



US Army Corps  
of Engineers  
St Paul District

APPLICANT: Unimin Corporation,  
c/o Mr. Doug Losee

# Public Notice

ISSUED: December 20, 2013

EXPIRES: January 20, 2014

REFER TO: 2010-00887-SEW

SECTION:404 - Clean Water Act

1. APPLICATION FOR PERMIT TO discharge dredged and fill material into approximately 0.29 acre of ditches that are tributaries of the Minnesota River, and to excavate approximately 0.23 acre of old spoil material in wetlands to facilitate a wetland restoration project. A total of approximately 720 linear feet of man-made ditches would be affected by fill placement.

## 2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS: 121 St.  
Andrews Drive, Mankato, Minnesota  
56001

AGENT:  
I&S Group, Inc., c/o Mr. Nick  
McCabe

AGENT'S ADDRESS:  
115 E. Hickory Street, Suite 300, Mankato, Minnesota 56001

PROJECT LOCATION: The project site is located in Section 6 and 7, T. 109N., R. 26W., Le Sueur County, Minnesota. The approximate coordinates are -94.006598W, 44.262921N.

DESCRIPTION OF PROJECT: Unimin Corporation proposes to restore hydrology to a wetland area by installing ditch plugs and placing fill in man-made ditches. The restoration project is known as the "South Exceptional Natural Resource Area Restoration Plan", and would be used to provide mitigation credits for proposed wetland impacts associated with the Unimin South Mine project, as required by the Minnesota Wetland Conservation Act. The South Mine project is located upslope of the proposed restoration site.

In the South Exceptional Natural Resource (ENR) Area, the man-made ditches are located near the base of a 50-foot slope, and were installed in wetlands in the past to drain the site for farming purposes. The 37.30-acre South ENR site contains approximately 25.85 acres of previously-farmed wetlands, and 11.45 acres of previously-farmed uplands. Old spoil piles exist alongside the ditches. The site also includes seepage wetland and calcareous fen wetland communities at the base of the bluff on the east side of the ditches; these communities would not be impacted by the proposed ditch work, as these communities are higher in elevation than the ditches. The goal of the project is to allow for seepage of water from the wetlands on the east side of the ditches to the wetlands on the west side of the ditches.

Two areas of ditch approximately 250 feet long and 10-20 feet wide would be filled with old spoil material located adjacent to the ditch. The ditch fill would not be compacted to allow for seepage of water from the eastern wetlands. Spoil piles would be excavated to match the existing gradient immediately adjacent to the west side of the piles. The ditch fill would not be placed higher than the existing top-of- bank elevation of either ditch bank.

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The project also involves the placement of four ditch plugs using compacted clay material from the on-site spoil piles. On the north side of the site, the north-south ditch forks into two branches and both enter an east-west ditch that flows west to the Minnesota River; a ditch plug would be placed where both branches enter the east-west ditch. Both of these ditch plugs would be approximately 50 feet long by 18 feet wide, and compacted clay would be placed in the ditch to a minimum of 1.5 feet above the lowest existing channel bank. A minimum of 18 inches of topsoil from the ditch bottoms and banks would be removed before placing the plug material; the excavated topsoil would be used to provide the topsoil for the two previously-described ditch fill locations. Two additional ditch plugs would be placed on the south side of the site, located on either side of a east-west ditch that branches from the main north-south ditch. These ditch plugs would be constructed in the same manner as the ditch plugs on the north side of the site, and would be approximately 60 feet long and 15-18 feet wide. The remaining sections of the ditches would be left alone to provide habitat variety in the wetland area.

All disturbed areas, included new ditch fill areas, excavated spoil pile areas, and other areas disturbed by the construction work would be seeded with Minnesota Seed Mix 34-271 (Wet Meadow South and West) or equivalent. The applicant also proposes to remove noxious cedar trees and buckthorn on the bluff slope and upland areas. If needed, invasive woody vegetation in wetland areas would be removed by cutting the stumps at the base. All removed woody vegetation would be transported off the site. The applicant also proposes to remove reed canary grass encroaching on native plant communities to the extent feasible through mechanical and chemical means. Finally, the applicant proposes to remove trash and debris from the bluff slopes and adjacent roadway.

The applicant also proposes work in an area known as the “North Exceptional Natural Resource Area”; however, no earth-moving work is planned for the North ENR Area. The activities in the North ENR area would be limited cedar, buckthorn, and reed canary grass management as described above, and trash and debris removal along the bluff and adjacent roadway.

**QUANTITY, TYPE, AND AREA OF FILL:**

**Proposed Excavation and Fill Work in the Man-Made Ditches in the South ENR**

	<b>Estimated Fill Dimensions</b>	<b>Estimated Fill Area (square feet)</b>	<b>Estimated Excavation Dimensions</b>	<b>Estimated Excavation Area</b>
<b>West Ditch Plug (north side of site)</b>	50 feet long by 18 feet wide	900	n/a	
<b>East Ditch Plug (north side of site)</b>	50 feet long by 18 feet wide	900	n/a	
<b>North Ditch Fill</b>	250 feet long by 10-15 feet wide	3,750	225 feet long by 10-15 feet wide	3,375
<b>South Ditch Fill</b>	250 feet long by 15-20 feet wide	5,000	275 feet long by 25 feet wide	6,875
<b>North Ditch Plug at South Crossing</b>	60 feet long by 18 feet wide	1080	n/a	
<b>South Ditch Plug at South Crossing</b>	60 feet long by 15 feet wide	900	n/a	
<b>TOTALS</b>		<b>12,530</b>		<b>10,250</b>

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**VEGETATION IN AFFECTED AREA:** The South ENR project area includes approximately 25.85 acres of wetland, and 11.45 acres of upland. The wetland area includes seasonally flooded floodplain forest, shrub swamp, wet meadow and deep marsh areas. Wetland vegetation in the wet meadow areas are dominated by reed canary grass and giant goldenrod, while adjacent upland areas include giant goldenrod, reed canary grass, with lesser amounts of yellow foxtail, Kentucky bluegrass, bonaset, and Carolina horse nettle. Shrubs and trees in the wetland area include eastern cottonwood, sandbar willow, and green ash. The area that would be affected by the hydrology restoration in the South ENR area is a seasonally flooded floodplain forest/wet meadow complex. The applicant does not anticipate that the proposed project in the South ENR area would result in a change of wetland type. The upland area on the west side of the floodplain forest/wet meadow area may revert to wetland as a result of the ditch fill and plug activities; if so, it is expected to be a seasonally flooded floodplain forest/wet meadow complex.

**SOURCE OF FILL MATERIAL:** See discussion under “Quantity, Type, and Area of Fill”. All fill material would be obtained from the on-site spoil piles that were formed by past ditch excavation.

**SURROUNDING LAND USE:** The project occurs in a rural setting. Adjacent land use includes the Minnesota River floodplain, wetlands, cropland and pasture, mining (sand and gravel mines), and rural residential land.

**DESCRIPTION OF STRUCTURE:** See above discussion under “Description of Project” and “Quantity Type and Area of Fill” for details regarding the proposed ditch fills and plugs.

**DESCRIPTION OF DREDGING OR EXCAVATION:** See above discussion under “Description of Project” and “Quantity Type and Area of Fill” for details regarding the spoil pile excavation.

**THE FOLLOWING POTENTIALLY TOXIC MATERIALS COULD BE USED AT THE PROJECT SITE:** Petroleum products would be used to power the needed equipment.

**THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT:** Silt fence and silt curtain would be installed downstream of ditch construction areas to prevent erosion and sediments from traveling downstream. All disturbed areas, included new ditch fill areas and excavated spoil pile areas, would be seeded with MN State Seed Mix 34-271 (Wet Meadow South and West) or equivalent.

