties are in the zoning district - Agricultural Protection District.**

1. **Adjoining Property Line** - Not closer than fifty (50) feet to the boundary of an adjoining property line unless the written consent of the owner of such adjoining property is first secured. Consent has not been requested.
2. **Excavating or Stockpiling** - Excavating or stockpiling shall not be conducted closer than one hundred (100) feet to the right-of-way line of any existing or platted street, road, or highway, where such excavation may create a traffic or line of site problem.
3. **Public Waters** - Not closer than one hundred (100) feet from the ordinary high water level of any public water. Not applicable to this site.
4. **Dust and Noise** - Dust and noise producing processing or loading shall not be conducted closer than one thousand feet to the boundary of any residential structures. Exempt from this are the existing on-site residential structure, the adjacent seasonal cabin to the north and the adjacent residential structure to the east that was constructed in 2005 after the authorization of the Houston County Conditional Use Permit No. 261. The existing residential structure to the east is approximately 700' feet from any mining activities.

**Appearance:**

- All buildings, structures and plants used for the production or processing of sand and gravel shall be maintained in such a manner as is practicable and according to acceptable industrial practice as to assure that such buildings, structures and plants will not become dangerously dilapidated.

**Days of Operation:**

- Mining operations may be conducted Monday through Saturday, except for legal holidays. Upon request, the Zoning Administrator may temporarily approve operations beyond these days to respond to public or private emergencies or whenever any reasonable or necessary repairs to equipment need to be made.

**Dust and Dirt**

- All equipment used for mining operations shall be constructed, maintained and operated in such a manner as to minimize, as far as practicable, dust conditions which are injurious or substantially annoying to persons living within thirteen hundred and twenty (1320) feet of the mining operation.

**Excavation:**

- The pre-existing rock face is approximately 40 feet high. The existing "floor" may be excavated down to approximately 20 feet. The existing rock face will be excavated horizontally into the slope. Other than the rock face, the final grade shall be a min. of 2.0% and a max. of 18% to the southeast as shown on the attached reclamation map.



**Processing:**

- There will be initial processing of the aggregate and sand through a screener, which sorts the material by size. The material is carried away from the screener by conveyor. The materials are then transported off site for use. The screening process results in an increase in the ambient noise level due to shaking of the material. The hours of operation and the vegetation surrounding the quarry limit the nuisance level of noise to the surrounding properties.

**Safety:**

- Applicable Occupational Safety and Health Administration (“OSHA”) and Mine Safety and Health Administration (“MSHA”) regulations are in place and enforced during the life of the operation. Personnel are supplied with protective masks and hearing protection for use during operation of equipment.

**The order of activities will be as follows:**

1. Construct down slope erosion control measures.
2. Install perimeter fence. (4’ in height min.)
3. Remove surface vegetation in area to be excavated. Large woody material may be chipped and stockpiled for mulch.
4. Strip and stockpile topsoil. Seed the topsoil stockpile to establish vegetation to prevent erosion.
5. Remove and stockpile overburden. Protect downstream of stockpiles with vegetated berms, wood chip berms, or other approved BMP’s.
6. Excavation, crushing, screening and stockpiling limestone overburden.
7. Excavation, screening, and stockpiling of course sand.
8. Excavation, screening, and stockpiling of fine sand
9. Trucking of materials offsite.
10. Restoration activities – Spread excess overburden to level the area, spread topsoil, seed & mulch.

Additional activities may be required due to site conditions.

**Notes:**

- A NPDES/SDS permit is required for this project.
- A Storm Water Pollution Prevention Plan (SWPPP) has been written for this project and must be adhered to. The SWPPP shall be a part of these plans.

## RECLAMATION PLAN

Site reclamation shall be in accordance with the Houston County Zoning Ordinance Section 26 part 0110.2608 Reclamation Plan and any other applicable County, State or Federal Laws and Regulations.

A runoff and sediment control basin will be constructed prior to commencing the operation. This basin may remain as a permanent basin for wildlife habitat after the site closes. Other than the exposed rock face, the reclaimed areas will have slopes of no more than 18% and will be covered with a minimum of 6" of salvaged topsoil. MnDOT seed mix #330 (or approved equal) shall be applied on the topsoil at a rate 84.5 lbs/acre with mulch to establish permanent vegetation, which will minimize erosion potential. The silt fence must be maintained and remain in place until proper vegetation has been established. Once surface vegetation has been established the silt fence shall be removed and disturbed areas reseeded.

The site shall remain in compliance with soil erosion standards set forth in the County and/or Township zoning ordinance.

### Attachments:

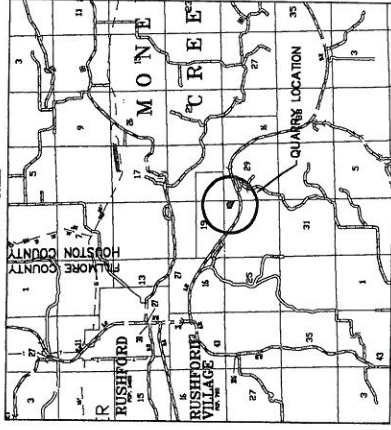
1. Existing Conditions Map
2. Operations Map
3. Quarry Cross-Sections
4. Reclamation Map
5. Certificate of Survey (Parcel's B & C)
6. Houston County Zoning Ordinance - Section 26 - Mineral Extraction
7. Storm Water Pollution Prevention Plan (SWPPP)

