

RECORD OF DECISION

Attachment A

**Hawkes Company, Peat Mining – Mercil Site
Environmental Assessment Worksheet**

Public Comments



CITY OF NEWFOLDEN

JUN 8 2017

PO Box 188
145 East First Street
Newfolden, MN 56738
(218) 874-7135 Phone
(218) 874-7136 Fax
newfolden@wiktel.com
www.ci.newfolden.mn.us
Equal Opportunity Provider

Mayor: Lori Warne * City Administrator: Tammy Hansen

5 June 2016

Lisa Fay, Principal Planner
DNR Division of Ecological and Water Resources
500 Lafayette Road, St. Paul, MN 55155-4025

To Whom It May Concern;

The City of Newfolden wishes to submit a letter of support for the Hawkes Company. We enthusiastically support the company's proposal to grow their peat mining business in Northwest Minnesota.

The Hawkes Company has a strong and positive economic impact in the City of Newfolden. Hawke's management patronizes and supports many local businesses and provides employment opportunities in our region.

The permitted expansion of the Hawkes Company, is anticipated to further improve their impact on Newfolden's local economy. We are eager to work closely with the Hawkes Company as they grow!

Thank you for your time and consideration.



Lori Warne, Mayor
City of Newfolden

MN_Review, Environmental (DNR)

From: Deborah Everson <deborah@domainarch.com>
Sent: Tuesday, May 16, 2017 4:40 PM
To: MN_Review, Environmental (DNR)
Subject: Camden EAW

I don't understand why the DNR would approve such a destructive program- so that others can have nice sod rolls? This is pristine wetland area. What is the DNR stand for... Department of Natural Resources.. once this is destroyed, it cant be fixed or put back. What are you supporting this for?

Please hear what the people of Minnesota want, and its not this.

Deborah Everson
612.237.0108

MN_Review, Environmental (DNR)

From: Rob Klett <robklett@hotmail.com>
Sent: Monday, May 15, 2017 9:14 PM
To: MN_Review, Environmental (DNR)
Subject: Hawkes Peat EAW

Peat bogs like this, once lost, can't be replaced. The biodiversity cannot be recovered as it is too complex, and the plan to attempt it by covering the area with what was scraped off the top 15 years earlier isn't an acceptable plan. Also the impact of losing a wetland system will result in reduced water quality indefinitely in the area. I am against projects that cannot demonstrate adequate plans to reestablish what will be lost.

Rob

Lisa Fay, Principal Planner
DNR Division of Ecological and Water Resources
St. Paul, MN

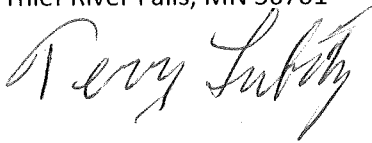
JUN 12 2017

Lisa: I would like to comment on what I have noticed about Hawkes Company near Newfolden, MN. I have found that the Peat Mining has added jobs to the rural community. Also, retail trade to area businesses. The overall presence has been good to see.

Over the years I have enjoyed bring people, including my Grand Children to the area to see the wildlife that makes the site their home. Many different animals and birds can be found there because of the mining practice.

I have also noticed the care that Hawkes Company uses to restore the sites back after mining. All in all, they have shown to be great steward of Mother Earth.

Thank You Terry Lubitz
12997 210th st.
Thief River Falls, MN 56701



MN_Review, Environmental (DNR)

From: Sharon Bring <sbring@wiktel.com>
Sent: Tuesday, June 06, 2017 10:46 PM
To: MN_Review, Environmental (DNR)
Subject: Hawkes Peat EAW

I'm writing in support of the Hawkes Peat Mining Assessment review.

I am a Marshall County Commissioner and tour the facility once a year while checking on the ditch system that runs through the property.

I find the company to be well run, well kept, and conscientious about their surroundings which includes wildlife and habitat. This company is a small employer but adds great value to our county in the form of employment and product that is mined at the site.

Therefore, I would recommend a favorable review for the company.

Sharon Bring
Marshall County Commissioner

Novak-Krebs, Cynthia (DNR)

From: Kelly Gragg-Johnson <kelly.graggjohnson@mnhs.org>
Sent: Wednesday, June 14, 2017 12:18 PM
To: Fay, Lisa (DNR)
Cc: Gronhovd, Amanda (ADM)
Subject: EAW comments - Hawkes Company, Peat Mining - Mercil Site, SHPO No. 2017-2027
Attachments: 2017-2027.pdf; UDP Example.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Lisa -

Please find attached, the Minnesota SHPO comments regarding this project. If you have any questions please contact David Mather or myself. Hard copy of this comment letter and the attachment will be mailed out today.

