



COUNTY OF BECKER

Planning and Zoning

915 Lake Ave, Detroit Lakes, MN 56501

Phone: 218-846-7314 ~ Fax: 218-846-7266

TO: Members of the Planning Commission

FROM: Planning & Zoning Department

DATE: July 28, 2015

RE: Planning Commission Meeting

An informational meeting and tour has been scheduled for **Wednesday, August 5th, 2015, 8:00 am**. Please meet at the 3rd floor meeting room by the Planning & Zoning Department. If you cannot make the tour, please contact the office at 218-846-7314.

Thank you.



COUNTY OF BECKER

Planning and Zoning

915 Lake Ave, Detroit Lakes, MN 56501

Phone: 218-846-7314 ~ Fax: 218-846-7266

Becker County Planning Commission Meeting

August 11th, 2015 ~ 7:00 P.M.

~ Tentative Agenda ~

Public Hearing for Notice of Intent to Amend an Ordinance

1. Purpose: To Amend Chapter 5, Section 2,
Subject Matter: Nonconforming deck additions.
In 2007, nonconforming deck additions were removed from the Ordinance. This created a situation where all decks on nonconforming structures required a variance in order to add a deck. In order to reduce the number of variances and allow better enjoyment of property, this provision would be amended to allow a twelve (12) ft nonconforming deck addition providing the deck addition does not extend into the shore impact zone and meet pervious criteria.
2. Purpose: To Amend Chapter 8, Section 5
Subject Matter: Amend Minimum Road Frontage to be consistent with Chapter 8, Section 4, which was amended in March 2012. When Chapter 8, Section 4 was amended, Section 5 was inadvertently overlooked.
3. Purpose: To Amend Chapter 8, Section 5, Paragraph J
Subject Matter: Amend the number of times a parent tract can be divided by a certificate of survey. Additional tracts created before the end of the timeline established would have to be approved through a public hearing process.
4. Purpose: To Amend Chapter 8, Section 5, Paragraph J(2)
Subject Matter: Amend Administrative Review to be consistent with Chapter 8, Section 5, Paragraph A 2(a)[1] which was amended in March 2012. When Chapter 8, Section 5, Paragraph A 2(a)[1] was amended, Chapter 5 Paragraph J2 was inadvertently overlooked.
5. Purpose: To Amend Chapter 8, Section 5, Paragraph M(4)
Subject Matter: Amend the size of a non-riparian lot from a non-riparian lot having to be greater than five thousand (5000) sq ft.

Applicants Public Hearing

I. Roll Call of Members

Minutes Approval for the July 14th , 2015 Meeting.

II. Old Business: None

III. New Business

- 1) **APPLICANT:** Michael & Harriet Powers **PROJECT LOCATION:** E Little Cormorant Rd **APPLICATION AND DESCRIPTION OF PROJECT:** Request a change of zone from Agricultural to Residential for three tracts consisting of (Tract C-2) 1.9 acres, (Tract C-3) 2.0 acres and (Tract C-4) 1.77 acres.
- 2) **APPLICANT:** Karen Nelson **PROJECT LOCATION:** 10779 Co Hwy 5 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a change of zone from Commercial to Residential to reflect the current use of the property.
- 3) **APPLICANT:** Kelly Brackett **PROJECT LOCATION:** 24062 Cherry Hill Rd **APPLICATION AND DESCRIPTION OF PROJECT:** Request a change of zone from Agricultural to Residential for one tract consisting of (Tract B) 1.41 acres.
- 4) **EAW REVIEW:** Review of comments submitted/received regarding a proposal for gravel/aggregate extraction to exceed 40 acres on parcel 06.0402.001 Section 29 S ½ of NW ¼ Cormorant Township with Contractors Leasing/Kost Materials and determination if project needs an EIS. Conditional Use Permit application pending for upcoming Public Hearing.

V. Other Business

- 1) **Tentative Date for Informational Meeting:**
Wednesday September 2nd, 2015; 8:00 am; Zoning Office
- 2) **Other Business**

VI. Adjournment

**Proposed Zoning Changes
Public Hearing Date
August 11, 2015**

1. Amend Chapter 5, Section 2 to allow Nonconforming Deck Additions

Proposed Language

L. Nonconforming Deck Additions.

A deck addition not meeting the required setback from the ordinary high water level may be allowed without a variance if all of the following criteria and standards are met:

- A. The deck encroachment toward the ordinary high water level does not exceed twelve (12) feet of the current structure setback or required setback for new construction.
- B. The deck addition cannot extend into the shore impact zone;
- C. The deck is constructed in a pervious manner, and is not roofed, enclosed or screened; and
- E. The ground underneath the deck must remain pervious.

Current Paragraphs L – Q would be renumbered.

Synopsis: Nonconforming deck additions were removed from the Ordinance in December 2007. Since then the Ordinance has been changed to allow one time additions without variances and additions to nonconforming structures by setback average plus twenty (20) feet. However, these changes did not address deck additions, which required variances. This provision could reduce the number of variances. Once a variance is granted, the variance stays with the land and changes the setbacks for that property forever. It is preferred to approve permits by regulation, thus if the regulation changes, setbacks change.

2) Amend Chapter 8, Section 5, Paragraph J(2) – this section needs to reflect the same information as in Chapter 8, Section 4, which was changed in March 2012

Proposed Language

Section 5 Subdivision of Land

2. Lots.

e. Minimum road frontage. Every lot must have at least sixty-six feet (66') of frontage on a public dedicated road or street other than an alley except that a lot created by a Surveyor's Sketch is not required to have frontage on a public road if access is provided:

- (1) with a fourteen foot (14') wide driving surface; The easement from the property to a public road must be at least thirty-three (33) feet wide when servicing one (1) or two (2) tracts of land;
- (2) on an easement or on property owned by the developer; and The easement from the property to the public road must be at least sixty-six (66) feet wide

- when servicing three (3) or more tracts of land; except that this provision does not apply to property that is accessed by a forest management road; and
- (3) that access is to no more than two (2) lots. The easement from the property to the public road has a graded and serviceable driving surface.

Synopsis: In March 2012 the language for minimum road frontage was changed and approved. The language regarding this was located in two (2) locations of the Ordinance. In 2012, one section of the Ordinance was changed, but one section was inadvertently not changed. This change would bring both sections into compliance with the 2012 amendment.

3). Amend Chapter 8, Section 5, Paragraph (J) to Limit the number of tracts to be created with a certificate of survey

Proposed Language:

- J. Subdivision of a tract of land into three or fewer tracts. Applications involving tracts of land that are proposed to be subdivided into three (3) or fewer tracts, but are not exempt from subdivision review under Chapter 8, Section 5, subsection A.2, may be reviewed according to the procedures in this subsection. The design of such subdivisions shall conform to the requirements of this subsection. Within a three (3) year period, a total of three (3) tracts of land may be subdivided from a parent tract by a certificate of survey. Additional tracts may be created through the public hearing process.

Synopsis: Currently, there is not a limit as to how many times a parent tract can be subdivided by Certificate of Survey providing all criteria are met. In some cases, this can create havoc with orderly development, especially with public roads. By placing a time limitation on the number of tracts created with a certificate of survey, it allows more review and potentially better development.

4). Amend Chapter 8, Section 5, Paragraph J(2) – this section needs to reflect the same information as Section 5, A.2.a.(1), exemption by Tech Panel, which was changed in March 2012.

Proposed Language:

1. When allowed. Any quarter-quarter section, government lot, or smaller tract of land which was under single ownership on the effective date of this Ordinance may be subdivided into three or fewer tracts without following the preceding provisions for a plat if a surveyor's sketch of the proposed subdivision is submitted and approved in accordance with the procedures in this subsection J.
2. Review procedure.
 - a. Within a shoreland area.
 - (1) Administrative review. The surveyor's sketch shall be submitted to the Zoning Administrator for approval. The Zoning Administrator shall approve the

surveyor's sketch only if it meets or exceeds 2.5 acres. The Zoning Administrator reserves the right to refer to the certificate of survey to the Planning Commission and County Board of Commissioners for consideration with any subdivision proposal presenting extraordinary circumstances. Approval or disapproval of the proposed subdivision shall be conveyed to the subdivider in writing fifteen (15) days after the submission. If the proposed subdivision is disapproved, the subdivider shall be notified in writing of the reasons for the disapproval. The approval of the proposed subdivision together with a copy of the surveyor's sketch shall be filed with the County Recorder before any conveyances of the subdivided lots shall be valid.

(Current subsections 1 & 2 would be renumbered)

Synopsis: In March 2012 the language was approved to allow certain certificates of survey, which were exempted from the Technical Review Panel to be reviewed administratively by the Zoning Office. In 2012, one section of the Ordinance was changed, but one section was inadvertently not changed. This change would bring both sections into compliance with the 2012 amendment.

5) Amend Chapter 8, Section 5, Paragraph M

Proposed language:

M. Non-riparian lots. Non-riparian lots not meeting the required size of the zoning district may be allowed if the following criteria are met;

1. Non-riparian lots described by metes and bounds conveyance must be described by legal description the riparian lot to which it is being attached to and the combined tract cannot be conveyed separately nor separated without county approval;
2. Non-riparian lots created by platting must include in the plat dedication the legal description of the riparian lot to which it is being attached and that neither can be conveyed separately nor separated without county approval;
3. The non-riparian lot and riparian lot must be located within two hundred (200) feet of each other;
4. The non-riparian lot must be at least ~~be greater than~~ five thousand (5000) square feet ~~in area~~;
5. The minimum road frontage of the non-riparian lot is fifty (50) feet;
6. All setbacks for the applicable zoning district shall apply to the non-riparian lots;
7. The lot area of the non-riparian lot cannot be used in the calculations of impervious coverage for the riparian lot;
8. The maximum lot coverage of the non-riparian lot cannot exceed twenty-five (25) percent of the area of the non-riparian lot.

Synopsis: In 2012, a provision was approved to allow non-riparian back lots to be joined permanently to lake lots with the intent to allow storage sheds and septic systems, to take the pressure off the lakes. The definition stated that the lots needed to be a minimum of 5000 sq ft of lot area (no wetlands, bluffs, etc). This was a success; however there has been interest in people buying unbuildable land behind their lake lots as buffers to 'protect' their land. In order to accomplish this, the language must be changed as in the proposal above.

Becker County Zoning Ordinance Review Committee
July 9, 2015

Present: Roy Smith, Larry Knutson, Dave Knopf, Scott Walz, Ray Vlasak, Peter Mead, Rodger Hemphill, Harry Johnston, John Postovit, Terra Guetter, Ed Clem, Willis Mattson, Eric Evenson-Marden and Debi Moltzan.

Chairman Johnston called the meeting to order at 9:00 am. The agenda was considered, with no changes made to the agenda.

Knopf made a motion to approve the minutes from the May 12, 2015. Vlasak second. All in favor. Motion carried.

Non-conforming Deck Additions

Discussion at the last meeting was to put nonconforming deck additions back into the Ordinance. Proposed language was drafted by the Zoning Office with what was in the model Ordinance and suggestions from the last meeting. This language included:

Chapter 5, Section 2

L. Nonconforming Deck Additions.

A deck addition not meeting the required setback from the ordinary high water level may be allowed without a variance if all of the following criteria and standards are met:

- A. There is no reasonable location for a deck to meet the required setback;
- B. The deck encroachment toward the ordinary high water level does not exceed twelve (12) feet of the current structure setback or required setback for new construction.
- C. The deck addition cannot extend into the shore impact zone;
- D. The deck is constructed in pervious manner, and is not roofed, enclosed or screened; and
- E. The ground underneath the deck must remain pervious (in the case of an upper story deck, the ground underneath the deck must remain pervious unless there is evidence of a pre-existing impervious material in this location).

.....
Current Paragraphs L – Q would be renumbered.

Discussion was held regarding the proposed draft. Discussion included removing item A; clarifying preexisting concrete cannot be expanded and if the deck was enlarged the concrete would have to be removed.

Vlasak stated that he was not in favor of this because he felt it was a move to deteriorate the lakes. Most decks now days are not constructed as pervious and what about the people that have already complied with the regulations. Postovit felt that this was a loop hole. People could not build the house at the setback and come back and add a deck 12 ft closer rather than moving 12 ft

further back to begin with. Walz felt that people would not be as devious on their plans if they knew they were getting a 12 ft deck. Johnston questioned if the PRWD had definitions for pervious deck. Guetter said they did have some definitions but felt that there should be a concrete or brick containment to contain the water run-off from the deck.

Postovit questioned why the Board of Adjustment recently denied a request for a nonconforming deck addition. Johnston stated that a hardship must be proven in order to grant a variance.

Further discussion was held as to how to keep the area under the deck pervious without causing erosion. Some suggestions were fabric and rock, French drains, and retention areas. Postovit felt that this section should not be made more complicated when there is a definition of a pervious deck.

Further discussion was held regarding upper story decks begin added to an existing structure. The proposed language allowed patios to remain if the patio was already in existence. Consensus was that the concrete could remain but not be expanded. However, after much discussion, it was decided that if a second story deck would be added, the concrete must be removed and replaced with a pervious deck.

Knopf made a motion to recommend the nonconforming deck addition proposed language to the Planning Commission, written as follows:

Chapter 5, Section 2

L. Nonconforming Deck Additions.

A deck addition not meeting the required setback from the ordinary high water level may be allowed without a variance if all of the following criteria and standards are met:

- A. The deck encroachment toward the ordinary high water level does not exceed twelve (12) feet of the current structure setback or required setback for new construction;
- B. The deck addition cannot extend into the shore impact zone;
- C. The deck is constructed in pervious manner, and is not roofed, enclosed or screened; and
- D. The ground underneath the deck must be pervious.

Current Paragraphs L – Q would be renumbered.

Clarification of Chapter 8, Section 5 Subdivision of Land.

While drafting language to put a timeline on the number of lots created by a certificate of survey, it was found that language was changed in the Ordinance in March 2012. This language was changed in Chapter 8, Section 4, but did not get changed in Section 5. The following needs to be changed to reflect the language approved in March 2012:

Section 5 Subdivision of Land

2. Lots.

- e. Minimum road frontage. Every lot must have at least sixty-six feet (66') of frontage on a public dedicated road or street other than an alley except that a

lot created by a Surveyor's Sketch is not required to have frontage on a public road if access is provided:

- (1) ~~with a fourteen foot (14') wide driving surface; The easement from the property to a public road must be at least thirty-three (33) feet wide when servicing one (1) or two (2) tracts of land;~~
- (2) ~~on an easement or on property owned by the developer; and The easement from the property to the public road must be at least sixty-six (66) feet wide when servicing three (3) or more tracts of land; except that this provision does not apply to property that is accessed by a forest management road; and~~
- (3) ~~that access is to no more than two (2) lots. The easement from the property to the public road has a graded and serviceable driving surface.~~

Walz made a motion to accept the above language to make the section consistent with the changes made in 2012. Vlasak second. All in favor. Motion carried.

Limitation on number of tracts to be done with a certificate of survey.

After the last discussion, language was put together to allow certificates of survey, but when multiple surveys are done from a parent tract, there is some type of control to aid in orderly development. The proposed language is:

J. Subdivision of a tract of land into three or fewer tracts. Applications involving tracts of land that are proposed to be subdivided into three (3) or fewer tracts, but are not exempt from subdivision review under Chapter 8, Section 5, subsection A.2, may be reviewed according to the procedures in this subsection. The design of such subdivisions shall conform to the requirements of this subsection. Within a five (5) year period, a total of three (3) tracts of land may be subdivided from a parent tract by a certificate of survey. Additional tracts may be done by platting.

Smith explained how property can be divided, certificate of survey and platting and the difference between them. In the end, you have the same number of tracts of land; it is just the process of how you get there. There are times that platting is the better way of completing the process and there are times that a certificate of survey is the better way, each project is different.

Further discussion was held as to whether or not there should be one regulation for property located on an existing public road and one regulation for property that needs to create a new public road and what timeline should be placed on the number of lots created.

Motion: Knopf made a motion to approve language to limit the number of tracts to be created with a certificate of survey to read as follows:

J. Subdivision of a tract of land into three or fewer tracts. Applications involving tracts of land that are proposed to be subdivided into three (3) or fewer tracts, but are not exempt from subdivision review under Chapter 8, Section 5, subsection A.2, may be reviewed according to the procedures in this subsection.

The design of such subdivisions shall conform to the requirements of this subsection. Within a three (3) year period, a total of three (3) tracts of land may be subdivided from a parent tract by a certificate of survey. Additional tracts created may be created through the public hearing process.

Clarification of Chapter 8, Section 5, J 2

While drafting language to put a timeline on the number of lots created by a certificate of survey, it was found that language was changed in the Ordinance in March 2012. This language was changed in Chapter 8, Section 4, but did not get changed in Section 5. The following needs to be changed to reflect the language approved in March 2012:

2. Review procedure.

a. Within a shoreland area.

(1) Administrative review. The surveyor's sketch shall be submitted to the Zoning Administrator for approval. The Zoning Administrator shall approve the surveyor's sketch only if it meets or exceeds 2.5 acres. The Zoning Administrator reserves the right to refer to the Planning Commission and County Board for consideration any subdivision proposal presenting extraordinary circumstances. Approval or disapproval of the proposed subdivision shall be conveyed to the subdivider in writing fifteen (15) days after the submission. If the proposed subdivision is disapproved, the subdivider shall be notified in writing of the reasons for the disapproval. The approval of the proposed subdivision together with a copy of the surveyor's sketch shall be filed with the County Recorder before any conveyances of the subdivided lots shall be valid.

(+ 2) Review by the Planning Commission. The surveyor's sketch shall be submitted to the Zoning Administrator in the Becker County Planning and Zoning Office. The County Planning Commission shall hold a public hearing on said proposed subdivision. The public hearing shall conform to the provisions of Chapter 8, Section 2, of this Ordinance. The Planning Commission shall approve the subdivision with findings that contain conditions for approval or shall state reasons for denial. A denial of a subdivision by the Planning Commission shall be reviewed by the County Board for final action. In case the proposed subdivision is disapproved, the subdivider shall be notified of the reason for such action and what requirements will be necessary to meet the approval of the Planning Commission.

(2 3) Review by the County Board. After the public hearing and review of the proposed subdivision by the Planning Commission, such proposed subdivision, together with the recommendations of the Planning Commission, shall be submitted to the County Board for consideration. Approval or disapproval of the proposed subdivision shall be conveyed to the subdivider in writing ten (10) days after the meeting of the County Board at which such proposed subdivision was considered. In case the proposed subdivision is disapproved, the subdivider shall be notified in writing of the reasons for the

disapproval. The approval of a proposed subdivision together with a copy of the surveyor's sketch shall be filed with the County Recorder before any conveyances of the subdivided lots shall be valid.

(This addition is consistent with Section 5, A.2.a.(1), exemption by Tech Panel)

Motion: Walz made a motion to accept the above language to make the section consistent with the changes made in 2012. Vlasak second. All in favor. Motion carried.

Change Requirements of Non-riparian Lots

In 2012, changes were made to allow for non-riparian back lots to be joined permanently to lake lots to allow for storage sheds and septic systems. The lot must be located within 200 feet of the lake lot and must contain a minimum of 5000 sq ft of lot area, being defined as useable, buildable area, not steep slopes, bluffs or wetlands. The language that was approved was as follows:

M. Non-riparian lots. Non-riparian lots not meeting the required size of the zoning district may be allowed if the following criteria are met;

1. Non-riparian lots described by metes and bounds conveyance must be described by legal description the riparian lot to which it is being attached to and the combined tract cannot be conveyed separately nor separated without county approval;
2. Non-riparian lots created by platting must include in the plat dedication the legal description of the riparian lot to which it is being attached and that neither can be conveyed separately nor separated without county approval;
3. The non-riparian lot and riparian lot must be located within two hundred (200) feet of each other;
4. The non-riparian lot must be greater than five thousand (5000) square feet in area;
5. The minimum road frontage of the non-riparian lot is fifty (50) feet;
6. All setbacks for the applicable zoning district shall apply to the non-riparian lots;
7. The lot area of the non-riparian lot cannot be used in the calculations of impervious coverage for the riparian lot;
8. The maximum lot coverage of the non-riparian lot cannot exceed twenty-five (25) percent of the area of the non-riparian lot.