MAPS AND DETAILS

**ERICKSON**  
**QUARRY**  
HOUSTON COUNTY, MN

# EXISTING CONDITIONS MAP ERICKSON QUARRY

VICINITY MAP  
NOT TO SCALE

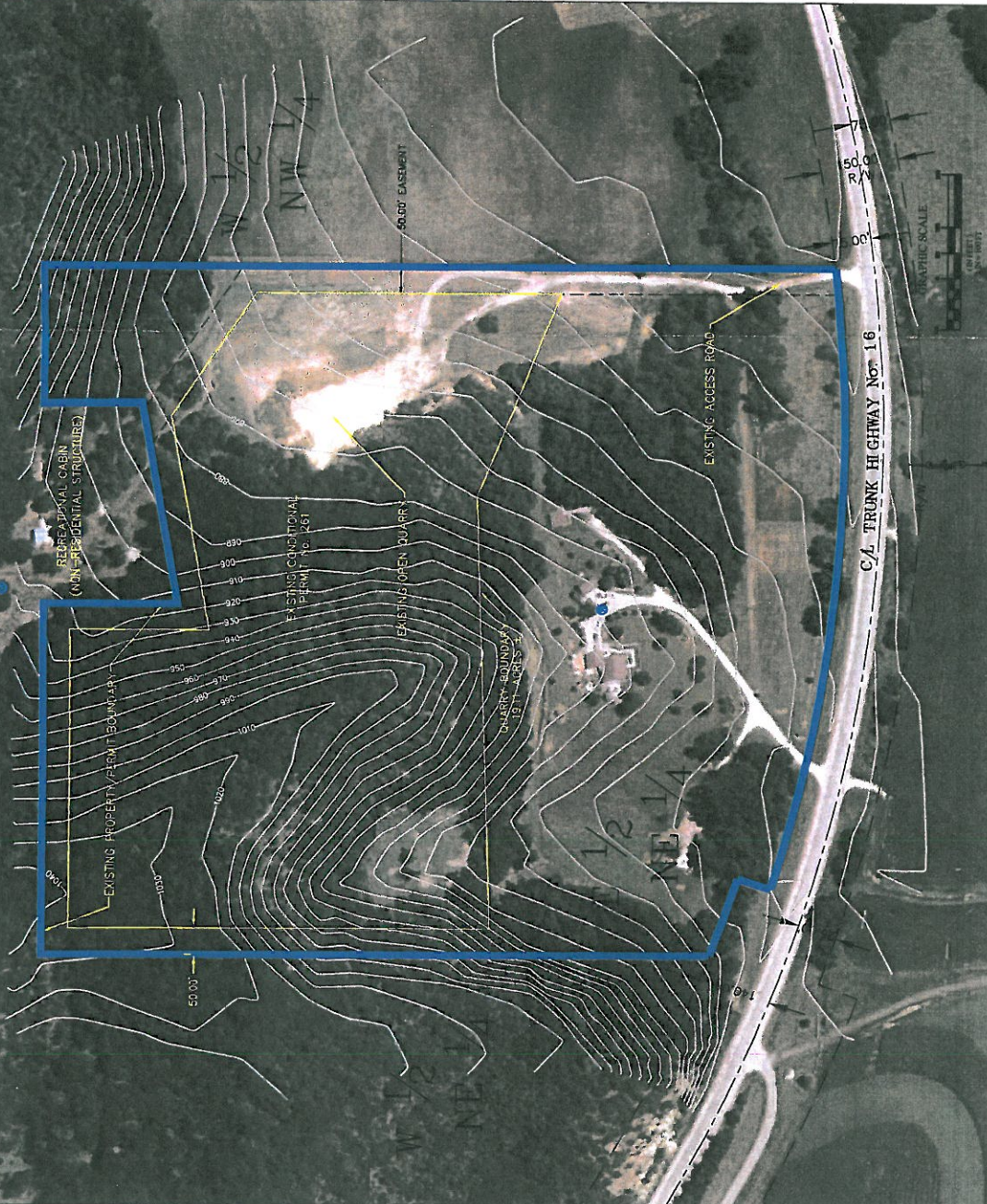


SECTION 30  
T. 104 N., R. 7 W.

- LEGEND**
- EXISTING CONDITIONAL PERMIT No. 261 BOUNDARY
  - PROPOSED PHASE 1 BOUNDARY
  - EXISTING EASEMENT
  - EXISTING ROAD CENTERLINE
  - EXISTING ROAD CENTERLINE
  - EXISTING WELL LOCATION

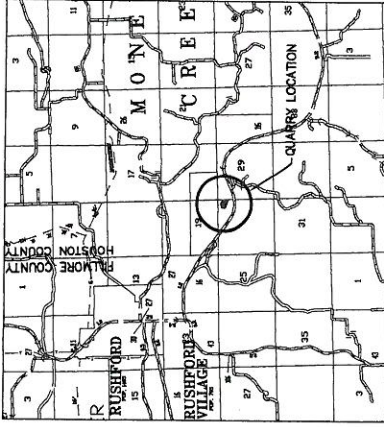
- NOTES:**
1. THERE ARE NO WETLANDS, WATER COURSES, MAJOR DRAINAGE SYSTEMS OR IMPOUNDED WATERS WITHIN THE PROPERTY.
  2. EXISTING WELLS LOCATED FROM UGH COUNTY WELL IMPRY MAP.
  3. EXISTING CONTOURS OBTAINED FROM THE HOUSTON COUNTY GIS WEB SITE.
  4. COLOR PHOTO FROM GOOGLE EARTH 2012

**G-Cubed**  
 ENGINEERING  
 SURVEYING  
 PLANNING  
 1100 S. RICHMOND ST., SUITE 100  
 HOUSTON, TEXAS 77002  
 TEL: 281.416.4666  
 FAX: 281.416.4666



# OPERATIONS MAP ERICKSON QUARRY

VICINITY MAP  
PART TO BE ADDED



SECTION 30  
T. 104 N., R. 7 W.

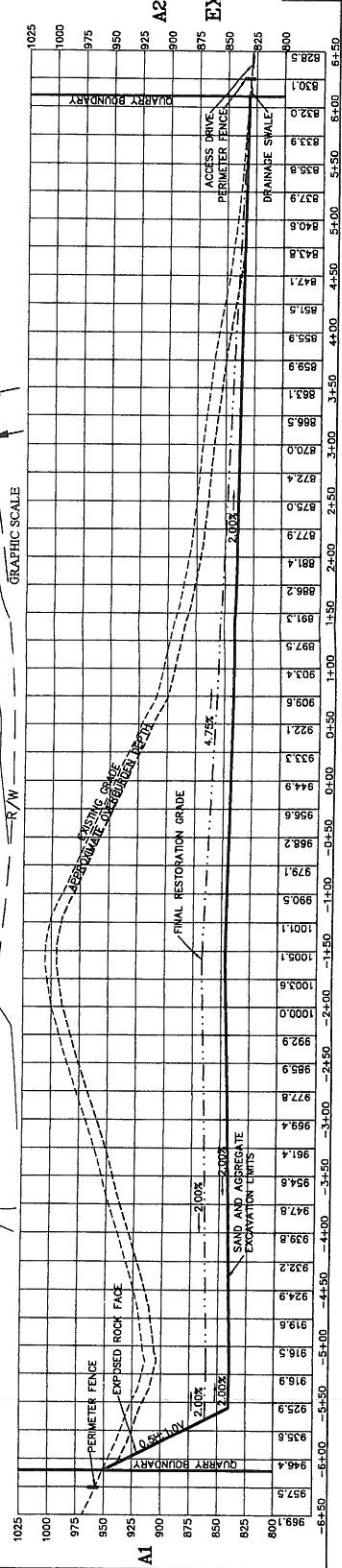
- LEGEND**
- EXISTING CONDITIONAL PERMIT NO. 261 BOUNDARY
  - EXISTING PROPERTY BOUNDARY
  - EXISTING CONTOUR (10' INTERVAL)
  - PROPOSED EXCAVATION CONTOUR (10')
  - PROPOSED PERIMETER FENCE (4' MIN. HEIGHT)
  - EXISTING EASEMENT
  - EXISTING ROAD CENTERLINE
  - EXISTING WELL LOCATION

**EARTHWORK/EXCAVATION SUMMARY OF APPROXIMATE QUANTITIES**

- OVERBURDEN REMOVAL = 30,825 CU YDS
- SAND/AGGREGATE EXCAVATION = 2,014,865 CU YDS
- EXCAVATION TOTALS = 2,323,225 CU YDS ±

- NOTES:**
- ALL EROSION CONTROL MEASURES MUST BE IN PLACE (SILT FENCE, TEMPORARY SEDIMENTATION BASIN, SLOPE PROTECTION, ETC.) PRIOR TO THE START OF EXCAVATION. WATER SHALL BE USED, AS NECESSARY, ON THE QUARRY ACCESS ROAD AND ANY STOCKPILES TO MINIMIZE DUST AND ANY NUISANCE ON NEIGHBORING PROPERTIES.
  - TRAFFIC CONTROL SIGNS SHALL BE PLACED ON HIGHWAY 16 DURING ACTIVE HAULING OF MATERIALS. (REFER TO THE LATEST MINNESOTA MOTOR MANUAL FOR TRAFFIC CONTROL.)