Best Regards,

Kelly

Kelly Gragg-Johnson, Review & Compliance Specialist

Minnesota Historic Preservation Office | Heritage Preservation Department
Minnesota Historical Society | 345 Kellogg Blvd W | St. Paul, MN 55102
tel: 651.259.3455 | e: kelly.graggjohnson@mnhs.org

STATE HISTORIC PRESERVATION OFFICE

June 14, 2017

Lisa Fay
Principal Planner
MN Dept of Natural Resources
500 Lafayette Road
St. Paul, MN 55155

RE: EAW – Hawkes Company, Peat Mining – Mercil Site
T157 R44 S13, S14, S24, New Maine Twp, Marshall County
SHPO Number: 2017-2027

Dear Ms. Fay:

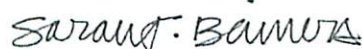
Thank you for the opportunity to review and comment on the above project. It has been reviewed pursuant to the responsibilities given the Minnesota Historical Society by the Minnesota Historic Sites Act and the Minnesota Field Archaeology Act.

We have reviewed the Environmental Assessment Worksheet that was prepared for this project. Because this project is located within an area that has the potential to contain archaeological sites and because there are no current methods that provide a means for archaeological survey in wetlands, we recommend that the Minnesota Department of Natural Resources prepare an Unanticipated Discoveries Plan (UDP) so that the mining operators have a protocol to follow in the event that human remains or artifacts are discovered during mining operations. The UDP should include a section that describes the types of material remains that may be found during peat mining operations, a section laying out the protocol for mining personnel in the event that human remains or archaeological resources are encountered, and a list of people to contact in the case of a discovery. For your information we have included a UDP that was prepared for a different type of project here in Minnesota. We thought this might be helpful, particularly Section II through Section V of the document.

Please note that this comment letter does not address the requirements of Section 106 of the National Historic Preservation Act of 1966 and 36 CFR § 800. If this project is considered for federal financial assistance, or requires a federal permit or license, then review and consultation with our office will need to be initiated by the lead federal agency. Be advised that comments and recommendations provided by our office for this state-level review may differ from findings and determinations made by the federal agency as part of review and consultation under Section 106.

Please contact David Mather, National Register Archaeologist, at (651) 259-3454 if you have any questions regarding our review of this project.

Sincerely,



Sarah J. Beimers, Manager
Government Programs and Compliance

cc: Amanda Gronhvd, Office of the State Archaeologist (OSA)

Unintended Discoveries Plan

Orange Line Bus Rapid Transit Project, City of Minneapolis, City of Richfield, City of Bloomington & City of Burnsville, Hennepin & Dakota County, Minnesota

I. Introduction

The Federal Transit Administration (FTA), in coordination with Metro Transit, has initiated the environmental review process for the Orange Line Bus Rapid Transit Project (project) located in Hennepin and Dakota Counties, MN.

METRO Orange Line is a 17-mile corridor bus improvement project in Minneapolis, Richfield, Bloomington, and Burnsville. The Orange Line will travel between downtown Minneapolis and Burnsville on Marquette/Second Avenues (MARQ2) and 12th Street in downtown, then travel south through Richfield, Bloomington, and Burnsville primarily along I-35W, and terminate in Burnsville.

The Orange Line will provide 10-minute peak frequency and 15-minute off-peak and weekend frequency. Service will operate 20 hours per day, seven days a week. Orange Line service will upgrade and replace existing Route 535 which provides 30-minute frequency and operates 18 hours per day only on weekdays. The Orange Line will expand on previous technology infrastructure investments along the corridor, adding real-time information and introducing off-board fare collection at every station. South of downtown, new stations provide a significant upgrade from existing bus stops and will include heat, light, and comfortable passenger waiting areas. Orange Line's all-day, frequent, bi-directional service will complement local and express bus routes in the corridor, provide competitive running times for station-to-station trips, and offer a new option for reverse-commute markets. The project will benefit existing users and attract new riders by improving transit facilities, access, service, and reliability on the I-35W corridor.

Generally, buses will travel using a combination of existing center-running highway managed lanes, bus-only shoulders, transit-only guideways, high-occupancy vehicle ramp bypass lanes, and short segments of operating in mixed traffic on local streets, primarily in downtown Minneapolis. The project is proposed to include three new BRT advantages: a transit-only exit ramp from I-35W at 12th Street in downtown Minneapolis, a transit-only underpass and sidewalk on Knox Avenue between 76th Street and American Boulevard in Richfield and Bloomington, and a transit or HOV freeway ramp bypass at Burnsville Parkway and I-35W.

As a result, the FTA has initiated activities under Section 106 of the National Historic Preservation Act (NHPA) (36 CFR Part 800). Because the proposed project occurs primarily within existing right-of-way and areas already disturbed, no archaeological field investigations were conducted. Instead, the FTA recommends the inclusion of an Unintended Discoveries Plan for use during the construction of the project. This approach will be coordinated with the Minnesota Historic Preservation Office (HPO) and the Section 106 consulting parties as part of the Section 106 process.

The project area has been substantially disturbed, making it unlikely that intact archaeological resources are present in the project area. Should, however, the unintended discovery of archaeological resources, human remains, or potential burial sites occur during the course of demolition or construction for the project, the following procedures will be used to comply with federal and state mandates, such as the Section 106 requirements, (36 CFR 800, including 800.13 - Post-Review Discoveries), the NHPA as amended (16 USC Ch. 1A, Subch. II, Sect. 470 et seq.), the Native American Graves Protection and Repatriation Act (NAGPRA, 25 USC Ch. 32), the Minnesota Field Archaeology Act (MS 138.31-138.42), and the Minnesota Private Cemeteries Act (MS 307.08).