..... Since this regulation went into effect, there have been times that people have wanted to buy areas of land that do not contain the 5000 sq ft of lot area, but are 5000 sq. ft. in size. They want land as buffers from surrounding neighbors not necessarily to build.

Discussion was held regarding what the difference was if the back lot was buildable or non-buildable, as long as it was permanently attached to the lake lot and cannot be separated.

Motion: Knopf made a motion to change the language to allow 5000 sq. ft. lots, no matter if the property is buildable or useable, according to the following language. Walz second. All in favor. Motion carried.

- M. Non-riparian lots. Non-riparian lots not meeting the required size of the zoning district may be allowed if the following criteria are met;
1. Non-riparian lots described by metes and bounds conveyance must be described by legal description the riparian lot to which it is being attached to and the combined tract cannot be conveyed separately nor separated without county approval;
 2. Non-riparian lots created by platting must include in the plat dedication the legal description of the riparian lot to which it is being attached and that neither can be conveyed separately nor separated without county approval;
 3. The non-riparian lot and riparian lot must be located within two hundred (200) feet of each other;
 4. The non-riparian lot must be at least ~~be greater than~~ five thousand (5000) square feet ~~in area~~;
 5. The minimum road frontage of the non-riparian lot is fifty (50) feet;
 6. All setbacks for the applicable zoning district shall apply to the non-riparian lots;
 7. The lot area of the non-riparian lot cannot be used in the calculations of impervious coverage for the riparian lot;
 8. The maximum lot coverage of the non-riparian lot cannot exceed twenty-five (25) percent of the area of the non-riparian lot.

Natural Environment Lakes

Smith questioned how this was brought up again when it was not that long ago that the County increased the lot sizes on NE lakes. Walz explained the issues he had with the lot sizes when dealing with landowners, primarily the ones that just want to break off a piece of land for their children.

Smith felt that this committee should have a directive from the County Board as to what needs to be looked at in this committee, one of which being NE lot sizes. Postovit gave a timeline as to how long the committee had worked on changing the NE lot sizes in the past; this process was a two (2) year process. Postovit gave further background history on what information was used to make the decisions that were made. Mattson stated that he had worked with the DNR with lake caring capacity, which is very scientific and that the standards set by the County are a rule of thumb, one size fits most.

Johnston and Walz stated that the Conservation Subdivisions are not working and something needs to be changed. Both agree that more restrictive is ok, but there is a difference between more restrictive and extreme. Hemphill stated that the DNR model ordinance is just a guide; the counties can be more restrictive. Knutson felt that the former change did a great job of restricting property rights by not allowing people to sell their land.

Smith presented a chart rating NE lakes from 1 to 5 based on 8 different areas (size, shape, depth, watershed, % of potential development, etc.) and that most of this information could be obtained from the GIS information and lakes could be reclassified and lot sizes reduced.

Mead and Guetter asked that the group hold off on working on this because of the SWCD having to update their water plan. The work on the water plan could help this group in decisions. Knopf felt that the group is not working for the people at full capacity and speed if things are not getting accomplished correctly. Postovit complimented Smith for this work on a simplified rating system, but felt more science is needed.

Smith felt that the group should wait on any further discussion or decisions on NE lakes. Consensus of the group was to wait with more discussion on NE lakes until a later date.

Next Meeting

The next meeting is scheduled for Thursday, August 13, 2015 at 9:00 am. The agenda will be set by the Zoning Office.

Walz made a motion to adjourn the meeting. Knopf second. All in favor. Motion carried. Meeting adjourned.

Respectfully submitted,

Debi Moltzan

**Becker County Planning Commission
July 14th, 2015**

Members Present: Vice-Chairman John Lien, Commissioner Larry Knutson, Jim Kovala, Dave Blomseth, Jim Kaiser, Ray Thorkildson, Jeff Moritz, Harry Johnston, Mary Seaworth, Zoning Supervisor Eric Evenson-Marden and Zoning Technician Julene Hodgson. Absent were Jim Bruflodt and Mary Seaberg.

Vice-Chairman Lien called the meeting to order at 7:00 pm. Zoning Technician Julene Hodgson recorded minutes.

Vice-Chairman Lien explained the protocol for the meeting and stated that the recommendations of the Planning Commission would be forwarded to the County Board of Commissioners for final action on July 21st, 2015.

The Board discussed the previous meeting minutes. Kovala made a motion to approve the minutes for June 9th, 2015. Thorkildson second. All in favor. Motion carried.

Old Business: None

New Business:

FIRST ORDER OF BUSINESS: APPLICANT: R & G Plumbing & Heating Inc.
Project Location: 25485 Co Hwy 48 **LEGAL LAND DESCRIPTION:** 210105007 Osage Township Non-shoreland PT S1/2 NE1/4: BEG E QTR COR SEC 17, N 435', W 502', S 435' E 502' TO POB. TRACT 2 Section 17 TWP 140, Range 36 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Conditional Use Permit for a heating and plumbing business to include a building for supply storage and an office in an Agricultural Zone.

Ryan Sharp and Greg Tretbar explained the application to the Board. They own the R & G Plumbing and Heating business and have been basically working out of their van. Sharp explained they need a location to store their equipment and supplies.

No one spoke in favor of the application. No one spoke for or against the application. There was no written correspondence either for or against the proposal. At this time, testimony was closed and further discussion was held.

Kovala stated he spoke with neighbors and the Mayor of Osage and there were no objections or concerns. It was the consensus of the Board that the request meets the criteria of the Ordinance.

There was no further discussion by the Commission.

MOTION: Kovala made a motion to approve a Conditional Use Permit for a heating and plumbing business as submitted to include a building for supply storage and an office. Knutson second. All in favor. Motion carried to approve.

SECOND ORDER OF BUSINESS: APPLICANT: Bryan Stevens **Project Location:** 27208 Co Hwy 37 **LEGAL LAND DESCRIPTION:** 280018000 Shell Lake Township Non-Shoreland S 1875 FT OF E 700 FT OF E1/2 OF SE1/4 Section 03, Township 140, Range 38 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Conditional Use Permit for excavation of sand fill materials for a period of 10 years in an Agricultural zone.

Darryl Bergstrom on behalf of the property owner explained the application to the Board. Bergstrom stated he would extract gravel for small local projects as in garage slabs, driveways and so forth. Knutson questioned Bergstrom if his request included adding a screen someday to which Bergstrom stated yes he would like to add a mechanical screen someday, but there would be no crusher on site. Knutson asked if Bergstrom wanted to include this as part of the CUP request to which Bergstrom stated yes.

No one spoke in favor of the application. No one spoke for or against the application. There was no written correspondence either for or against the proposal. At this time, testimony was closed and further discussion was held.

The Board discussed different pits in the area including grandfathered ones, ones for just certain road projects and ones previously approved through the CUP process.

It was the consensus of the Board that the request meets the criteria of the Ordinance.

There was no further discussion by the Commission.

MOTION: Kaiser made a motion to approve a Conditional Use Permit as submitted for excavation of sand fill materials for a period of 10 years. The approval includes screening equipment but does not include a crusher. Knutson second. All in favor. Motion carried to approve.

THIRD ORDER OF BUSINESS: Informational Meeting: The next informational meeting is scheduled for Wednesday, August 5th, 2015 at 8:00 am in the Third Floor Meeting Room of the Original Courthouse.

Since there was no further business to come before the Board, Kovala made a motion to adjourn. Thorkildson second. All in favor. Motion carried. Meeting adjourned.

John Lien, Vice-Chairman

Jeff Moritz, Secretary

ATTEST

Eric Evenson-Marden, Zoning Supervisor

06.0402.001

July 20, 2015

RGU Contact person:

Becker County Zoning and Planning Department

Eric Evenson- Marden, Zoning Supervisor

915 Lake Ave, Detroit Lakes, MN 56501

Re: Environmental Assessment worksheet, Cormornat Township "Gravel Mine S ½ of NW ½ of section 29

I am writing in regard to the above environmental assessment with specific concern to the inaccuracies contained in the document, and the continued significant impacts the County is having on the Greater prairie chickens that inhabit south western Becker County. The continued conversion of the area into Moon Scape does not hold well for the birds. No restoration has occurred in Becker County, only continued expansions of pits.

I have been conducting an annual survey for the prairie chicken "leks" or "booming grounds," or "dancing ground" – the courtship locations for the chickens in southwestern Becker County since 2001 for the Nature Conservancy. The continued expansion of gravel pit locations in the area of the county has now almost completely extirpated the chickens from the county. We are down to our final 5 or 6 dancing males. At one time have over 40. The County, by allowing the continuous expansion and 24 hour operations of gravel pits has contributed in a great part, likely unknowingly, to the loss of the these birds, and numerous other small prairie nesting species such as the bobolink.

The chickens prefer short grass areas for their "leks" and we had many sites where pastures or hay lands were present. The pits have now consumed most of these sites, or operate so close to them as to extirpate the birds from them. This new pit proposal will be immediately adjacent to the last remaining dancing ground in Becker County.

Document comments:

Exhibit 7: The authors apparently did not attempt to access current information as it would not have looked favorably on the project. The last Becker county prairie "Lek" is located in the NE1/4 of the SW 14 if section 19, approximately a 100 yards off of the NW corner of the proposed project site in a current bison pasture. It contained 12 birds in 2014 but only 6 birds this year as a gravel operation is also expanding toward this location from the south for the past several years.



Page 17. # 13: The land description is incorrect. It is unlikely the site was ever forested. It was part of the oak savanna and tall grass prairie ecosystem that occurred in this portion of Becker County. Prairie fires maintained the grassland ecosystem as there were no large bodies of water in this area to stop the fires from crossing this land area from the west. As you go east or north a short ways large wetland and lakes would have slowed the fires progress and allow for trees to establish themselves in the fire shields of the water areas. I believe the County needs to revise their comprehensive plan so it is accurately represent this portion of Becker County.

Page 18:

The author failed to note that the complete disappearance of the prairie dancing ground in 2006 from section 19 corresponded to the permitted establishment of a new gravel pit operation in northwest corner of that section. The 24 hour operation schedule allowed by the county and the starting of mining operations in March drove the birds to abandon the site. Four other grounds in Becker County have also been extirpated over the past 8 years, and in all cases mining activities appears to have contributed to these losses. Additional sites have also been extirpated in Otter-tail and Clay counties respectively.

Prairie Chickens have been observed utilizing this new proposed site until a new pit opened just south of the property. It has also been found that the prairie-chickens avoided communication towers and rural farms (few in this area), (Kansas State F & W study). It could be assumed that wind generating towers adjacent to the county line could be included. Their continued expansion will likely also disrupt the use of Becker County by the birds.

Human activity is by far the greatest threat to the prairie chickens in Becker County. Prairie chickens do not migrate. They are a territorial bird and often defend it when possible. These "leks" are the area in which they perform their displays in hopes of attracting females. These sites usually have very short or no vegetation. The male prairie-chickens stay on this ground displaying for almost two months. The breeding season usually begins in Becker County in Late March throughout April until early May. We still have a lot of nesting habitat around if we have birds to use it.

The birds generally "display" on the "leks" for an hour before sunrise until around 9 am. They also sometimes return in the evening to the sites and may times visit the in the fall "to check things out". The noise from the gravel operations in the spring during the breeding period destroys their ability to communicate to the females. Gravel mining

operations should not be allowed to occur 24 hours a day. No operations should occur between 4 and 9 am adjacent to dancing areas.

The future of the Prairie Chicken in Southwestern Becker County will hinge on the actions of the planning commission. If they are to be extirpated from this area you will make that choice.

Sincerely,

Rick Julian

11545 West Lake Ida Lane

Lake Park, MN 56554

A handwritten signature in blue ink that reads "Rick Julian". The signature is written in a cursive style with a large, looping "R" and a long, sweeping "J".



Minnesota Pollution Control Agency

520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300

800-657-3864 | 651-282-5332 TTY | www.pca.state.mn.us | Equal Opportunity Employer

July 22, 2015

Mr. Eric Evenson-Marden, Zoning Supervisor
Becker County Zoning and Planning Department
915 Lake Avenue
Detroit Lakes, MN 56501

Re: Cormorant Township Gravel Mine S $\frac{1}{2}$ of NW $\frac{1}{4}$, Section 29 Environmental Assessment Worksheet

Dear Mr. Evenson-Marden:

Thank you for the opportunity to review and comment on the Environmental Assessment Worksheet (EAW) for the Cormorant Township Gravel Mine S $\frac{1}{2}$ of NW $\frac{1}{4}$, Section 29 project (Project) located in Becker County, Minnesota. Regarding matters for which the Minnesota Pollution Control Agency (MPCA) has regulatory responsibility and other interests, the MPCA staff has the following comments for your consideration.

The Project will disturb a total of one acre or more of land; a National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Construction Stormwater Permit (CSW Permit) is required from the MPCA. The owner and operator (usually the general contractor) are jointly responsible for obtaining and complying with the conditions of the CSW Permit. A detailed Stormwater Pollution Prevention Plan (SWPPP) containing stormwater management requirements, both during and post construction, as well as erosion control and sediment control requirements during construction, must be prepared prior to submitting a CSW Permit application. CSW Permit coverage is required prior to commencing land disturbing activities (i.e., clearing, grading, filling, or excavating) relating to the Project. For an overview of this permit and program, please refer to the following factsheet: <http://www.pca.state.mn.us/publications/wg-strm2-05.pdf>. Questions regarding CSW Permit requirements should be directed to Roberta Getman at 507-206-2629.

The project will require a Clean Water Act Section 401 Water Quality Certification or waiver from the MPCA to verify compliance with state water quality standards. For further information about the 401 Water Quality Certification process, please contact Jim Brist at 651-757-2245 or Bill Wilde at 651-757-2825.

We appreciate the opportunity to review this Project. Please provide your specific responses to our comments and the notice of decision on the need for an Environmental Impact Statement. Please be aware that this letter does not constitute approval by the MPCA of any or all elements of the Project for

Mr. Eric Evenson-Marden
Page 2
July 22, 2015

the purpose of pending or future permit action(s) by the MPCA. Ultimately, it is the responsibility of the Project proposer to secure any required permits and to comply with any requisite permit conditions. If you have any questions concerning our review of this EAW, please contact me at 651-757-2482.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kevin Kain".

Kevin Kain
Planner Principal
Environmental Review Unit
Resource Management and Assistance Division

KK:bt

cc: Dan Card, MPCA, St. Paul
William Wilde, MPCA
Roberta Getman, MPCA

July 23, 2015

Eric Evenson-Marden
Zoning Supervisor
Becker County Zoning and Planning Dept
915 Lake Avenue
Detroit Lakes, MN 56501

RE: EAW- Cormorant Township Gravel Mine
T138 R43 S29 NW, Cormorant Twp, Becker County
SHPO Number: 2015-2331

Dear Mr. Evenson-Marden:

Thank you for the opportunity to comment on the above project. It is being reviewed pursuant to the responsibilities given to the Minnesota Historical Society by the Minnesota Historic Sites Act and the Minnesota Field Archaeology Act.

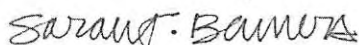
Due to the nature and location of the proposed project, we recommend that a Phase I archaeological survey be completed. The survey must meet the requirements of the Secretary of the Interior's Standards for Identification and Evaluation, and should include an evaluation of National Register eligibility for any properties that are identified. For a list of consultants who have expressed an interest in undertaking such surveys, please visit the website preservationdirectory.mnhs.org, and select "Archaeologists" in the "Search by Specialties" box.

We will reconsider the need for survey if the project area can be documented as previously surveyed or disturbed. Any previous survey work must meet contemporary standards. **Note:** plowed areas and right-of-way are not automatically considered disturbed. Archaeological sites can remain intact beneath the plow zone and in undisturbed portions of the right-of-way.

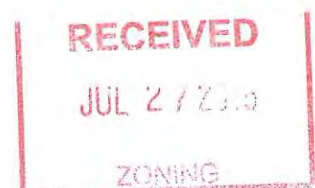
Please note that this comment letter does not address the requirements of Section 106 of the National Historic Preservation Act of 1966 and 36CFR800, procedures of the Advisory Council on Historic Preservation for the protection of historic properties. If this project is considered for federal assistance, or requires a federal license or permit, it should be submitted to our office by the responsible federal agency.

If you have any questions regarding our review of this project, please contact Kelly Gragg-Johnson at (651) 259-3455.

Sincerely,



Sarah J. Beimers, Manager
Government Programs and Compliance





COUNTY OF BECKER

Planning and Zoning

915 Lake Ave, Detroit Lakes, MN 56501

Phone: 218-846-7314 ~ Fax: 218-846-7266

PLANNING COMMISSION NOTICE OF PUBLIC HEARING

****HEARING DATE AND LOCATION****

August 11, 2015 @7:00 PM

3rd Floor Jury Assembly Room New Addition-Becker County Courthouse
Detroit Lakes, MN. 56502

APPLICANT:

Michael & Harriet Powers

437 5th Avenue SE

East Grand Forks, MN 56721

Project Location: E Little Cormorant Rd

APPLICATION AND DESCRIPTION OF PROJECT:

Request a change of zone from Agricultural to Residential for three tracts consisting of (Tract C-2) 1.9 acres, (Tract C-3) 2.0 acres and (Tract C-4) 1.77 acres.

LEGAL LAND DESCRIPTION: 170043103

Lake Eunice Township

Non-shoreland

PT GOVT LOT 1: COMM NE COR SEC 4: W 496.45', S 363', W 523.42' SELY 310.89', ELY, SLY, WLY AL RD 275.88' TO POB; WLY & SLY AL RD 1021.18', NELY 334.64', SELY 345.18', NWLY 273.70', NW 285.63' TO POB. TRACT C., Section 04, TWP 138, Range 42

REFER TO BECKER COUNTY ZONING ORDINANCE

Replies/Comments: Interested parties are invited to submit to the Becker County Department of Planning, Zoning, and Land Use, written facts, arguments or objectives before the scheduled date of the Hearing. These statements should bear upon the suitability of the location and the adequacy of the Project and should suggest any appropriate changes believed to be desirable. Replies may be addressed to:

PLANNING AND ZONING DEPARTMENT

915 Lake Avenue

Detroit Lakes, MN. 56501

FAX Number: 218-846-7266

email: zoning@co.becker.mn.us

If you have questions about the Project, feel free to call 218-846-7314.

Jurisdiction: This Project comes under the Regulatory Jurisdiction of the Becker County Zoning Laws.

Regulatory Authority: This Application will be reviewed according to the provisions of the Becker County Zoning Ordinance.

The decision whether to issue a Permit will be based on an evaluation of the probable impact including cumulative impacts, of the proposed activity. That decision will reflect the concern for both protection and utilization of important resources. All factors which may be relevant to the proposal will be considered including the cumulative effects: Land Use, Shoreline Protection, Water Supply and Conservation, Safety, Economics, in General, the Needs and Welfare of the People.

