



January 22, 2020

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Jenison, MI 49428

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Ottawa County Road Commission
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Bill Huizinga
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RE: Renewal of Mineral Mining Licenses:
ML1502 – Ottawa County Road Commission
ML1503 – Boynton Gravel
ML1504 – Huizinga Gravel

Mining Operators:

Your companies are currently conducting mining operations under Georgetown Township Mineral Mining Licenses that are due to expire June 30, 2020. In order to continue the mining operation, the license has to be renewed prior to expiration.

Back in 2000, all of the companies listed above accepted the Bend in the River Plan as their reclamation plan. Reclamation, restoration and progress toward compliance with the Bend in the River Plan was reviewed at the March 29, 2010 Mining Board meeting when these license were renewed. At that time, the companies together who accepted the Bend in the River Plan as their reclamation plan had Exxel Engineering compile and submit to the Township a site plan dated 3-19-10 titled: BEND IN THE RIVER MINING OVERALL SITE PLAN – PARK MASTER PLAN. Although progress toward the Bend in the River Plan was reviewed again at the March 16, 2015 Mining Board meeting, no new updated site plan was prepared or submitted at that time.

Since it has been about ten years since that site plan was created and the progress toward the Bend in the River Plan was reviewed based on a site plan, it is time again for the Mining Board to review all the mining companies' compliance with the mining ordinance and progress toward the reclamation plan by reviewing an updated site plan showing what currently exists.

Further, please note that all existing non-active areas of the mining sites must be restored immediately or at the very least reclaimed to a state in compliance with the Township Mining Ordinance to ensure proper erosion control. The Georgetown Township Mining Ordinance has provisions requiring a completed mine site to have a 3:1 slope on all excavations angling to a body of water, 5:1 slopes for the first 25 feet underneath the body of water and 4 inches of topsoil spread across the entire site and seeded to establish vegetation for erosion control.

To move forward for the renewals and review of the mining sites, the Georgetown Township Mineral Mining Board will hold a meeting on Wednesday, April 15, 2020 at 7:00 p.m. (or after) at the Township office, 1515 Baldwin, Jenison, MI 49428. A representative of your company will be expected to attend the Mining Board meeting. If any changes are anticipated or have occurred, please provide the information to the Township prior to the meeting.

In order for the renewal of the mining license for your company to be on the agenda for this April 15, 2020 meeting (and to eliminate the risk of the expiration of your existing mining license and the cessation of your mining operation), the following items must be submitted to the Township no later than Friday, March 13, 2020:

1. A letter requesting the renewal of your mining license, accompanied by a \$600 fee. (This has already been submitted by Boynton Land Company Inc.)
2. A site plan showing the following (could be one site plan of the entire area or could be individual site plans):
 - a. The existing conditions on the site.
 - b. The areas remaining to be excavated, along with the estimated amount of materials remaining to be excavated.
 - c. The areas of the land that have been restored or reclaimed as per the reclamation plan or as per the provisions in the Township Mining Ordinance.
 - d. The areas remaining to be restored or reclaimed.
3. A detailed timeframe for the completion of mining operations on the site, including when the land will be reclaimed or at least restored to the Township Mining Ordinance standards.

Once the Township has received the above noted items from each company, the company's request for renewal will be placed on the agenda and reviewed at the meeting.

If all the items are not submitted by March 13, 2020 for your company (unless another date is mutually agreed upon), the Township will determine that mining operations on your site have ceased and an inspection will be scheduled after June 30, 2020, the date the current license expires, to determine compliance with the reclamation plan.

As a condition of approval of the mining license renewal, the mining company should be prepared to submit a performance bond, as required in Sec. 26.81 of the Mining Ordinance, in the form of an escrow to be paid to the Township relative to the acres of land remaining to be reclaimed or restored. The amount for the escrow per acre remaining to be restored or reclaimed will be determined by the Mining Board at the meeting and will be a condition of approval that must be paid prior to the expiration of the existing mining license. The amount of the escrow may be periodically reduced upon request by the mining company, proportionate to the number of acres that are reclamation or restoration.

See the excerpts of the Township Mining Ordinance below.

Sec. 26-79. Renewal.

- (a) A license may be renewed by the review board for successive periods not to exceed five years ending on June 30.
- (b) To be considered for renewal, an applicant must submit a written request for renewal to the mineral mining official for transmittal to the review board at least two months prior to the expiration date of the existing license. **The review board may require the applicant to submit some or all of the information, documents, plans, maps or other materials as required with an original license application, as determined by the review board to be necessary to its review of the request for renewal or to determine the extent of compliance with prior mineral mining approvals or conditions of approval at the site.**
- (c) If the review board determines that the mining operation continues (and will continue) to meet all applicable standards, requirements and conditions under this article or under a prior approved license and plans, the review board shall approve, or approve with conditions, the request for renewal. If the review board determines that the mining operation fails to meet any applicable standard, requirement or condition, the review board may deny the request for renewal of a license.
- (d) No minerals shall be extracted from a site after the expiration of a license.

Sec. 26-81. Performance guarantees.

- (a) The review board shall require as a condition of approval of any application for a license that the applicant provide a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, surety bond or other type of security acceptable to the review board. The performance guarantee shall name the township as the beneficiary in an amount established by the review board. The performance shall be conditioned upon the prompt and complete compliance with all applicable provisions of this article and with the terms and conditions of a license issued by the review board.

- (b) The performance guarantee shall be deposited with the township clerk at the time that the license is issued and shall be kept continuously in effect by the applicant at all times during the mineral mining operations on the site and until there has been complete compliance with all applicable requirements and conditions applicable to the mining operations or reclamation of the site. The review board shall require the applicant to make whatever arrangements are necessary to insure that the township will be notified in the event of any lapse in the effectiveness of the performance guarantee.
- (c) The amount of the required performance guarantee shall be established by the review board. In establishing the amount of the performance guarantee, the review board shall consider the scale of the operations, the prevailing cost to restore and reclaim the site if the applicant defaults, court costs, and other reasonable expenses. For each acre restored and reclaimed in compliance with the requirements of this article, the review board may allow the amount of the performance guarantee to be reduced on a pro-rata basis as determined appropriate by the review board.
- (d) The performance guarantee shall be executed by the applicant as principal. If the operator and the property owner are different, the review board may require both the property owner and the operator to execute the performance guarantee or to provide additional security as determined necessary by the review board to ensure performance of the terms, conditions and requirements of a license.

I look forward to hearing from you and thank you in advance for your cooperation in this matter. If you have any questions, please contact me at 616-226-6003.

Sincerely,

Mannette Minier

Mannette Minier
Georgetown Township Mining Official