II. Unintended Discovery – General Information and Best Management Practices (BMPs)

Construction activities involving ground disturbance have the potential to uncover previously unknown archaeological sites and/or human skeletal remains, as well as other types of cultural remains. The following provides an example list of the types of material remains that may be found on site:

- Pre-Contact Artifacts and Features
 - Stone implements (e.g., axes, gouges)
 - Lithic workshops (e.g., chipping debris, projectile points)
 - Burial pits (e.g., darkened soil, textile, shell-lined) and/or human remains
 - Post molds and post holes, indicative of dwellings
- Historic Artifacts and Features
 - Pottery shards
 - Stone (e.g., fieldstone, cut granite, rubble) walls and flooring – with and without mortar or other adhesive materials
 - Brick walls and flooring – with and without mortar or other adhesive

materials

- Concrete walls and flooring
- Privies, cisterns, wells, or trash pits – dense layers of bottles, dishes, animal bones, and other household items in dark, greasy organic soil, with or without stone/brick/concrete lining
- Iron or other metal objects, including farm implements (e.g., pieces of hoes, rakes, or plows)
- Transportation-related objects, such as wooden planking
- Non-human skeletal remains/features
- Human remains

The construction contractor (Contractor) will use the following best management practices (BMPs) during construction of the proposed project:

- The Contractor will hold a pre-construction meeting to notify workers of the potential to locate material finds of a historic nature. The Contractor will provide example photographs of historic and prehistoric artifacts that are typical of this geographic region. The archaeological monitor and Metro Transit construction project manager will also participate in this meeting.
- The Contractor will notify on-site construction personnel of the procedures for alerting the appropriate technical personnel of any potential unintended discoveries.
- The Contractor will properly define construction areas, especially in locations near cemeteries or previously defined site locations.
- The Contractor will keep a copy of the notification requirements for the discovery of human remains on-site throughout the duration of construction.

III. Unintended Discovery – Human Remains/Potential Burial Sites

For the purposes of this document, potential burial sites are defined as areas containing evidence that points to a high probability of the former or current presence of human remains as a burial, cremation, or otherwise. Such evidence may include defined burial pit or grave shaft outlines, coffin fragments, or bone that is not readily identifiable as either human or animal. In the event that human remains or potential burial sites are encountered during the course of construction for the project:

- A) The Contractor will immediately cease all activity in the vicinity of the discovery.

The Contractor will take measures to protect the discovery (e.g., flagging or fencing off a buffer of at least 25 feet around the find to signify it as a protected zone) and prevent further disturbance to the remains or the physical context (e.g., soils, coffin) in which they are found.

- B) The Contractor will immediately notify the Metro Transit Project Manager.

In the case of a potential burial site, the Metro Transit Project Manager will contact the Archaeological Consultant for their professional judgment of the already exposed evidence. The Metro Transit Project Manager will also notify the State Archaeologist, and FTA of a potential burial site.

The Metro Transit Project Manager will immediately notify the Local Law Enforcement Agency, who will determine whether the potential burial site/human remains represent a crime scene and/or are of a recent (less than 50 years old) nature. If the site/remains are determined to represent a crime scene and/or are less than 50 years in age, their further treatment will fall under the jurisdiction of the Local Law Enforcement Agency.

- C) If the site/remains are determined not to represent a crime scene and are 50 years in age or older, once clearance to do so has been granted by the Local Law Enforcement Agency, the Metro Transit Project Manager will immediately notify the State Archaeologist, who will authenticate the burial/remains. The authentication will establish the presence of or high potential of human burials or human skeletal remains being located in a discrete area, delimit the boundaries of human burial grounds or graves, and attempt to determine the ethnic, cultural, or religious affiliation of individuals interred. No further excavation will be conducted without agreement by the Local Law Enforcement Agency and State Archaeologist.
- D) If the site/remains are determined to be American Indian, the State Archaeologist will initiate consultation with the Minnesota Indian Affairs Council and other representatives of Minnesota's tribal communities to determine appropriate measures for treatment of the remains.
- E) If the site/remains are determined to be non-American Indian or if their ethnic affiliation cannot be ascertained, appropriate measures for their treatment will be determined by the State Archaeologist.
- F) No further excavation will be conducted without agreement by the local law enforcement agency and State Archaeologist.

IV. Unintended Discovery – Archaeological Resources

For the purposes of this document, archaeological resources are defined as *in situ* subsurface artifacts, features (e.g., trash pits, privy shafts, hearths, other items identified in section II), and structural remains (e.g., foundation walls) 50 years or older in age. In the event that apparent archaeological resources are encountered during the course of demolition or construction for the project:

