



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY

LANSING



LIESL EICHLER CLARK
DIRECTOR

February 4, 2022

VIA EMAIL

Mr. Thomas Webber, President
Sargent Sand Company
c/o Jean Clare
2985 E. Wilder Road, Suite 2
Bay City, Michigan 48706

Dear Mr. Webber:

SUBJECT: Part 637 Sand Dune Mining Permit Renewal for Sargent Sand Company
Ludington Site, Permit SAS-LS-108

The Department of Environment, Great Lakes, and Energy (EGLE), Oil, Gas, and Minerals Division (OGMD) is currently reviewing the application for renewal of the above referenced permit pursuant to Part 637 Sand Dune Mining of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, as amended (Part 637).

OGMD requires additional information to finalize its review of the permit renewal application.

Due to concerns regarding stabilization of the dune in Cell Unit 2 and beyond the Sargent Sand Company (Sargent Sand) property line: **Confirm in writing if economic production of sand is now complete in Cell Unit 2. Provide a timeline and details for reclamation of the western-facing slope of the dune in Cell Unit 2, such that no destabilization of the dune occurs from protracted final reclamation.**

A 1994 amendment of the Progressive Cell-Unit Mining and Reclamation Plan (PCUMRP) addressed Pitcher's Thistle identification and mitigation steps during the mining process. When mining activities or other activities are planned and implemented, a walk around survey will be planned before these activities are performed to observe for Pitcher's Thistle. The PCUMRP of 1994 commits that it is the intention of Sargent Sand to mitigate potential damage of Pitcher's Thistle by:

- a. Making all Sargent Sand employees and contractors aware of the potential existence of the plant.
- b. Carefully walking the planned mining or activity site by a responsible Sargent Sand management person to observe for new or existing plant growth.
- c. Identifying the Pitcher's Thistle plant, when observed, and identifying each plant or cluster location by staking each location with a highly visible flag. A map indicating each location will be maintained.
- d. Relocation of each Pitcher's Thistle to a location that is not in the normal foot or vehicular traffic when mining activity is required. A suitable location will be selected that will be not disturbed, in the opinion of Sargent Sand management, for several years.
- e. Notification of the OGMD, by letter, of the relocation of such plants.

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OGMD is aware of the relocation of Pitcher's Thistle in Cell Unit 17 and Cell Unit 16 buffer areas in the 2017 timeframe, and the availability of a map indicating the locations. During OGMD on-site inspections at the time, these plants were observed, and this activity was discussed. Additionally, OGMD was notified by email in 2019 of the commencement of a threatened & endangered species site review for Cell Unit 20. Cell units 17, 19, and 20 have been opened since the last permit renewal.

Please confirm in writing, as a notification consistent with Sargent Sand's 1994 amendment of the PCUMRP, if there were Pitcher's Thistle relocation activities that have transpired since the 2017 permit renewal. Provide the map indicating the location of the Pitcher's Thistle plants. If no plants were found, provide a statement to that affect as well and the reason(s) why none were found.

If you have any questions in this matter, please contact me by phone at 517-290-6982, by email at FerriganJ2@Michigan.gov, or by mail at EGLE, OGMD, P.O. Box 30256, Lansing, Michigan 48909.

Sincerely,



Jennifer A. Ferrigan, Geologist-Bond Specialist
Permits and Bonding Unit
Oil, Gas, and Minerals Division
517-290-6982

cc: Mr. Adam Wygant, EGLE
Mr. Kevin Carey, EGLE
Mr. Mark Snow, EGLE
Mr. Stafford Dusenbury, EGLE
Mr. Philip Johnson, Resource Planning & Design, LLC
Application file