

REQUEST – (August 6, 2020)

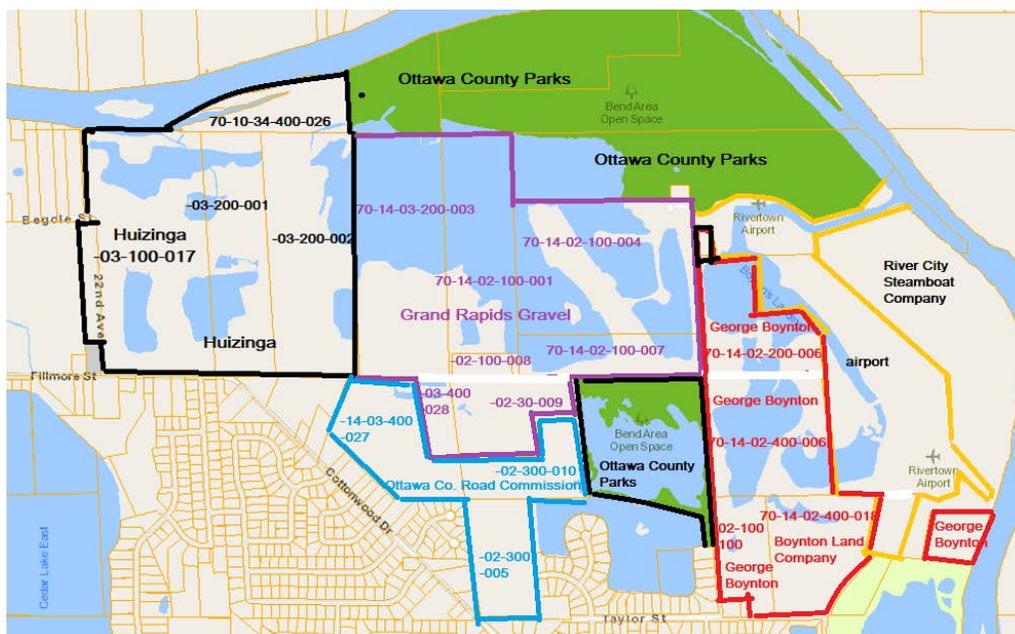
(ML2003) Renewal of (ML1504) Huizinga Gravel. The request is for a renewal of an existing mining license for the excavation of materials located on the Huizinga Gravel mining site and processing of those materials. **No request was made to bring additional materials onto the site for processing and no request was made for a crushing operation. Currently neither exist on the site.**

The Huizinga property includes the following:

1. Western- most parcel - 9449 22nd Ave., P.P. # 70-14-03-100-017; 77.77 acres. **This is completed and restored with slopes as per the mining ordinance. This is not part of the Bend in the River Plan except for the proposed trail to go along the northern portion, and south along the western property line, to connect to 22nd Ave./Begole.** The future plan is to develop it as single family homes. This parcel was shown as completed on the site plan dated July 20, 1999, for the initial application because the mining was completed prior to the adoption of the Mining Ordinance in 1998.
2. One of two eastern parcels - 1949 Fillmore St., P.P. # 70-14-03-200-001; 40.59 acres. **Mining is currently taking place and planned for the future. This is part of the Bend in the River Plan.**
3. One of two eastern parcels - 1861 Fillmore St., P.P. # 70-14-03-200-002; 58.87 acres. **Mining is currently taking place and planned for the future. This is part of the Bend in the River Plan.**
4. Northern parcel along the Grand River - Begole St., P.P. # 70-10-34-400-026 , 17.71 acres. **No mining is taking place or is planned for the future on this parcel. It is wooded and the plan is to leave it as it is, which is what the County wants. This is part of Bend in the River Plan.**
5. The total of all the property is 194.95 acres. After subtracting the completed parcel and the wooded parcel to the north, **99.46 remain where mining is currently occurring and will in the future.**

The operator has indicated the mining (excavation) will be completed in ten years.