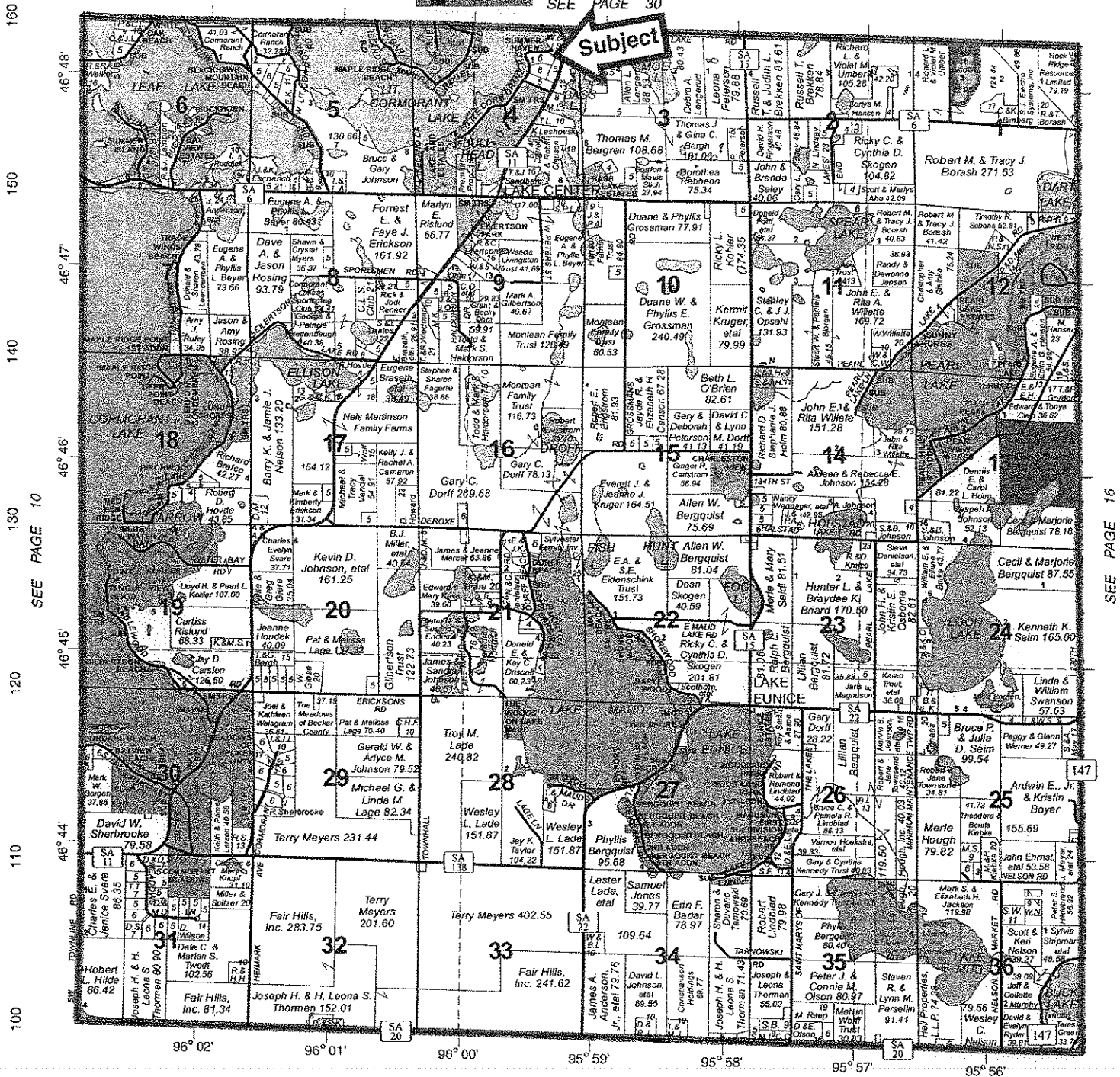
****Weather conditions may change the Hearing date and time. If bad weather occurs, please listen to the local Detroit Lakes Radio Stations or contact the Zoning Office, by 4:30 pm, for possible rescheduling of the Hearing.**

LAKE EUNICE

T.138N.-R.42W.

SEE PAGE 30

Subject



© 2009 Rockford Map Publs., Inc.

OTTER TAIL COUNTY

Becker County, MN

170 180 190 200 210 220 230

DetroitLakes.com

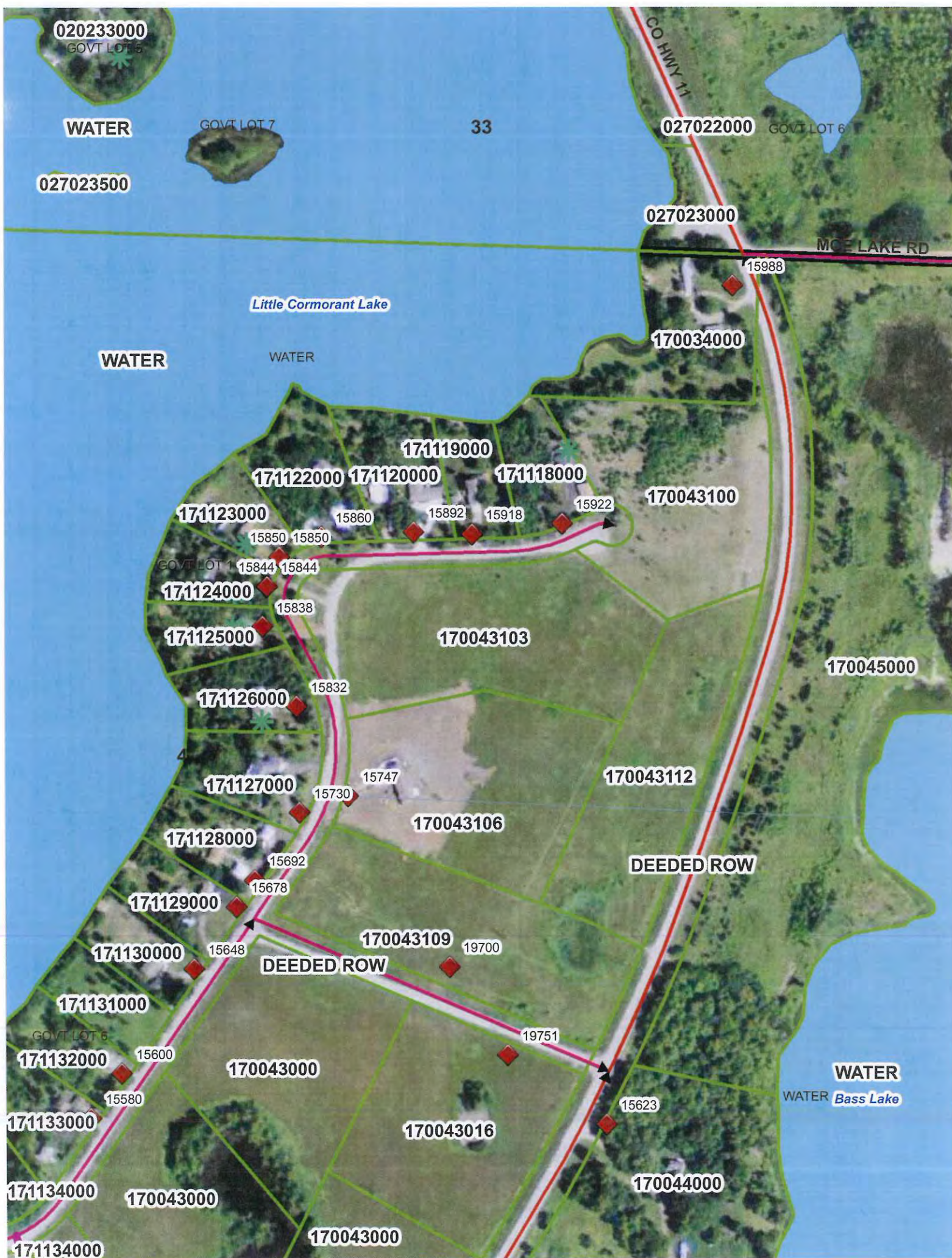
Dick Carr
Broker / Agent

421 Main Street West • Detroit Lakes, MN 56501

Office: 218.844.5557 • Fax: 218.844.5558

Cell: 218.841.2238 • rjcarr121@hotmail.com







**SUBDIVISION / ZONE CHANGE
BECKER COUNTY
PLANNING & ZONING**

915 LAKE AVENUE, DETROIT LAKES, MN 56501
PHONE (218) 846-7314 - FAX (218) 846-7266

PARCEL	
APP	ZONE / SURVEY
YEAR	
SCANNED	

Application for: X Zone Change Certificate of Survey Preliminary Plat
(Complete Section 1) (Complete Section 2) (Complete Section 3)

Applicant's Name: MICHAEL J. POWERS & HARRIET S. POWERS

Applicant's Address: 437 5TH AVE SE
EAST GRAND FORKS MN 56721

Telephone(s): 218-230-5167 Date of Application: 26 May 2015

Signature of Applicant: Michael J. Powers

Parcel ID Number: 17.0643, 103 Project Address: EAST LITTLE CORMORANT RD.
Part of Sec. 4 Lake Emma Township

Legal Description of Project:

6.06 acres, Section 04 Township 138 Range 042 PT 1st 2nd 1st COMM NE COR.
SEC 4: W496.45', S363', W523.42' SELY 31089', ELY, 154Y, WLY ALRD 275.88'
TO POB, WLY 254Y AL RD 1031.13' NELY 334.64', SELY 345.18' NWLY 273.70'
SECTION 1 NW 285.63 TO POB. TRACT C

*Zone Change For Existing Parcel Number BILL 770430

Current Zoning AGRICULTURAL Requested Zoning RESIDENTIAL

SECTION 2

*Certificate Of Survey: Number of Lots

Shoreland (within 1000 ft of lake) Nonshoreland

Current Zoning of property

Is a change of zone required? yes no

If yes, change from Zone to Zone.

Total acreage of parcel to be subdivided

**Include a copy of the purchase agreement if applicant is not the owner of the property.

SECTION 3

*For Preliminary Plat:

Number of Lots

Name of Subdivision

Name of Proposed Roads

Shoreland (within 1000 ft of lake) Non-shoreland

Current Zoning of property

Is a change of zone required? yes no

If yes, change from Zone to Zone.

Total acreage of parcel to be subdivided

**Include a copy of the purchase agreement if applicant is not the property owner.

Date Received Date Accepted Authorized Signature

Application Fee Notice Fee Recording Fee

Date Paid Receipt Number

RECEIVED

MAY 28 2015

ZONING

MEADOWLAND SURVEYING INC.

1118 Hwy 59 South, Detroit Lakes, Minnesota 56501
(office) 218-847-4289 (fax) 218-846-1945
www.meadowlandsurveying.com

Mike Powers—Tract C-1—15,720 square foot tract being conveyed to Judith Nelson

Land description:

That part of Government Lot 1 in Section 4, Township 138 North, Range 42 West of the Fifth Principal Meridian in Becker County, Minnesota, described as follows:

Commencing at a found iron monument which designates the northeast corner of said Section 4; thence South 89 degrees 47 minutes 37 seconds West 496.45 feet on an assumed bearing along the north line of said Section 4; thence South 00 degrees 12 minutes 23 seconds East 243.84 feet to an iron monument on the westerly right of way line of County State Aid Highway No. 11; thence continuing South 00 degrees 12 minutes 23 seconds East 119.16 feet to an iron monument; thence South 89 degrees 47 minutes 37 seconds West 523.42 feet to an iron monument on the northeasterly line of Lot 1, Block One, of SUMMER HAVEN, said plat is on file and of record in the office of the Recorder in said County; thence South 32 degrees 03 minutes 43 seconds East 310.89 feet along the northeasterly line of said Lot 1 to an iron monument at the southeasterly corner of said Lot 1; thence easterly, southerly and westerly along the easterly line of East Little Cormorant Road (platted as Chippewa Road in said SUMMER HAVEN) on a curve concave to the west, having a central angle of 233 degrees 07 minutes 48 seconds and a radius of 50.00 feet, for a distance of 203.44 feet (chord bearing South 00 degrees 00 minutes 31 seconds West) to an iron monument at a point of reverse curvature; thence westerly along the southerly line of said East Little Cormorant Road on a curve concave to the south, having a central angle of 53 degrees 07 minutes 48 seconds and a radius of 35.00 feet, for a distance of 32.46 feet (chord bearing North 89 degrees 59 minutes 29 seconds West) to an iron monument; thence South 63 degrees 26 minutes 37 seconds West 39.98 feet continuing along the southerly line of said East Little Cormorant Road to a PK nail; thence westerly continuing along the southerly line of said East Little Cormorant Road on a curve concave to the north, having a central angle of 20 degrees 46 minutes 25 seconds and a radius of 416.00 feet, for a distance of 150.83 feet (chord bearing South 73 degrees 49 minutes 50 seconds West) to an iron monument; thence continuing westerly along the southerly line of said East Little Cormorant Road on a curve concave to the north, having a central angle of 02 degrees 06 minutes 57 seconds and a radius of 416.00 feet, for a distance of 15.36 feet (chord bearing South 85 degrees 16 minutes 31 seconds West) to a found iron monument; thence South 86 degrees 19 minutes 59 seconds West 375.72 feet along the southerly line of said East Little Cormorant Road to the centerline of an existing 66.00 foot wide public road easement as described in Document No. 611719 on file and of record in the office of the Recorder of said County, said point is the point of beginning; thence continuing South 86 degrees 19 minutes 59 seconds West 73.37 feet along the southerly line of said East Little Cormorant Road to a found iron monument; thence southwesterly along the easterly line of said East Little Cormorant Road on a curve concave to the southeast, having a central angle of 116 degrees 55 minutes 52 seconds and a radius of 74.00 feet, for a distance of

151.02 feet (chord bearing South 27 degrees 52 minutes 03 seconds West) to a found iron monument; thence South 30 degrees 35 minutes 53 seconds East 142.08 feet continuing along the easterly line of said East Little Cormorant Road to an iron monument; thence southeasterly continuing along the easterly line of said East Little Cormorant Road on a curve concave to the southwest, having a central angle of 02 degrees 21 minutes 23 seconds and a radius of 426.00 feet, for a distance of 17.52 feet (chord bearing South 29 degrees 25 minutes 12 seconds East) to the centerline of said existing public road easement; thence North 01 degree 31 minutes 37 seconds West 129.03 feet along the centerline of said existing public road easement; thence northeasterly continuing along the centerline of said existing public road easement on a curve concave to the southeast, having a central angle of 50 degrees 23 minutes 48 seconds and a radius of 160.00 feet, for a distance of 140.73 feet (chord bearing North 23 degrees 40 minutes 17 seconds East) to the point of beginning. The above described tract contains 15,720 square feet.

SUBJECT TO said existing public road easement over, under and across that part of the above tract which lies within 33.00 feet of the centerline of said existing public road easement.

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 and that the above legal description was prepared from information on Certificate of Survey T8789-15 dated May 12, 2015, and said legal description is legally sufficient to locate the boundary lines shown on said Certificate of Survey.



Roy A. Smith

Minnesota Licensed Land Surveyor No. 12004

MEADOWLAND SURVEYING INC.

1118 Hwy 59 South, Detroit Lakes, Minnesota 56501
(office) 218-847-4289 (fax) 218-846-1945
www.meadowlandsurveying.com

Mike Powers—Tract C-2 84,192 square foot tract

Land description:

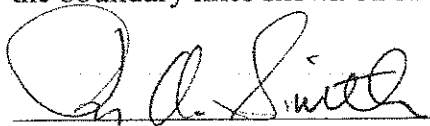
That part of Government Lot 1 in Section 4, Township 138 North, Range 42 West of the Fifth Principal Meridian in Becker County, Minnesota, described as follows:

Commencing at a found iron monument which designates the northeast corner of said Section 4; thence South 89 degrees 47 minutes 37 seconds West 496.45 feet on an assumed bearing along the north line of said Section 4; thence South 00 degrees 12 minutes 23 seconds East 243.84 feet to an iron monument on the westerly right of way line of County State Aid Highway No. 11; thence continuing South 00 degrees 12 minutes 23 seconds East 119.16 feet to an iron monument; thence South 89 degrees 47 minutes 37 seconds West 523.42 feet to an iron monument on the northeasterly line of Lot 1, Block One, of SUMMER HAVEN, said plat is on file and of record in the office of the Recorder in said County; thence South 32 degrees 03 minutes 43 seconds East 310.89 feet along the northeasterly line of said Lot 1 to an iron monument at the southeasterly corner of said Lot 1; thence easterly, southerly and westerly along the easterly line of East Little Cormorant Road (platted as Chippewa Road in said SUMMER HAVEN) on a curve concave to the west, having a central angle of 233 degrees 07 minutes 48 seconds and a radius of 50.00 feet, for a distance of 203.44 feet (chord bearing South 00 degrees 00 minutes 31 seconds West) to an iron monument at a point of reverse curvature; thence westerly along the southerly line of said East Little Cormorant Road on a curve concave to the south, having a central angle of 53 degrees 07 minutes 48 seconds and a radius of 35.00 feet, for a distance of 32.46 feet (chord bearing North 89 degrees 59 minutes 29 seconds West) to an iron monument; thence South 63 degrees 26 minutes 37 seconds West 39.98 feet continuing along the southerly line of said East Little Cormorant Road to a PK nail; thence westerly continuing along the southerly line of said East Little Cormorant Road on a curve concave to the north, having a central angle of 20 degrees 46 minutes 25 seconds and a radius of 416.00 feet, for a distance of 150.83 feet (chord bearing South 73 degrees 49 minutes 50 seconds West) to an iron monument; thence westerly continuing along the southerly line of said East Little Cormorant Road on a curve concave to the north, having a central angle of 02 degrees 06 minutes 57 seconds and a radius of 416.00 feet, for a distance of 15.36 feet (chord bearing South 85 degrees 16 minutes 31 seconds West) to a found iron monument; thence South 86 degrees 19 minutes 59 seconds West 134.65 feet continuing along the southerly line of said East Little Cormorant Road to an iron monument, said point is the point of beginning; thence South 09 degrees 01 minute 39 seconds West 319.01 feet to an iron monument; thence South 78 degrees 23 minutes 59 seconds West 210.72 feet to a found iron monument on the easterly line of said East Little Cormorant Road; thence northerly along the easterly line of said East Little Cormorant Road on a curve concave to the west, having a central angle of 12 degrees 48 minutes 53 seconds and a radius of 426.00 feet,

for a distance of 95.28 feet (chord bearing North 21 degrees 50 minutes 04 seconds West) to the centerline of an existing 66.00 foot wide public road easement as described in Document No. 611719 and recorded in the office of the Recorder in said County; thence North 01 degree 31 minutes 37 seconds West 129.03 feet along the centerline of said existing public road easement; thence northeasterly continuing along the centerline of said existing public road easement on a curve concave to the southeast, having a central angle of 50 degrees 23 minutes 48 seconds and a radius of 160.00 feet, for a distance of 140.73 feet (chord bearing North 23 degrees 40 minutes 17 seconds East) to the southerly line of said East Little Cormorant Road; thence North 86 degrees 19 minutes 59 seconds East 241.07 feet along the southerly line of said East Little Cormorant Road to the point of beginning. The above described tract contains 84,192 square feet.

SUBJECT TO said existing public road easement over, under and across that part of the above tract which lies within 33.00 feet of the centerline of said existing public road easement.

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 and that the above legal description was prepared from information on Certificate of Survey T8789-15 dated May 12, 2015, and said legal description is legally sufficient to locate the boundary lines shown on said Certificate of Survey.



Roy A. Smith

Minnesota Licensed Land Surveyor No. 12004

MEADOWLAND SURVEYING INC.