**MITIGATION:** The applicant did not propose compensatory mitigation for the proposed ditch impacts. The project is designed to be beneficial to the existing wetland areas, as the project would return the wetland to pre-existing hydrologic conditions by filling portions of man-made drainage ditches, and also involves managing invasive species. The need for compensatory mitigation will be evaluated by the Corps during the permit review process.

### 3. REPLIES/COMMENTS.

Interested parties are invited to submit to this office written facts, arguments, or objections within 30 days of the date of this notice. These statements should bear upon the suitability of the location and the

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adequacy of the project and should, if appropriate, suggest any changes believed to be desirable. Comments received may be forwarded to the applicant.

Replies may be addressed to Regulatory Branch, St. Paul District, Corps of Engineers, 180 Fifth Street East, Suite 700, Saint Paul, MN 55101-1678.

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Sarah Wingert at the St. Paul office of the Corps, telephone number (651) 290-5358.

To receive Public Notices by e-mail, go to: To receive Public Notices by e-mail, go to: [http://mvp-extstp.mvp.usace.army.mil/list\\_server/](http://mvp-extstp.mvp.usace.army.mil/list_server/) and add your information in the New Registration Box.

**4. FEDERALLY-LISTED THREATENED OR ENDANGERED WILDLIFE OR PLANTS OR THEIR CRITICAL HABITAT.**

None were identified by the applicant or are known to exist in the permit area. There are no known Federally-listed threatened (T) and endangered (E) species in Le Sueur County.

This application is being coordinated with the U.S. Fish and Wildlife Service. Any comments it may have concerning Federally-listed threatened or endangered wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

**5. JURISDICTION.**

This application is being reviewed in accordance with the practices for documenting Corps jurisdiction under Sections 9 & 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act identified in Regulatory Guidance Letter 08-02. We have made an initial determination that the aquatic resources that would be impacted by the proposed project are regulated by the Corps of Engineers under Section 404 of the Clean Water Act and/or Section(s) 9 & 10 of the Rivers and Harbors Act. The Corps will prepare an approved or preliminary jurisdictional determination prior to making a permit decision. Approved jurisdictional determinations are posted on the St. Paul District web page at <http://www.mvp.usace.army.mil/Missions/Regulatory.aspx>.

THE APPLICANT HAS STATED THAT THE FOLLOWING STATE, COUNTY, AND/OR LOCAL PERMITS HAVE BEEN APPLIED FOR/ISSUED: 1) Wetland Conservation Act Replacement Plan (obtained and under appeal).

**6. STATE SECTION 401 WATER QUALITY CERTIFICATION.**

Valid Section 404 permits cannot be issued for any activity unless state water quality certification for the activity is granted or waived pursuant to Section 401 of the Clean Water Act. The state Section 401 authority in Minnesota is the Minnesota Pollution Control Agency (MPCA). The St. Paul District has provided this public notice and a copy of the applicant's Section 404 permit application form to the MPCA. If MPCA needs any additional information in order for the Section 401 application to be considered complete by MPCA, the MPCA has indicated that it will request such information from the applicant. It is the permit applicant's responsibility to ensure that the MPCA has received a valid,

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complete application for state Section 401 certification and to obtain a final Section 401 action from the MPCA.

The MPCA has indicated that this public notice serves as its public notice of the application for Section 401 water quality certification under Minnesota Rules Part 7001. The MPCA has also indicated that the Section 401 process shall begin to commence upon the issuance date of this public notice unless the MPCA notifies both the St. Paul District and the permit applicant to the contrary, in writing, before the expiration date of this public notice.

Any comments relative to MPCA's Section 401 Certification for the activity proposed in this public notice may be sent to:

Minnesota Pollution Control Agency, Resource Management and Assistance Division,  
Attention: 401 Certification, 520 Lafayette Road North, St. Paul, Minnesota 55155-4194.

**7. HISTORICAL/ARCHAEOLOGICAL.**

This public notice is being sent to the National Park Service and the State Archaeologist for their comments. The Corps will review information on known cultural resources and/or historic properties within and adjacent to the project area. The Corps will also consider the potential effects of the project on any properties that have yet to be identified. The results of this review and the Corps' determination of effect will be coordinated with the State Historic Preservation Officer independent of this public notice. Any adverse effects on historic properties will be resolved prior to the Corps authorization, or approval, of the work in connection with this project.

The latest version of the National Register of Historic Places has been consulted and no listed properties (known to be eligible for inclusion, or included in the Register) are located in the project area.

**8. PUBLIC HEARING REQUESTS.**

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, in detail, the reasons for holding a public hearing. A request may be denied if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

**9. PUBLIC INTEREST REVIEW.**

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. Environmental and other documents will be available for review in the St. Paul District Office.

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The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Chad Konickson  
Chief, Southwest Section

Enclosures

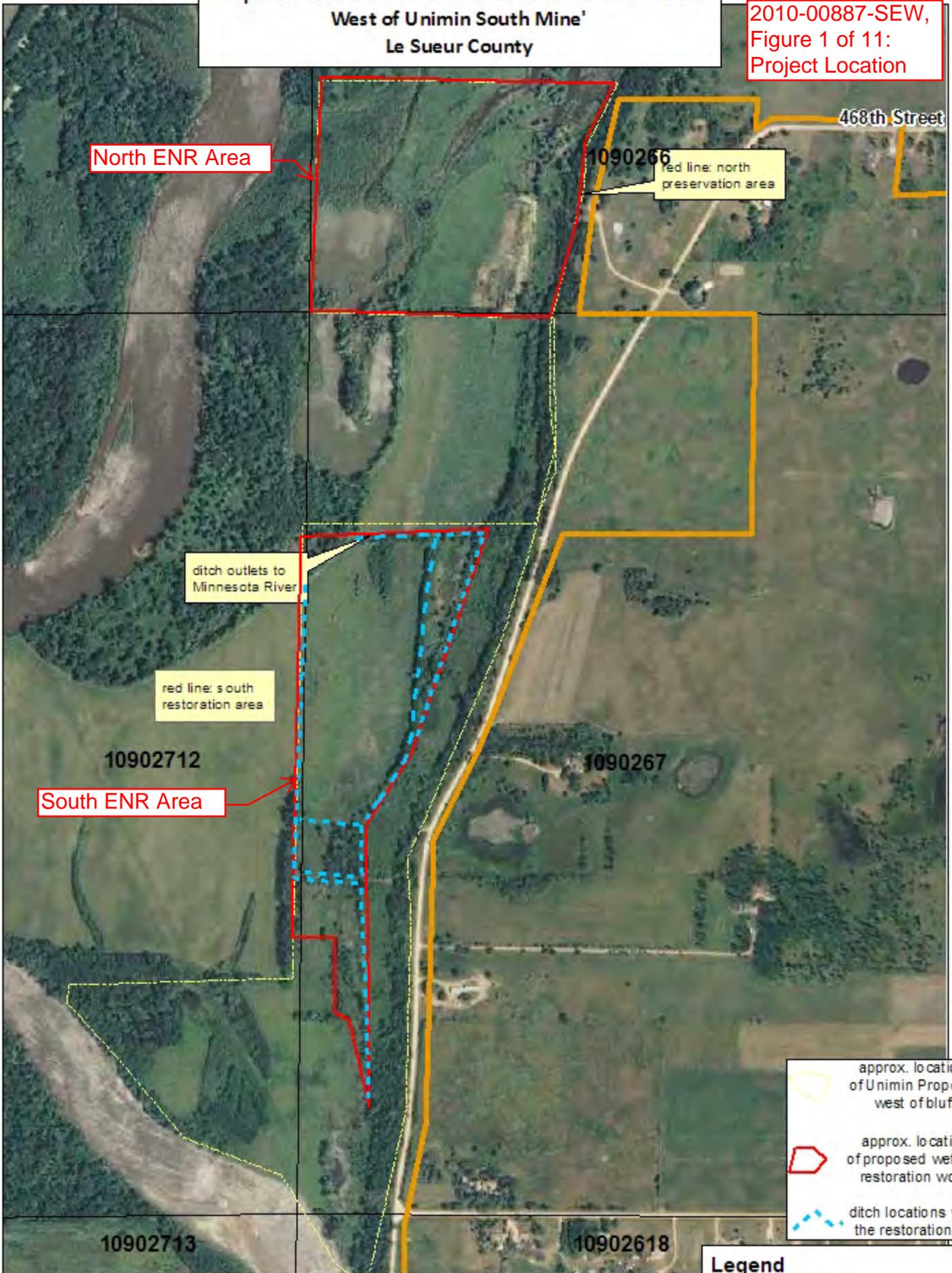
NOTICE TO EDITORS: This public notice is provided as background information and is not a request or contract for publication.



