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**AGRICULTURAL AWARENESS COMMITTEE
MINNESOTA REGIONAL COMMON GROUND ALLIANCE (MNCGA)**

**MNCGA Damage Prevention Bulletin No. 2015-2
Agricultural Soil Sampling, by Claude Anderson, MNOPS**

Historically, soil sampling for crop production has been conducted using hand sampling probes to remove topsoil to a 0.5 to 1-ft depth. Under Minnesota statute, the use of hand tools is not considered excavation and a call to 811 or Gopher State One Call (GSOC) notification is not required. Increasingly, sampling recommendations for certain crops may request deep soil sampling at higher density and at sampling depths ranging from 2 to 4-feet. Deep sampling is being done to obtain soil profiles for optimizing fertilizer recommendations for nutrients such as nitrogen, boron, sulfur and phosphorus. With deeper sampling and the increased number of samples collected, machine powered samplers such as hydraulic probes or augers are often used instead of a hand sampling probe. When mechanized samplers are used, the sampler (aka the excavator) is required to call 811 or file a ticket online with GSOC. (www.gopherstateonecall.org)



Soil sampler - ATV mounted 3-ft sampling depth

Several utility operators in Minnesota have observed instances of these excavations occurring without the required locate notice. This raises public safety issues for those in the vicinity of the excavation, in addition to the concerns of potential damage to underground facilities. To increase the awareness level within the affected community, the Minnesota Office of Pipeline Safety (MNOPS) is notifying those potentially involved and those who may be familiar with this issue, that Minnesota Statutes - Excavation Notice System (Chapter 216D) applies to deep soil sampling. Soil sampling done with power tools is defined as excavation under existing state statute and requires GSOC notification. Although certain agricultural activities are exempt from GSOC notification, as noted below, soil sampling is not listed as exempt. **Any** agricultural activity meeting the definition of an excavation deeper than an 18-inch depth would **not** be exempt.

Full compliance with these laws is necessary to ensure public safety and minimize costly damages. Noncompliance is enforceable by MNOPS. Specifically, those conducting soil sampling should be familiar with the following requirements:

- **GSOC notification required**
An excavator shall make a notification at least 48-hours (excluding holidays and weekends) before beginning an excavation (MS 216D.04 Sub. 1). This is required for nonexempt activities that would be defined as excavations (this does not include hand tools).
- **Definition of excavation:** Excavations under MS 216D.01 (5) include: “... *an activity that moves, removes, or otherwise disturbs the soil by use of a motor, engine, hydraulic or pneumatically powered tool, or machine-powered equipment of any kind,*”
- **Agricultural exemption is available for some agricultural excavation, but does not apply to mechanized soil sampling:** “... *Excavation does not include...4) plowing, cultivating, planting, harvesting, and similar operations in connection with growing crops, trees, and shrubs, unless any of these activities disturbs the soil to a depth of 18 inches or more;*”

To get involved, join MNCGA at <http://www.mncga.com>. Anyone observing excavation practices that do not conform to MN Statute 216D is encouraged to contact MNOPS at (651) 201-7230 or <http://ops.dps.mn.gov>. Thank you for helping keep Minnesota safe.



**Know what's below.
Call before you dig.**