

# LAND RECLAMATION COMMISSION

STATE OF MISSOURI

P.O. BOX 176

JEFFERSON CITY, MISSOURI 65102

573-751-4041

## Permit To Engage in Surface Mining

LAND RECLAMATION COMMISSION

### ISSUES TO MAGRUDER LIMESTONE COMPANY

Pursuant to "The Land Reclamation Act," RSMo, 2007, and on conformity with the statements

In the application, a permit is hereby granted to engage in surface mining of  
limestone in the state of Missouri. The extent of the

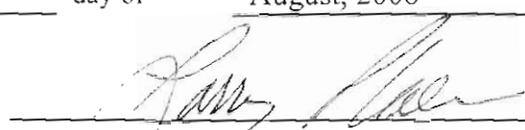
Proposed mining operation(s) will be on 886 acres, more or less.

The locations of the operation(s) under this permit is/are as follows: Renewal

County	Section	Township	Range	Acres Renewed	Acres New	Total Acres	Site/Stream Name	Site Number
Lincoln	02, 11	50N	01W	71	0	71	Silex Quarry	0110
Lincoln	11, 12	49N	01W	418	0	418	Troy Quarry	0109
Pike	27, 28, USS 1714	52N	03W	90	0	90	Ashley Quarry	0108
Pike	26, 27, 34	52N	03W	120	0	120	Ashley Quarry #2	2243
Pike	20	53N	03W	90	0	90	Bowling Green	0111
Pike	35, 36	55N	04W	45	0	45	Frankford Quarry	0112
Miller	33	40N	15W	52	0	52	Lake Ozark Quarry	2288

This permit may be suspended or revoked upon violation of any or all of the conditions set forth in "The Land Reclamation Act," RSMo. 2007, or in such rules and regulations as are promulgated pursuant thereto by the Land Reclamation Commission.

IN WITNESS WHEREOF I have hereunto set my hand this 5<sup>th</sup> day of August, 2008

  
\_\_\_\_\_  
DIRECTOR OF STAFF  
Land Reclamation Commission

Permit No. 0086  
Effective Date 09/01/2008  
Expiration Date 08/31/2009



STATE OF MISSOURI  
DEPARTMENT OF NATURAL RESOURCES

Matr Blunt, Governor • Doyle Childers, Director

[www.dnr.mo.gov](http://www.dnr.mo.gov)

July 29, 2008

Mr. Dean McDonald  
Magruder Limestone, Inc.  
255 Watson Road  
Troy, MO 63379

Dear Mr. McDonald:

Today, I signed permit #0086-A1 for the expansion at the Lake Ozark Quarry. Because this site is located in an area of concern related to the sewer plant and main sewer lines for the cities of Osage Beach and Lake Ozark, the Missouri Department of Natural Resources, Land Reclamation Program, under direction of the Land Reclamation Commission is placing six extra conditions on the permit. These conditions will affect the way that your company will conduct mining operations and are based on the Commission's authority to set conditions according to the Land Reclamation Act, Section 444.767(14), RSMo.

The conditions placed on your permit are:

- The permit is limited to the area to the west of the sewer line easement and south sewer plant, an area which comprises about 65 acres. However, with the 200 foot setback from the easement line identified below, and the 50 foot setback from the property line you identified in your application, the final permitted acreage is about 52 acres. This is much less than the original 212 acre application, which was reduced to 205 acres by setbacks. Magruder will have to submit another expansion application to mine the remainder. By that time the program will have data and a track record upon which to make a recommendation.
- No blasting or other mining activities may be conducted within 200 feet of the sewer easement.
- Magruder must record seismographic data and present a report annually to the Land Reclamation Commission on the data.
- All blasting shall be specifically planned, directed and monitored by a licensed blaster under the Missouri Blasting Safety Act and may only be conducted between 8 am and 5 pm weekdays.
- Magruder must implement the blast plan incorporated in the final order. Any modifications to the blast plan must be filed with and approved by the Land Reclamation Commission, since the Commission ordered the submitted blast plan as a condition of the permit.
- The elevation of the mine floor shall run at or above the grade of the sewer line easement.