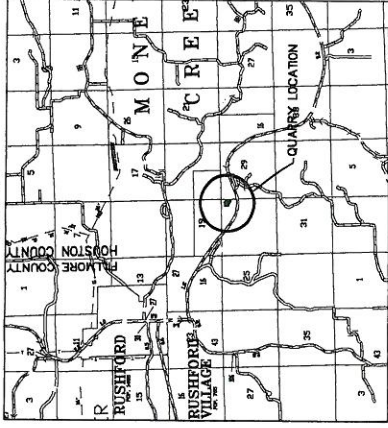
## EXCAVATION CROSS SECTION



**G-Cubed**  
CONSULTING ENGINEERS  
PLANNING  
1000 N. W. 10th St.  
Owatonna, MN 55953  
PHONE: 507-843-3333  
FAX: 507-843-3334  
WWW.G-CUBED.COM

# RECLAMATION MAP ERICKSON QUARRY

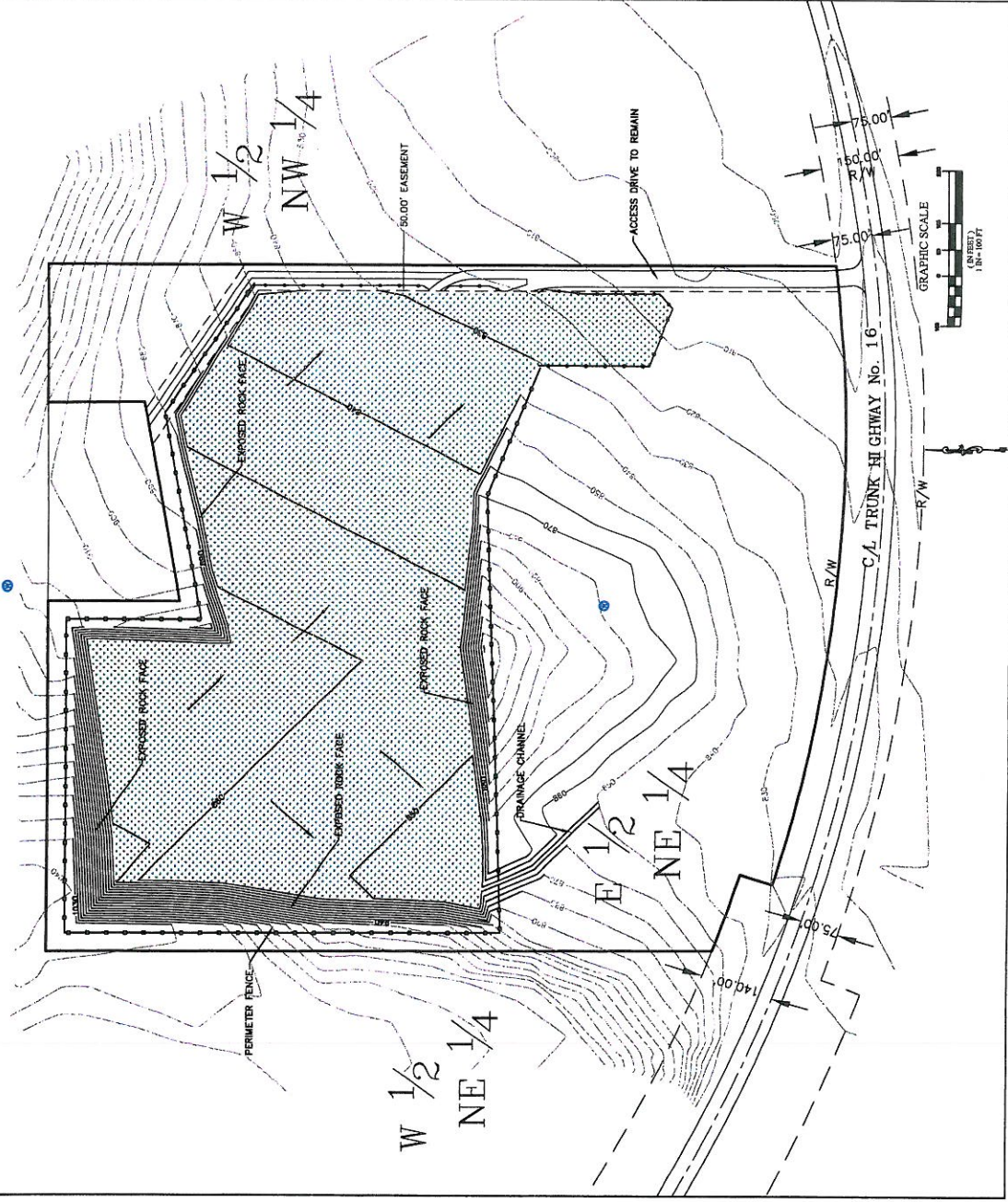
VICINITY MAP  
NOT TO SCALE



SECTION 30  
T. 104 N., R. 7 W.

- LEGEND**
- EXISTING CONTOUR (10' INTERVAL)
  - EXISTING CONTOUR (10' INTERVAL)
  - PROPOSED FINAL CONTOUR (10')
  - PROPOSED HEAVY DUTY SILT FENCE
  - PERIMETER FENCE
  - PROPOSED SEEDING AREA (8.21 ACRES)
  - EXISTING ROAD CENTERLINE
  - EXISTING ROAD CENTERLINE
  - EXISTING RIGHT OF WAY
  - EXISTING WELL LOCATION

- NOTES**
1. RECLAMATION MUST COMMENCE WITHIN 90 DAYS AFTER THE TERMINATION OF THE MINING OPERATION AND OR EXPIRATION OF THE PERMIT.
  2. ALL DISTURBED AREAS SHALL BE RESEED EVENLY ACROSS DISTURBED AREA.
  3. A MIN. OF 6" OF SILT FENCE SHALL BE RESPAVED ON ALL DISTURBED AREAS EXCLUDING THE EXPOSED ROCK FACE.
  4. ALL DISTURBED AREAS EXCLUDING THE EXPOSED ROCK FACE SHALL BE SEEDED WITH MAHOUT. THE PERIMETER FENCE SHALL REMAIN IN PLACE AT ANY LOCATION ADJACENT TO ANY CONSTRUCTED SLOPE GREATER THAN 3H:1V.



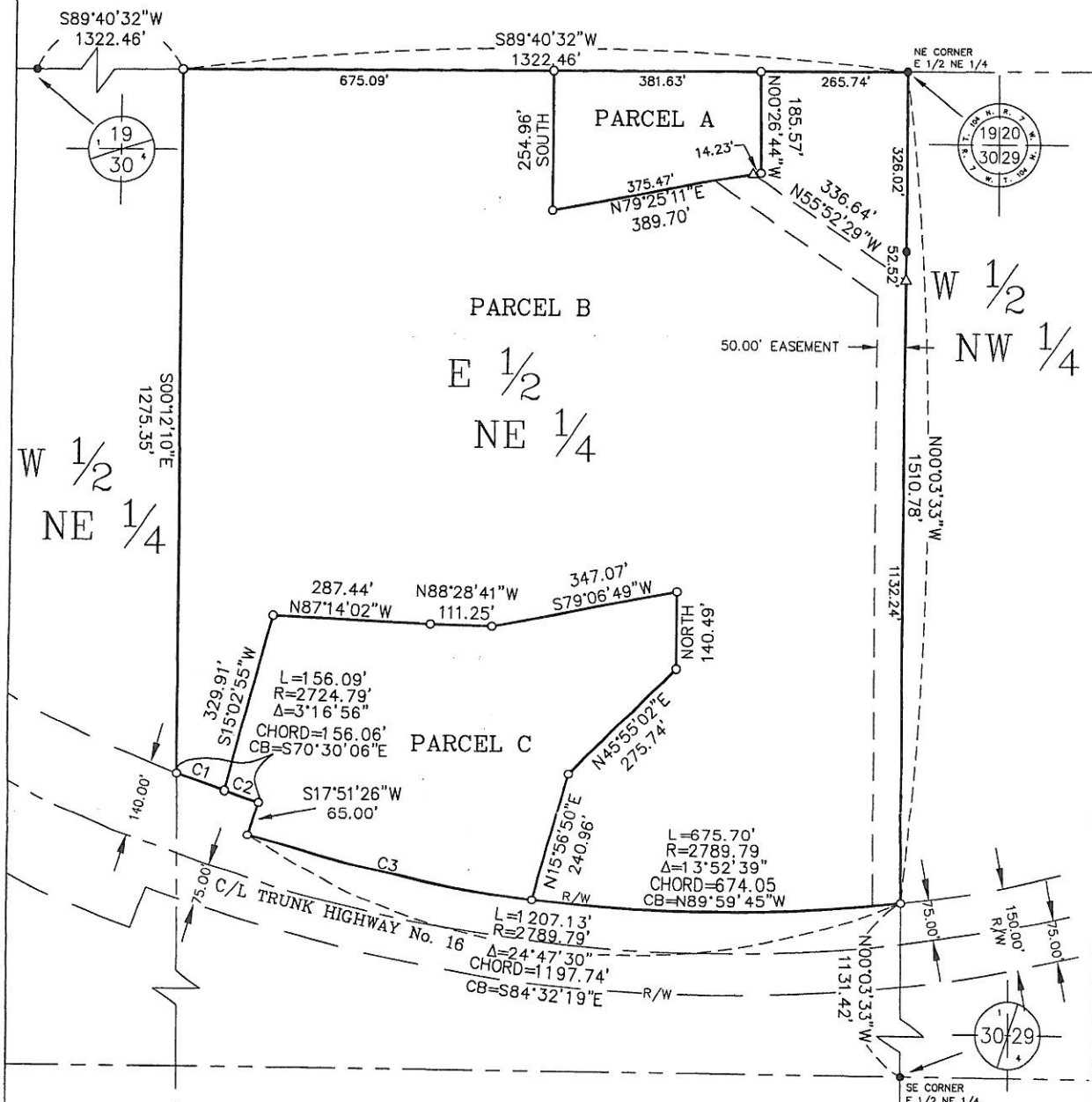
**G-Cubed**  
ENGINEERING SURVEYING  
1400 Pine St. E.  
Casper, WY 82401  
PHONE: 307.233.1111  
FAX: 307.233.1112  
WWW.GCUBED.COM