**2010-00887-SEW**  
**'Proposed Wetland Preservation and Restoration Areas**  
**West of Unimin South Mine'**  
**Le Sueur County**

U.S.A.C.E.  
 St. Paul District

2010-00887-SEW,  
 Figure 1 of 11:  
 Project Location



North ENR Area

1090266  
 red line: north preservation area

468th Street

ditch outlets to Minnesota River

red line: south restoration area

10902712

South ENR Area

1090267

10902713

10902618

-  approx. location of Unimin Property west of bluff
-  approx. location of proposed wetland restoration work
-  ditch locations within the restoration area

**Legend**  
 Approx. South Mine Project Area

Base Map Source: FSA 2008



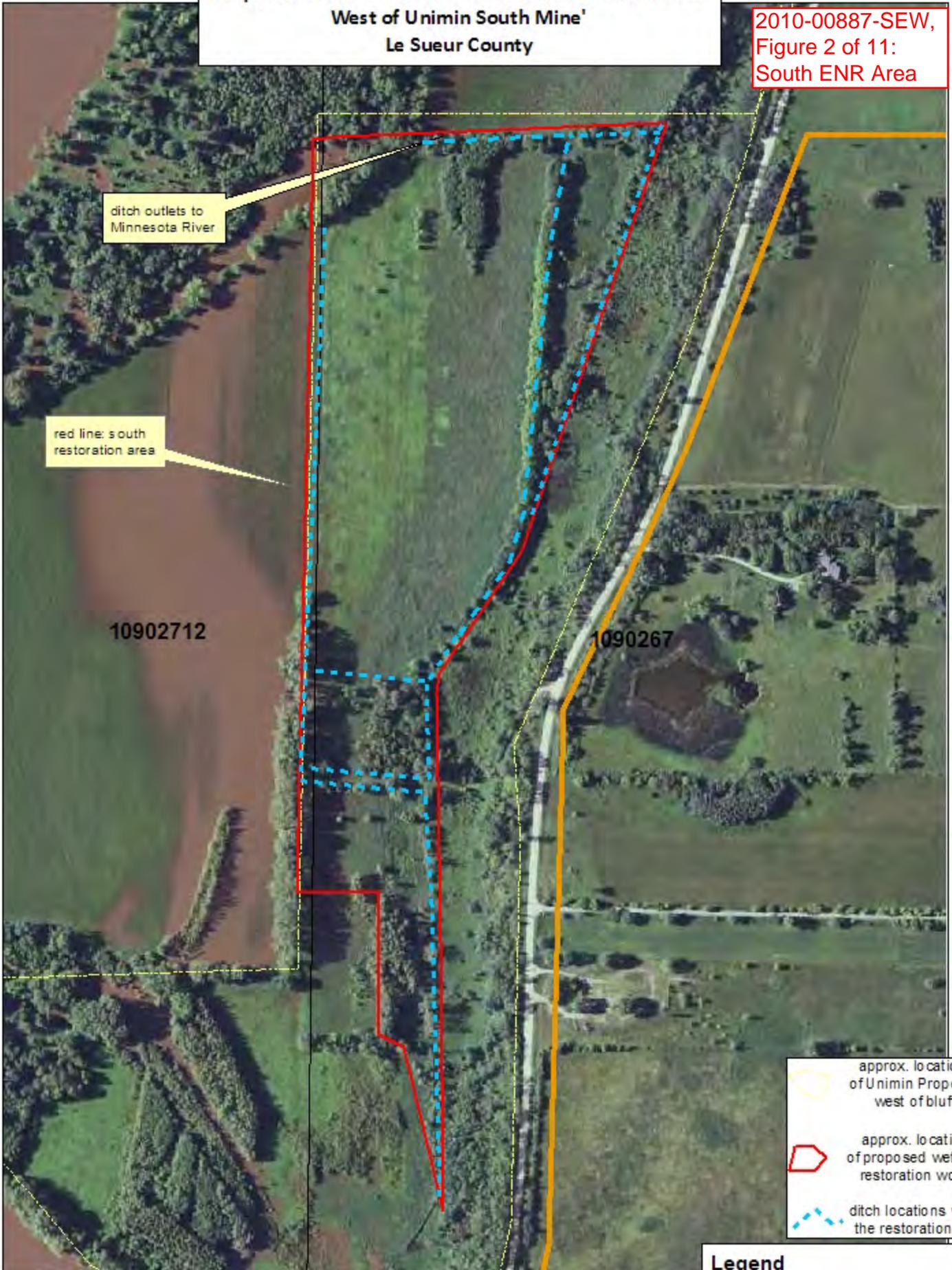
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2010-00887-SEW  
 'Proposed Wetland Preservation and Restoration Areas  
 West of Unimin South Mine'  
 Le Sueur County

U.S.A.C.E.  
 St. Paul District

2010-00887-SEW,  
 Figure 2 of 11:  
 South ENR Area



ditch outlets to  
 Minnesota River

red line: south  
 restoration area

10902712

1090267

-  approx. location of Unimin Property west of bluff
-  approx. location of proposed wetland restoration work
-  ditch locations within the restoration area