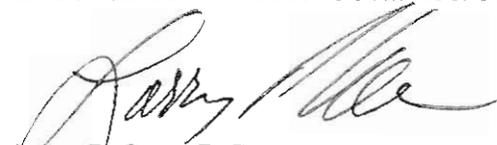
Mr. Dean McDonald  
July 29, 2008  
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Please be aware that in order to be in compliance with the law and regulations enforced by the Missouri Department of Natural Resources, you must conduct your mining operations in accordance with the Mine Plan, Blast Plan and the six conditions listed above.

If you have any questions regarding this letter, please do not hesitate to contact me at your convenience. I may be reached by telephone at (573) 751-4041. If you have additional questions or comments that you would like to discuss with our staff please feel free to contact Mitch Roberts or Bill Zeaman at the same telephone number.

Sincerely,

LAND RECLAMATION COMMISSION



Larry P. Coen, R.G.  
Staff Director

LPC:mr:tb

Enclosures: Permit 0861-A1  
Land Reclamation Commission Final Order  
Hearing Officer's Final Order

c: Land Reclamation Commission  
Harry Bozoian, AGO  
Brian E. McGovern  
Steven E. Mauer  
Timothy P. Duggan, AGO  
Richard S. Brownlee III & Adam Troutwine  
W.B. Tichenor



MISSOURI DEPARTMENT OF NATURAL RESOURCES  
 LAND RECLAMATION COMMISSION  
**SITE INFORMATION FORM**

P.O. BOX 176  
 JEFFERSON CITY, MO 65102-0176

Complete this form for each separate area of disturbance associated with mining operations.

SITE NAME OR NUMBER Lake Ozark Quarry (#2288)		PERMIT NUMBER 0086
COMPANY Magruder Limestone, Inc.		
COUNTY Miller	¼ SECTION Northwest	SECTION 33
TOWNSHIP 40N	RANGE 15W	ACRES 52
RIVER OR STREAM NAME (FOR IN-STREAM ACRES)		
MINERAL Dolomite	ESTIMATED TONS/YEAR (GRAVEL SITES)	

NAME OF LANDOWNER (ATTACH LIST IF MORE) Eolia Development		
ADDRESS 255 Watson Road		
CITY Troy	STATE MO	ZIP CODE 63379
SOURCE OF RIGHT TO MINE <input type="checkbox"/> MINERAL DEED <input type="checkbox"/> LEASE <input type="checkbox"/> WARRANTY <input type="checkbox"/> VERBAL <input type="checkbox"/> OTHER (DESCRIBE): _____		DATE OF AGREEMENT 4-18-07

MINERAL RIGHTS OWNER (ATTACH LIST IF MORE) Magruder Limestone, Inc.		
ADDRESS 255 Watson Road		
CITY Troy	STATE MO	ZIP CODE 63379
SOURCE OF RIGHT TO MINE (CHECK ONE): <input type="checkbox"/> MINERAL DEED <input type="checkbox"/> LEASE <input type="checkbox"/> WARRANTY <input type="checkbox"/> VERBAL <input type="checkbox"/> OTHER (DESCRIBE): _____		DATE OF AGREEMENT 5-1-07

NOTE: Each site must be shown on a map and be included in a public notice and an approved mine plan.



**MINE PLAN**

JUL 30 2008

TYPE OF PLAN (CHECK ONE):

SHORT TERM, FOR ONE PERMIT YEAR

COMPANY NAME Magruder Limestone, Inc.

LONG TERM, FOR PERIOD THROUGH DATE: Aug 2008 - Aug 2108

DESCRIPTION OF SITE PRIOR TO LAND RECLAMATION COMMISSION PERMITTING (BY APPLICANT OR PRIOR OPERATOR), INCLUDING SOIL, VEGETATION AND TOPOGRAPHY.

This ground is rolling, wooded ground, typical Ozark Hills. There is little to no topsoil and vegetation is limited to grass in the lower areas between the hills. The hills are very rocky.

OPERATION PLAN - 10 CSR 40-10.020(2)(D)1.