- A) Construction personnel will be responsible for notifying the construction supervisor (e.g., superintendent or foreperson). The Contractor will immediately cease all activity in the vicinity of the discovery. The Contractor will flag the site to signify it as a protected zone until an assessment is made. The Contractor will set a buffer of at least 25 feet around the location of the find in such a manner that will not cause further disturbance to the remains or the physical context in which they are found.
- B) The Contractor will immediately notify the Metro Transit Project Manager.
- C) The Metro Transit Project Manager will contact the Archaeological Consultant who will conduct an onsite preliminary assessment of the discovery, including determination of the boundaries of the discovery location. The protected zone markings will be adjusted as appropriate.
- D) If the Archaeological Consultant determines that the find is less than 50 years in age and not potentially significant, the consultant will notify the Metro Transit Project Manager that construction may proceed.
- E) The Archaeological Consultant will determine if the find is more than 50 years in age or potentially significant, and make a more detailed examination of the discovery. If this examination finds that the discovery either lacks significance or integrity (i.e., is not intact), the Archaeological Consultant will notify the Metro Transit Project Manager that demolition or construction activities may proceed and will submit a brief letter report documenting the find via Metro Transit to the Minnesota Historic Preservation Office (HPO), FTA and the State Archaeologist.
- F) If the Archaeological Consultant finds that the discovery is potentially significant and appears to retain integrity, protocol will be followed consistent with 36 CFR 800.13:
 - i. The Metro Transit Project Manager will notify the HPO, State Archaeologist, and FTA of the find, and will notify any other interested parties such as Native Americans as directed by the HPO, State Archaeologist, and FTA.

- ii. If further demolition or construction activities cannot avoid impacting the discovery, the Metro Transit Project Manager and the Archaeological Consultant will consult with the HPO, State Archaeologist, and FTA to obtain recommendations for appropriate measures for treatment of the discovered resource. Such measures will include but are not limited to:
 - a) Determination of the National Register of Historic Places (NRHP) eligibility of the site.
 - b) A recommendation by the Archaeological Consultant for site avoidance or a data recovery plan for HPO and FTA concurrence if the Archaeological Consultant determines that the site is potentially NRHP-eligible. Site avoidance or data recovery plan preparation will occur under the provisions of 36 CFR 800. Construction in the vicinity of the discovery will not resume until HPO, in coordination with FTA, concurs with the proposed plan, and the specific actions contained in the proposed plan are implemented to enact mitigation or complete data recovery. FTA, in coordination with HPO, will make the final determination on whether construction may resume.
 - c) Completion of a technical report by the Archaeological Consultant documenting the findings of any required investigations. The technical report will be submitted to HPO and FTA for review.
 - d) The return of any artifacts uncovered as part of the recovery effort by the Archaeological Consultant to the landowner.
- iii. As treatment measures are completed, the Metro Transit Project Manager will consult with the HPO, State Archaeologist, and FTA to determine the need for further treatment measures, or if no additional measures are required, to obtain approval to resume excavation, demolition or construction.

V. Contact List

Metro Transit Project Manager

Name: Christina Morrison

Email: christina.morrison@metrotransit.org

Phone Number: 612.349.7690

Address: 560 6th Ave. N., Minneapolis, MN 55411

Archaeological Consultant

Name: TBD

Email: TBD
Phone Number: TBD
Address: TBD

Local Law Enforcement Agencies

Name: Hennepin County Sheriff's office
Email: sheriff@hennepin.us
Phone Number: 612.348.3744
Address: 350 S. 5th St., Rm 6, Minneapolis, MN 55415

Name: Dakota County Sheriff's office
Email: tim.leslie@co.dakota.mn.us
Phone Number: 651.438.4710
Address: 1580 Highway 55, Hastings, MN 55033

Office of the State Archaeologist

Name: Amanda Gronhovd, State Archaeologist
Email: amanda.gronhovd@state.mn.us
Phone Number: 612.725.2411
Address: Fort Snelling History Center, 200 Tower Ave., Saint Paul, MN 55111

Historic Preservation Office

Name: Sarah Beimers
Email: sarah.beimers@mnhs.org
Phone Number: 651.259.3456
Address: 345 Kellogg Blvd. W., Saint Paul, MN 55102

Federal Transit Administration

Name: Reggie Arkell
Email: reginald.arkell@dot.gov
Phone Number: 312.886.3704
Address: 200 W. Adams St., Suite 320, Chicago, IL 60606

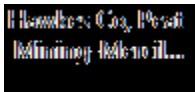
MN_Review, Environmental (DNR)

From: Tegdesch, Elizabeth (MPCA)
Sent: Tuesday, June 13, 2017 9:58 AM
To: MN_Review, Environmental (DNR)
Cc: Kromar, Karen (MPCA); Card, Dan (MPCA); Steinwand, Christine (MPCA); Ziegler, Jim (MPCA)
Subject: MPCA Comment Letter - Hawkes Company, Peat Mining-Mercil Site

Attached are the Minnesota Pollution Control Agency's comments on the Hawkes Company, Peat Mining-Mercil Site Environmental Assessment Worksheet. A paper copy will follow by U.S. mail.

Please acknowledge receipt of this comment letter to Karen Kromar at Karen.kromar@state.mn.us

Thank you.