1118 Hwy 59 South, Detroit Lakes, Minnesota 56501
(office) 218-847-4289 (fax) 218-846-1945
www.meadowlandsurveying.com

Mike Powers—Tract C-3—87,129 square foot tract

Land description:

That part of Government Lot 1 in Section 4, Township 138 North, Range 42 West of the Fifth Principal Meridian in Becker County, Minnesota, described as follows:

Commencing at a found iron monument which designates the northeast corner of said Section 4; thence South 89 degrees 47 minutes 37 seconds West 496.45 feet on an assumed bearing along the north line of said Section 4; thence South 00 degrees 12 minutes 23 seconds East 243.84 feet to an iron monument on the westerly right of way line of County State Aid Highway No. 11; thence continuing South 00 degrees 12 minutes 23 seconds East 119.16 feet to an iron monument; thence South 89 degrees 47 minutes 37 seconds West 523.42 feet to an iron monument on the northeasterly line of Lot 1, Block One, of SUMMER HAVEN, said plat is on file and of record in the office of the Recorder in said County; thence South 32 degrees 03 minutes 43 seconds East 310.89 feet along the northeasterly line of said Lot 1 to an iron monument at the southeasterly corner of said Lot 1; thence easterly, southerly and westerly along the easterly line of East Little Cormorant Road (platted as Chippewa Road in said SUMMER HAVEN) on a curve concave to the west, having a central angle of 233 degrees 07 minutes 48 seconds and a radius of 50.00 feet, for a distance of 203.44 feet (chord bearing South 00 degrees 00 minutes 31 seconds West) to an iron monument at a point of reverse curvature; thence westerly along the southerly line of said East Little Cormorant Road on a curve concave to the south, having a central angle of 53 degrees 07 minutes 48 seconds and a radius of 35.00 feet, for a distance of 32.46 feet (chord bearing North 89 degrees 59 minutes 29 seconds West) to an iron monument; thence South 63 degrees 26 minutes 37 seconds West 39.98 feet continuing along the southerly line of said East Little Cormorant Road to a PK nail; thence westerly continuing along the southerly line of said East Little Cormorant Road on a curve concave to the north, having a central angle of 20 degrees 46 minutes 25 seconds and a radius of 416.00 feet, for a distance of 150.83 feet (chord bearing South 73 degrees 49 minutes 50 seconds West) to an iron monument, said point is the point of beginning; thence westerly continuing along the southerly line of said East Little Cormorant Road on a curve concave to the north, having a central angle of 02 degrees 06 minutes 57 seconds and a radius of 416.00 feet, for a distance of 15.36 feet (chord bearing South 85 degrees 16 minutes 31 seconds West) to a found iron monument; thence South 86 degrees 19 minutes 59 seconds West 134.65 feet continuing along the southerly line of said East Little Cormorant Road to an iron monument; South 09 degrees 01 minute 39 seconds West 319.01 feet to an iron monument; thence North 78 degrees 23 minutes 59 seconds East 123.92 feet to a found iron monument; thence South 76 degrees 45 minutes 54 seconds East 300.57 feet to an iron monument; thence North 30 degrees 09 minutes 03 seconds West 426.54 feet to the point of beginning. The above described tract contains 87,129 square feet.

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 and that the above legal description was prepared from information on Certificate of Survey T8789-15 dated May 12, 2015, and said legal description is legally sufficient to locate the boundary lines shown on said Certificate of Survey.

A handwritten signature in black ink, appearing to read "Roy A. Smith", written over a horizontal line.

Roy A. Smith

Minnesota Licensed Land Surveyor No. 12004



1118 Hwy 59 South, Detroit Lakes, Minnesota 56501
(office) 218-847-4289 (fax) 218-846-1945
www.meadowlandsurveying.com

Mike Powers—Tract C-4—77,098 square foot tract

Land description:

That part of Government Lot 1 in Section 4, Township 138 North, Range 42 West of the Fifth Principal Meridian in Becker County, Minnesota, described as follows:

Commencing at a found iron monument which designates the northeast corner of said Section 4; thence South 89 degrees 47 minutes 37 seconds West 496.45 feet on an assumed bearing along the north line of said Section 4; thence South 00 degrees 12 minutes 23 seconds East 243.84 feet to an iron monument on the westerly right of way line of County State Aid Highway No. 11; thence continuing South 00 degrees 12 minutes 23 seconds East 119.16 feet to an iron monument; thence South 89 degrees 47 minutes 37 seconds West 523.42 feet to an iron monument on the northeasterly line of Lot 1, Block One, of SUMMER HAVEN, said plat is on file and of record in the office of the Recorder in said County; thence South 32 degrees 03 minutes 43 seconds East 310.89 feet along the northeasterly line of said Lot 1 to an iron monument at the southeasterly corner of said Lot 1; thence easterly, southerly and westerly along the easterly line of East Little Cormorant Road (platted as Chippewa Road in said SUMMER HAVEN) on a curve concave to the west, having a central angle of 233 degrees 07 minutes 48 seconds and a radius of 50.00 feet, for a distance of 203.44 feet (chord bearing South 00 degrees 00 minutes 31 seconds West) to an iron monument at a point of reverse curvature; thence westerly along the southerly line of said East Little Cormorant Road on a curve concave to the south, having a central angle of 53 degrees 07 minutes 48 seconds and a radius of 35.00 feet, for a distance of 32.46 feet (chord bearing North 89 degrees 59 minutes 29 seconds West) to an iron monument; thence South 63 degrees 26 minutes 37 seconds West 39.98 feet continuing along the southerly line of said East Little Cormorant Road to a PK nail, said point is the point of beginning; thence westerly continuing along the southerly line of said East Little Cormorant Road on a curve concave to the north, having a central angle of 20 degrees 46 minutes 25 seconds and a radius of 416.00 feet, for a distance of 150.83 feet (chord bearing South 73 degrees 49 minutes 50 seconds West) to an iron monument; thence South 30 degrees 09 minutes 03 seconds East 426.54 feet to an iron monument; thence South 76 degrees 45 minutes 54 seconds East 44.61 feet to a found iron monument on the centerline of a 54.00 foot wide power line easement to Minnesota Municipal Power Agency for electrical power line transmission purposes; thence North 24 degrees 41 minutes 28 seconds East 273.70 feet along the centerline of said power line easement to a found iron monument; thence North 52 degrees 56 minutes 19

seconds West 239.52 feet to a found iron monument; thence continuing North 52 degrees 56 minutes 19 seconds West 46.11 feet to the point of beginning. The above described tract contains 77,098 square feet.

SUBJECT TO said existing power line easement to Minnesota Municipal Power Agency over, under and across that part of the above tract which lies within 27.00 feet of the centerline of said power line easement.

AND FURTHER SUBJECT TO that part of an existing public road easement as described in Document No. 534805 and recorded in the office of the Recorder in said County described as follows;

Beginning at a PK nail at the aforementioned point of beginning; thence southwesterly along the southerly line of said East Little Cormorant Road on a curve concave to the northwest, having a central angle of 09 degrees 51 minutes 11 seconds and a radius of 416.00 feet, for a distance of 71.54 feet (chord bearing South 68 degrees 22 minutes 13 seconds West); thence easterly along the southerly line of said existing public road easement on a curve concave to the south, having a central angle of 27 degrees 26 minutes 33 seconds and a radius of 200.00 feet, for a distance of 95.79 feet (chord bearing North 87 degrees 01 minute 05 seconds East); thence North 52 degrees 56 minutes 19 seconds West 35.51 feet to the point of beginning of said existing public road easement.

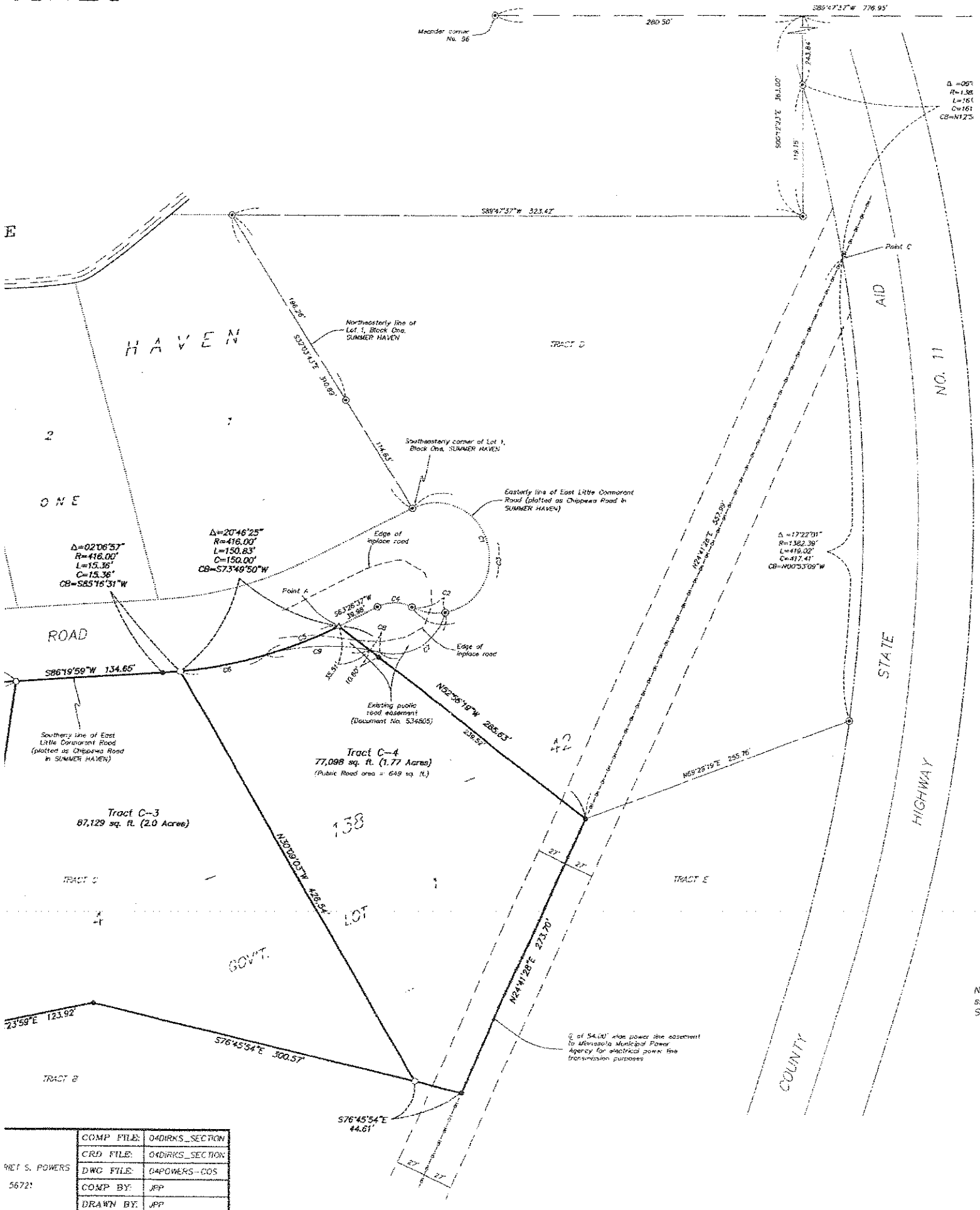
I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota and that the above legal description was prepared from information on Certificate of Survey T8789-15 dated May 12, 2015, and said legal description is legally sufficient to locate the boundary lines shown on said Certificate of Survey.



Roy A. Smith

Minnesota Licensed Land Surveyor No. 12004

URVEY



WET S. POWERS 56721	COMP FILE:	04DIRKS_SECTION
	CRD FILE:	04DIRKS_SECTION
	DWG FILE:	04POWERS-COS
	COMP BY:	JPP
	DRAWN BY:	JPP



COUNTY OF BECKER

Planning and Zoning

915 Lake Ave, Detroit Lakes, MN 56501

Phone: 218-846-7314 ~ Fax: 218-846-7266

PLANNING COMMISSION NOTICE OF PUBLIC HEARING

****HEARING DATE AND LOCATION****

August 11, 2015 @7:00 PM

3rd Floor Jury Assembly Room New Addition-Becker County Courthouse
Detroit Lakes, MN. 56502

APPLICANT:

Karen Nelson
10779 County Hwy 5
Pelican Rapids, MN 56572

Project Location: 10779 Co Hwy 5

APPLICATION AND DESCRIPTION OF PROJECT:

Request a change of zone from Commercial to Residential to reflect the current use of the property.

LEGAL LAND DESCRIPTION: 060490000 Cormorant Township Non-shoreland
PT NW1/4 OF NW1/4 BEG 1200' E & 559.85' S OF NW COR; TH NW 115.72', S 208.11' TO RD, E AL
RD 117.28', & N 218.94' TO BEG, Section 36, TWP 138, Range 43

REFER TO BECKER COUNTY ZONING ORDINANCE

Replies/Comments: Interested parties are invited to submit to the Becker County Department of Planning, Zoning, and Land Use, written facts, arguments or objectives before the scheduled date of the Hearing. These statements should bear upon the suitability of the location and the adequacy of the Project and should suggest any appropriate changes believed to be desirable. Replies may be addressed to:

PLANNING AND ZONING DEPARTMENT

915 Lake Avenue
Detroit Lakes, MN. 56501

FAX Number: 218-846-7266
email: zoning@co.becker.mn.us

If you have questions about the Project, feel free to call 218-846-7314.

Jurisdiction: This Project comes under the Regulatory Jurisdiction of the Becker County Zoning Laws.

Regulatory Authority: This Application will be reviewed according to the provisions of the Becker County Zoning Ordinance.

The decision whether to issue a Permit will be based on an evaluation of the probable impact including cumulative impacts, of the proposed activity. That decision will reflect the concern for both protection and utilization of important resources. All factors which may be relevant to the proposal will be considered including the cumulative effects: Land Use, Shoreline Protection, Water Supply and Conservation, Safety, Economics, in General, the Needs and Welfare of the People.

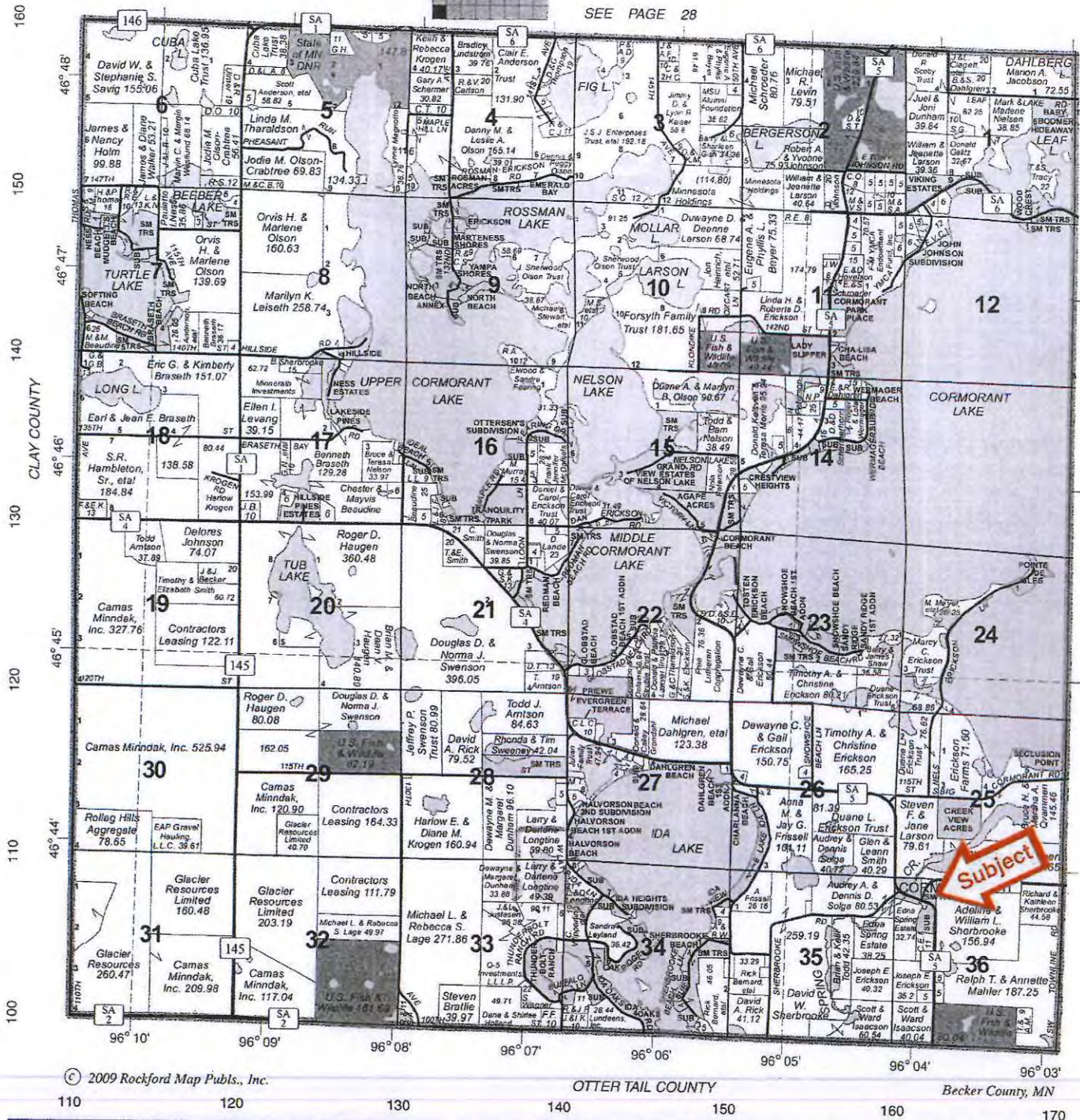
**** Weather conditions may change the Hearing date and time. If bad weather occurs, please listen to the local Detroit Lakes Radio Stations or contact the Zoning Office, by 4:30 pm, for possible rescheduling of the Hearing.**

CORMORANT

T.138N.-R.43W.

SEE PAGE 28

SEE PAGE 12



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SUBDIVISION / ZONE CHANGE
BECKER COUNTY
PLANNING & ZONING

915 LAKE AVENUE, DETROIT LAKES, MN 56501
PHONE (218) 846-7314 - FAX (218) 846-7266

PARCEL	
APP	ZONE / SURVEY
YEAR	
SCANNED	

Application for: ☒ Zone Change ☐ Certificate of Survey ☐ Preliminary Plat
(Complete Section 1) (Complete Section 2) (Complete Section 3)

Applicant's Name: KAREN E NELSON

Applicant's Address: 10279 Cty Hwy 5
Pelican Rapids, MN 56572

Telephone(s): 218 396 0658 Date of Application: _____

Signature of Applicant: Karen E Nelson

Parcel ID Number: 06.0490.000 Project Address: 10279 Co Hwy 5 Pelican Rapids, MN 56572

Legal Description of Project:
See attached

SECTION 1

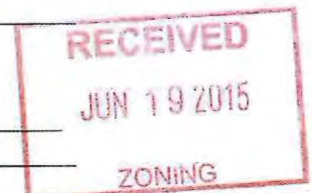
*Zone Change For Existing Parcel Number 06.0490.000
Current Zoning Commercial Requested Zoning Residential

SECTION 2

*Certificate Of Survey: Number of Lots _____
Shoreland (within 1000 ft of lake) _____ Nonshoreland _____
Current Zoning of property _____
Is a change of zone required? _____ yes _____ no
If yes, change from _____ Zone to _____ Zone.
Total acreage of parcel to be subdivided _____
**Include a copy of the purchase agreement if applicant is not the owner of the property.

SECTION 3

*For Preliminary Plat:
Number of Lots _____
Name of Subdivision _____
Name of Proposed Roads _____
Shoreland (within 1000 ft of lake) _____ Non-shoreland _____
Current Zoning of property _____
Is a change of zone required? _____ yes _____ no
If yes, change from _____ Zone to _____ Zone.
Total acreage of parcel to be subdivided _____
**Include a copy of the purchase agreement if applicant is not the property owner.