MAPS



HISTORY – Brief Summary

The following are the dates that the companies accepted the Bend in the River Plan and the permanent licenses were issued as per the Mining Board:

Huizinga Gravel – 6/21/2001

Mining licenses - (ML9902), (ML0504), (ML1006), ML1504

Ottawa County Road Commission – 5/10/2001

Mining licenses - (ML9903), (ML0505), (ML1001), ML1502

Boynton Gravel – 5/10/2001

Mining licenses - (ML9904), (ML0503), (ML1005), ML1503 (now closed, reclaimed and possession given to the Ottawa County Parks Department.

Grand Rapids Gravel/DeWent – 1/31/2001

Mining licenses - (ML0101), (ML0502), (ML1004), ML1501, now ML1902

TOWNSHIP GOAL

The Township recognizes that the materials that are mined/excavated are a valuable resource which are important to the community and area. The goal is to have excavation completed as soon as possible and to have the land restored as per the restoration plan consistently approved with the initial mining license and with each subsequent renewal, which is the County Bend in the River Park. However, the Township recognizes that the mining companies have the right to excavate all of the materials on the site.

How to accomplish the goal.

1. The most important objective is to prohibit the operator from bringing additional materials onto the site and to prohibit a crushing operation which in itself is an operation where materials are brought onto the site.
2. The way to begin to accomplish the goal is for the land where excavation is completed to be restored as per the Bend in the River Plan. This would take place in conjunction with Ottawa County.
3. The Bond or LOC (Letter of Credit) would be used by the Township to complete the restoration if it wasn't completed by the drop dead end date.
4. The Bond or LOC could continuously be decreased as land is actually restored as per the Bend in the River Plan.
5. The property owner could either restore the land as per the Bend in the River Plan or have Ottawa County restore the land.

SUMMARY

The following pertains to the Huizinga mining operation:

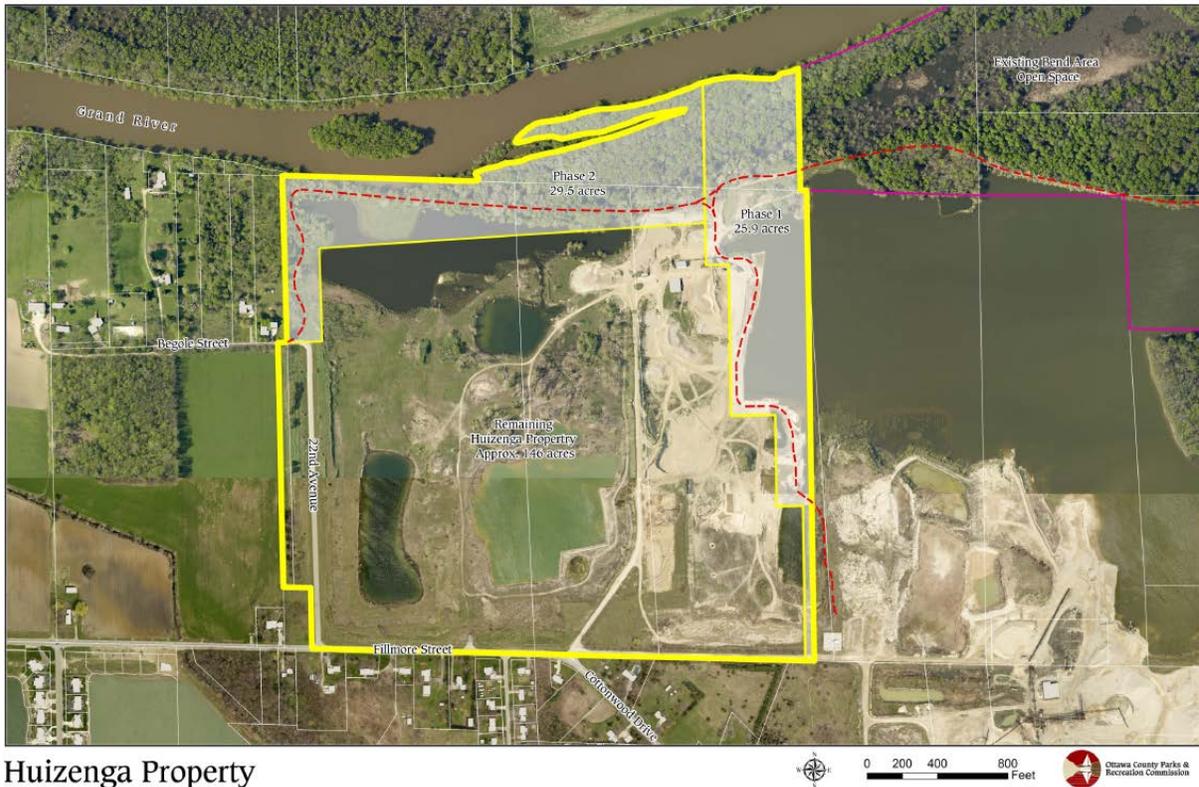
1. Huizinga Gravel has already sold a piece of property to the Ottawa County Parks.
2. The operation includes:
 - a. As per the site plan dated 7/2/20, active mining and processing is currently taking place on P.P. # 70-14-03-200-001 and P.P. # 70-14-03-200-002. The plan also shows future mining on these two sites and relocation of the processing area for the future mining phase. These two parcels have a total of 99.46 acres and are a part of the Bend in the River Plan.
 - b. No mining is currently taking place on P.P. # 70-14-03-100-017 (77.77 acres) because mining is completed and the land is restored with slopes that meet ordinance requirements. This land has not been a part of the mining license beginning with the initial one because mining occurred and was completed prior to the adoption of the Mining Ordinance in 1998.
 - c. No mining is currently taking place on P.P. # 70-10-34-400-026 (17.72 acres) and no future mining is indicated for it because it is to be left as wooded.
3. Ottawa County Parks plan for acquisitions shows that only part of the Huizinga property will be acquired.