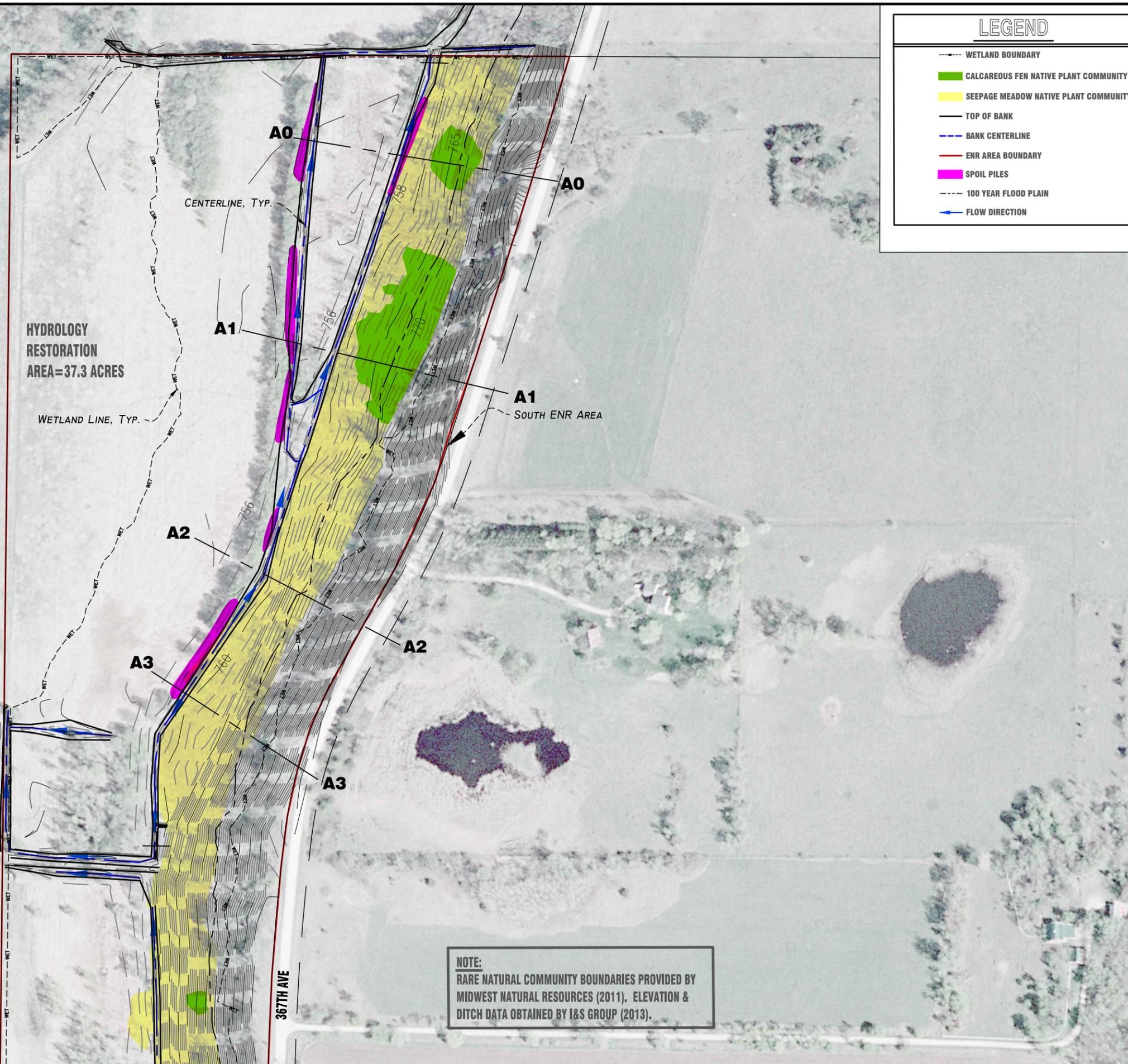
**Legend**  
 Approx. South Mine Project Area



0 112.5 225 450 675 900  
 Feet

Base Map Source: FSA 2010

2010-00887-  
SEW, Figure 3 of  
11: Project Plans



**LEGEND**

- WETLAND BOUNDARY
- CALCAREOUS FEN NATIVE PLANT COMMUNITY
- SEEPAGE MEADOW NATIVE PLANT COMMUNITY
- TOP OF BANK
- BANK CENTERLINE
- ENR AREA BOUNDARY
- SPOIL PILES
- 100 YEAR FLOOD PLAIN
- FLOW DIRECTION

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0 250

Scale: In Feet

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PROJECT

**UNIMIN CORPORATION**

Revision Schedule		
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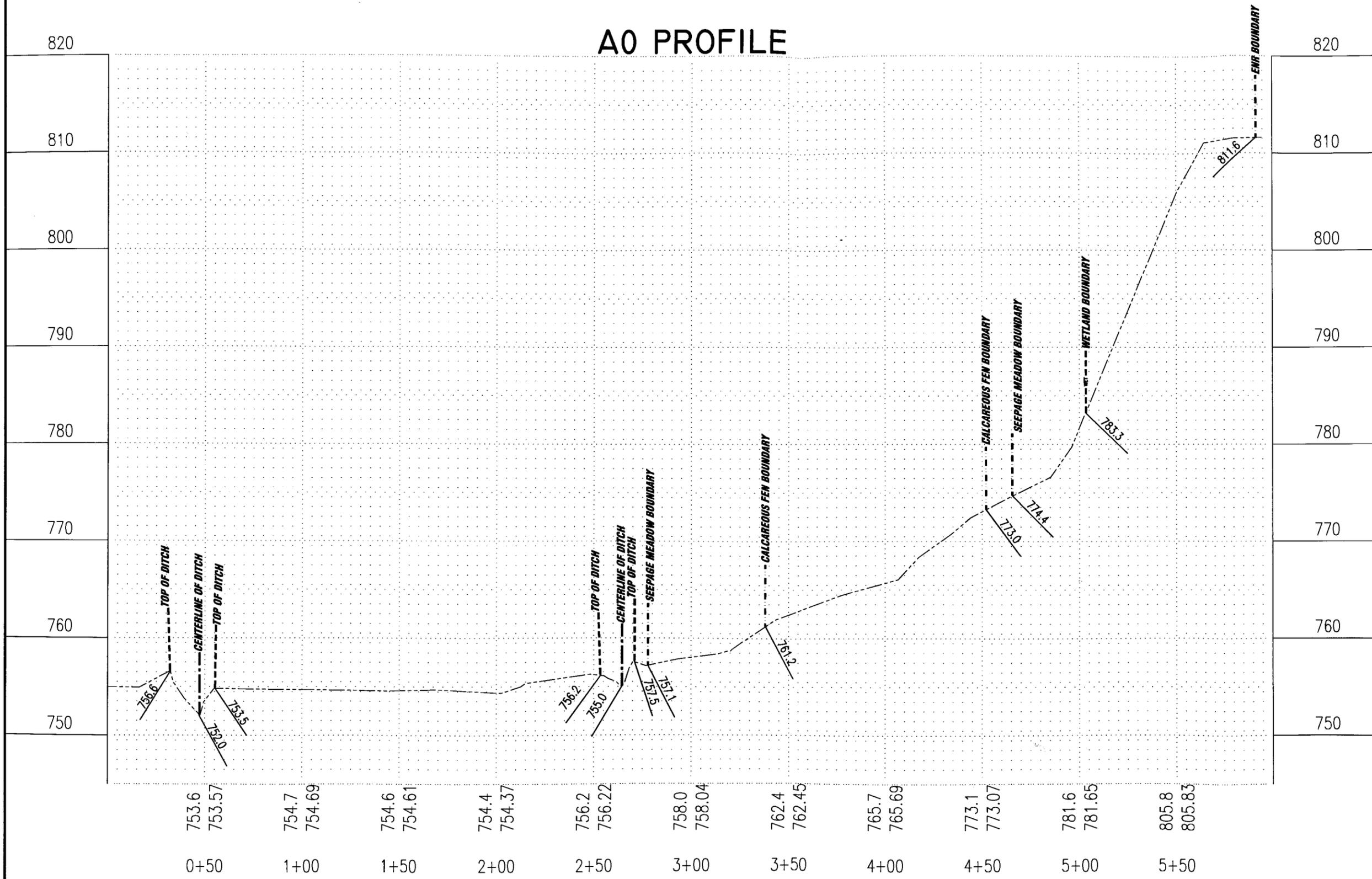
PROJECT NO.	08-11704
FILE NAME	11704 BLUFF DITCH UPDATED
DRAWN BY	MAO
DESIGNED BY	
REVIEWED BY	
ISSUE DATE	
CLIENT PROJECT NO.	

TITLE

**SOUTH ENR AREA EXISTING CONDITIONS**

**NOTE:**  
RARE NATURAL COMMUNITY BOUNDARIES PROVIDED BY MIDWEST NATURAL RESOURCES (2011). ELEVATION & DITCH DATA OBTAINED BY I&S GROUP (2013).