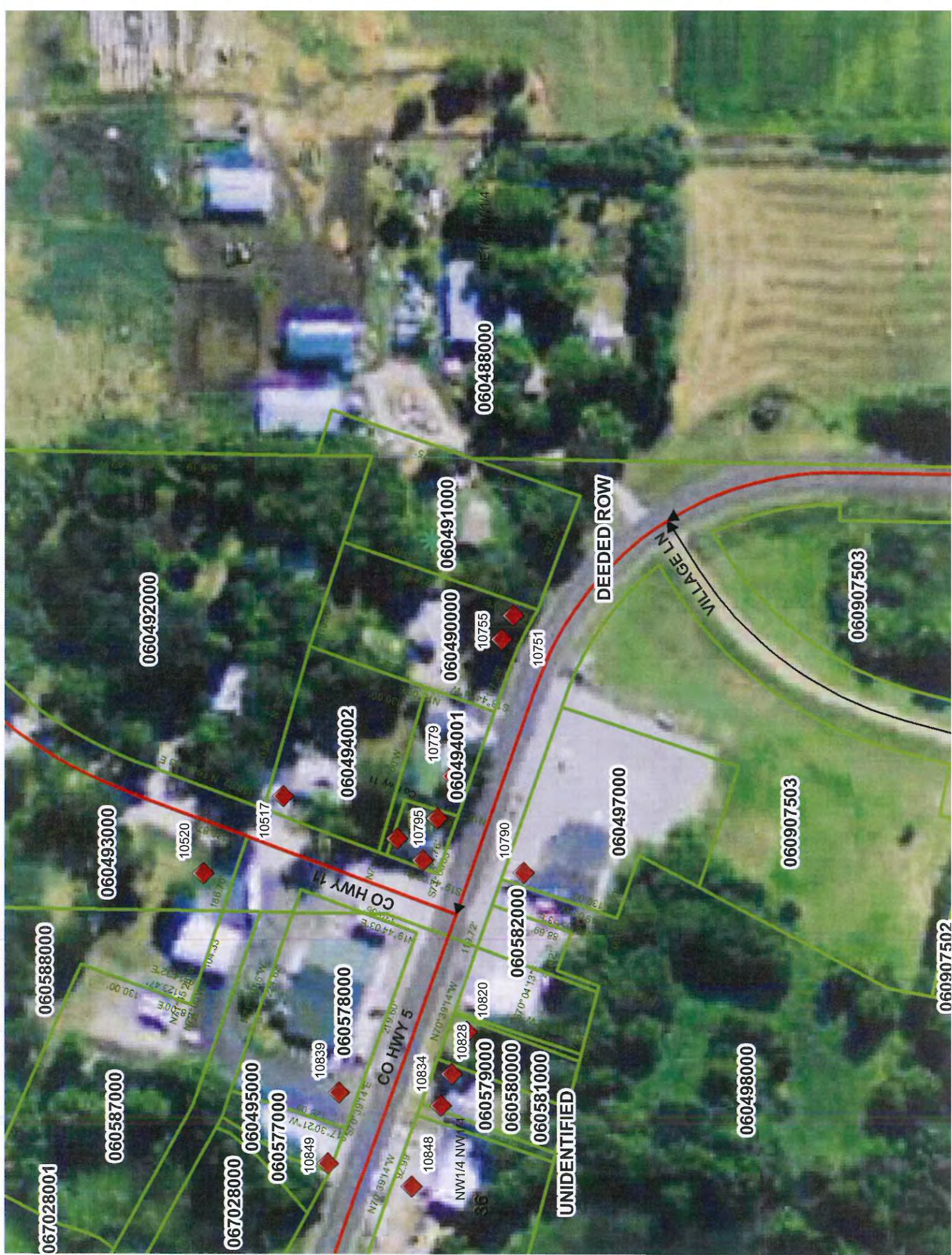


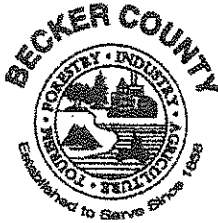
Date Received _____ Date Accepted _____ Authorized Signature _____
Application Fee _____ Notice Fee _____ Recording Fee _____
Date Paid _____ Receipt Number _____



These data are provided on an 'AS-IS' basis, without warranty of any type, expressed or implied. Including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

Map





COUNTY OF BECKER

Planning and Zoning

915 Lake Ave, Detroit Lakes, MN 56501
Phone: 218-846-7314 ~ Fax: 218-846-7266

PLANNING COMMISSION NOTICE OF PUBLIC HEARING

****HEARING DATE AND LOCATION****

August 11, 2015 @7:00 PM

3rd Floor Jury Assembly Room New Addition-Becker County Courthouse
Detroit Lakes, MN. 56502

APPLICANT:
Kelly Brackett
24062 Cherry Hill Road
Detroit Lakes, MN 56501

Project Location: 24062 Cherry Hill Rd

APPLICATION AND DESCRIPTION OF PROJECT:

Request a change of zone from Agricultural to Residential for one tract consisting of (Tract B) 1.41 acres.

LEGAL LAND DESCRIPTION: 081237332

Detroit Township

Non-shoreland

Lot 1 Block 2 Sunnyvale, Section 30, TWP 139, Range 41

REFER TO BECKER COUNTY ZONING ORDINANCE

Replies/Comments: Interested parties are invited to submit to the Becker County Department of Planning, Zoning, and Land Use, written facts, arguments or objectives before the scheduled date of the Hearing. These statements should bear upon the suitability of the location and the adequacy of the Project and should suggest any appropriate changes believed to be desirable. Replies may be addressed to:

PLANNING AND ZONING DEPARTMENT
915 Lake Avenue
Detroit Lakes, MN. 56501

FAX Number: 218-846-7266
email: zoning@co.becker.mn.us

If you have questions about the Project, feel free to call 218-846-7314.

Jurisdiction: This Project comes under the Regulatory Jurisdiction of the Becker County Zoning Laws.

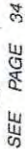
Regulatory Authority: This Application will be reviewed according to the provisions of the Becker County Zoning Ordinance.

The decision whether to issue a Permit will be based on an evaluation of the probable impact including cumulative impacts, of the proposed activity. That decision will reflect the concern for both protection and utilization of important resources. All factors which may be relevant to the proposal will be considered including the cumulative effects: Land Use, Shoreline Protection, Water Supply and Conservation, Safety, Economics, in General, the Needs and Welfare of the People.

**** Weather conditions may change the Hearing date and time. If bad weather occurs, please listen to the local Detroit Lakes Radio Stations or contact the Zoning Office, by 4:30 pm, for possible rescheduling of the Hearing.**

A 5x5 grid with a black square in the bottom-left cell.

T.139N.-R.41W.





SUBDIVISION / ZONE CHANGE
BECKER COUNTY
PLANNING & ZONING

915 LAKE AVENUE, DETROIT LAKES, MN 56501
PHONE (218) 846-7314 - FAX (218) 846-7266

PARCEL	
APP	ZONE / SURVEY
YEAR	
SCANNED	

Application for: ☒ Zone Change (Complete Section 1) ☐ Certificate of Survey (Complete Section 2) ☐ Preliminary Plat (Complete Section 3)

Applicant's Name: KELLY BRACKETT

Applicant's Address: C/O FRED BRACKETT
24062 CHERRY HILL RD., DETROIT LAKES, MN 56501

Telephone(s): FRED: 701-371-6019 Date of Application: 6-16-15
KELLY: 701-371-0156 20-139-41

Signature of Applicant: [Signature]

Parcel ID Number: 081237332 Project Address: TBD CHERRY HILL RD.

Legal Description of Project:

LOT 1, BLOCK 2 SUNNYVALE, SECTION 30 TOWNSHIP 139
RANGE 041 (REF. 08.0534.002 IN 2014)

SECTION 1

*Zone Change For Existing Parcel Number 081237332
Current Zoning AGRICULTURAL Requested Zoning RESIDENTIAL

SECTION 2

*Certificate Of Survey: Number of Lots _____
Shoreland (within 1000 ft of lake) _____ Nonshoreland _____
Current Zoning of property _____
Is a change of zone required? _____ yes _____ no
If yes, change from _____ Zone to _____ Zone.
Total acreage of parcel to be subdivided _____
**Include a copy of the purchase agreement if applicant is not the owner of the property.

SECTION 3

*For Preliminary Plat:
Number of Lots _____
Name of Subdivision _____
Name of Proposed Roads _____
Shoreland (within 1000 ft of lake) _____ Non-shoreland _____
Current Zoning of property _____
Is a change of zone required? _____ yes _____ no
If yes, change from _____ Zone to _____ Zone.
Total acreage of parcel to be subdivided _____
**Include a copy of the purchase agreement if applicant is not the property owner.

Date Received _____ Date Accepted _____ Authorized Signature _____
Application Fee _____ Notice Fee _____ Recording Fee _____
Date Paid _____ Receipt Number _____



COUNTY OF BECKER

Planning and Zoning

915 Lake Ave, Detroit Lakes, MN 56501
Phone: 218-846-7314 ~ Fax: 218-846-7266

Authorized Agent Form

1. Form must be legible and completed in ink.
2. Check appropriate box(es). Write any specific restrictions on the checked item in the space provided (e.g. "garage site permit" or "valid only on permit applications submitted between 06/01/20XX and 08/01/20XX"). If you want your agent to represent you on a conditional use or variance application and also be authorized to obtain the related permit(s), be sure to check and complete the "permit application" item as well. If an item's box is checked and the accompanying space is left blank, the authorization granted on that item is valid for a period of one year from the date of signature on this form until Becker County Planning and Zoning receives signed, written notification from the property owner(s) stating otherwise or the property's ownership changes.

I (we), KELLY BRACKETT hereby authorize FRED BRACKETT to act
(landowner-print name) (agent-print name)
as my (our) agent on the following item(s): appropriate box(es)

- ☐ permit application (write in permit "type" – e.g. site, septic, etc.): _____
- ☐ plat application: _____
- ☐ conditional use application: _____
- ☐ variance application: _____
- ☒ other: ZONE CHANGE

on my (our) property located at:
Tax Parcel Number(s): 081237332 Physical Site Address: TAD CHERRY HILL RD.
Legal Description: LOT 1, BLOCK 2, SUNNYVALE
Section: 30 Township: 139 Range: 041 Lot: 1 Block: 2 Plat Name: SUNNYVALE

Agent Contact Information

Agent address: 24062 CHERRY HILL RD. DETROIT LAKES, MN 56501
Street City State Zip Code
Agent phone #(s): 701-371-6819 Agent fax #: N/A
Agent email address: FDUANE.BRACKETT@GMAIL.COM

[Signature] Property Owner(s) Signature(s) 6/16/15 Date

State of Minnesota
County of Becker

On this 16th day of June, 2015 before me personally appeared Kelly Brackett to me
known to be the person(s) described in and who executed the foregoing instrument; and acknowledged that
he executed the same as his free act and deed.



Connie M. Oswald
Notary Public

Office Use Only:

Date received: _____ Expiration Date: _____



[illegible][illegible][illegible]

[Handwritten signature]

[illegible]

L. B. ...

[Handwritten signature]

06/27/1987
RICHY ALLEN
9700 S. MAIN DRIVE

St. Christopher's House
 1000 14th St. N.W.
 Washington, D.C. 20005

Typhlocyba n. sp., Michigan Department Survey 42867.

My dear Mr. Garrison,
I have just received your letter of the 14th inst. and am
glad to hear that you are interested in the cause of the
colored people. I am sure that your efforts will be
successful in securing the freedom of the colored
people. I am, Sir, very respectfully,
Your obedient servant,
Wm. Lloyd Garrison


[illegible]

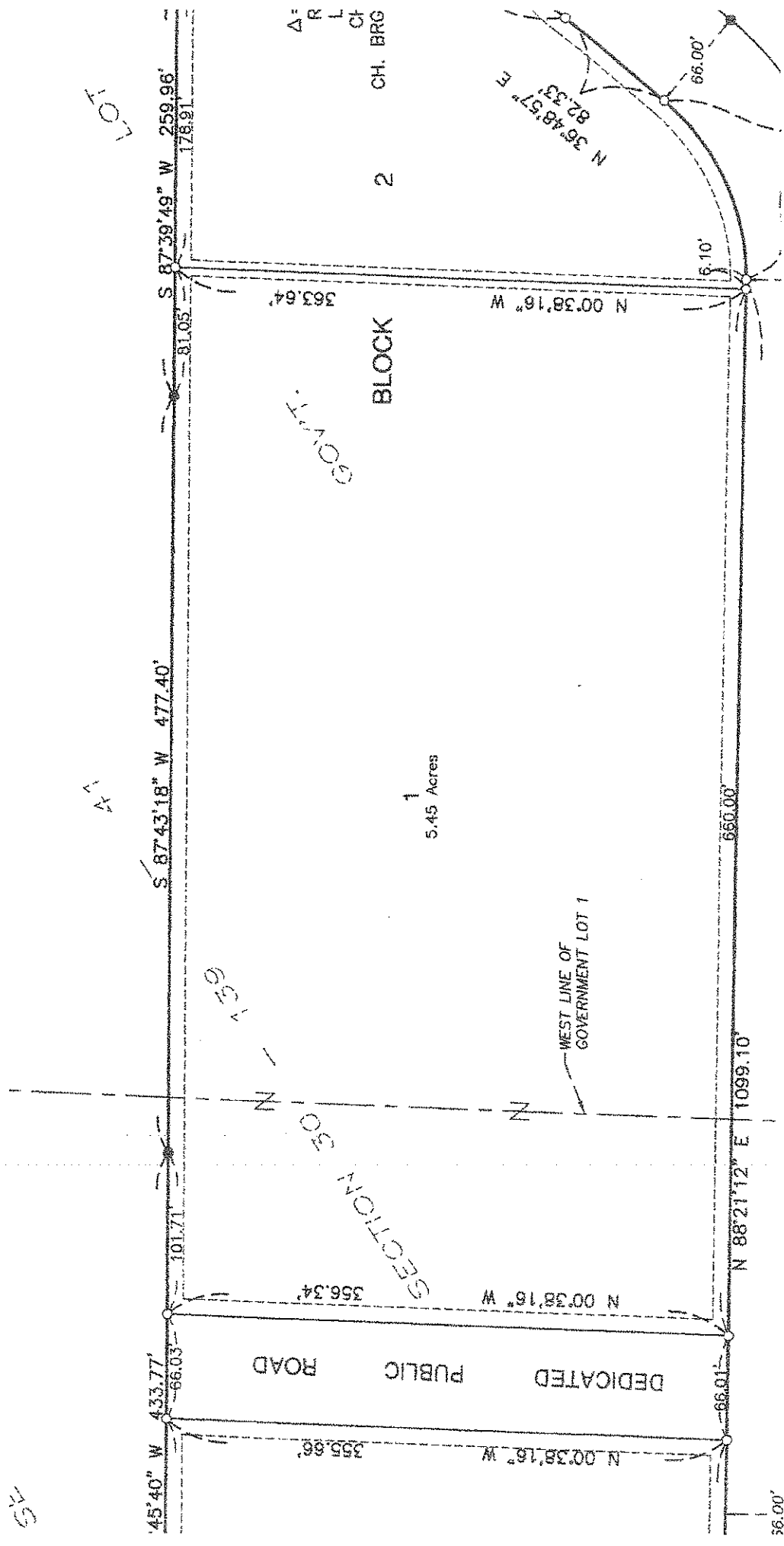
It is hardly likely that the road for the poor ^{people} ^{of the world} for the more equitable action are that

As described loans and receive interest rate... 2014-2015

Map of the study area showing the location of the study area (indicated by a star) and the location of the study area (indicated by a star). The map includes a legend, a scale bar, and a north arrow.

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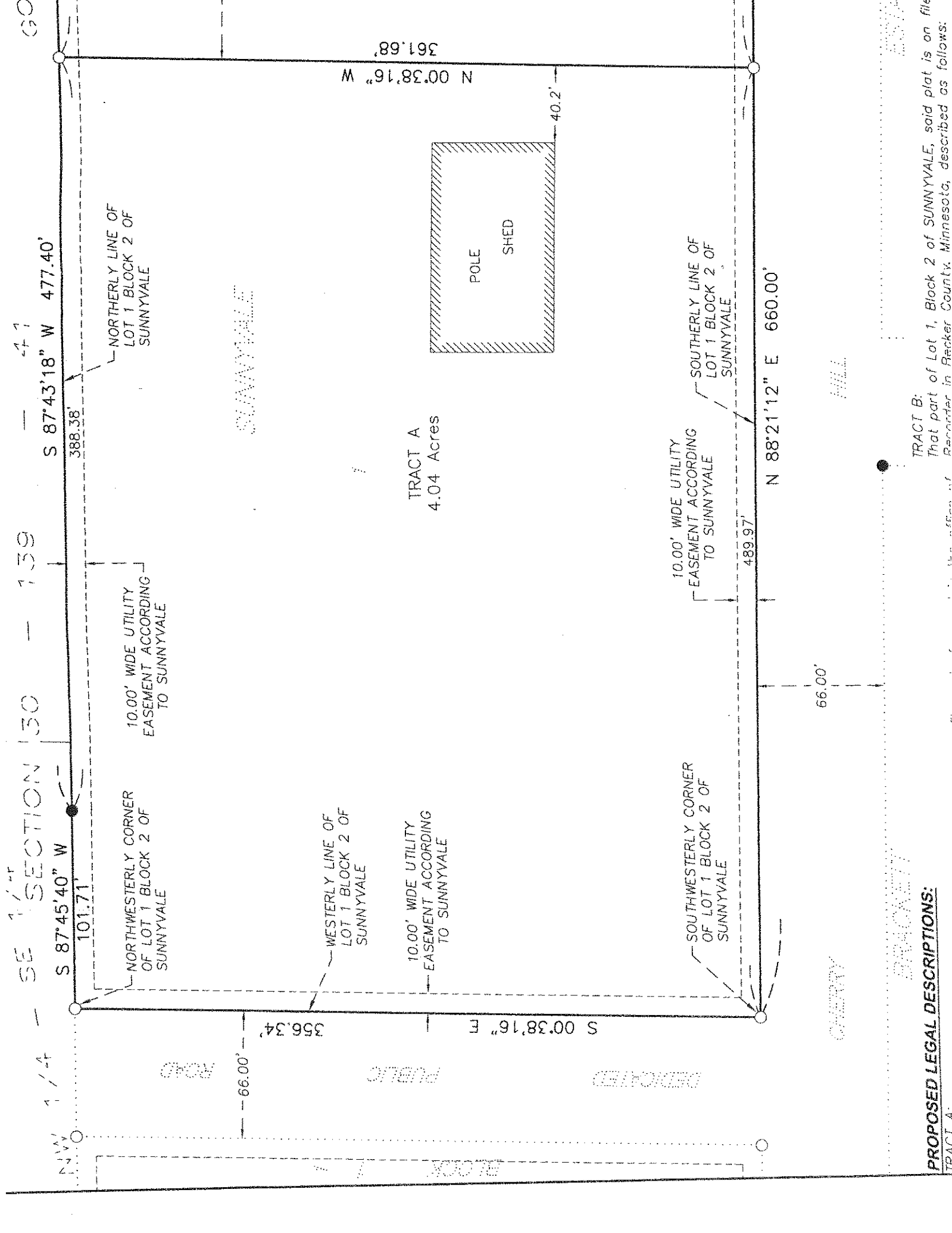

 MOONBEAM
 2600 W. 10TH AVE. SUITE 100
 DENVER, CO 80202
 TEL: 333-1111
 FAX: 333-1111



45

A

10



PROPOSED LEGAL DESCRIPTIONS:
 TRACT A:
 That part of Lot 1, Block 2 of SUNNYVALE, said plat is on file
 Recorder in Becker County, Minnesota, described as follows:



COUNTY OF BECKER

Planning and Zoning

915 Lake Ave, Detroit Lakes, MN 56501
Phone: 218-846-7314 ~ Fax: 218-846-7266

June 11, 2015

SUBMITTED VIA EMAIL TO:
eqb.monitor@state.mn.us

Minnesota Environmental Quality Board
Environmental Review Program
520 Lafayette Road North – 4th Floor
St. Paul, MN 55155-4194
EQB.Monitor@state.mn.us

Re: Environmental Assessment Worksheet
Cormorant Township Gravel Mine S½ of NW¼, Section 29

Dear Environmental Review Program:

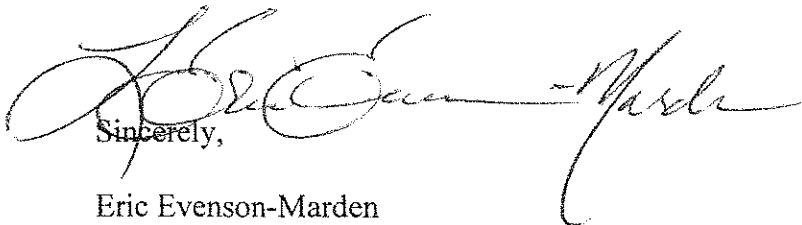
The attached State of Minnesota Environmental Assessment Worksheet (EAW) is being submitted on behalf of the Becker County Zoning and Planning Department.