**CERTIFICATE OF  
SURVEY**

**ERICKSON  
QUARRY**  
HOUSTON COUNTY, MN

# CERTIFICATE OF SURVEY

SECTION 30  
T. 104 N., R. 7 W.



CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CHORD BEARING
C1	90.48	2724.79	1°54'09"	90.47	S69°48'43"E
C2	65.61	2724.79	1°22'47"	65.61	S71°27'10"E
C3	531.43	2789.79	10°54'51"	530.63	S77°35'59"E

Basis of Bearings: All bearings based on NAD 83 (HARN 1996 Adjustment).  
Based on this system, the southeast corner of the Northeast Quarter has coordinates of North 202743:8100 & East 435636:3700.

Basis of Bearings: All bearings based on NAD 83 (HARN 1996 Adjustment).  
Based on this system, the east line of the Northeast Quarter bears North 00°03'33" West / South 00°03'33" East.



- IRON PIPE WITH PLASTIC CAP
- PLASTIC CAP STAMPED R.L.S.#21940 SET
- FOUND MONUMENT
- △ COMPUTED POINT

I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DAILY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA

Geoffrey C. Griffin  
DATE 11/10 REG. NO. 21940

**G<sup>3</sup>**  
**G-Cubed**  
ENGINEERING SURVEYING PLANNING  
14070 Hwy 52 S.E.  
Chatfield MN 55429

DATE OF SURVEY: 9-24-07  
Prepared For:  
Karry Thorson  
65 McIntosh East  
LaCrescent, MN 55947

Ph. 507-867-1665  
Fax 507-867-1665  
www.g3to



# CERTIFICATE OF SURVEY

SECTION 30  
T. 104 N., R. 7 W.

## LAND DESCRIPTION

### PARCEL A

That part of the East Half of the Northeast Quarter of Section 30, Township 104 North, Range 7 West, Houston County, Minnesota, described as follows:

Commencing at the southeast corner of said East Half of the Northeast Quarter of Section 30; thence North 00°03'33" West along the east line of said East Half of the Northeast Quarter 2642.20 feet to the northeast corner of said East Half of the Northeast Quarter; thence South 89°40'32" West along the north line of said East Half of the Northeast Quarter 265.74 feet to the point of beginning; thence continuing South 89°40'32" West along said north line 381.63 feet; thence SOUTH 254.96 feet; thence North 79°25'11" East 389.70 feet; thence North 00°26'44" West 185.57 feet to the point of beginning.

Together with a perpetual easement for ingress and egress over, under, and across the East Half of the Northeast Quarter of Section 30, Township 104 North, Range 7 West, Houston County, Minnesota, described as lying 50.00 feet westerly and southwesterly of parallel, adjacent, and contiguous to the following described line:

Commencing at the southeast corner of said East Half of the Northeast Quarter of Section 30; thence North 00°03'33" West along the east line of said East Half of the Northeast Quarter 1131.42 feet to the northerly right of way line of Trunk Highway Number 16 and the point of beginning; thence continuing North 00°03'33" West along said east line of the East Half of the Northeast Quarter 1132.24 feet; thence North 55°52'29" West 336.64 feet and there terminating.

The north end of said easement shall be prolonged or shortened to terminate on a line that bears North 79°25'11" East / South 79°25'11" West, said line also being the south line of PARCEL A. The south end of said easement shall be prolonged or shortened to terminate on the northerly right of way line of Trunk Highway Number 16.

The above described parcel contains 1.93 acres and is subject to any easements, covenants, and restrictions of record.

### PARCEL B

That portion of the East Half of the Northeast Quarter (E 1/2 NE 1/4) of Section 30, Township 104 North, Range 7 West, which lies north of the right of way of State Highway No. 16 as the same is located in the year 1991.

### EXCEPT

That part of the East Half of the Northeast Quarter of Section 30, Township 104 North, Range 7 West, Houston County, Minnesota, described as follows:

Commencing at the southeast corner of said East Half of the Northeast Quarter of Section 30; thence North 00°03'33" West along the east line of said East Half of the Northeast Quarter 2642.20 feet to the northeast corner of said East Half of the Northeast Quarter; thence South 89°40'32" West along the north line of said East Half of the Northeast Quarter 265.74 feet to the point of beginning; thence continuing South 89°40'32" West along said north line 381.63 feet; thence SOUTH 254.96 feet; thence North 79°25'11" East 389.70 feet; thence North 00°26'44" West 185.57 feet to the point of beginning.

### ALSO EXCEPT

That part of the East Half of the Northeast Quarter of Section 30, Township 104 North, Range 7 West, Houston County, Minnesota, described as follows:

Commencing at the southeast corner of said East Half of the Northeast Quarter of Section 30; thence North 00°03'33" West along the east line of said East Half of the Northeast Quarter 1131.42 feet to the northerly right of way line of Trunk Highway Number 16; thence westerly 675.70 feet along said northerly right of way line and along a nontangential curve concave to the north, said curve has a radius of 2789.79 feet, a central angle of 13°52'39", and the chord of said curve bears North 89°59'45" West 674.05 feet to the point of beginning; thence North 15°56'50" East not tangent to said curve 240.96 feet; thence North 45°55'02" East 275.74 feet; thence NORTH 140.49 feet; thence South 79°06'49" West 347.07 feet; thence North 88°28'41" West 111.25 feet; thence North 87°14'02" West 287.44 feet; thence South 15°02'55" West 329.91 feet to said northerly right of way line of Trunk Highway Number 16; thence southeasterly 65.61 feet along said northerly right of way line and along a nontangential curve concave to the northeast, said curve has a radius of 2724.79 feet, a central angle of 1°22'47", and the chord of said curve bears South 71°27'10" East 65.61 feet; thence South 17°51'26" West not tangent to said curve and along said northerly right of way line 65.00 feet; thence southeasterly 531.43 feet along said northerly right of way line and along a nontangential curve concave to the northeast, said curve has a radius of 2789.79 feet, a central angle of 10°54'51", and the chord of said curve bears South 77°35'59" East 530.63 feet to the point of beginning.

The grantor for himself, his heirs, and assigns reserves a perpetual easement for ingress and egress over, under, and across the East Half of the Northeast Quarter of Section 30, Township 104 North, Range 7 West, Houston County, Minnesota, described as lying 50.00 feet westerly and southwesterly of parallel, adjacent, and contiguous to the following described line:

Commencing at the southeast corner of said East Half of the Northeast Quarter of Section 30; thence North 00°03'33" West along the east line of said East Half of the Northeast Quarter 1131.42 feet to the northerly right of way line of Trunk Highway Number 16 and the point of beginning; thence continuing North 00°03'33" West along said east line of the East Half of the Northeast Quarter 1132.24 feet; thence North 55°52'29" West 336.64 feet and there terminating.