A. TOPSOIL

AVERAGE DEPTH OF TOPSOIL, PRIOR TO LAND RECLAMATION COMMISSION PERMITTING

0-4 INCHES

IS TOPSOIL TO BE SOLD OR DISCARDED OFFSITE?

YES OR  NO

DESCRIBE METHODS AND EQUIPMENT USED FOR TOPSOIL REMOVAL

There is virtually no topsoil to remove on hills to be mined. After removing trees via dozer and excavator, any topsoil found will be removed with excavator. Topsoil will not be removed in lower areas.

DESCRIBE METHODS AND EQUIPMENT USED FOR TOPSOIL STORAGE AND PROTECTION

If there is any topsoil, we will stockpile it. Stockpiles will be shaped with a dozer and seeded or mulched to prevent erosion when the pile is finished.

**B. SPOIL**

DESCRIBE METHODS AND LOCATION OF SPOIL PLACEMENT AND DISPOSAL

Overburden will be placed in several locations, all of which will be in the permitted and bonded area. We will use it to level off plant sites, stockpile areas, berms, etc. Any left over overburden will be stockpiled and graded to 3:1 slope, transversable by farm equipment, when completed.

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**C. ACID MATERIALS**

DESCRIBE METHODS AND EQUIPMENT USED FOR HANDLING ACID MATERIALS (IF NONE IS ANTICIPATED, WRITE "NONE" BELOW)

NONE

**D. PIT INFORMATION (GIVE ALL DIMENSIONS IN FEET)**

DESCRIBE LOCATION AND OREINTATION OF PIT, IF NOT CLEAR ON SITE MAPS

We are not necessarily creating a pit, we are actually leveling the ground by removing hills. We will start the "pit" near the West edge of the property and work the hill to the East, going toward the South. An exact location for the starting point would be the 2<sup>nd</sup> hill over from the West edge of the property, and about 1/2 way in the length of the hill.

**YES**

**NO**

Will any excavation be at or within fifty feet (50') of the right-of-way of any public road?

Will any highwall consisting of unconsolidated materials be left within fifty feet of the right-of-way of any public road? (NOTE: For unconsolidated materials left in place, a slope of no more than forty degrees may start near the right-of-way, and in no case may the excavation be closer to the right-of-way than fifty feet or twenty-five feet plus one and one-half (1 1/2) times the depth of unconsolidated material, whichever is greater, unless a variance is granted by the Commission.)

Will any excavation start at or within fifty feet (50') of any property line? (NOTE: If the answer is "YES", a safety barrier may be needed.)

A. RECLAMATION PLAN - 10 CSR 40-10.020(2)(L), 2.

REVEGETATION (Attach additional sheets, if needed)

REVEGETATION MIX #1	PURPOSE OR LAND USE	SEEDING OR PLANTING TIME
#1	Development	Spring or Fall

DESCRIBE METHODS AND EQUIPMENT TO BE USED FOR SEEDING OR PLANTING

Seed will be broadcast and harrowed.

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Lime and fertilizer will be applied according to recommendations based upon soil test analyses from a qualified soils lab. Mulch will be applied to all slopes exceeding 5:1.

SEEDED SPECIES	POUNDS / ACRE	TREE OR SHRUB SPECIES	STEMS / ACRE
Fescue	80		

REVEGETATION MIX #2	PURPOSE OR LAND USE	SEEDING OR PLANTING TIME
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DESCRIBE METHODS AND EQUIPMENT TO BE USED FOR SEEDING OR PLANTING

Lime and fertilizer will be applied according to recommendations based upon soil test analyses from a qualified soils lab. Mulch will be applied to all slopes exceeding 5:1.

SEEDED SPECIES	POUNDS / ACRE	TREE OR SHRUB SPECIES	STEMS / ACRE

ATTACH ADDITIONAL SHEETS FOR ADDITIONAL SEED MIXES.

**B. GRADING**

DESCRIBE PROPOSED RECLAIMED TOPOGRAPHY, INCLUDING SLOPES

The reclaimed topography will most likely be used for commercial development. We will have created a large, flat area that would be great for businesses. Any existing slopes will be graded to 3:1 slope, transversable by farm equipment.