Please publish notice of the availability of the Cormorant Township Gravel Mine S½ of NW¼, Section 29 Project EAW within the EQB Monitor in June 22nd, 2015, publication.

Copies are being provided to the distribution list through email, CD, or hardcopy. The documents may also be downloaded from the Becker County, Minnesota website at:
www.co.becker.mn.us.

Please call me at (218) 846-7314 if you have questions concerning this submittal.

Thank you.


Sincerely,

Eric Evenson-Marden
Zoning Supervisor

Cc: Distribution List

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Becky.Balk@state.mn.us

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St. Paul, MN 55155-4194
EQB.Monitor@state.mn.us

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Health.Review@state.mn.us

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St. Paul, MN 55155-4025
Randall.Doneen@state.mn.us

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Environmental Review Unit – 4th Floor
520 Lafayette Road North
St. Paul, MN 55155

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Debra Moynihan
Mn/DOT Office of Environmental Stewardship
Stewardship Team Manager
395 John Ireland Blvd., MS 620
St. Paul, MN 55155

Board of Water and Soil Resources (1 copy)

Travis Germundson
520 Lafayette Rd.
St. Paul, MN
55155
Travis.Germundson@state.mn.us

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Hennepin County Library – Minneapolis
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Minneapolis, MN 55401-1992

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Tamara Cameron
Regulatory Functions
Branch 180 Fifth Street
East, Suite #700 St. Paul,
MN 55101-1678

U.S. Fish and Wildlife Service (1 copy)

Twin Cities Field Office E.S.
Project Leader
4101 American Blvd. East
Bloomington, MN 55425-1665

REGIONAL**Metropolitan Council**

Review Coordinator, Local Planning
Assistance Metropolitan Council
390 Robert Street
North St. Paul,
MN 55101-1805
rava.esmacili@metc.state.mn.us

OTHER**State Archaeologist (1 copy)**

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St. Paul, MN 55111-4061

Minnesota Historical Society (1 paper copy)

State Historic Preservation Office
Review and
Compliance 345
Kellogg Blvd. W.
St. Paul, MN
55102

Indian Affairs Council (1 copy)

Indian Affairs Council
Melissa Cerda
161 St. Anthony Ave. Suite
919 St. Paul MN 55103
Melissa.Cerda@state.mn.us

**Fergus Falls Public
Library**
205 E Hampden
Fergus Falls, MN 56474
library@fergusfalls.lib.mn.us

Cormorant Lakes Watershed District
Cormorant Community Center
10929 County Highway #5
Pelican Rapids, MN 56572

PROJECT PROPOSER

Contractors Leasing
Jeff Eberhardt
PO Box 10325
Fargo, ND 58106



COUNTY OF BECKER

Planning and Zoning

915 Lake Ave, Detroit Lakes, MN 56501

Phone: 218-846-7314 ~ Fax: 218-846-7266

June 11, 2015

SUBMITTED VIA EMAIL TO:
eqb.monitor@state.mn.us

Minnesota Environmental Quality Board
Environmental Review Program
520 Lafayette Road North – 4th Floor
St. Paul, MN 55155-4194
EQB.Monitor@state.mn.us

Re: Environmental Assessment Worksheet
Cormorant Township Gravel Mine S½ of NW¼, Section 29

Dear Environmental Review Program:

The attached State of Minnesota Environmental Assessment Worksheet (EAW) is being submitted on behalf of the Becker County Zoning and Planning Department.

Please publish notice of the availability of the Cormorant Township Gravel Mine S½ of NW¼, Section 29 Project EAW within the EQB Monitor in June 22nd, 2015, publication.

Copies are being provided to the distribution list through email, CD, or hardcopy. The documents may also be downloaded from the Becker County, Minnesota website at:
www.co.becker.mn.us.

Please call me at (218) 846-7314 if you have questions concerning this submittal.

Thank you.

Sincerely,

Eric Evenson-Marden
Zoning Supervisor

Cc: Distribution List

ENVIRONMENTAL ASSESSMENT WORKSHEET

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

<http://www.egb.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:** Cormorant Township Gravel Mine S½ of NW¼, Section 29

2. **Proposer:** Contractors Leasing
Contact person: Jeff Eberhardt
Title: President
Address: PO Box 10325
City, State, ZIP: Fargo, ND 58106
Phone: 701-238-6604
Fax:
Email: jeff@kostmaterials.com

3. **RGU**
Contact person: Becker County Zoning and Planning Department: Eric Evenson-Marden
Title: Zoning Supervisor
Address: 915 Lake Ave
City, State, ZIP: Detroit Lakes, MN 56501
Phone: 218-846-7314
Fax: 218-846-7266
Email:

4. **Reason for EAW Preparation:** (check one)

Required:

☐ EIS Scoping

► **Mandatory EAW**

Discretionary:

☐ Citizen petition

☐ RGU discretion

☐ Proposer initiated

If EAW or EIS is mandatory give EQB rule category subpart number(s) and name(s):

Minnesota Administrative Rules 4410.4300 *Mandatory EAW Categories*, subpart 12(B) of *Nonmetallic mineral mining*:

For development of a facility for the extraction or mining of sand, gravel, stone, or other nonmetallic minerals, other than peat, which will excavate 40 or more acres of land to a mean depth of ten feet or more during its existence, the local government unit shall be the RGU.

5. Project Location:

County: Becker County

City/Township: Cormorant Township

PLS Location (¼, ¼, Section, Township, Range): S ½, NW ¼, Section 29, T138N, R43W

Watershed (81 major watershed scale): Otter Tail River

GPS Coordinates: --

Tax Parcel Number: 060402000

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.

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Exhibit 1: Project Location & Site Plan

Exhibit 2: Wetlands Map

Exhibit 3: Cover Types – NLCD2011

Exhibit 4: Becker County Parcels Map

Exhibit 5: Topography (LiDAR imagery)

Exhibit 6: Well Locations

Exhibit 7: Threatened, Endangered, and Species of Species Concern; Minnesota Sites of Biological Significance

Exhibit 8: Becker County Highway Department maps

APPENDICES

Appendix 1: Soils

Appendix 2: Well Logs

Appendix 3: Rare Features Factsheets

Appendix 4: SHPO Correspondences

6. Project Description:

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

Development of approximately 71 acres as an aggregate mining operation in the S½, NW¼, Section 29, T138N, R43W, Cormorant Township, Becker County. Access to the mine site will be from the south off of 115th Street and from County Highway 145 to the west. Traffic will be routed north along Hwy 145 to U.S. Highway 10.

- 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.**

PROJECT DESCRIPTION

Contractors Leasing is opening a new construction aggregate mine located in Cormorant Township of Becker County, Minnesota. The project location is in S½, NW¼, Section 29 Township 138 North, Range 43 West (referred to as the "Project"). See **Exhibit 1**.

The location of the proposed aggregate extraction operation is currently used for agriculture. This property is located within the reaches of the Glacial Lake Agassiz beach ridges, an area rich with gravel/aggregate resources, and adjacent to several currently operating gravel mining operations.

The aggregate resources proposed to be extracted from the site will be unwashed sand and gravel. Typical method of extraction will be commenced utilizing front-end loaders and dozers, with operations including conveyor systems, crushing, and screening.

This project is a new operation and not part of an existing project.

CONSTRUCTION AND OPERATIONS

Initial development of the site will involve stripping the topsoil. The segregated topsoil will be bermed along the boundaries to provide noise buffering and visual screening from the project. This topsoil material will be later used in reclamation. This material will be replaced on the disturbed areas during reclamation activities. The larger sized deposits (e.g. gravels) will be mined, leaving more sandy materials on site. The stripped and bermed topsoil, along with unused materials (fill sand) will be utilized to reshape regrade the disturbed area as similar to initial landscape as practicable. Reclamation activities will be conducted in phases, as mining progresses and areas no longer in use are reclaimed. A reclamation plan will be developed as part of the conditional use permit issued by the Becker County, Planning and Zoning Department.

Access points onto the property have been identified that allow the most visibility to other traffic utilizing the adjacent roadways (County Hwy 145 tracking north-south and 115th Street running east-west). Haul trucks will utilize identified entrances and run north on County Hwy 145 for all loaded/empty equipment.

TIMING AND DURATION OF ACTIVITIES

The Project resides within an area of other active gravel mining operations (Aggregate Industries, Strata, Knife River, and others) and will have operations-timing similar to the adjacent and neighboring mines.

Extraction activities will be conducted seasonally, typically May through November of a given year. Operation hours will be consistent with other mines in the area; operating 24-hours per day, 7-days per week. Typical crushing operations run for a few weeks during regular season operations. The life of the pit is variable as estimated volumes of materials to be extracted will vary based on materials available in the pit and material demand-needs. Typically, each phase will mine approximately 75,000 to 100,000 tons per year for use.

c. Project magnitude:

Table 1: Project Magnitude

Total Project Acreage	71 acres*
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 Project resides on an 80 acre parcel. The adjacent wetlands to the north and east, require a 50 foot natural vegetative buffer between development and wetland, according to Becker County's zoning ordinance. The property provides approximately 71.1 acres of minable land.

The area of the wetlands combined with the 50 foot buffer within the property boundary account for an approximate 8.9 acre area (approximately 5.6 acres are wetlands; 3.3 acres constituting as vegetative buffer). See Wetlands map (**Exhibit 2**). This acreage was calculated using ArcGIS with the U.S. Fish and Wildlife Service's National Wetlands Inventory geospatial data with the additional 50 foot buffer onto these inventoried wetlands.

- 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.**

PURPOSE

The purpose of the project is to provide quality construction aggregate for use in road base and concrete to local markets and for use in the construction of roadways for state, county, township and local municipalities.

- 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.

The proposed Project incorporates two (2) phases of materials extraction in order to develop the site, which is followed by reclamation. There are no future stages of development contemplated.

f. 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.

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

Cover types were estimated utilizing the National Land Cover Database 2011 (NLCD2011) and as such provide a generalized characterization of the site. **Exhibit 3** provides a map of the cover types in the Project area, which are reflected in the table below. The area is classified as being predominately covered by cultivated crops with smaller isolated areas of evergreen forest, herbaceous vegetation in the areas to be mined and emergent herbaceous wetlands and deciduous forests to the eastern boundary of the property. According to the tax record, the property in recent years has been classified as *Agricultural Homestead*, *HST Rural Vacant Land*, and *Exempt*. Rural vacant land is rural, unplatted real estate that is not used for agricultural purposes and is not improved with a major or primary structure. This land generally consists of parcels with sloughs, wetlands, inactive/unused meadow or pasture, and wooded land. Land classified as rural vacant land has either sat idle or is utilized for recreation and hunting.

Table 2: Cover Types*

	Before	After		Before	After
Wetlands	5.6	5.6	Lawn/landscaping	--	--
Deep water/streams	--	--	Impervious surface	--	--
Wooded/forest (deciduous)	6.2	3.3	Stormwater Pond	--	--
Wooded/forest (evergreen)	7.6	0	Other (herbaceous)	6.2	0
Brush/Grassland	--	--	Other (gravel pit)	0	71.1
Cropland (cultivated crops/open space)	54.4	0	TOTAL	80	80

*The vegetative cover types are generalized and estimated based of available land cover data through the NLCD. The wetland acreage is calculated based on NWI/PWI ArcGIS map data and assessment.

According to the NLCD data set, the deciduous forest is associated with the wetland located on the Waterfowl Production Area in the parcel to the east. This cover type would remain as part of the buffered area. The data set also provides 7.6 acres of evergreen forest, which would be removed concurrent with mining operations.

- 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.*

Table 3: Required Permits and Approvals

Unit of Government	Type of Application	Status
Cormorant Township	Road use permit(s)	Will be applied for
Becker County	Conditional Use Permit	Application in process.
Minnesota Pollution Control Agency (MPCA)	NPDES/SDS General Permit MNG490000 for Nonmetallic Mining and Associated Activities	Will be applied for
Minnesota Department of Natural Resources	Ordinary High Water Level Determination for setback purposes	Will request OHW survey from DNR.

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.**

Currently, the site is zoned agricultural and is used for cover crops. Adjacent properties to the north/northeast (parcels 060404000 and 060402000) and to the southeast (060407000) are currently zoned agricultural. Properties to the direct south (060405000), southwest (060414000), and west (060408000) are zoned industrial. See **Exhibit 4** for a Becker County parcels map.

According to USDA NRCS Web Soil Survey results, there are two areas mapped by the USGS Web Soil Survey database that are areas of prime farmland (Fordville loam) and farmland of statewide importance (Osakis sandy loam) (refer to **Appendix 1**, for report). The pockets of farmland account for 6.9% or 5.6 acres of the total Project property boundary. The remainder of the property is not prime farmland.

- 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.**

Comprehensive Plan for Becker County, Minnesota (2003):

Aggregate mining is acknowledged as a smaller basic industry within Becker County. Aggregate is an economic resource for Becker and as such, the county is a net exporter of this resource. Historic mining procedures and inappropriate buffering were issues within the county. Requirements were developed in which a Mining Plan, Operations Plan, and Reclamation Plan are now required for all mining operations. (Becker County Comprehensive Plan, 2003, p. 66).

Comprehensive Conservation Plan for Detroit Lakes Wetland Management District (2003):

The adjacent parcel to the east is occupied by the Lagar-Larson Waterfowl Production Area (WPA) and is managed by the US Fish and Wildlife Service, Detroit Lakes Wetland Management District (USFWS). The WPA does not have an individual management plan, but is instead managed under the district's Comprehensive Conservation Plan with the goals of benefiting wildlife conservation and encouraging wildlife-dependent recreational activities.

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

The property is currently zoned agricultural, which allows aggregate mining under a condition use permit. The Project does not reside within any special districts or overlays.

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

The Project is compatible with nearby land uses, zoning and applicable plans. There are no conflicts with the Comprehensive Plan for Becker County. The Project as proposed will comply with the provisions set forth in the Becker County Zoning Ordinance for Extraction of Materials and Minerals (Chapter 7, Section 6, pp. 63-64), as part of the conditional use permit. Specifically, the Ordinance requires development of a mining plan, operations plan, and reclamation plan and outlines sections that when addressed, minimize the effects of mining the site by preserving topsoil; controlling erosion and other potential nuisance conditions at the site; and implementation of post mining management that will minimize environmental impacts. The ordinance provides for the use of a conditional use permit (CUP) to authorize extractive uses in the district. A CUP provides the county the ability to address any unique features or concerns that are identified the project through the use of permit conditions. This assures that any environmental effects can be addressed initially and throughout the life of the project during subsequent renewals of the CUP. The area already exists as a "mining district" of sorts, and impacts to the environment have not been noted to date.

There are no conflicts with the Comprehensive Conservation Plan for USFWS as no activity occurs on the WPA. Both the WPA wetland and a portion of Unnamed basin 3-944W, a Public Water Wetland (PWW) extend into the NE portion of the project boundary from adjacent properties. The PWW does not have a shoreland lake classification, but is still provided

protection within the Becker County zoning ordinance. Protected wetlands that are not currently classified as natural environment lakes shall have a 50 foot buffer of natural vegetation between the protected wetland and any structure or use (Becker County Zoning Ordinance, Ch 5, p. 41). The project is designed to include the required setback from both wetlands, which will reduce the effects by providing a physical buffer from mining activities, preserve an upland fringe for wildlife cover, and minimize disturbance. Additional protective measures will be implemented as part of the MPCA NPDES mining permit to prevent erosion or the discharge of sediment from areas of active mining.

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

There are no incompatibilities. An ordinary high water level (OHWL) determination will be requested from DNR to determine the extent of the PWW. A wetland delineation will be completed prior to site development to confirm the extent wetlands associated with both basins and the 50-foot buffer around them.

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.**

SURFICIAL GEOLOGY

The property is located in a region directly adjacent to the Glacial Lake Agassiz beach ridges, which reside more predominately to the west in Clay County. The Project is located within the Upper Goose River Group of glacial sediments (Minnesota Geological Survey). This area is generally described as medium-relief glacial sediment deposited by glacial ice on ice-cored glaciated landscape that later collapsed. This group is comprised of loam to clay loam consisting of pebbly, unsorted; abundant cobbles and boulders; more than 10 meters (33 feet) thick; with 3 to 10 meters (10 to 33 feet) of overall relief on undulating to rolling surface.

There are no susceptible geologic features such as sinkholes, shallow limestone formations, unconfined/shallow aquifers, or karst conditions onsite. There are no known limiting geologic features that require mitigation.

- 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.**

SOILS

Soils information was retrieved from the U.S. Department of Agriculture's Web Soil Survey database. Results are provided in **Appendix 1**. Based on onsite soil borings, thickness of topsoil ranges from 6 inches to 3 feet. In addition, based on onsite soil borings, the gravel within the property ranges from approximately 21-33 feet; clay was encountered from 27 to 38 feet.

The soils within the Project area are primarily the *Arvilla-Sandberg complex* (76%) with slopes ranging from 2-6% (35% of the area) to 6-12% (41% of the area). Refer to **Table 4** for tabulated soil types and acreage. This complex is derived from sandy and gravelly outwash deposits (Sandberg) and loamy mantle over sandy and gravelly outwash deposits (Arvilla). The first 0-7 inches varies from coarse sandy loam (Sandberg) and sandy loam (Arvilla) followed by 7-19 inches of gravelly loamy coarse sand (Sandberg) and sandy loam (Arvilla). The remaining soil profile is typically 19-60 inches of gravelly coarse sand (Sandberg and Arvilla). The setting of these soils is characterized as hillslopes on outwash plains. This material is excessively drained (Sandberg) to somewhat excessively drained (Arvilla) and have a hydrologic soils group categorization type "A". These soils have a high rate of water transmission; high infiltration rates and low runoff potential, when thoroughly wet; characteristic of deep, well to excessively drained sands/gravelly sands.

Table 4: Soils

Map Unit Symbol	Map Unit Name	Acreage in Project Area	Percent of Project Area
339	Fordville loam	2.6	3.2%
413	Osakis sandy loam	3.0	3.7%
711B	Arvilla-Sandberg complex, 2-6 percent slopes	28.1	35.0%
711C	Arvilla-Sandberg complex, 6-12 percent slopes	33.0	41.1%
1136	Nidaros muck	0.0	0.0%
1230	Haslie and Nidaros soils, ponded	7.9	9.8%
1242D	Sandberg-Arvilla complex, 12-20 percent slopes	5.8	7.2%

Refer to **Appendix 1** for the corresponding soils map.

The *Haslie and Nidaros soils, ponded* located on the east side of the Project area, are derived from herbaceous organic material over coprogenous earth (Haslie, ponded) and highly decomposed herbaceous organic material over outwash deposits (Nidaros, ponded). Typical profile of these soils is 0-18 inches of muck (Haslie and Nidaros, ponded) followed by 18-60 inches of coprogenous earth (Haslie, ponded) and/or 38-54 inches of loam (Nidaros, ponded) and 54-60 inches of gravelly coarse sand (Nidaros, ponded). The setting of these soils is characterized as depressions on outwash plains (Haslie and Nidaros, ponded) and glacial lakes on outwash plains (Haslie, ponded). These soils are saturated, therefore, very poorly drained and have a hydrologic soils group categorization type "C/D" (Haslie, ponded) and "B/D" (Nidaros, ponded). These soils have moderate to slow infiltration rates in areas where they can drain, when thoroughly wet. In areas where clay rich soils exist, the soils do not drain, they

have a slow rate of water transmission; very slow infiltration rates, and high runoff potential. This soil group is found in the location of the wetland in the east of the Project boundary.