Elizabeth Tegdesch
Environmental Review and EQB Support
Minnesota Pollution Control Agency
520 Lafayette Road N
St. Paul, MN 55155 / 651-757-2100
elizabeth.tegdesch@state.mn.us

June 13, 2017

Ms. Lisa Fay
Principal Planner
Minnesota Department of Natural Resources
500 Lafayette Road North
St. Paul, MN 55155

Re: Hawkes Company, Peat Mining – Mercil Site Environmental Assessment Worksheet

Dear Ms. Fay:

Thank you for the opportunity to review and comment on the Environmental Assessment Worksheet (EAW) for the Hawkes Company, Peat Mining – Mercil Site project (Project) located in Marshall County, Minnesota. The Project consists of an expansion of current peat mining activities at a new location 1.5 miles southeast of current operations. 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.

Noise (Item 17)

As stated in the EAW, the Hawkes Company mining operations will be subject to the state noise standards. As such, Hawkes Company should ensure that the mining equipment is fitted with the appropriate mufflers during operation. Please also note that the determination of the noise area classification (NAC) under state law is based on where the receptor of a noise is located, regardless of any zoning or other municipal laws; thus, although residences may seem far away, they would be considered NAC 1 areas in the case of a complaint. For questions regarding noise standards, please contact Christine Steinwand at 651-757-2327.

We appreciate the opportunity to review this Project. Please provide your specific responses to our comments and 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 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 by email at Karen.kromar@state.mn.us or by telephone at 651-757-2508.

Sincerely,



Karen Kromar
Planner Principal
Environmental Review Unit
Resource Management and Assistance Division

KK:bt

cc: Dan Card, MPCA, St. Paul
Christine Steinwand, MPCA, St. Paul
Jim Ziegler, MPCA, Detroit Lakes

Hawkes Company

Hawkes Company is great for this community. They Employ local people. The buy locally. Helps create job opportunities in a small community.

Thank you,


Newfolden Coop Oil Management



DEPARTMENT OF
NATURAL RESOURCES



Date: May 11, 2017
To: Parties on the EAW Distribution List / Other Interested Parties
From: Lisa Fay, Principal Planner
Subject: Hawkes Company, Peat Mining – Mercil Site Environmental Assessment Worksheet / EQB Monitor Notice

The Minnesota Department of Natural Resources (DNR) has prepared the attached Environmental Assessment Worksheet (EAW) to describe the environmental effects associated with the Hawkes Company, Peat Mining Mercil Site project, located in Marshall County, Minnesota. The production of this document is mandatory. The DNR is the Responsible Governmental Unit for the environmental review of this project.

A 30-day public review and comment period will begin on May 15, 2017 with the publication of the notice of availability of this EAW in the EQB Monitor. The DNR invites public comments on the EAW during the public review period from May 15, 2017 to June 14, 2017 at 4:30 pm. A copy of the EAW is available for public review at:

- DNR Library, 500 Lafayette Road, St. Paul, MN 55155
- DNR Northwest Region Headquarters, 2115 Birchmont Beach Road NE, Bemidji, MN 56601-8599
- Hennepin County – Minneapolis Central Library, Government Documents, Second Floor, 300 Nicollet Mall, Minneapolis, MN 55401-1992
- Crookston Public Library, 110 North Ash Street, Crookston, MN 56716
- Thief River Falls Public Library, 102 First Street East, Thief River Falls, MN 56701

The EAW is also posted on the DNR's website at:

<http://www.dnr.state.mn.us/eqb/eqb/monitor/rev/hawkes/index.html>

Written comments must be received by Wednesday, June 14, 2017, at 4:30 pm and sent to:

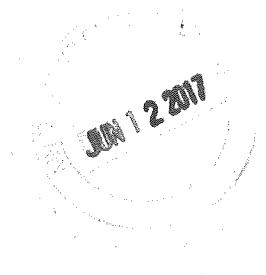
Lisa Fay, Principal Planner
DNR Division of Ecological and Water Resources
500 Lafayette Road, St. Paul, MN 55155-4025

Electronic or e-mail comments may be sent to Environmentalrev.dnr@state.mn.us with "Hawkes Peat EAW" in the subject line. If submitting comments electronically, please include your name and U.S. mailing address.

Signed written comments may be sent via facsimile to (651) 296-1811. For additional information, or copies of the EAW, please call (651) 259-5110.

Attachment: Environmental Assessment Worksheet

June 6, 2017
Newfolden, MN



To Whom it May Concern :

I am writing this in support of Hawkes Company's proposal to mine peat at the Mercil Site in Marshall County. As a retired Biology teacher I have been impressed by Hawkes Company's efforts to protect and enhance the natural environment at their current site near the Mercil site. I have visited their present site on numerous occasions and have enjoyed viewing an abundance of wildlife, including ducks, geese, swans, herons, turkeys, deer, and black bears. Their restoration efforts and mining practices appear to benefit all these species. Because of their past work and care for the environment at this site, I am confident that similar procedures will be taken at the proposed Mercil Site.

Sincerely,

Jim Pederson

264 E. Carroll Ave
Newfolden, MN 56738

A handwritten signature in cursive script, reading "Jim Pederson", is located at the bottom left of the page. The signature is fluid and matches the typed name above it.

MN_Review, Environmental (DNR)

From: Sara L <crazybug321@yahoo.com>
Sent: Monday, June 12, 2017 9:17 AM
To: MN_Review, Environmental (DNR)
Subject: Hawkes Peat Mining Proposal
Attachments: Hawkes.docx

Please see attached.