# A0 PROFILE



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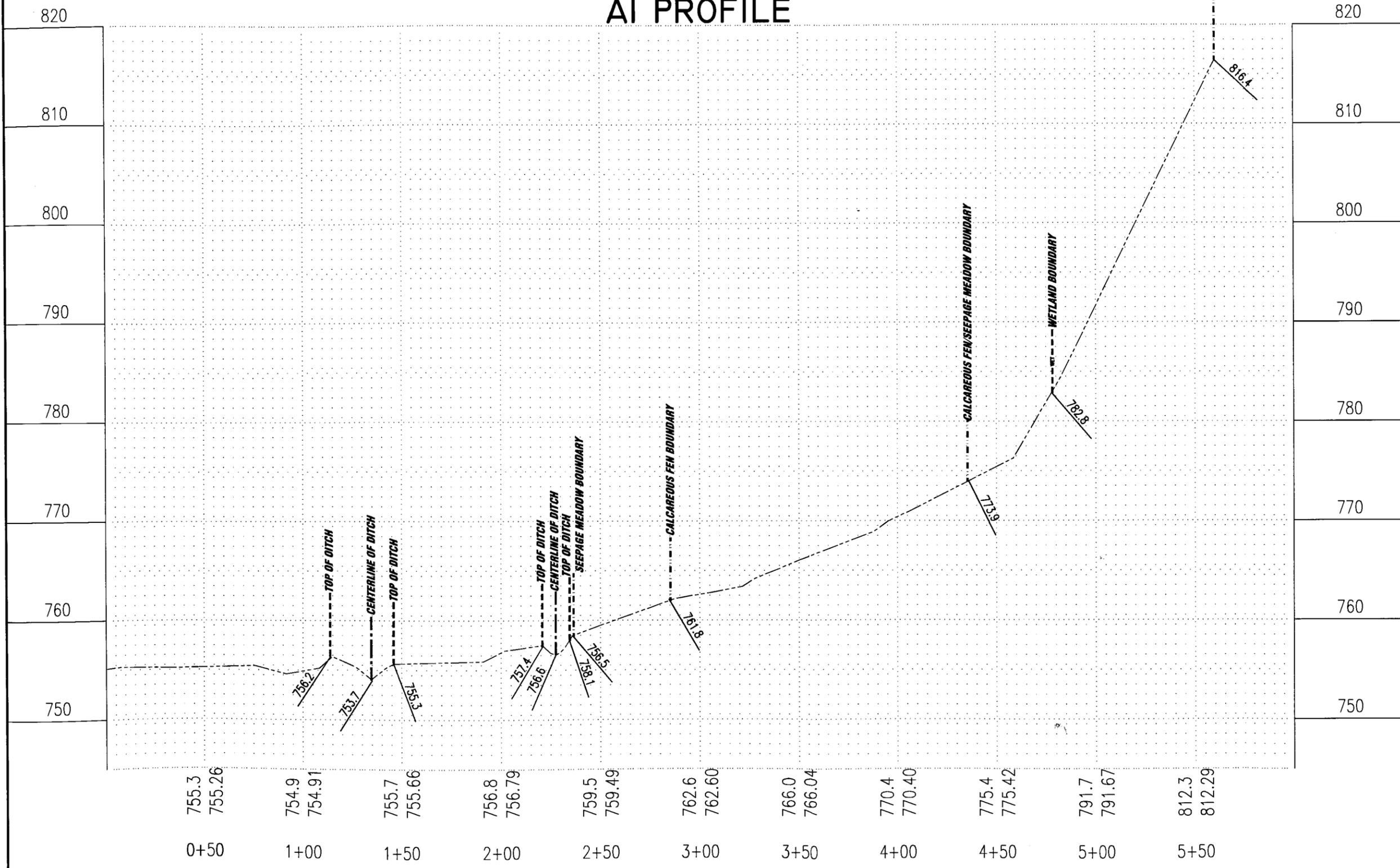
PROJECT  
**UNIMIN CORPORATION**

Revision Schedule		
Mark	Date	Description

PROJECT NO. 08-11704  
 FILE NAME 11704 BLUFF DITCH DNR  
 DRAWN BY MAO  
 DESIGNED BY  
 REVIEWED BY  
 ISSUE DATE  
 CLIENT PROJECT NO.

TITLE  
**SOUTH ENR AREA CROSS SECTIONS**  
**A0-A0**

# AI PROFILE



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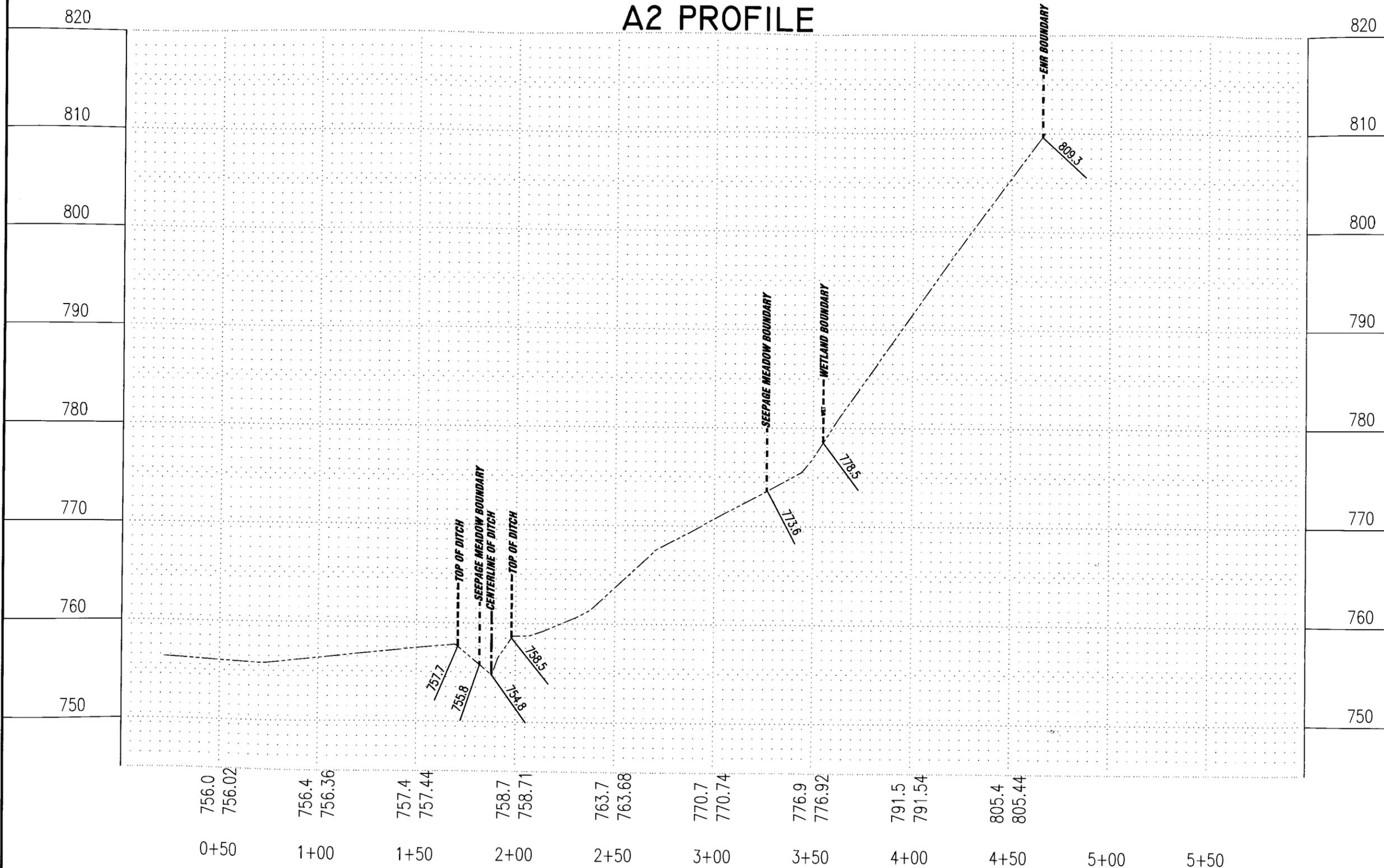
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**UNIMIN CORPORATION**