TOPOGRAPHY

The landform in which the Project resides is generally rolling to relatively flat with gentle slope to the direction of runoff. Surface elevation at the Project property is estimated from available 3-meter digital elevation models (DEM) to range from 1457 to 1378 feet (NAVD83); see **Exhibit 5** for LiDAR shaded relief map. Elevation is generally the highest in the southwestern portion of the site, which is where the Sandberg-Arvilla complex (12-20% slopes) and the Arvilla-Sandberg complex (6-12% slopes) may be found. The relief in this south-southwestern side decreases in elevation towards the northeast corner of the property. The lowest area on site is associated with the wetland on the east side of the property.

ESTIMATION OF EXCAVATED MATERIALS

Estimated volumes of materials that will be mined from the site will vary depending on the actual available materials and demands for those materials. The primary and secondary phases of the site are expected to provide an approximate 75,000 – 100,000 tons of final product per year.

PROJECT IMPACTS

The Project will be mining an estimated 71 acres (accounting for wetland setbacks) of the 80-acre property. Mining the sandy and gravel materials would leave sand/sandy loams. These unused materials will be returned and regraded in the mined areas as part of reclamation efforts. While the remaining materials may not be as excessively drained as the sands and gravels that will be removed, the water infiltration rates will be similar to those prior to mining operations.

Topsoil on the site will be preserved during the construction operations. Topsoil will be segregated during the initial development of the site and used to construct a berm along the perimeter of the site to control runoff. The berm will be stabilized with seed and mulch in accordance with the site Stormwater Pollution Prevention Plan (SWPPP). The topsoil material will be used for mine reclamation activities. In areas where active mining operations have ceased, the unused material will be retained and regraded. Topsoil will be placed over the regraded area, and seeded to establish permanent vegetation.

Soil quality and fertility post-mining and reclamation are not expected to be below current conditions and should still provide for adequate substrate for supporting vegetation similar to that which exists prior to Project implementation.

A more detailed description of sediment and erosion control measures will be included in the facility's SWPPP to ensure compliance with the NPDES/SES General Permit MNG490000 for Nonmetallic Mining and Associated Activities.

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.

This is not a silica sand project.

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 Minnesota Department of Natural Resources (MDNR), Public Waters Inventory (PWI) data, the U.S. Fish and Wildlife Service, National Wetlands Inventory (NWI), and the USGS National Hydrography Dataset (NHD) were utilized to identify surface water resources within and adjacent to the Project boundary. Wetlands reside on the parcels to the north and east of the Project site and encroaches on the east side of the property. The wetlands covers approximately 5.6 acres of the property based on PWI and NWI ArcGIS data. **Exhibit 2**, the Wetlands Map, shows the locations of these wetland areas.

In the north/northeast area of the Project site a small portion of the Unnamed Public Water Wetland (PWW) (ID: 3-944W) exists (see **Exhibit 2**). The surface water elevation of basin 3-944W onsite is estimated from available digital elevation models (DEM) to be at 1378 (NAVD83) on the date of the LiDAR collection. The NWI described this PWW as a freshwater emergent wetland, Type 3 (see **Table 5**). The statutory definition of a Type 3 wetland is:

[An] inland shallow fresh marshes in which soil is usually waterlogged early during a growing season and often covered with as much as six inches or more of water. Vegetation includes grasses, bulrushes, spikerushes, and various other marsh plants such as cattails, arrowheads, pickerelweed, and smartweeds. These marshes may nearly fill shallow lake basins or sloughs, or may border deep marshes on the landward side and are also common as seep areas on irrigated lands (103G.005 Definitions, 2014).

Table 5: PWW - 944W

Unique wetland ID for MDNR Public Waters:	03094400
Delineation Date	1/1/2008
PWI Class	W
Wetland Type	3
Acreage	39.55 acres

DNR Data: NAD83

The wetland on the east side of the Project site is identified on the NWI as a freshwater emergent wetland with associated freshwater forested/shrub wetland (21.3 acres and 2.7 acres, respectively). Only a small portion of the freshwater emergent wetland resides on the Project site. The DEM estimates the water level for the eastern wetland basin to be at 1378 (NAVD83) on the date of the LiDAR collect. This wetland is part of the Lager-Larson Waterfowl Production Area (WPA). This WPA is located on an 80-acre parcel (to the east of the Project) owned by the United States Fish and Wildlife Service. The WPA and other Minnesota Sites of Biodiversity Significance are discussed in EAW Question #13.

Based on published information, there are no impaired waters within 1 mile of the Project.

- 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.**

Groundwater information for the Project site was obtained from published information including nearby well/well boring logs, and LiDAR (topography) imagery. The MDH geospatial data (Sept. 1, 2104) was assessed and the Project does not reside within a MDH wellhead protection area. There are no wells located within the Project boundary. Wells within a one mile radius of the Project are shown in **Exhibit 6** and tabulated in **Table 6**. The associated boring logs for these wells are in **Appendix 2**.

*Table 6: Wells within 1 mile radius of Project**

Well Name	Unique Well Number	Well Log: Surface elevation	Well Log: Static water level	Well Log: State water level elevation
Heits, Norbert	461132	1392	22	1370
USGS 290	256560	1380	16	1364
Smith, Mike	414354	1400	48	1352
Swenson, Douglas	441312	1398	20	1378
USGS 218	256496	1370	16	1354
USGS 240	256518	1385	26.5	1358.5
**USGS 199	256477	1390	17	1373
Ulschmid, Jeffrey & Diane	771052	1379	14	1365

*NAD83

**Nearest well, residing outside the southeast corner of the property boundary.

Water bearing sand and gravel deposits were identified in the wells located within one mile of the Project site. The water table in the vicinity of the Project site was at approximate elevation 1373 at the southeast corner of the Property site per MDH Unique well no. 256477 and 1364 feet per MDH Unique well no. 256560 located approximately 3,000 feet to the southeast. Two other wells south and east of the Project site; MDH Unique well no. 256518 and MDH Unique well no. 771052 (see Exhibit 6 for location) indicate groundwater levels at 1365 feet and 1358.5 feet,

respectively. As such, the localized groundwater flow direction based on these wells is to the south/southeast.

A series of shallow soil borings were drilled at the Project site. In general, six inches to three feet of topsoil was encountered in the borings followed by 20 to 30 feet of coarse gravel. Below the coarse gravel was a clay layer, at which point the borings were terminated. Water was encountered in four of eleven of the soil borings during drilling operations, but at varying depths. It appeared to be a localized perched condition representing surface water moving through the soil structure.

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.

No wastewater will be generated by this Project.

- 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.**

NA

- 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.**

NA

- 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.**

NA

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.

Quantitative and qualitative stormwater runoff analyses have not been conducted at this time. Provided the existing land use on site (agricultural cover crops) and soil types, infiltration rates throughout the property are relatively high and excessive runoff at the site is not perceived as problematic.

Excess water from more significant precipitation events would flow from areas of high to low elevation. Therefore, under current conditions, stormwater would generally flow from the west/southwest to the northeast of the property. These lower areas are the locations of the wetlands (north and east of property boundary). The topsoil berm, silt fence, and other BMPs will be implemented, as needed, to prevent the discharge of sediment into either wetland.

The gravel pit will be opened progressively as material is needed. Stormwater will be managed onsite, in compliance with the stormwater permit and associated SWPPP. Since exact aggregate resource and resource demand is not known, specific runoff controls, locations, BMPs, and other measures the SWPPP provides the flexibility to respond to changing conditions as they occur.

- 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 will be no water appropriation or dewatering associated with the Project.

- iv. **Surface Waters**
- a) **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.**

Dewatering will not occur and mining will not extend below the groundwater table. As the watersheds to the adjacent wetlands will remain largely intact, it is not anticipated that the Project will hydraulically impact the wetlands on or adjacent to the site. Topsoil berms, silt fence, and other BMPs, as needed, will be installed outside of the 50 foot natural vegetative buffer from the wetlands. These BMPs, in addition to the 50 foot buffer will prevent the discharge of sediment into the wetlands.

- b) **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.

Water resources on or adjacent to site are wetlands; this discussion is previously had under the surface waters section (a).

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 MPCA maintains the *What's in My Neighborhood* online database:

<http://www.pca.state.mn.us/index.php/data/wimn-whats-in-my-neighborhood/whats-in-my-neighborhood.html>).

This site was utilized to identify any potentially contaminated sites within or in the near vicinity of the Project. One site is identified to the direct east of the Project property (see **Figure 1** for location).

Table 7: MPCA What's in My Neighborhood - Sites within Project Boundary

	Details	Investigation and cleanup
Cormorant Township Dump	Owner: Unknown Latitude: 46.74191 Longitude: -96.13117 Status: Active	State Assessment Site – SA7152 (active) Unpermitted Dump Site – REM03831 (inactive)

Figure 1: Potentially Contaminated Sites Nearby

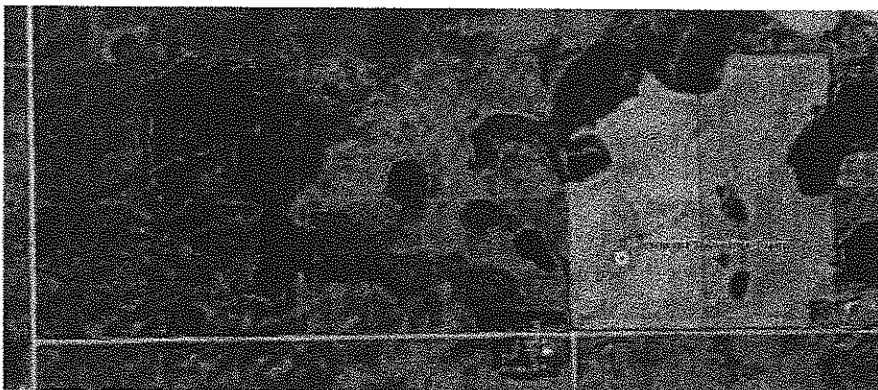


Figure retrieved from the *What's in My Neighborhood* aerial basemap, accessed 2015-04-29.
<http://pca-gis02.pca.state.mn.us/wimn2/index.html>

There are no anticipated environmental impacts from pre-project conditions that would be caused or be exacerbated by Project development. A Contingency Plan or Response Action Plan will not be developed as part of this Project.

- 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.**

The Project will not be generating, storing, or disposing of solid wastes onsite.

- 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.**

There will be no generation, storage, or disposal of hazardous materials within the Project area. The Project will be utilizing heavy equipment and machinery that require diesel and/or gasoline fuel. Any accidental releases of fuel from the machinery or equipment will follow Minnesota Pollution Control Agency guidelines; petroleum spills of more than five (5) gallons must be reported to the Minnesota Duty Officer. Small spills, less than 50 gallons shall be stopped, if possible, and contained and recovered. A spill prevention plan is not planned to be developed for this Project, the quantity onsite will be less than 1,320 gallons.

- 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.

The Project will not be generating or storing hazardous waste.

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.

The Project resides within an area of Becker County classified as Eastern Broadleaf Forest (Becker County Comprehensive Plan, 2003, p. 66). This ecological region spans from the north to south/southeast corner of the county. It is in this region of the county where the majority of Becker's lakes can be found. Vegetation is composed primarily of maple-birch forest, and some oak-hickory and aspen-birch stands.

The project boundary contains 68% cultivated cropland; 17% forested area; 8% herbaceous vegetation; and 7% wetlands. The site provides habitat for a number of species of wildlife. The site and the surrounding area contain wetland, grassland, agricultural, and aggregate mining operations (disturbed areas). This site is likely home to or roaming area for deer, small mammals, song birds and other common birds, reptiles, and amphibians. No substantial fish habitats are found within the Project boundaries.

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-677) 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.

The MDNR Natural Heritage and Nongame Research Program, Rare Natural Features GIS data was utilized to assess the presence of species and unique features within and in close proximity to the Project boundary. There are no rare natural features identified within or directly adjacent to the Project extents. Though, there are rare plant, animal, and terrestrial communities located within a one mile radius of the Project boundary. See **Exhibit 7**, the *Rare, Threatened, and Endangered Species* map showing generalized locations of these resources with discussions below. There have been no additional habitat or species survey work conducted for this project.

The Greater Prairie-chicken (*Tympanuchus cupido*) is a State listed Special Concern Species. The greater prairie-chicken is a brown, chicken-sized bird with a heavily barred feather pattern. Its tail is relatively short, dark, and rounded in appearance. The species is well known for its unique courtship rituals. Preferred habitat changes with the seasons. During spring breeding season, several different habitats are utilized. Open expanses of short cover are used for courtship activity; dense, undisturbed cover is used for nesting. During summer, the bird favors open habitats (native prairie and grasslands). During fall and winter, croplands, grass and forb habitats, and disturbed areas that provide winter food are most important. Please see attached factsheet provided as **Appendix 3** for more information. MDNR Natural Heritage data indicates the most recent record of this bird in the area was first observed in 2004 with last observations in

2006. This particular siting was a breeding season observation whereby 4 males/1 female were observed in 2004; 9 males/2 females in 2005; and 13 males/4 females in 2006. Previous records recorded observations in 1998 (two occurrences) and 2002, with last observations recorded in 1998, 2001, and 2002, respectively.

The Nuttall's Ground-rose (*Chamaerhodos nuttallii*) is on the State's Watchlist. Limited published information was found for this plant species. The Natural Heritage data indicates the Nuttall's Ground-rose was last observed in this 1-mile radius in June of 1988.

A Dry Sand – Gravel Prairie (Northern), a terrestrial community (UPn12b) is a dry prairie (northwest) sand-gravel subtype, graminoid-dominated, forb-rich herbaceous communities on coarse-textured, usually gravelly soils on gentle slopes on wave-reworked Glacial Lake Agassiz shoreline deposits and rarely on moderate slopes on outwash and ice-contact deposits. Plant cover is often less than 100%, and lichens may encrust the bare areas among the plants. This community lacks significant cover of the taller shrubs; leadplant and prairie rose (low semi-shrubs) are the primary woody species present. Please see attached factsheet, **Appendix 3**, for more information. According to MDNR Natural Heritage data, for this record, the community was first observed in October of 1988 and last observed in October of 1999.

The Minnesota Biological Survey has identified six sites of biodiversity significance within a 1-mile radius of the Property boundary (shown on **Exhibit 7**). The Lager-Larson WPA, in the adjacent parcel to the east of the Project, is discussed and other sites identified by the MBCS are tabulated below.

The Minnesota County Biological Survey (MCBS) Sites data has the WPA described as a site below minimum biodiversity significance threshold. The site is below the minimum threshold for statewide biodiversity significance; it lacks occurrences of rare species and natural features, or does not meet MCBS standards for Outstanding, High, or Moderate rank. The site may include areas of conservation value at the local level such as habitat for plants and animals; corridors for animal movements; buffers surrounding higher quality natural areas; or areas with good potential for restoration of native habitat (Minnesota Department of Natural Resources, 2009).

Table 8: Minnesota Sites of Biological Significance

Site Name	Biodiversity significance	Acres
Tub Lake	Moderate	39.5
Cormorant 33	Below	59
Lager-Larson WPA South	Moderate	20
Cormorant 31	Moderate	42
Cormorant 31	Moderate	10

- 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.**

Some disruption to local wildlife species will likely occur as the mine begins development. Heavy equipment operation and loss of the cover vegetation will displace any wildlife present to the adjacent similar habitats. Since the current area is maintained in a cover crop, there is limited biodiversity on the site and wildlife use would be predominantly as a travel corridor and for grazing. As the operation progresses, the area will become less desirable for these uses and the wildlife will adjust their patterns accordingly. The grass cover habitat will be disturbed during the mining operation, but will be restored during the reclamation process. Vegetative cover will be reestablished as prescribed under the Project's Reclamation Plan.

There is already significant use of the area for aggregate development and for the trucks hauling material. It is anticipated that any increase in traffic and equipment noise will likely be minimal additional disturbance to any wildlife within the area.

Concentrating mine pit operations within this active mining region minimizes cumulative and long-term environmental impacts on wildlife species. Upon finalization of reclamation the Project area will offer habitat for the wildlife species that exist within the Project region. No significant negative impacts to wildlife resources are anticipated from the proposed Project. There are no concerns over introduction or spread of invasive species in the area.

Species records for the observations within a one-mile radius of the Project boundary are relatively dated and there are active aggregate mining operations adjacent to and neighboring the Project location. There are no anticipated impacts from the Project on the State listed species or MCBS sites of biodiversity significance outside the Project boundary.

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

Active mining operations will proceed during similar hours as the adjacent aggregate mining operations. Segregated topsoil will be utilized on site for berm materials; this will later be replaced on top unused mined materials. Reclamation will proceed after mining operations have ceased.

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.

A request was made to the Minnesota State Historic Preservation Office (SHPO) to review their database of archaeological site and historical structures within the Project area. No archaeological sites or historic structures were identified in the search of the database (see **Appendix 4** for

correspondences). Since there were no sites identified in the SHPO inventory database, there will be no anticipated effects to historic properties during any stages of the Project development.

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.

This operation will be similar to neighboring aggregate mining operations and therefore will not be contributing to new eye-soars on the landscape. Visual effects from the Project will include the aggregate extraction on site and on/off site truck traffic. Visual impacts from the Project are not anticipated to be significant or degrade the visual aesthetics of the area as it will be associated with similar activities in neighboring properties. Reclamation, post-mining conditions, will return the site back to cover crops/natural vegetative cover. Stripped and segregated topsoil will be utilized as berms that act as visual screening for the project.

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.**

No stationary sources are developed under the proposed Project.

The Project may contribute additional truck traffic to that already in the region, though it is not anticipated that this will impact air quality to the degree by which existing conditions will be compromised.

- 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.**

Project impacts on air emissions is not expected to be significant nor contribute to degradation of air quality below current levels. No additional measures have been developed or are planned to minimize or mitigate vehicle emissions.

- 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.**

Dust will be generated from traffic and operations. The effects are similar to other aggregate mining operations within the area. Long term effects are not anticipated from these activities. Given the rural setting; conflicts with neighboring properties is not expected. During particular

times of the year when there is an increase fugitive dust, water may be used to suppress dust. It is not anticipated that odors will be of an issue.

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.

Heavy machinery and vehicles will be used in associated with this project. Front-end loaders and dozers will be used to extract the gravel/sands, while conveyors systems, crushing and screening operations will follow. These operations will be similar to that occurring in neighboring mining operations; low to high intensity noise is expected. The bermed topsoil will provide noise buffering for the Project, though there are no sensitive receptors within the near vicinity of the Project. The Project will comply with state noise standards. There are no anticipated impacts on human health or quality of life.

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.**

No parking spaces are involved with this Project. It is anticipated that average daily traffic generated may be 2-5 cars or trucks per hour. The anticipated maximum peak hour during traffic generated and time of occurrence may be 10-20 gravel trucks per hour during day light hours. The trucks will utilize County Highway 145 and US Highway 10, as these are the most practicable routes.

- 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, Chapter 5 (available at: <http://www.dot.state.mn.us/accessmanagement/resources.html>) or a similar local guidance.

The majority of traffic to and from the mined property will be traversing on 115th street and/or north on County Road 145. The Project will not exceed the daily peak hour vehicle or total daily trips. The Project will contribute an increased flux of haul-traffic to the area. However, it is not anticipated that the Project will negatively impact existing traffic flows or impact congestion on local roadways. Becker County Highway Department *Traffic Counts* (2008) and *Spring Load Restrictions* (2015) maps are provided as **Exhibit 8**.

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

Access points into property were selected that allow the most visibility to any other traffic. Operate the facility within the hours that are consistent with other area mining facilities (e.g. Aggregate Industries, Strata, Knife River, etc.). No additional mitigation measures are proposed.

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.**
- 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.**
- 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.**

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.