6/12/2017

To Whom It May Concern,

I have reviewed the EAW for the proposed Hawkes Company, Peat Mining request and agree with the proposal. Hawkes seems to be taking the proper steps to ensure that the land will be returned to a state that very nearly mirrors its current state. They have agreed to preserve the overburden for later re-vitalization of the area and plant additional vegetation as needed from seed banks.

In addition to the steps they are taking to ensure the preservation of the site, they have met the need to preserve the wildlife by ensuring there are no species that use of the land would greatly impact. My one concern with the land is the loss of wooded/forest, going from 54 acres to 30. As this land is tied to the State Wildlife land, I would like if they increased the Wooded/Forest land, rather than increase the Brush/Grassland. Planting several trees at the completion of the project would assist with this.

I believe through the report I have read and the knowledge of how they operate their current Peat Harvest site in Newfolden, that Hawkes will maintain a safe harvest environment throughout the duration of the project. They have acknowledged they will take continued steps to ensure the environment will be returned to a near current state, as well as monitor their progress and impact throughout the lifetime of the harvest.

-Thank you,

Sara Smith

Newfolden, MN Resident

MN_Review, Environmental (DNR)

From: Crystal Sucher <crystal.sucher@gmail.com>
Sent: Sunday, May 28, 2017 4:00 PM
To: MN_Review, Environmental (DNR)
Subject: Hawkes Peat EAW

Crystal Sucher

PO Box 546, Coleraine, MN 55722
218-256-8091 crystal.sucher@gmail.com



5/28/17

Lisa Fay
MN Department of Natural Resources
500 Lafayette Road
St. Paul, MN 55155-4025

Dear Lisa Fay,

I am opposed to the Hawkes Company's peat mining operations proposed expansion site. It seems the company is committed to reclamation efforts, which is laudable, but in this case, I believe their efforts will not be sufficient to justify the environmental impacts.

My main concern is with the impacts to the habitat. There were a few points noted in the environmental assessment that I found especially disturbing. First, is the fact that the proposed site is in an area classified as a "Site of High Biodiversity Significance" (pg18). Combine that fact with the inability to reclaim the area after mining as a Prairie Rich Fen plant community, and the result would be a devastating loss of needed biodiversity in Northern Minnesota.

Another negative impact could be to the groundwater. Per the MN DNR website's information of groundwater provinces, the Marshall County only has moderately available groundwater. The environmental assessment noted that the "site-specific groundwater flow and aquifer connectivity is not known" (pg10). The mining of peat in this area could have unexpected and severe repercussions to the local groundwater.

In conclusion, I wish to restate that I am opposed to this expansion of the Hawkes Company peat mining in Marshall County.

Sincerely,

Crystal Sucher

Underdahl Hardware Hank
123 E Minnesota Avenue
Newfolden, MN 56738
218-874-7485

June 2, 2017

To Whom it May Concern:

I am writing in reference to the Hawkes Company, Peat Mining in Marshall County, MN. This company is a valuable asset to our community. They hire local people and have a good working relationship with several local businesses, including mine. They care about our community and take pride in the way they take care of our natural environment so that many future generations will be able to enjoy the beautiful land and resources we have up here in Northern Minnesota.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Underdahl", written in a cursive style.

Greg Underdahl

Owner, Underdahl Hardware Hank

June 14, 2017



Ms. Lisa Fay
Principal Planner
MDNR Environmental Review Unit
500 Lafayette Road
St. Paul, MN 55155

Brainerd/Baxter
7804 Industrial Park Road
PO Box 2720
Baxter, MN 56425-2720

218.829.5117
218.829.2517

Brainerd@wsn.us.com

WidethSmithNotling.com

Re: Hawks Co., Peat Mining - Mercil Site EAW
Comments for Environmental Assessment Worksheet
MDNR ERDB #20140375

Dear Ms. Fay:

Thank you for the opportunity to review and comment on the Environmental Assessment Worksheet (EAW) for the Hawkes Co., Peat Mining Expansion-Mercil Site project. Hawkes Company, Inc. (Hawkes Co.) has asked Wideth Smith Nolting (WSN) to provide comments on the EAW to clarify some of the issues and to get the comments into the EAW record. We have the following comments for your consideration.

Item 11-b-ii. Stormwater

It should be noted that all stormwater from the site is designed to go through the sedimentation basins prior to being discharged. The stormwater discharge will be monitored and will be controlled under the requirements of NPDES permit, which provides more assurance that the stormwater is being treated as opposed to the millions of gallons of untreated stormwater runoff from the thousands of acres of farmland in the Middle River Watershed, where highly turbid farmland stormwater flows directly to the river.

Item 11-b-iv-a. Wetlands

DNR indicates "the site would not likely be reclaimed to a Prairie Rich Fen plant community"; this is, however, not true, as Hawkes Company has provided evidence that their reclaimed mine Site 2 has returned to a Prairie Rich Fen plant community. A Prairie Rich Fen, as defined by the DNR, is:

- **Open graminoid-dominated peatlands in glacial lake plains and broad glacial drainageways in the prairie region. Dominated by fine-leaved sedges and grasses, with low shrubs absent to common.**

Site 2 has restored to a Prairie Rich Fen, as indicated in a Floristic Quality Analysis (FQA) report and other information provided to the DNR. Site 2 may not have exactly all the same species as the Mercil site, but it certainly meets DNR's definition of a Prairie Rich Fen and so will much of the restored Mercil site.