Revision Schedule		
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 FILE NAME 11704 BLUFF DITCH DNR  
 DRAWN BY MAO  
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 REVIEWED BY  
 ISSUE DATE  
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TITLE  
**SOUTH ENR AREA CROSS SECTIONS**  
**A1-A1**

# A2 PROFILE



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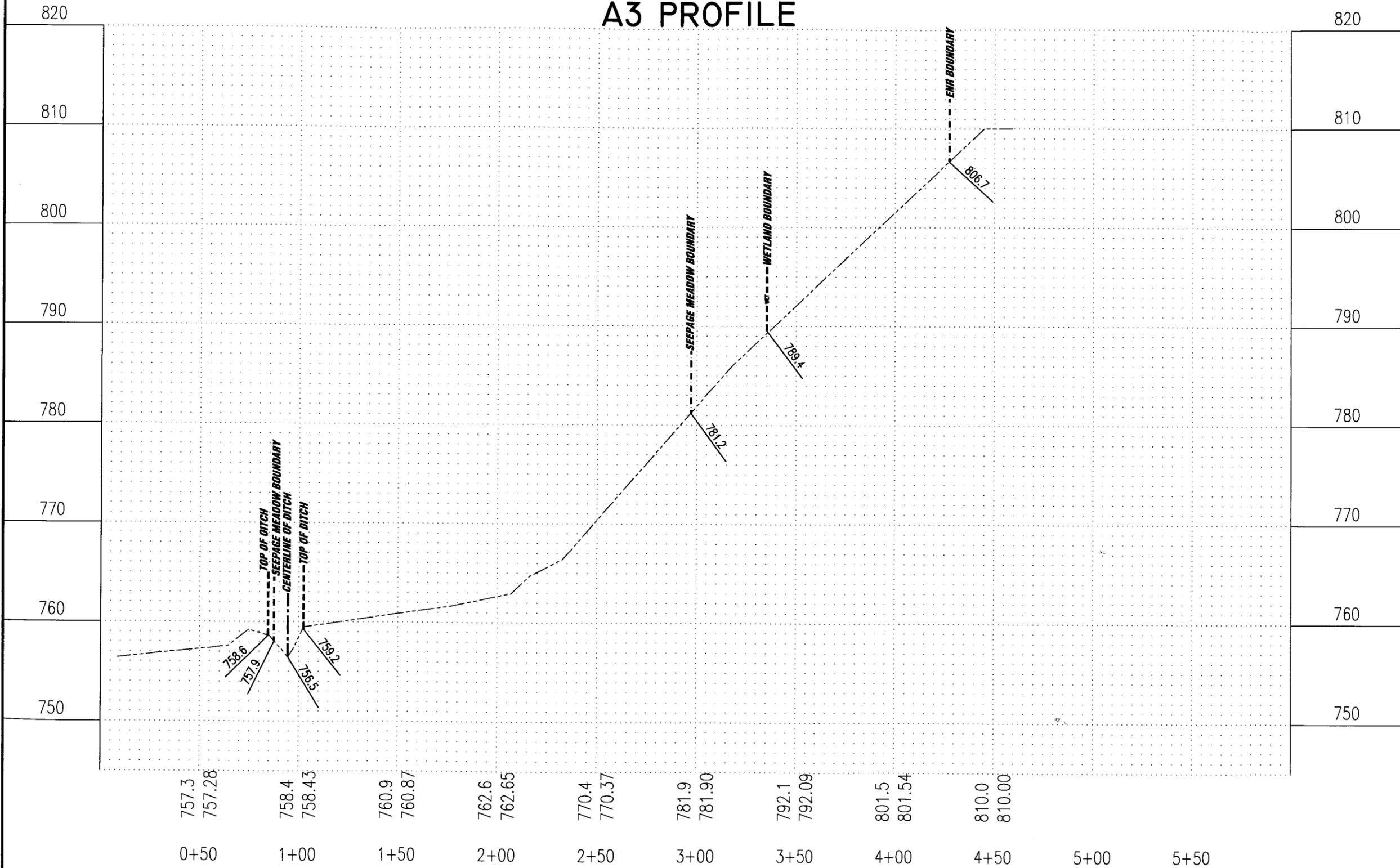
Revision Schedule		
Mark	Date	Description

PROJECT NO. 08-11704  
 FILE NAME 11704 BLUFF DITCH DNR  
 DRAWN BY MAO  
 DESIGNED BY  
 REVIEWED BY  
 ISSUE DATE  
 CLIENT PROJECT NO.

TITLE  
**SOUTH ENR AREA CROSS SECTIONS**  
**A2-A2**

SHEET  
**4 OF 9**

# A3 PROFILE



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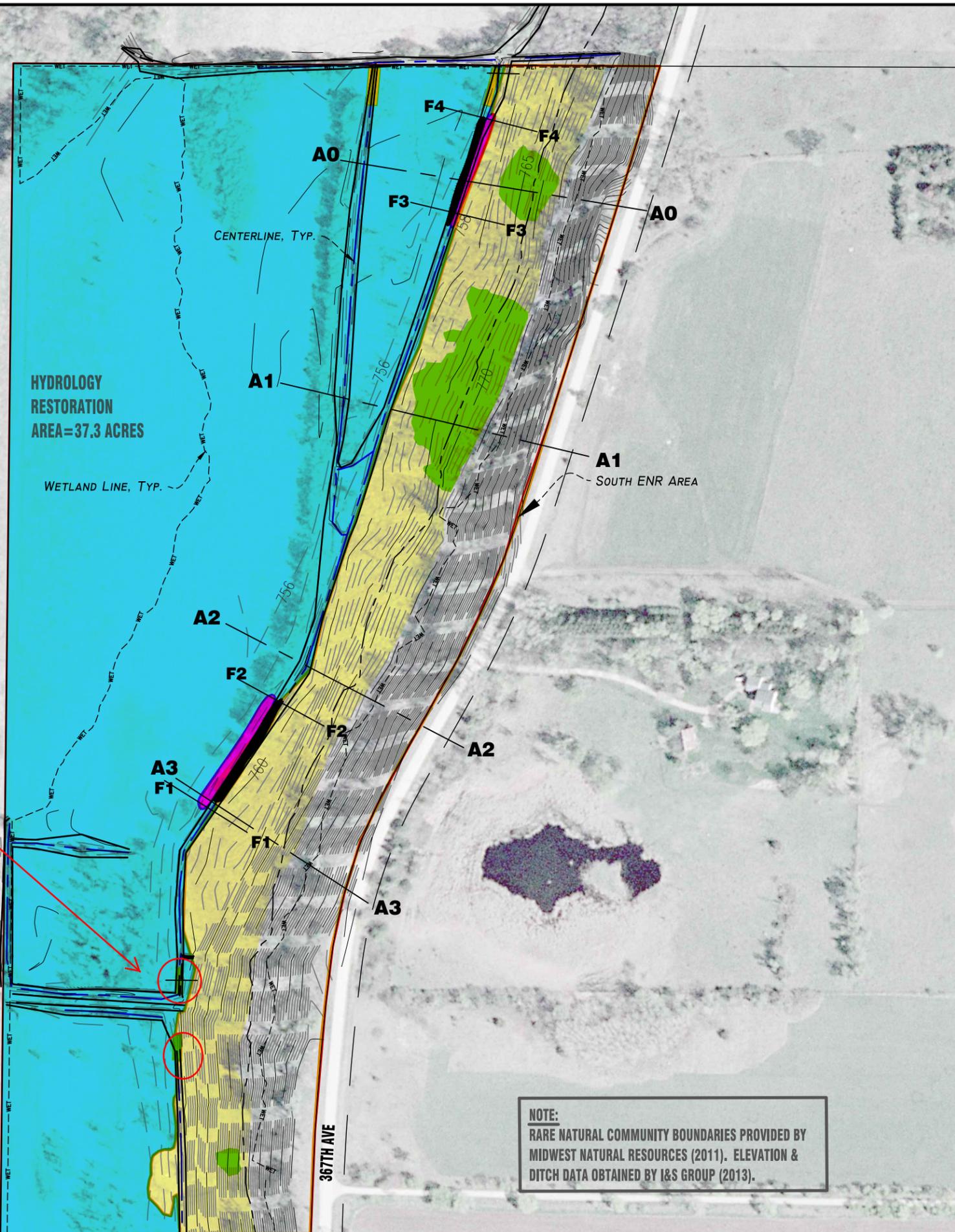
Revision Schedule		
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 FILE NAME 11704 BLUFF DITCH DNR  
 DRAWN BY MAO  
 DESIGNED BY  
 REVIEWED BY  
 ISSUE DATE  
 CLIENT PROJECT NO.