The Project is located within an area with reasonably recoverable aggregate resources, whereby adjacent to and neighboring gravel mining operations exist. Such mining operations provide less of an environmental impact when concentrated in a centralized area versus being spread out sporadically across a landscape. This site is currently used as agricultural cover crops. After mining it will be regraded and seeded to native grasses and restored to the habitat present prior to the Project. The wetlands identified at the site will not be impacted. There are no anticipated cumulative impacts at the site.

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.

Signature

Date

6-11-2015

Title

Planning & Zoning Ref.

Minnesota Administrative Rules

Authenticate

4410.1700 DECISION ON NEED FOR EIS.

Subpart 1. **Standard for decision on need for EIS.** An EIS shall be ordered for projects that have the potential for significant environmental effects.

Subp. 2. **Decision-making process.** The decision on the need for an EIS shall be made in compliance with one of the following time schedules:

A. if the decision is to be made by a board, council, or other body which meets only on a periodic basis, the decision shall be made between three and 30 days after the close of the review period; or

B. for all other RGU's the decision shall be made no later than 15 days after the close of the 30-day review period. This 15-day period shall be extended by the EQB chair by no more than 15 additional days upon request of the RGU.

Subp. 2a. **Insufficient information.** If the RGU determines that information necessary to a reasoned decision about the potential for, or significance of, one or more possible environmental impacts is lacking, but could be reasonably obtained, the RGU shall either:

A. make a positive declaration and include within the scope of the EIS appropriate studies to obtain the lacking information; or

B. postpone the decision on the need for an EIS, for not more than 30 days or such other period of time as agreed upon by the RGU and proposer, in order to obtain the lacking information. If the RGU postpones the decision, it shall provide written notice of its action, including a brief description of the lacking information, within five days to the project proposer, the EQB staff, and any person who submitted substantive comments on the EAW.

Subp. 3. **Form and basis for decision.** The RGU's decision shall be either a negative declaration or a positive declaration. The RGU shall base its decision regarding the need for an EIS on the information gathered during the EAW process and the comments received on the EAW.

Subp. 4. **Record of findings supporting decision.** The RGU shall maintain a record, including specific findings of fact, supporting its decision. The record must include specific responses to all substantive and timely comments on the EAW. This record shall either be a separately prepared document or contained within the records of the governmental unit.

Subp. 5. **Distribution of decision.** The RGU's decision shall be provided, within five days, to all persons on the EAW distribution list pursuant to part 4410.1500, to all persons that commented in writing during the 30-day review period, and to any person upon written request. All persons who submitted timely and substantive comments on the EAW shall be sent a copy of the RGU's response to those comments prepared under subpart 4. Upon notification, the EQB staff shall publish the RGU's decision in the EQB Monitor.

Subp. 6. **Standard.** In deciding whether a project has the potential for significant environmental effects the RGU shall compare the impacts that may be reasonably expected to occur from the project with the criteria in this part.

Subp. 7. **Criteria.** In deciding whether a project has the potential for significant environmental effects, the following factors shall be considered:

A. type, extent, and reversibility of environmental effects;

B. cumulative potential effects. The RGU shall consider the following factors: whether the cumulative potential effect is significant; whether the contribution from the project is significant when viewed in connection with other contributions to the cumulative potential effect; the degree to which the project complies with approved mitigation

measures specifically designed to address the cumulative potential effect; and the efforts of the proposer to minimize the contributions from the project;

C. the extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority. The RGU may rely only on mitigation measures that are specific and that can be reasonably expected to effectively mitigate the identified environmental impacts of the project; and

D. the extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other EISs.

Subp. 8. [Repealed, 13 SR 1437]

Subp. 9. **Connected actions and phased actions.** Connected actions and phased actions shall be considered a single project for purposes of the determination of need for an EIS.

Statutory Authority: *MS s 116D.04; 116D.045*

History: *13 SR 1437; 21 SR 1458; 31 SR 539; 34 SR 721*

Published Electronically: *November 30, 2009*

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**FINDINGS OF FACT AND CONCLUSIONS
FOR
THE ENVIRONMENTAL ASSESSMENT WORKSHEET (EAW)
FOR THE
CORMORANT TOWNSHIP GRAVEL MINE
CORMORANT TOWNSHIP
BECKER COUNTY, MINNESOTA**

Based upon the EAW, comments and responses received and reviewed at the Becker County Planning and Zoning Office staff recommends the following Findings of Fact and Conclusion:

Responsible Governmental Unit: Becker County
Contact: L. Eric Evenson-Marden
Becker County Planning and Zoning
915 Lake Avenue
Detroit Lakes, Minnesota 56501
Telephone: 218-846-7314
E-mail: eevens@co.becker.mn.us

I. ENVIRONMENTAL REVIEW AND RECORD OF DECISION

The Cormorant Township Gravel Mine EAW was prepared under Minnesota Rules 4410.4300, Subpart 12(B), nonmetallic mineral mining.

Project Summary:

Contractors Leasing is opening a new construction aggregate mine located in Cormorant Township of Becker County, Minnesota. The project location is in S½, NW¼, Section 29 Township 138 North, Range 43 West (referred to as the "Project"). The location of the proposed aggregate extraction operation is currently used for agriculture.

This property is located within the reaches of the Glacial Lake Agassiz beach ridges, an area rich with gravel/aggregate resources, and adjacent to several currently operating gravel mining operations. The aggregate resources proposed to be extracted from the site will be unwashed sand and gravel.

Typical method of extraction will be commenced utilizing front-end loaders and dozers, with operations including conveyor systems, crushing, and screening. This project is a new operation and not part of an existing project.

II. EAW NOTIFICATION AND DISTRIBUTION

On June 11, 2015, Becker County distributed the EAW to the official EQB mailing list, published a press release, and posted the EAW on the Becker County Website. On June 22, 2015, the EAW notice appeared in the *EQB Monitor*.

III. COMMENT PERIOD AND RECORD OF DECISION

The comment period started June 22, 2015 and ended at 4:30 pm on July 22, 2015.

IV. COMMENTS RECEIVED AND RESPONSES

1. Rick Julian, 11545 West Lake Ida Lane (Attachment 1): :

Comment: Exhibit 7, Sites of Biodiversity and Threatened and Endangered Species and Page 17, #13 contain inaccuracies.

Response: Current information provided through the Minnesota Department of Natural Resources, Natural Heritage and Nongame Research Program, Rare Natural Features GIS data was consulted for the assessment of the presence of species and unique features within and in close proximity to the Project boundary. This data was last updated, under its license agreement, February 4, 2015. For the purpose of the EAW, the MDNR Natural Heritage Information System (NHIS) is the preferred method for obtaining information on rare features as it offers access to a collection of databases that provides the most comprehensive information on Minnesota's rare natural features. The data accessible through the MDNR's NHIS is accurately represented in Exhibit 7. Due to the sensitivity of locations of rare features and under license agreement, complete disclosure of specific identity or specific location of rare features is discouraged. Information provided by commenter has not been supported by referenced literature and/or reports nor was this information readily accessible during the environmental review documentation process.

Comment: EAW question 13 (page 17): Land description is incorrect as it is unlikely that the site was ever forested; it was part of the oak savanna and tall grass prairie ecosystem that occurred in this portion of Becker County. A suggestion was provided to the County to revise the Becker County Comprehensive Plan to accurately represent this portion of the county.¹

¹ Full comment is not provided as portions were irrelevant to the proposed Project at hand.

Response: Comment noted. The project area is comprised of primarily cultivated cropland (approximately 68%) with forested areas accounting for approximately 17% of the area followed by 8% herbaceous vegetation and 7% wetland. Aerial photography shows the minor pockets of woody vegetation are located in the south-central boundary of the Project site and also along the outer edges of the adjacent wetlands.

Comment: Page 18. The author failed to note that the complete disappearance of the prairie dancing ground in 2006 from section 19 corresponded to the permitted establishment of a new gravel pit operation in the northwest corner of that section. The 24 hour operation schedule allowed by the county and the starting of mining operation in March drove the birds to abandon the site. Four other grounds in Becker County have also extirpated over the past 8 years, and in all cases mining activities appears to have contributed to these losses. Additional sites have also extirpated in Otter-tail and Clay counties, respectively... Gravel mining operations should not be allowed to occur 24 hours a day. No operation should occur between 4 and 9 am adjacent to dancing areas.

Response: Comments are noted. Best available data was consulted to assess the presence of rare natural features in and adjacent to the Project. The additional survey data provided by the commenter is noted, though the information provided within the EAW is sufficient in addressing the presence of and impacts to the rare features identified by MDNR NHIS for the Project area.

2. Minnesota Pollution Control Agency (MPCA) (Attachment 2).

Comment: The project will require a National Pollutant, Discharge Elimination System/State Disposal System (NPDES/SDS) Construction Stormwater Permit (CSW Permit) and a detailed Stormwater Pollution Prevention Plan (SWPPP).

The project will also require a Clean Water Act Section 401 Water Quality Certification or waiver from the MPCA.

Response: The Owner and Operator will be required to acquire all necessary state and federal permits prior to issuance of a Conditional Use Permit by Becker County.

3. Minnesota Historical Society (Attachment 3).

Comment: Request that a Phase 1 archeological survey be completed.

Response: The Owner and Operator will be required to acquire a satisfactory finding or an approved mitigation plan from the State Historical Society prior to issuance of a Conditional Use Permit by Becker County.

V. FINDINGS OF FACT

The EAW comments received during the comment period and responses to the questions raised and issues identified, Becker County, as the responsible governmental units (RGU) for this environment review concludes the following:

1. This "Finding of Fact and Record of Decision" document and related documentation for the project that we prepared in compliance with the procedures of the Minnesota Environmental Policy Act and Minnesota Rules, Part 4410.1000-4410.1700.
2. This "Finding of Fact and Record of Decision" document and related documentation for the project have _____ satisfactorily addressed all of the issues for which formation could have been reasonably obtained.
3. This project does _____ have the potential for significant negative environmental effects based upon the above findings and evaluation of the the following four criteria as specified in Minnesota Rules, Part 4410.1700, Subp. 7:
 - The type, extent, and reversibility of environmental effects;
 - The cumulative potential effects of related or anticipated future projects;
 - The extent to which the environmental effects can be mitigated by ongoing public regulatory authorities; and
 - The extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other Environmental Impact Statements (EIS).

VI. CONCLUSION:

Based upon consideration of the criteria and factors specified in Minnesota Rules, part 4410.1700, subp. 6 and 7 to determine whether a project has the potential for significant environmental effects and on the Finding and Record in this matter, Becker County determines that the proposed Cormorant Township Gravel Mine does _____ have the potential for significant environmental effects. Therefore, Becker County makes a _____ Declaration and does _____ require the development of an EIS for this project.

VII. ORDER

Based on the above Findings of Fact and Conclusions, Becker County determines that an EIS is _____ required for the Cormorant Township Gravel Mine.

Any Findings that might properly be termed Conclusions and and Conclusions that might properly termed Findings are hereby adopted as such.

Dated that _____ day of August, 2015.

Becker County Board of Commissioners

Benjamin Grimsley, Chairperson



06.0402.001

July 20, 2015

RGU Contact person:

Becker County Zoning and Planning Department

Eric Evenson- Marden, Zoning Supervisor

915 Lake Ave, Detroit Lakes, MN 56501

Re: Environmental Assessment worksheet, Cormornat Township "Gravel Mine S ½ of NW ½ of section 29

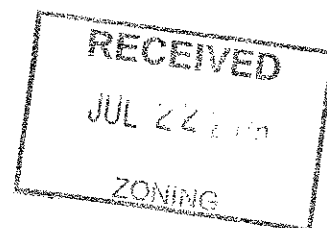
I am writing in regard to the above environmental assessment with specific concern to the inaccuracies contained in the document, and the continued significant impacts the County is having on the Greater prairie chickens that inhabit south western Becker County. The continued conversion of the area into Moon Scape does not hold well for the birds. No restoration has occurred in Becker County, only continued expansions of pits.

I have been conducting an annual survey for the prairie chicken "leks" or "booming grounds," or "dancing ground" – the courtship locations for the chickens in southwestern Becker County since 2001 for the Nature Conservancy. The continued expansion of gravel pit locations in the area of the county has now almost completely extirpated the chickens from the county. We are down to our final 5 or 6 dancing males. At one time have over 40. The County, by allowing the continuous expansion and 24 hour operations of gravel pits has contributed in a great part, likely unknowingly, to the loss of the these birds, and numerous other small prairie nesting species such as the bobolink.

The chickens prefer short grass areas for their "leks" and we had many sites where pastures or hay lands were present. The pits have now consumed most of these sites, or operate so close to them as to extirpate the birds from them. This new pit proposal will be immediately adjacent to the last remaining dancing ground in Becker County.

Document comments:

Exhibit 7: The authors apparently did not attempt to access current information as it would not have looked favorably on the project. The last Becker county prairie "Lek" is located in the NE1/4 of the SW 14 if section 19, approximately a 100 yards off of the NW corner of the proposed project site in a current bison pasture. It contained 12 birds in 2014 but only 6 birds this year as a gravel operation is also expanding toward this location from the south for the past several years.



Page 17. # 13: The land description is incorrect. It is unlikely the site was ever forested. It was part of the oak savanna and tall grass prairie ecosystem that occurred in this portion of Becker County. Prairie fires maintained the grassland ecosystem as there were no large bodies of water in this area to stop the fires from crossing this land area from the west. As you go east or north a short ways large wetland and lakes would have slowed the fires progress and allow for trees to establish themselves in the fire shields of the water areas. I believe the County needs to revise their comprehensive plan so it accurately represent this portion of Becker County.

Page 18:

The author failed to note that the complete disappearance of the prairie dancing ground in 2006 from section 19 corresponded to the permitted establishment of a new gravel pit operation in northwest corner of that section. The 24 hour operation schedule allowed by the county and the starting of mining operations in March drove the birds to abandon the site. Four other grounds in Becker County have also been extirpated over the past 8 years, and in all cases mining activities appears to have contributed to these losses. Additional sites have also been extirpated in Otter-tail and Clay counties respectively.

Prairie Chickens have been observed utilizing this new proposed site until a new pit opened just south of the property. It has also been found that the prairie-chickens avoided communication towers and rural farms (few in this area), (Kansas State F & W study). It could be assumed that wind generating towers adjacent to the county line could be included. Their continued expansion will likely also disrupt the use of Becker County by the birds.

Human activity is by far the greatest threat to the prairie chickens in Becker County. Prairie chickens do not migrate. They are a territorial bird and often defend it when possible. These "leks" are the area in which they perform their displays in hopes of attracting females. These sites usually have very short or no vegetation. The male prairie-chickens stay on this ground displaying for almost two months. The breeding season usually begins in Becker County in Late March throughout April until early May. We still have a lot of nesting habitat around if we have birds to use it.

The birds generally "display" on the "leks" for an hour before sunrise until around 9 am. They also sometimes return in the evening to the sites and may times visit the in the fall "to check things out". The noise from the gravel operations in the spring during the breeding period destroys their ability to communicate to the females. Gravel mining

operations should not be allowed to occur 24 hours a day. No operations should occur between 4 and 9 am adjacent to dancing areas.

The future of the Prairie Chicken in Southwestern Becker County will hinge on the actions of the planning commission. If they are to be extirpated from this area you will make that choice.

Sincerely,

Rick Julian

11545 West Lake Ida Lane

Lake Park, MN 56554

A handwritten signature in cursive script that reads "Rick Julian". The signature is written in dark ink and is positioned to the right of the typed name.

July 23, 2015

Eric Evenson-Marden
Zoning Supervisor
Becker County Zoning and Planning Dept
915 Lake Avenue
Detroit Lakes, MN 56501

RE: EAW- Cormorant Township Gravel Mine
T138 R43 S29 NW, Cormorant Twp, Becker County
SHPO Number: 2015-2331

Dear Mr. Evenson-Marden:

Thank you for the opportunity to comment on the above project. It is being reviewed pursuant to the responsibilities given to the Minnesota Historical Society by the Minnesota Historic Sites Act and the Minnesota Field Archaeology Act.

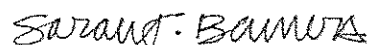
Due to the nature and location of the proposed project, we recommend that a Phase I archaeological survey be completed. The survey must meet the requirements of the Secretary of the Interior's Standards for Identification and Evaluation, and should include an evaluation of National Register eligibility for any properties that are identified. For a list of consultants who have expressed an interest in undertaking such surveys, please visit the website preservationdirectory.mnhs.org, and select "Archaeologists" in the "Search by Specialties" box.

We will reconsider the need for survey if the project area can be documented as previously surveyed or disturbed. Any previous survey work must meet contemporary standards. **Note:** plowed areas and right-of-way are not automatically considered disturbed. Archaeological sites can remain intact beneath the plow zone and in undisturbed portions of the right-of-way.

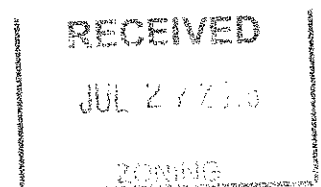
Please note that this comment letter does not address the requirements of Section 106 of the National Historic Preservation Act of 1966 and 36CFR800, procedures of the Advisory Council on Historic Preservation for the protection of historic properties. If this project is considered for federal assistance, or requires a federal license or permit, it should be submitted to our office by the responsible federal agency.

If you have any questions regarding our review of this project, please contact Kelly Gragg-Johnson at (651) 259-3455.

Sincerely,



Sarah J. Beimers, Manager
Government Programs and Compliance





Minnesota Pollution Control Agency

520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300

800-657-3864 | 651-282-5332 TTY | www.pca.state.mn.us | Equal Opportunity Employer

July 22, 2015

Mr. Eric Evenson-Marden, Zoning Supervisor
Becker County Zoning and Planning Department
915 Lake Avenue
Detroit Lakes, MN 56501

Re: Cormorant Township Gravel Mine S ½ of NW ¼, Section 29 Environmental Assessment Worksheet

Dear Mr. Evenson-Marden:

Thank you for the opportunity to review and comment on the Environmental Assessment Worksheet (EAW) for the Cormorant Township Gravel Mine S ½ of NW ¼, Section 29 project (Project) located in Becker County, Minnesota. Regarding matters for which the Minnesota Pollution Control Agency (MPCA) has regulatory responsibility and other interests, the MPCA staff has the following comments for your consideration.

The Project will disturb a total of one acre or more of land; a National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Construction Stormwater Permit (CSW Permit) is required from the MPCA. The owner and operator (usually the general contractor) are jointly responsible for obtaining and complying with the conditions of the CSW Permit. A detailed Stormwater Pollution Prevention Plan (SWPPP) containing stormwater management requirements, both during and post construction, as well as erosion control and sediment control requirements during construction, must be prepared prior to submitting a CSW Permit application. CSW Permit coverage is required prior to commencing land disturbing activities (i.e., clearing, grading, filling, or excavating) relating to the Project. For an overview of this permit and program, please refer to the following factsheet: <http://www.pca.state.mn.us/publications/wq-strm2-05.pdf>. Questions regarding CSW Permit requirements should be directed to Roberta Getman at 507-206-2629.

The project will require a Clean Water Act Section 401 Water Quality Certification or waiver from the MPCA to verify compliance with state water quality standards. For further information about the 401 Water Quality Certification process, please contact Jim Brist at 651-757-2245 or Bill Wilde at 651-757-2825.

We appreciate the opportunity to review this Project. Please provide your specific responses to our comments and the notice of decision on the need for an Environmental Impact Statement. Please be aware that this letter does not constitute approval by the MPCA of any or all elements of the Project for

Mr. Eric Evenson-Marden

Page 2

July 22, 2015

the purpose of pending or future permit action(s) by the MPCA. Ultimately, it is the responsibility of the Project proposer to secure any required permits and to comply with any requisite permit conditions. If you have any questions concerning our review of this EAW, please contact me at 651-757-2482.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Kain".

Kevin Kain
Planner Principal
Environmental Review Unit
Resource Management and Assistance Division

KK:bt

cc: Dan Card, MPCA, St. Paul
William Wilde, MPCA
Roberta Getman, MPCA