The north end of said easement shall be prolonged or shortened to terminate on a line that bears North 79°25'11" East / South 79°25'11" West, said line also being the south line of PARCEL A. The south end of said easement shall be prolonged or shortened to terminate on the northerly right of way line of Trunk Highway Number 16.

The above described parcel contains 35.73 acres and is subject to any easements, covenants, and restrictions of record.


### PARCEL C

That part of the East Half of the Northeast Quarter of Section 30, Township 104 North, Range 7 West, Houston County, Minnesota, described as follows:

Commencing at the southeast corner of said East Half of the Northeast Quarter of Section 30; thence North 00°03'33" West along the east line of said East Half of the Northeast Quarter 1131.42 feet to the northerly right of way line of Trunk Highway Number 16; thence westerly 675.70 feet along said northerly right of way line and along a nontangential curve concave to the north, said curve has a radius of 2789.79 feet, a central angle of 13°52'39", and the chord of said curve bears North 89°59'45" West 674.05 feet to the point of beginning; thence North 15°56'50" East not tangent to said curve 240.96 feet; thence North 45°55'02" East 275.74 feet; thence NORTH 140.49 feet; thence South 79°06'49" West 347.07 feet; thence North 88°28'41" West 111.25 feet; thence North 87°14'02" West 287.44 feet; thence South 15°02'55" West 329.91 feet to said northerly right of way line of Trunk Highway Number 16; thence southeasterly 65.61 feet along said northerly right of way line and along a nontangential curve concave to the northeast, said curve has a radius of 2724.79 feet, a central angle of 1°22'47", and the chord of said curve bears South 71°27'10" East 65.61 feet; thence South 17°51'26" West not tangent to said curve and along said northerly right of way line 65.00 feet; thence southeasterly 531.43 feet along said northerly right of way line and along a nontangential curve concave to the northeast, said curve has a radius of 2789.79 feet, a central angle of 10°54'51", and the chord of said curve bears South 77°35'59" East 530.63 feet to the point of beginning.

The above described parcel contains 7.04 acres and is subject to any easements, covenants, and restrictions of record.

I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA

  
Geoffrey D. Griffin  
DATE 6/1/18 REG. NO. 21940

G<sup>3</sup>

**G-Cubed**

14070 Hwy 52 S.E.  
Chatfield, MN 55923

ENGINEERING  
SURVEYING  
PLANNING  
Ph. 507-867-1666  
Fax 507-867-1665  
www.gcg.to

DATE OF SURVEY: 9-24-07

Prepared For:  
Karry Thorson

65 McIntosh East

LaCrescent, MN 55947

SHEET 2 OF 2 FILE NO. 07-105



**SECTION 26**  
**MINERAL EXTRACTION**

**ERICKSON**  
**QUARRY**  
HOUSTON COUNTY, MN

## SECTION 26 ~ MINERAL EXTRACTION

### 0110.2601 PURPOSE

The purpose of this Section is to minimize land use conflicts and potential nuisance caused by mining operations, and to provide for the reclamation of land disturbed by mining in order to encourage productive use thereof, including, but not limited to the following:

**Subdivision 1. Agricultural Purposes.** The seeding of grasses and legumes for grazing purposes, and the planting of crops for harvest.

**Subd. 2. Commercial and Industrial Purposes.** The establishment of commercial and industrial development sites in commercial and industrial zoning districts.

**Subd. 3. Natural Resources Purposes.** The planting of forests, the enhancement of wildlife and aquatic resources, and the conservation of natural resources.

**Subd. 4. Health, Safety and General Welfare.** The preservation of the natural beauty and aesthetic values of the County; the establishment of recreational sites, and to provide for the health, safety and general welfare of the Citizens of the County.

### 0110.2602 JURISDICTION

Any excavation, quarrying or removal of surface material for the purpose of extracting minerals, stone, gravel, sand, soil, clay or other material as the function of such excavation shall be conducted subject to the requirements of this Section.

**Subdivision 1. Exceptions.** Excavations for purposes of residential, commercial, or industrial development or land alterations for agricultural purposes shall be exempt from the provisions of this Section.

### 0110.2603 DEFINITIONS

For the purpose of this Section certain terms and words are defined as follows:

**Subdivision 1. Excavation.** Any artificial alteration of the earth, excavated or made by the removal from the natural surface of the earth of soil, sand, gravel, stone or other matter.

**Subd. 2. Operator.** Any owner or lessee of mineral rights engaged in or preparing to engage in mining operations.

**Subd. 3. Reclamation Plan.** A document that details the activity which is to be taken during and following a mining operation to return the area to a natural state as much as possible or take actions that would substantially reduce adverse environmental effects from occurring.

**Subd. 4. Quarry.** Any pit or excavation made for the purpose of searching for or removal of any soil, earth, clay, sand, gravel, limestone, or other non-metallic minerals.

#### **0110.2604 CONDITIONAL USE PERMIT**

No person, firm, or corporation shall hereafter engage in the mining and processing of sand, gravel, limestone or other minerals on any land within the County of Houston, located outside the boundaries of any city, village or incorporated town without first obtaining from the County a Conditional Use Permit as regulated by Section 6 of this Ordinance.

**Subdivision 1. Application for Permit.** Any person, firm, or corporation desiring to commence or expand the mining and processing of sand, gravel, limestone or other minerals shall make written application for a Conditional Use Permit to the Zoning Administrator. Application for such permit shall be made upon a form furnished by the Zoning Administrator. The form shall contain the following items:

1. Applicant's true name and address, and a statement that the applicant has the right to ownership or lease to mine and to reclaim that land described.
2. An exact legal description of the tract, or tracts of land, and the number of acres to be mined by the applicant.
3. An existing conditions map as described in Part 0110.2605 below.
4. An operation plan and map, as described in Parts 0110.2606-0110.2607 below.
5. A Reclamation plan and map as described in Part 0110.2608 below.
6. A full and adequate description of all phases of the proposed operation to include an estimate of duration of the mining operation.
7. Any other information requested by the Planning Commission or governing body.

#### **0110.2605 EXISTING CONDITIONS MAP**

**Subdivision 1. Information Required on the Existing Conditions Map.** The existing conditions map shall be drawn at a scale of one (1) inch to one hundred (100) feet and shall show an outline of the tract to be mined and the adjacent area within five hundred, (500), feet to the proposed excavation. The map shall include the following:

1. Existing topographical features at ten (10) foot contour intervals.
2. Location of wetlands, water courses, drainage systems and impounded waters.
3. Location of existing wooded areas and cultivated fields.

**Parts 0110.2605-0110.2606**

4. Location of existing structures and water wells.
5. Location and names of existing roads, trails, railroads, utility rights-of-way, and any other cultural features.

**0110.2606 OPERATIONAL PERFORMANCE STANDARDS**

Each person, firm, or corporation to whom a mining operation permit is issued may engage in mining upon lands described in the license, subject to the following operational performance standards:

**Subdivision 1. General Requirements.**

**1. Compliance.** The mining operations shall be conducted in compliance with the laws of the State of Minnesota and the Federal Government, especially as related to safety standards, and ordinances and resolutions of Houston County, as amended from time to time, and in compliance with and furtherance of the approved reclamation plan for the affected land.

**2. Operation of Equipment.** All equipment used for mining operations shall be constructed, maintained and operated in such a manner as to minimize, as far as is practicable, noises and vibrations which are injurious or substantially annoying to persons living in the vicinity.

**3. Explosives.** When explosives are used, the operator shall take all necessary precautions not to endanger life and damage or destroy property. The method of storing and handling explosives shall conform with all laws and regulations relating thereto.

**Subd. 2. Vegetation.**

**1. Removal of Trees and Shrubs.** Clearing of the mining site shall conform to the development and reclamation plan whenever possible. Existing trees and shrubs shall remain in their natural state and not prematurely stripped.