TITLE  
**SOUTH ENR AREA CROSS SECTIONS**  
**A3-A3**

SHEET  
**5 OF 9**

2010-00887-  
SEW, Figure 8 of  
11: Project Plans



South Ditch  
Plug Locations

**NOTE:**  
RARE NATURAL COMMUNITY BOUNDARIES PROVIDED BY  
MIDWEST NATURAL RESOURCES (2011). ELEVATION &  
DITCH DATA OBTAINED BY I&S GROUP (2013).

**LEGEND**

- WETLAND BOUNDARY
- CALCAREOUS FEN NATIVE PLANT COMMUNITY
- SEEPAGE MEADOW NATIVE PLANT COMMUNITY
- TOP OF BANK
- BANK CENTERLINE
- ENR AREA BOUNDARY
- SPOIL PILES
- 100 YEAR FLOOD PLAIN
- PRESERVATION AREA
- PROPOSED DITCH PLUG
- PROPOSED DITCH FILL AREA
- HYDROLOGY RESTORATION AREA



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DRAWN BY MAO  
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TITLE

**SOUTH ENR AREA  
RESTORATION  
PLAN**

SHEET

**6 OF 10**



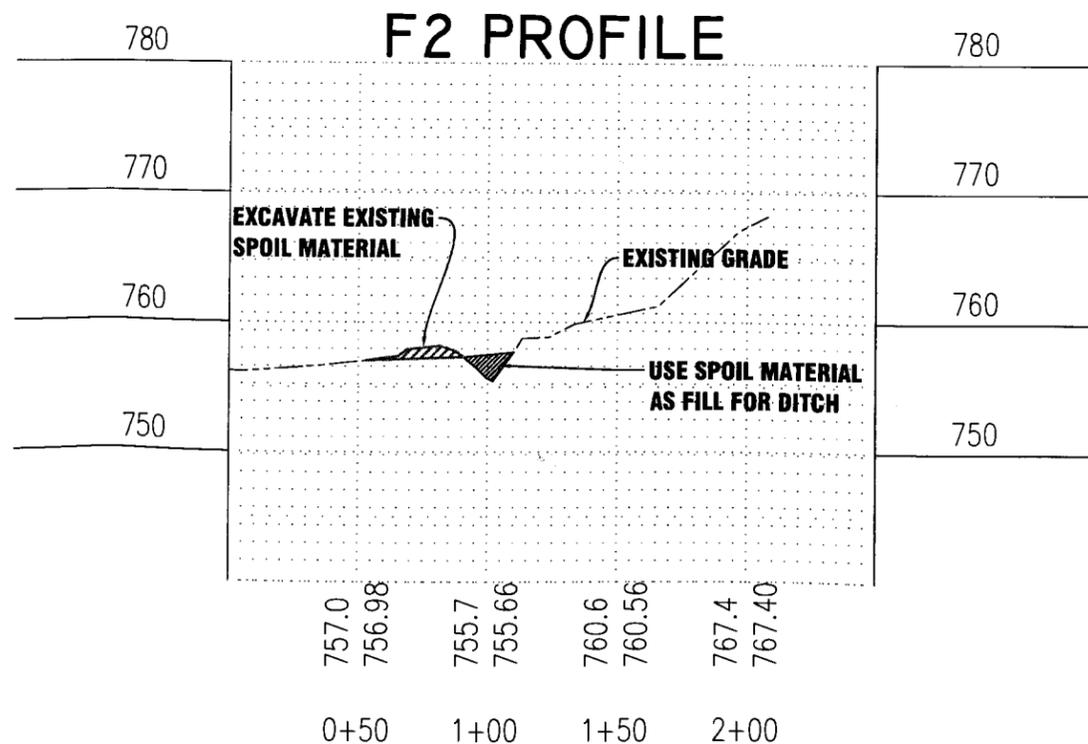
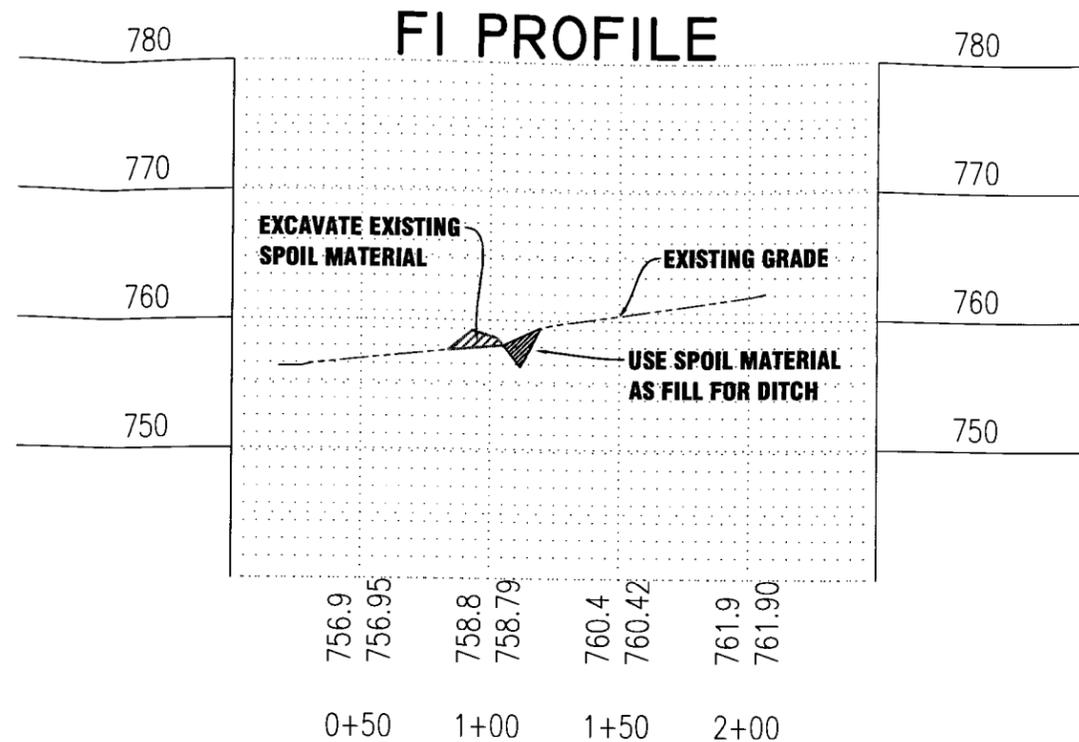
# CONSTRUCTION NOTES