Bend Area - Potential Acquisitions



Ottawa County Parks & Recreation
1 inch = 1,000 feet



Huizinga Property

4. Consequently, Huizinga Gravel should provide a reclamation plan for the property not proposed to be acquired by Ottawa County Parks for the Bend in the River Park. It may be pre-mature to require a reclamation plan at this point because the above maps are merely proposals that could be altered with the passage of time. **An option would be to require that the reclamation plan be submitted for the area not to be acquired by Ottawa County at the time Huizinga Gravel applies for a license renewal in 2025.**

DETERMINATIONS NEEDED

The Mining Board is charged with determining the following:

1. The performance bond is related to the acreage remaining to be mined and restored. The total acreage of the two parcels where mining is taking place and will in the future is 99.46. As per a conversation with Ottawa County Parks, about one-third of this acreage will be or is open water, with no restoration needed. Therefore, the performance bond should be charged for about 60 to 70 acres and would be between \$60,000 and \$70,000 based on the previous amount of \$1,000 per acre remaining to be mined and restore that was charged to Grand Rapids Gravel. The Mining Board could determine an amount or have the mining operator present a document detailing exactly how many acres remain to be restored. Note that Huizinga Gravel may appear before the Board to request a pro-rata reduction in the amount of the performance guarantee for each acre restored and reclaimed. What amount should the performance bond be?
2. The timeline given by Huizinga Gravel to complete the mining (excavation) is ten years. Therefore, should the license be renewed until June 30, 2025?
3. Should the additional reclamation plan be required to be submitted prior to expiration of this license in 2025?