**2. Weeds and Noxious Vegetation.** Weeds and other unsightly or noxious vegetation shall be cut or trimmed as may be necessary to preserve a reasonably neat appearance and to prevent seeding on adjoining property.

**3. Preservation of Existing Trees and Ground Cover.** Existing trees and ground cover along public road frontage shall be preserved, maintained and supplemented for the depth of the roadside setback except where traffic safety requires cutting and trimming.

**Subd. 3. Access.**

**1. Jurisdiction.** All access points must be approved by the local government agency having road jurisdiction, and shall preferably be located along a secondary road.

**2. Avoid Residential Streets.** All access points shall be located so as to avoid the routing of vehicles to and from the mining operation over streets that primarily serve abutting residential development.

**3. Access Signage.** Ingress and egress access points from or onto any road or highway shall be clearly signed, and only those signed access points shall be utilized.

**4. Spillage on Roadways.** Trucks used in hauling materials from the site of excavation shall be loaded in such manner as to minimize spillage onto public highways. Any spillage resulting from overloading or from truck tires shall be removed at regular intervals.

**5. Dust.** All access roads from mining operations to public highways, road, or streets or to adjoining property shall be paved or surfaced with gravel to minimize dust conditions.

**Subd. 4. Water Resources.**

**1. Drainage Interference Prohibited.** The mining operation shall not be allowed to interfere with surface water drainage beyond the boundaries of the mining operation.

**2. Surface and Subsurface Water Quality.** The mining operation shall not adversely affect the quality of surface or subsurface water resources.

**3. Non-degradation of Surface Water.** Surface water originating outside and passing through the mining district shall, at its point of departure from the mining site, be of equal quality to the water at the point where it enters the mining site. The mining operator shall perform any water treatment necessary to comply with this provision.

**Subd. 4. Safety Fencing.** Any mining operation adjacent to a residential zone or within three hundred (300) feet of two (2) or more residential structures shall comply with the following standards:

**1. Poned Water.** Where collections of water occur that are one and one-half (1 ½) feet or more in depth existing for any period of at least one (1) month, and occupy an area of seven hundred (700) square feet or more, all access to such collections of water shall be barred by a fence or some similarly effective barrier such as a snow fence of at least four (4) feet in height.

**2. Steep Slopes.** In locations where slopes occur that are steeper than one (1) foot vertical to three (3) feet horizontal existing for a period of one (1) month or more, access to such slopes shall be barred by a fence or some similarly effective barrier such as a snow fence at least four (4) feet in height.

**Subd. 5. Screening.** To minimize problems of dust and noise and to shield mining operations from

public view, a screening barrier shall be planted with species of fast-growing trees or shrubs. The screening shall be maintained between the following:

Parts 0110.2606-0110.2606

**1. Residential and Commercial Properties.** The mining site and adjacent residential and commercial properties.

**2. Public Roads.** A screening barrier shall also be maintained between the mining site and any public road within five hundred (500) feet of mining or processing operations.

**Subd. 6. Setback Requirements.** When more than one (1) setback standard applies, the most restrictive standard shall apply. Mining operations shall not be conducted closer than:

**1. Prohibited in District.** One hundred (100) feet to the boundary of any district where mining operations are not permitted.

**2. Residentially Zoned.** Not closer than one thousand (1000) feet to the boundary of an adjoining property residentially zoned.

**3. Adjoining Property Line.** Not closer than fifty (50) feet to the boundary of an adjoining property line, unless the written consent of the owner of such adjoining property is first secured.

**4. Excavating or Stockpiling.** Excavating or stockpiling shall not be conducted closer than one hundred (100) feet to the right-of-way line of any existing or platted street, road, or highway, where such excavation may create a traffic or line of site problem.

**5. Public Waters.** Not closer than one-hundred (100) feet from the ordinary high water level of any public water.

**6. Dust and Noise.** Dust and noise producing processing or loading shall not be conducted closer than one thousand (1000) feet to the boundary of any residential structures existing prior to the implementation of the reclamation plan.

**Subd. 8. Appearance.** All buildings, structures and plants used for the production or processing of sand and gravel shall be maintained in such a manner as is practicable and according to acceptable industrial practice as to assure that such buildings, structures and plants will not become dangerously dilapidated.

**Subd 9. Days of Operation.** Mining operations may be conducted Monday through Saturday, except for legal holidays. The Zoning Administrator may temporarily approve operations beyond these days to respond to public or private emergencies or whenever any reasonable or necessary repairs to equipment need to be made.

**Subd. 10. Dust and Dirt.** All equipment used for mining operations shall be constructed, maintained and operated in such a manner as to minimize, as far as practicable, dust conditions



which are injurious or substantially annoying to persons living within thirteen hundred and twenty (1320) feet of the mining operation.

**Parts 0110.2606-0110.2607**

**1. Exception.** These limitations above shall not apply to any mining operation in any industrial zone, unless such operations are closer than one hundred fifty (150) yard to a zone other than an industrial zone.

## **0110.2607 OPERATION PLAN**

**Subdivision 1. Operation Plan Requirements.** The Operation Plan shall include a narrative discussing the following topics, and providing such other information as may be required by the Zoning Administrator, the Planning Commission, or the County Board of Commissioners.

1. A statement containing an estimate of the life expectancy of the proposed operation. The estimate shall include a starting date, and if within five (5) years, the completion date.
2. Material to be mined.
3. On site processing including crushing and washing operations.
4. Days and hours of operations.
5. Haul routes.
6. Soil erosion and sediment control plan.
7. A dust and noise control plan.

**Subd. 2. Operations Map.** The operations map shall be drawn at a scale of one (1) inch to one hundred (100) feet and shall show the tract to be mined and the adjacent area within five hundred, (500), feet to the proposed excavation. The map shall include the following:

1. Outline of the maximum area to be excavated.
2. Vertical profile of area to be excavated indicating over-burden and other geological layers to the extent known.
3. Location of any structures to be erected.
4. Location of tailings deposits showing maximum height of deposits.
5. Location of machinery to be used in the mining operation.
6. Location of storage of mined materials, showing height of storage deposits.

7. Location of vehicle parking.

8. Location of explosive storage.

**Parts 0110.2607-0110.2608**

9. Erosion and sediment control structures.

10. Egress and ingress points and proposed turning lanes.

11. Machinery, excavation and stock pile setbacks.

**0110.2608 RECLAMATION PLAN**

**Subdivision 1. Reclamation Plan Required.** Any mining operation legally commenced prior to the enactment of this Ordinance that does not have an approved reclamation plan, shall submit a reclamation plan to the Planning Agency for review and approval within five (5) years of the date of the enactment of this Ordinance.

**Subd. 2. Reclamation Plan Commencement Requirement.** All mining sites shall be reclaimed after mining operations cease. Reclamation shall be complete within one calendar year after operation ceases. Reclamation must commence when any of the following conditions occur:

1. Within a period of three (3) months after the termination of a mining operation.
2. Within three (3) months after abandonment of such operation for a period of six (6) months.
3. Within three (3) months after expiration of a mining permit.

**Subd. 3. Reclamation Plan Standards.** The following standards apply:

**1. Removal of Buildings and Structures.** All buildings, structures and plants incidental to such operation shall be dismantled and removed by, and at the expense of the mining operator last operating such buildings, structures and plants.

**a.** A temporary variance may be granted for those buildings, structures, machinery and plants required to process previously mined materials stored on the site. Such variance may apply for only one (1) year, after which said buildings, structures machinery and plants shall be removed.

**2. Grading and Filling.** The peaks and depressions of the area shall be graded and back filled to a surface which will result in a gently rolling topography in substantial conformity to the surrounding landscape, and which will minimize erosion due to rainfall. No finished slope shall exceed eighteen (18) percent in grade.

**3. Soil Quality.** Reclaimed areas shall be laid with sod or surfaced with soil of a quality at least equal to the topsoil of land areas immediately surrounding and to a depth of at least three (3) inches.