DNR's assessment of Hawkes Company's Minnesota Routine Analysis Method (MnRAM) analysis was inaccurate. To help determine if the reclaimed Mercil Site would have equal or greater public value as existing conditions, WSN staff completed a MnRAM analysis. There is not an existing program or software available that is perfect for determining the value of reclaimed wetlands. The MnRAM program has been through extensive scientific review by wetland regulatory agencies to make it the best it can be. WSN utilized information provided from previous Hawkes Co. reclamation sites to help determine the likely outcome of reclamation at the Mercil site. DNR's comments on the Hawkes MnRAM analysis are overly critical and DNR has provided no other method to quantify the public values of wetlands. MnRAM is the state-of-the-art. Our specific concerns regarding DNR's comments on the MnRAM analysis are provided below.

Use of the MnRAM: We agree is not possible to know the actual outcome that will result from reclamation at the Mercil Site; however, Hawkes Co. has completed many reclamations on previously mined peat areas with similar characteristics as the Mercil Site. Based on onsite observations of previous reclamations, assumptions were made as to the probable outcome from reclamation at the Mercil Site.



There is currently no perfect analysis to predict the outcome from reclamation, so we utilized the MnRAM program, as it is the only available system to evaluate the value of wetlands and has been through scientific review.

Creating different types of wetland within the Mercil Site will increase the value of the wetland. Proposed reclamation would create a more diverse wetland area. Wetland reclamation would result in a mix of Type 3 Shallow Marsh and Type 4 Deep Marsh wetland. The deeper water habitat would be ideal for waterfowl, shoreland birds, wading birds, amphibians, mink, muskrat, beaver, etc. A greater variety of wildlife has been observed by WSN staff on the Hawkes Co. reclamation sites compared to the natural peatlands (see Photographs in Appendix A showing wildlife viewed within previously reclaimed wetland areas). Native wetland vegetation, including existing sedges would reestablish within the reclamation site. The wetland reclamation will improve wildlife habitat, create more wildlife viewing opportunities, allow for greater native wetland vegetation diversity and create a more diverse wetland area, therefore; achieving equal or greater public value.

Wetland Classification: The Mercil Site and surrounding areas are currently dominated by OPp91b Prairie Rich Fen (Peatland class). The Mercil Site immediately after mining will most likely develop in a similar fashion to Hawkes Company Sites 2 and 4, quickly having areas of sedge mat and wet meadow which meet the characteristics of a OPp91a Prairie Rich Fen (Mineral Soil class). Restoration in the near term (10-100 years) will produce much Prairie Rich Fen that achieves reclamation goals for the project. Whether or not the entire Mercil Site develops into an OPp91b site and whether the existing OPp91b would survive at this location in the future is highly dependent on changes in regional climate over the next century.

Soils: The reclaimed soils will be a hydric soil similar to soils on many Prairie Rich Fens. No studies are available to show the long-term potential for peat accumulation after reclamation is completed. We believe that the reclaimed Mercil Site will become dominated by sedges over time and will continue to accumulate peat similar to existing conditions.

Vegetative Communities: The reclamation plan for the Mercil Site will follow the same general structure as was used for Combined Reclamation Plan for Sites 1 and 6. At Sites 2 and 4, an OPp91a Prairie Rich Fen was successfully restored as documented in the FQA of Mercil Site and Hawkes Peat Wetland Mitigation provided with the draft EAW submitted in 2014. Hawkes is also having recent success at Sites 1 and 6 that were reclaimed in 2015. Although Sites 1 and 6 have only been reclaimed for two years, the vegetation is coming back as evidenced by recent monitoring of the Sites. It was noted during a site visit completed by WSN staff on June 9, 2017 that sedges and rushes are becoming more dominant within Hawkes Co. Sites 1 and 6. In time, sedges and rushes will outcompete the invasive reed canary grass and restore more native wetland vegetation.

Vegetative Diversity: Based on the FQA completed by Gary Walton in 2013, the reclaimed wetland areas have a greater variety of native wetland plant species. A greater amount of native wetland plant species growing within the reclaimed Mercil Site will increase the vegetative value on the site. It is not possible to predict all the vegetation that will be present once reclamation is complete, but based on previous reclamations, the Mercil Site should have Exceptional public value for vegetative communities.

Hydrologic Regime: Site grading and outlet controls, as part of the reclamation, will recreate the existing depth of water needed for hydrological stability. Shallow groundwater recharge from off-site, combined with retention of precipitation through outlet control, will provide conditions suitable for plant communities to recover from the seed bank. After restoration of the hydrology, the site should follow a similar recovery trajectory to Hawkes Company Site 2. Furthermore, a deep peat layer is not required to support a sedge mat, as seen at Sites 2 and 4 and in the many other Prairie Rich Fen (Mineral Soil class) communities in



northwest Minnesota. In fact, the root structure of the vegetation is only 4 to 5 inches thick, so the deeper peat is not needed for the vegetation to grow.