**OUTLET CONTROL DEVICES SUCH AS SILT FENCE AND SILT CURTAIN MUST BE INSTALLED DOWNSTREAM OF THE DITCH PRIOR TO CONSTRUCTION TO PREVENT EROSION AND SEDIMENTS FROM TRAVELING DOWNSTREAM**

**EXCAVATE EXISTING SPOIL PILES TO ADJACENT GRADE AS SHOWN  
USE SPOIL MATERIAL AS DITCH FILL. THE FILL MATERIAL SHALL BE PLACED IN THE ADJACENT DITCH. THE FILL MATERIAL SHALL NOT BE COMPACTED BY ANY CONSTRUCTION EQUIPMENT. THE FILL MATERIAL SHALL ALLOW FOR NATURAL SEEPAGE THROUGHOUT THE ENTIRE DITCH CROSS SECTION  
FILL GRADE SHALL NOT BE HIGHER THAN THE EXISTING GRADE OF EITHER BANK TOPS**

**EXCAVATE AND FILL SPOIL MATERIAL THROUGHOUT THE ENTIRE LENGTH OF THE SPOIL AS SHOWN ON THE PROPOSED LAYOUT MAP**

**CONSTRUCTION ACTIVITIES SHALL NOT OCCUR AND FILL MATERIAL SHALL NOT BE PLACED WITHIN THE NATIVE PLANT COMMUNITY PRESERVATION AREA**



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TITLE  
**TYPICAL DITCH FILL DETAILS**  
**F1-F2**

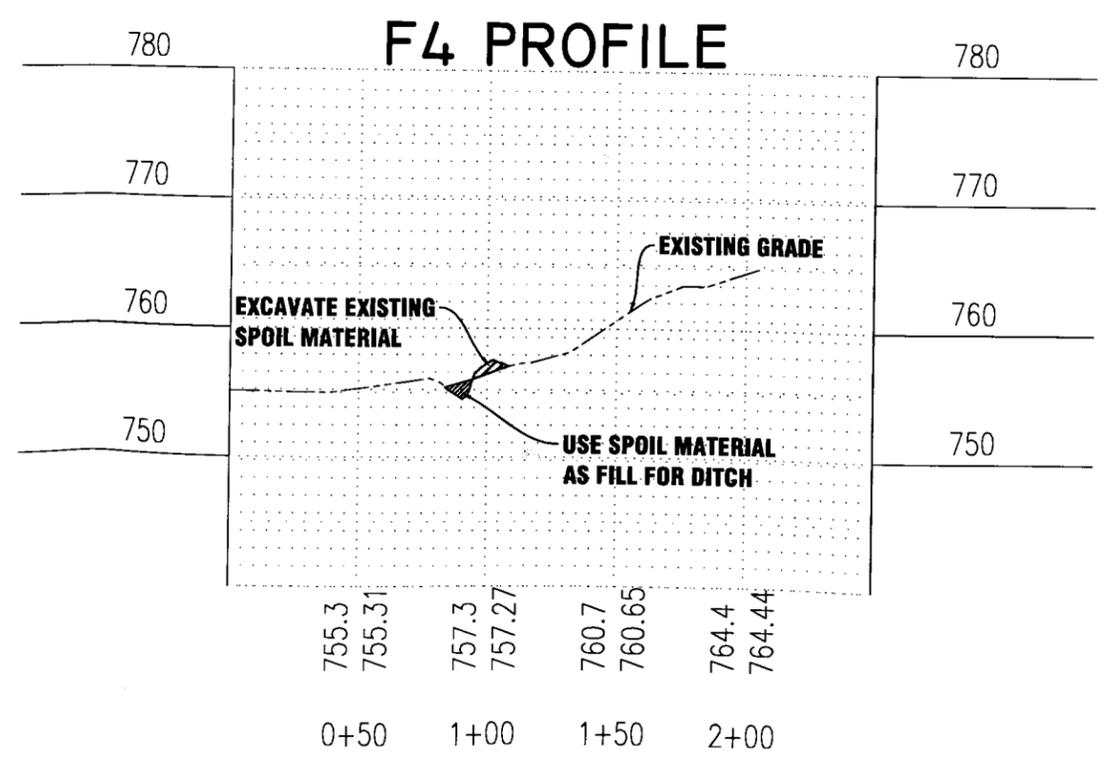
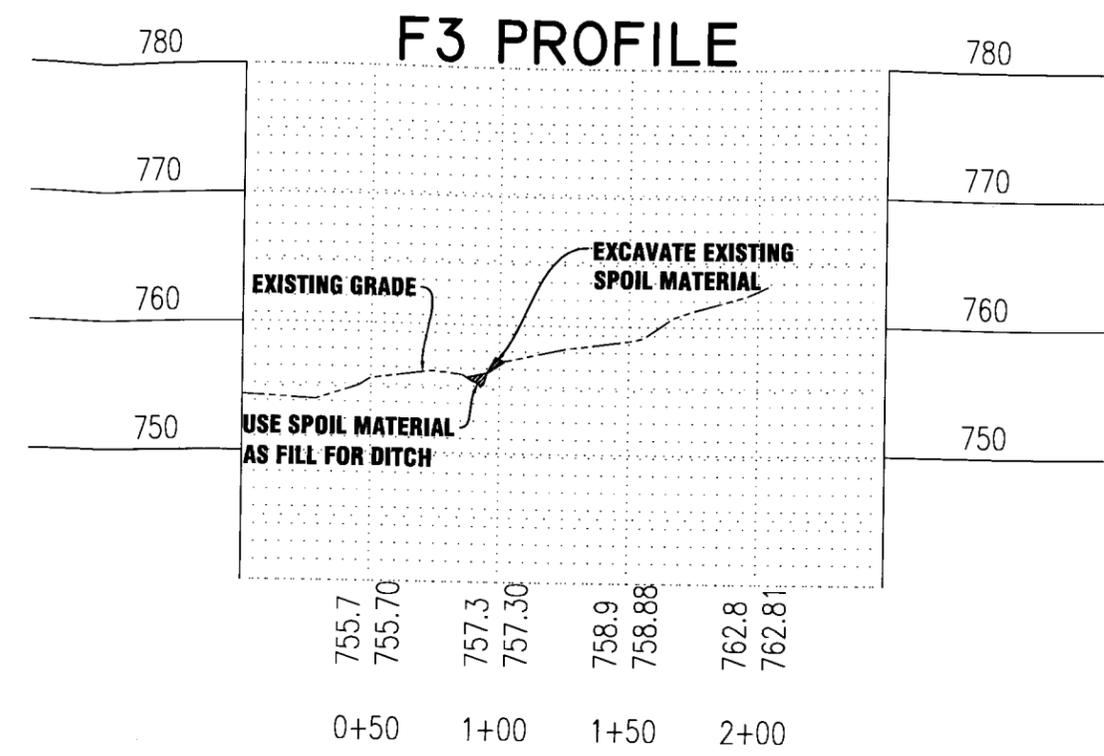
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**TYPICAL DITCH FILL DETAILS**

**F3-F4**