**Parts 0110.2608-0110.2609**

**4. Ground Cover.** The required topsoil shall be planted with legumes and grasses. Trees and shrubs may also be planted but not as a substitute for legumes and grasses. The planting shall adequately retard soil erosion.

**5. Ponds.** Excavations completed to a water-producing depth need not be back filled if the water depth is at least ten (10) feet and if banks shall be sloped to the water-line at a slope no greater than three (3) feet horizontal to one (1) foot vertical.

**6. Finished Grades.** The finished grade shall be such that it will not adversely affect the surrounding land or future development of the site upon which mining operations have been conducted. The finished plan shall restore the mining site to a condition whereby it can be utilized for the type of land use proposed to occupy the site after mining operations cease.

**Subd. 4. Reclamation Plan.** The Reclamation Plan shall include a narrative discussing how the above standards will be met and shall also include any additional information required by the Zoning Administrator, the Planning Commission, or the County Board of Commissioners.

**Subd. 5. Reclamation Plan Map.** The reclamation plan map shall be drawn at a scale of one (1) inch to one hundred (100) feet and shall show the adjacent area within five hundred, (500), feet to the proposed excavation. The map shall include the following:

1. Final grade of proposed site showing elevations and contour lines at five (5) foot intervals.
2. Location and species of vegetation to be replanted.
3. Location and nature of any structures to be erected as part of the Reclamation Plan.

**Subd. 6. Changes in the Reclamation Plan.** In the event the operator finds the characteristics of the mining area to be different than what was previously determined, changes may be made in the original reclamation plan by mutual consent of the operator and the County Planning Agency. Such change shall preserve, as substantially as possible, the original reclamation plan, and shall also provide for the previously unknown variables.

**0110.2609 PERFORMANCE BOND REQUIRED**

A performance for mining operations shall be filed with the Zoning Administrator in such a form as the County Board shall prescribe, and payable to the County. The amount of the bond amount shall be set by the County Board by resolution. The bond shall guarantee that either upon termination of the permit or of the operations, the ground surface of the land used shall be restored in conformity

with the reclamation plan filed with the mining permit application. When and if the portions of the bonded property are completely rehabilitated in accord with the reclamation plan, and such restoration is certified by the Zoning Administrator, the performance bond protecting the restored acreage shall be returned.

**Parts 0110.2610-0110.2612**

**0110.2610 TERM OF PERMIT**

Each Conditional Use Permit approved for mineral extraction shall be valid for a period of five (5) years from and after the date of approval, provided the requirements of operation and reclamation, comply with the conditions of the permit.

1. An examination of the premises can be made by the Zoning Administrator at any time during the term of the operation.

**0110.2611 RENEWAL AND REVIEW**

Each Conditional Permit shall be renewable for a period of five (5) years upon written application to the Zoning Administrator and with the concurrence of the Planning Agency. However, upon determination by the Zoning Administrator, or the County Board, that the operation is in violation of the provisions of the Conditional Use Permit or other County Ordinances, a hearing may be held to review the existence of any alleged violations.

**0110.2612 REVOCATION OF PERMIT**

Upon failure by the holder of a mining permit to fully comply with the provisions contained herein, the Zoning Administrator shall certify the non-compliance to the County Board of Commissioners.

**Subdivision 1. Notice of Violation.** The Board of Commissioners shall give notice to said permit holder and owner of the land setting forth the provisions of this Section being violated.

**Subd. 2. Hearing.** The Board shall set a time and place of a hearing to be held by the Board to consider such violation of provisions of this Section.

**Subd. 3. Suspension or Termination of Permit.** If said Board of Commissioners shall find that provisions of this Section have not be complied with by the permit holder then the mining operations permit may be suspended or terminated by said Board of Commissioners.

**STORMWATER  
POLLUTION  
PREVENTION PLAN**

**ERICKSON  
QUARRY**  
HOUSTON COUNTY, MN

**Stormwater Pollution Prevention Plan (SWPPP)**  
**ERICKSON QUARRY**  
Houston County, MN

**Owner:**

Tracie & Michelle Erickson  
23148 State 16  
Rushford, MN 55971

**Site Address:**

Same as owner

**Excavator/ Contractor:**

Richard Frick  
3108 County Rd. 9  
Houston, MN 55943

**Site Engineer:**

G-Cubed Engineering, Surveying & Planning  
14070 Hwy 52 SE  
Chatfield, MN 55923  
507-867-1666

**SWPPP Prepared by:**

G-Cubed Engineering, Surveying & Planning  
14070 Hwy 52 SE  
Chatfield, MN 55923  
507-867-1666

Certified SWPPP designer: Mark R. Welch, P.E. – SWPPP certified thru 2013

**Estimated Construction Dates:**

Start of Construction: May 15<sup>th</sup>, 2012

Completion of Construction: January 8<sup>th</sup>, 2013

This SWPPP shall be updated as needed to meet the requirements of any Township ordinances, Houston County ordinances, or as needed to provide the Best Management Practices available.

Last Revised Date: 05/02/2012

## SITE EVALUATION, ASSESSMENT, AND PLANNING

### Project Information:

The project will include typical excavations and land disturbance for small mineral mining operations. The main product removed in the mining operation will be aggregate rock and sand material.

The legal description for the permitted area is as follows:

The Southeast Quarter of the Southeast Quarter of Section 19, Township 104 North, Range 7 West and that portion of the east Half of the Northeast Quarter of Section 30, Township 104 North, Range 7 West which lies North of the right of way of state Highway No. 16 as the same is located in the year 1991.

Latitude: 43.7867° N (decimal degrees) Longitude: 91.7145° W (decimal degrees) per Google Earth web site.

This project is not in Indian Country. It is not part of a federal facility.

NPDES permit tracking Number: Pending

### **Project Overview:**

An Operations and Reclamation Plan has been created for this project. These documents shall be a part of this SWPPP as they include erosion prevention measures and sediment controls that, when implemented, will decrease soil erosion within and from leaving the property being developed and decrease pollution in receiving waters.

The site is currently an unnamed bluff quarry operating under Houston County Conditional Use Permit No. 261. The permitted property consists of woodlands, a building site, and some grassland.

An EAW was not performed for this project because the project does not meet the threshold for mandatory review.

We concluded that no wetlands are present in the area to be disturbed based on the following: The NWI maps do not indicate any wetlands present. The site does not have a history of flooding. A walk through of the site did not discover any natural wetland communities.

### **Existing Conditions:**

In general, the project area drains from northwest to southeast. The site is currently an unnamed bluff quarry operating under Houston County Conditional Use Permit No. 261. The permitted property consists of woodlands, a building site, and some grassland. There are no wetlands, water courses, major drainage systems or impounded waters on-site. Excavation shall be limited to the 19.11 acre area depicted on the Existing Conditions Map. When future phases of excavation are planned, the Operation and Reclamation

Plan and this Storm Water Pollution Prevention Plan will need to be updated. The only impervious surface within the project area is the aggregate access drive.

**Proposed Conditions:**

**Impervious Surfacing:**

Onsite conditions include 0.5± acres of impervious surfaces. Post construction there will be the same 0.5+ acres of impervious surfaces. Per the reclamation plan the entire disturbed area is to be returned to vegetation as to aid in erosion prevention. The only impervious surface to remain is the aggregate access drive which is used by the cabin to the north of the site.

**Receiving Waters:**

Waters leaving the site are collected in a temporary sedimentation basins which allows for sediments to settle out prior to leaving the site. Within one mile the water reaches the Root River which is listed as an impaired water for mercury based on a check of the MPCA website (<http://www.pca.state.mn.us/water/tmdl/index.html>) on 5-2-2012.

**Proposed Land Alterations/ Grading:**

The pre-existing rock face is approximately 40 feet high. The existing “floor” may be excavated down to approximately 20 feet. The existing rock face will be excavated horizontally into the slope. Other than the rock face, the final grade shall be a min. of 2.0% and a max. of 18% to the southeast as shown on the reclamation map.