Downstream Water Quality: The Mercil Site will have plant communities that will provide nutrient uptake in its reclaimed condition. The Type 3 portion of the reclaimed site will remain densely vegetated, providing nutrient uptake. The Type 4 portion of the reclaimed site will provide surface water storage which will allow for evaporation, therefore; reducing the amount of water flowing downstream. The Type 4 portion of the reclamation site will also contain vegetation that will assist with nutrient uptake.

Wildlife Habitat: Portions of the Mercil Site after reclamation is completed will consist of areas of sedge mat, which will provide habitat for the Yellow Rail and Nelson's Sparrow, although no known sightings of the Yellow Rail or Nelson's Sparrow have occurred within the Mercil Site. More diverse habitat with the Type 3 and 4 wetlands within the reclaimed site will increase the value for Wildlife Habitat Structure. Based on onsite observations from WSN staff, the previously reclaimed Hawkes Co. mining sites attract many different wildlife species such as sandhill cranes, canada geese, a variety of ducks, amphibians, etc. Natural predators such as eagles, owls, hawks and falcons are likely present within and surrounding the Mercil Site currently and will likely increase due to an increase in prey species. Type 3, 4, and 5 wetlands are protected under Minnesota Law as public water wetlands because they are more valuable than other wetland types, largely because these Type 3, 4, and 5 wetlands have more wildlife and are more valued by the public.

Amphibian Habitat: Based on visual observations from WSN staff during the 2016 growing season, Hawkes Company's previously reclaimed mining sites had standing water within portion of the site throughout the entire growing season. The extended hydroperiod in the reclaimed sites provide amphibian habitat for longer durations; therefore, increasing amphibian habitat conditions.

Aesthetics/Recreation/ Education/Cultural: While the Mercil Site currently provides scientific and educational opportunities due to its predominately undisturbed condition of the site, there are many other nearby Prairie Rich Fens that can provide adequate scientific and educational opportunities. Under MnRAM, the Mercil Site ranked higher in reclaimed condition because the more diverse wetland will attract additional wildlife, therefore; increasing the recreational value and aesthetics. The Mercil Site will be more visible due to trails and tree clearing around the site. Due to the increase in vegetative diversity and wildlife diversity, we believe the Mercil Site would be valuable for scientific and educational uses in reclaimed condition.

MnRAM Summary: MnRAM is the *defacto* method to determine wetland values in Minnesota. We stand by the statement that the Hawkes MnRAM analysis showed equal or higher public value for the reclaimed Mercil site. It is unclear why DNR discouraged a MnRAM analysis and discounted the Hawkes Co. analysis. It is the standard and turnkey tool used by Minnesota wetland regulators to assess public values of wetlands.

Item 13b. Species of Special Concern

The MDNR has noted in the EAW that there are three plant species of state special concern found within Marshall County MBS Site 71. These species include blunt sedge (*Carex obtusata*), northern androsace (*Androsace septentrionalis*), and McCall's willow (*Salix macalliana*). The blunt sedge and northern androsace are found on sand ridges. The sand ridges within and adjacent to the Mercil Site will be mostly undisturbed by the proposed project. The McCall's willow would likely be found within the predominately Prairie Rich Fen (mineral soils class) outside of the proposed mining area. Furthermore, the FQA did not find the McCall's willow in the shrub carrs on the Mercil site, but found several other more common willow species. DNR has indicated the exact location of previously located species of special concern is not known. Hawkes Co. has agreed to avoid any species of special concern and is willing to locate any



species of special concern within the project area that may exist to prevent impacting them. Hawkes Company is prepared to avoid all threatened plant species to the greatest extent practicable.

Item 13b. Calcareous Fens

The EAW states that, "DNR technical staff have identified a potential for a calcareous fen to be present within or near the proposed mine site". There is no evidence whatsoever that the Mercil site contains any calcareous fen. The Site has been previously assessed and has not been determined to be an Extremely Prairie Rich Fen by the DNR or the FQA. Groundwater appears to be sourced from shallower areas, which is inconsistent with the deeper groundwater source of a calcareous fen. While some species identified on the Site can be found in calcareous fens, they do not make a rich fen into a calcareous fen.

Thank you for the opportunity to provide comments on the Hawkes Co., Peat Mining Expansion-Mercil Site EAW. Please include this letter in your project file.

Respectfully,

A handwritten signature in blue ink that reads "Joey Goeden" with a stylized flourish at the end.

Joey Goeden
Environmental Scientist

A handwritten signature in blue ink that reads "Brian A. Ross" with a stylized flourish at the end.

Brian A. Ross, P.G.
Director of Environmental Services

cc: Kevin Pierce, Hawks Company
Julie Jordan, DNR Minerals

APPENDICIES

Appendix A – Photo Log

APPENDIX A

Photo Log



Photograph #1: Sandhill Cranes utilizing a portion of Hawkes Co. Site 5 Reclamation Site (7/20/2016).



Photograph #2: Canada Geese utilizing a portion of Hawkes Co. Site 5 Reclamation Site (6/9/2017).