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**C. DESCRIBE THE GENERAL SEQUENCE AND TIMING OF THE FOLLOWING ACTIVITIES**

GRADING

Grading will be done as pit advances and spoil will be used as berms to line property boundaries or the other options mentioned previously. This will be done in accordance with 10 CSR 40-10.050(10)(A)

REPLACEMENT OF TOPSOIL

Topsoil, if any, will be replaced at a uniform thickness in accordance with 10 CSR 40-10.050(10)(A)

REVEGETATION

Topsoil will be seeded during the first optimum seeding period following topsoil replacement in accordance with 10 CSR 40-10.050(10)(B)

AVERAGE DEPTH OF REPLACED TOPSOIL (INCHES)

**D. USE OF LAND WHEN RECLAIMED**

Estimate acreage of each land use below, after reclamation

**ESTIMATED ACRES:**

Wildlife (forest or other habitat with livestock excluded)

Agriculture (pasture, cropland, and horticultural)

Development (residential, industrial and recreational)

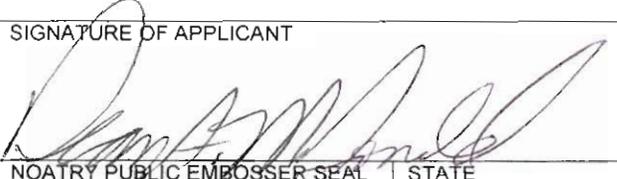
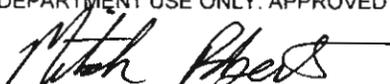
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Water impoundments (for wildlife, agriculture, or development)

JUL 30 2008

By my signature, I attest to the following:

1. All statements made on this Mine Plan Form are correct, complete, and true, to the best of my knowledge.
2. I or the company I am authorized to represent intends to mine in accordance with this Mine Plan Form, and in accordance with the Missouri Land Reclamation Act, Sections 444.760 through 444.790, RSMO 2001, and all rules, regulations, orders, decisions and permits of the Missouri Land Reclamation Commission pertaining to my company's surface mining operations.
3. I have obtained the approval of all landowner's, (for all lease agreements made after August 28, 1990 on leased land) for all proposed post-mining land uses.
4. I have obtained the approval of all landowner's, (for all lease agreements made after August 28, 1990 on leased land) for all proposed seed mixtures.
5. I have a valid agreement with all landowners which gives me the right to grant access to the Director of the Missouri Land Reclamation Commission and authorized representatives, and I grant such access, and further where I have no such right, I have attached signed affidavits from the landowners, granting such access.

SIGNATURE OF APPLICANT 		TITLE <i>Vice President</i>	DATE <i>7-29-08</i>
NOTARY PUBLIC EMBOSSEER SEAL	STATE	COUNTY (OR CITY OF ST. LOUIS) <i>Lincoln</i>	
	SUBSCRIBED AND SWORN BEFORE ME, THIS <i>29<sup>th</sup></i> DAY OF <i>July</i> 20 <i>08</i>		
NOTARY PUBLIC SIGNATURE 		MY COMMISSION EXPIRES <i>11/11/2009</i>	USE RUBBER STAMP IN CLEAR AREA BELOW
NOTARY PUBLIC NAME (TYPED OR PRINTED) <i>Harold L. Bono</i>		 HAROLD L. BONO NOTARY PUBLIC - STATE OF MISSOURI LINCOLN COUNTY - COMMISSION # 05493731 MY COMMISSION EXPIRES NOV 11, 2009	
FOR DEPARTMENT USE ONLY: APPROVED BY 		DATE APPROVED <i>7-30-2008</i>	PERMIT NUMBER <i>0086</i>

Ameren UE Powerline Easement

Property Boundary  
65 acres

Permit Boundary  
52 acres

City of Osage Beach  
Sewer Line Easement

200' Easement Buffer

Magruder Limestone, Inc.  
Permit #0086  
Site #2288, Lake Ozark Quarry  
Miller County, S-33, T40N, R15W  
Map created by: Mitch Roberts 7-25-2008  
Mine Plan set back 50' from property boundary  
Post Mining Landuse: 100% development