## CONTACT INFORMATION

### **Owner:**

Tracie & Michelle Erickson  
23148 State 16  
Rushford, MN 55971

### **Excavator/ Contractor:**

Richard Frick  
3108 County Rd. 9  
Houston, MN 55943

### **Site Engineer:**

G-Cubed Engineering, Surveying & Planning  
14070 Hwy 52 SE  
Chatfield, MN 55923  
507-867-1666

## GENERAL SITE INFORMATION

### Permits and other approvals:

- A NPDES permit is required for this project.
- A Conditional Use Permit from the Houston County Zoning Office is required and has been issued. (Conditional Use Permit No. 261)
- As of Feb. 1, 2010, the individual(s) preparing the SWPPP for the project; individual(s) overseeing implementation of, revising, and amending the SWPPP and individual(s) performing inspections need to have received training (Part III.A2). Persons certified shall be identified on the front page of this SWPPP.

## EROSION PREVENTION AND SEDIMENT CONTROL BMP'S

Refer to the projects plans for locations and a detail of the BMP's designed for this project. Additional BMP's may be necessary as the construction progresses.

### Temporary protection and prevention:

Will consist of silt fence, temporary seeding and mulching and other BMP's as determined necessary or described on the Operations Plan.

### Permanent protection and prevention:

Reestablishment of vegetation will provide permanent erosion protection and prevention as described on the projects Operations and Reclamation Plan.

### Concrete Washouts:

Concrete washouts, which prohibit washout liquid and solid wastes from contacting the ground and entering the groundwater, may be; approved facilities offsite, portable onsite facilities, or facilities constructed onsite. All washouts facilities constructed on site must be in approved communal locations and/or located on the individual lot being developed. On site constructed facilities shall have a leak-proof, impermeable liner and follow the construction, maintenance and removal processes as recommended on the MPCA website (<http://www.pca.state.mn.us/publications/wq-strm2-24.pdf>).

### Order of Activities:

1. Construct down slope erosion control measures.
2. Install perimeter fence. (4' in height min.)
3. Remove surface vegetation in area to be excavated. Large woody material may be chipped and stockpiled for mulch.
4. Strip and stockpile topsoil. Seed and mulch the topsoil stockpile to establish vegetation to prevent erosion.
5. Remove and stockpile overburden. Protect downstream of stockpiles with vegetated berms, wood chip berms, or other approved BMP's.
6. Excavation, crushing, screening and stockpiling limestone overburden.
7. Excavation, screening, and stockpiling of course sand.
8. Excavation, screening, and stockpiling of fine sand

9. Trucking of materials offsite.
10. Restoration activities – Spread excess overburden to level the area, spread topsoil, seed & mulch.

Process to Final Stabilization:

The Contractor shall seed the site as soon as possible in order to establish vegetation. The Contractor shall maintain all erosion control until the vegetation is fully established and all evidence of erosion is addressed.

Future Projects

Future phases shall be reviewed for compliance with NPDES, County and State requirements. Updating the Operation and Reclamation plans as well as this SWPPP may be required along with pertinent information to show compliance with the General Stormwater Permit for Construction Activity (NPDES).

## IMPLEMENTATION AND INSPECTIONS

### Training:

Recommend reading and following publication Stormwater Compliance Assistance Toolkit for small Construction Operators published by the Minnesota Pollution Control Agency, August 2008 wq-strm2-09 and can be found at [link to document](#) and/or on-file with our office.

Training your staff and subcontractors is an effective BMP. As with the other steps you take to prevent stormwater problems at your site, you should document the training that you conduct for your staff, for those with specific stormwater responsibilities (e.g. installing, inspecting, and maintaining BMPs), and for subcontractors.

Include dates, number of attendees, subjects covered, and length of training.

For more on this subject, see SWPPP Guide, Chapter 8.

General Stormwater and BMP awareness training for staff and subcontractors

Detailed training for staff and subcontractors with specific stormwater responsibilities

Identify Individual(s) Responsible for Training:

### Implementation:

The implementation of this plan shall be overseen by the respective owner and contractors, general and sub, of the pertinent processes this SWPPP encompasses.

### Inspections:

The General Contractor shall comply with all the requirements of the grading plan and shall be responsible for filling out inspection reports a minimum of once every 7 days during active construction and within 24 hours after a rainfall greater than 0.5 inches in 24 hours. All reports shall be kept on file and retained with the SWPPP.

*They shall include:*

- A Date and time
- B Name of person conducting inspection
- C Finding of inspection, including recommendation for corrective actions.
- E Date and time of rainfall events greater than 0.5 inches in 24 hours
- F Documentation of changes made to the SWPPP

The Contractor's work shall include making adjustments in the field in order to minimize erosion and maximize the control of sediment.

---

**From:** Kelley Stanage [<mailto:stanagek@gmail.com>]  
**Sent:** Monday, May 12, 2014 2:11 PM  
**To:** Seuffert, Will (MPCA)  
**Subject:** Erickson mine

Will,

As per our telephone conversation earlier, I am sending this information to clarify the situation with regard to the "Operation and Reclamation Plan" I sent out earlier.

It is important that the EQB understand that the mine on the Erickson property was originally permitted for 8,000 - 10,000 cubic yards of sand annually. There was no operation plan or reclamation plan on file at the Houston County Zoning Office for that mine.

The "Operation and Reclamation Plan" for the Erickson quarry, which was submitted by Bob Scanlan to Caroline Magnuson via email on May 7, 2014 appears to simply be an edited version of the plan for a much more extensive industrial silica sand mining operation, submitted by G-Cubed in June of 2012 on behalf of Minnesota Sand, LLC. I sent you a copy of the June 2012 plan earlier today. I have attached a copy to this message, as well.

The modifications I've been able to identify are the following manual changes:

1. The cover letter from G-Cubed is missing.
2. The title page has been replaced.
3. On page three, under "Access:", there was a point 5 in the June, 2012 document identifying steps for dust mitigation. That appears to have been manually masked over to omit it.
4. Under "Water Resources:", there was originally a paragraph titled "Safety Fencing," which has also apparently been masked over to omit it.
5. On page 4, under "Setback Requirements", point 4, "Dust and Noise", the last sentence previously identified the "existing residential structure to the east" as being "700' feet" from any mining activities. It has been modified in handwriting to be "600 feet."
6. On page 5, after the heading "Processing", the entire rest of the page has been deleted, including sections on "Safety", "The order of activities . . .", and "Notes".
7. On page 6, the section entitled "Attachments" has been deleted.
8. On page 8, in the bottom right corner of the page, the block containing "G-Cubed" included the date "6-10-2012", and "Prepared For: Richard Frick, 3106 Co. Rd. 9, Houston, MN 55943", it has now been changed to "Tracie Erickson" in handwriting.
9. On page 9, the date / prepared for block has been similarly modified, and above that, a section titled "Earthworks / excavation summary of approximate quantities" has been masked over.
10. The following 22 pages of the June, 2012 document have been omitted.

To reiterate, it appears that the currently proposed mine is basically the same as the mine proposed by Minnesota Sand, LLC in 2012.

It is also unclear that the relationship between Minnesota Sands and Tracie Erickson has completed the severance process identified in their agreement (page 62 of the board packet). In other words, has the agreement been fully executed?

In addition, has it been determined that the new operator of the mine is not, in fact, yet another iteration of the Minnesota Sands / Minnesota Proppant companies? In his March 25, 2014 letter to Rick Frick and John Dustman (page 60 of the board packet), Jeff Smyser asked a question that would have helped clarify this issue (regarding past, current, or anticipated future association . . .), but, to my knowledge, specific answers to his question have not been received.

There is a concern that allowing this mine to circumvent environmental review, as well as trout stream setback permitting, could result in an avalanche of mines doing industrial silica sand mining in Houston County under permits intended for occasional-use construction/ agricultural bedding sand mining.

I appreciate your consideration in this very important matter.

Sincerely,

Kelley Stange