OPTION FOR MOTION

Motion: Insofar as the Township recognizes that the materials that are mined are a natural and valuable resource and this is important to the community and area, the Mining Board grants approval of (ML2003) which is the renewal of (ML1504) Huizinga Gravel, as shown on the site plan dated 7/2/20, and to incorporate the findings and conclusions in the Staff Report dated August 6, 2020, with the following conditions:

- The license shall expire _____ (**June 30, 2025? Maximum time**), unless suspended or revoked earlier per the Ordinance. At that time of renewal of this license (ML2003) in 2025, a reclamation plan shall be submitted for the property that will not be included in the Bend in the River Park Plan. A firm date of completion shall also be provided.
- **A performance bond, as required in Sec. 26.81 of the Mining Ordinance, is to be paid to the Township relative to the acres of land remaining to be reclaimed or restored. The amount based on \$1,000 per acre remaining to be restored or reclaimed is _____, as determined by the Mining Board. This amount shall be submitted to the Township no later than September 15, 2020 in order for the mining license to remain in effect. Technically the bond should have been paid prior to the expiration of the mining license on June 30, 2020. The amount of the guarantee may be periodically reduced upon request by the mining company, proportionate to the number of acres that are reclamation or restoration.**
- The Site shall be operated in compliance with all previous approvals, including the conditions of approval.
- All terms and conditions as presented with the initial application materials remain in effect
- The operator shall comply with all federal, state, and local laws, regulations and ordinances.
- Hours of operation be limited to 7:00 a.m. to 6:00 p.m. Monday to Friday, 8:00 a.m. to 3:00 p.m. Saturday, and no Sundays or holidays.
- The haul route shall continue as approved with the previous approvals. All roads within the site are to be maintained in a manner that controls dust and prevents debris from being carried onto public streets.
- If any berms are created, they are to be maintained.
- No future reclamation approvals are implied by the approval of this reclamation plan and the applicant must obtain approval as required by all other Township ordinances.
- Approval from the Ottawa County Road Commission must remain in effect.
- All entrances and exits to the site shall be securely locked during hours when mining operations are not permitted on the site.
- All vehicles used to transport excavated material shall be loaded in a manner so that the material cannot be unintentionally discharged from the vehicle. Vehicles shall be cleaned of all material not in the load-bed prior to entering the public streets. If materials excavated from the site are deposited or spilled upon the public roadway, it shall be the responsibility of the licensee, without requiring any action or request by the township, to immediately remove the spilled or deposited material.
- A licensee shall comply with all soil erosion, wetlands and floodplain rules and regulations of the State of Michigan, Ottawa County and the township.
- Fueling of vehicles on any site shall comply with statutes, rules and regulations enforced and implemented by the Michigan Department of Environmental Quality.
- All roads within the site are to be maintained in a manner that controls dust and prevents debris from being carried onto public streets.

- If filling of an excavated area is necessary during reclamation, only inert material, as defined by the Michigan Solid Waste Management Act (Act No. 641 of the Public Acts of 1978, as amended) shall be used.
- Upon termination of mining operations, the licensee shall be responsible to reclaim the site in accordance with reclamation plans approved by the review board, **which is the Bend in the River Plan and the plan to be submitted for the next approval of renewal for the property not included in the Bend in the River Plan.** If the licensee fails to reclaim the site as required by the approved reclamation plans, the township may come upon the site and reclaim the land in accordance with those plans and may use the proceeds of the performance guarantee required by this article to defray the costs of the reclamation.
- Upon the cessation of all mining operations (or any phase of operations, as applicable) except stockpiling, and within a reasonable period of time, not exceeding 12 months thereafter, all tanks, buildings, stockpiles, and equipment shall be removed from the site unless the building or structures can lawfully be used on the site for other purposes as permitted by applicable laws or ordinances.
- Storage and stockpiling of mined products after cessation of mining activities may be permitted by the review board by annual license granted for that limited purpose. In no event shall any additional materials be allowed to be added to these stockpiles and a license granted for storage or stockpiling of mined products shall not interfere with or excuse reclamation as otherwise required under this article.
- **In no event shall any additional materials be allowed to be brought onto the site or added to any stockpiles.**
- **The license does not include a crushing operation.**
- No additional materials are required of the applicant at this time since the initial application contained all the required submittal materials and nothing has changed as of this time. In addition, a site inspection was conducted and the site is in conformance with the terms of the initial mining license as well as other Township ordinances;
- The operation on the site shall continue to work towards the Bend in the River Reclamation Plan.