

Revised Final Related Actions
Environmental Impact Statement (FEIS)
for
Sand & Gravel Mining and Accessory Uses

**COMPLETENESS AND PRELIMINARY
ADEQUACY DECISION**



Empire Township, Board of Supervisors
Dakota County, Minnesota

DECEMBER 2005

Prepared by:



BOLTON & MENK, INC.
Consulting Engineers & Surveyors



Resource
Strategies
Corporation

RESOLUTION NO. 2005-____

**EMPIRE TOWNSHIP
DAKOTA COUNTY, MINNESOTA**

**A RESOLUTION REGARDING THE ENVIRONMENTAL REVIEW PROCESS
FOR THE PROPOSED SAND AND GRAVEL MINING AND ACCESSORY USES
ENVIRONMENTAL IMPACT STATEMENT, SETTING FORTH THE TOWN
BOARD'S FINDINGS OF FACT REGARDING THE FINAL ENVIRONMENTAL
IMPACT STATEMENT, AND DECLARING THAT THE FINAL
ENVIRONMENTAL IMPACT STATEMENT IS COMPLETE
FOR FINAL NOTICE AND DISTRIBUTION**

WHEREAS, Empire Township regulates mineral extraction within the Township limits, and thus is the Responsible Governmental Unit (RGU) for performing environmental review of impacts associated with authorizing and/or regulating mineral extraction; and

WHEREAS, a proposed sand and gravel mining area of approximately 3,591 acres, located in all or parts of Sections 5, 6, 7, 8, 9, 10 and 16 of Township 114N, Range 19W, Dakota County, Minnesota has been identified by the Town Board; and

WHEREAS, pursuant to Minnesota Rules, Part 4410 (the Environmental Review rules), the Town Board has conducted an analysis of the environmental impacts of said mineral extraction; and

WHEREAS, a Mining Consortium, including Aggregate Industries North Central Region, Apple Valley Ready Mix, Cemstone Products Company, Dakota County Transportation Department, and Don Peterson, supplied data on the Consortium's planned mining and associated activities within the proposed mineral extraction district to the Township, and the Township supplemented this data with further environmental analysis; and

WHEREAS, the Town Board, as the RGU pursuant to Minnesota Rule, Part 4410.2100 prepared a Scoping Environmental Assessment Worksheet (Scoping EAW); and

WHEREAS, notice of availability of the Scoping EAW was posted and a press release was provided to the *Farmington Independent* on November 10, 2003; notice of availability of the Scoping EAW was published on November 24, 2003, in the Environmental Quality Board (EQB) *Monitor*, and copies of the Scoping EAW were supplied to all persons and agencies on the EQB official EAW distribution list; and

WHEREAS, public and agency scoping meetings were held on December 11, 2003 at the Empire Transportation Facility, on County State Aid Highway 46; and

WHEREAS, the thirty-day period, under EQB Rules for submitting comments on the Scoping EAW, expired on December 24, 2003; and written responses to all comments received were adopted and authorized for distribution February 10, 2004, and

WHEREAS, a Scoping Decision was made on February 10, 2004 and notice of the Scoping Decision to proceed with the preparation of an EIS, was published in the *Farmington Independent* on February 19, 2004 and *EQB Monitor* on February 14, 2004; and

WHEREAS, pursuant to Minnesota Rule Part 4410.2600, a Draft Environmental Impact Statement (DEIS) was prepared that encompassed the items identified in the Scoping Decision; and

WHEREAS, the DEIS was distributed to all persons and agencies on the EQB official EIS distribution list on March 11, 2005; legal notice was placed in the *Farmington Independent* on March 10, 2005; notice of availability of the DEIS was published in the *EQB Monitor* on March 14, 2005; and

WHEREAS, a public meeting was held by the Empire Town Board on April 5, 2005, to receive comments on the DEIS; and

WHEREAS, the comment period under EQB Rules, for submitting comments on the DEIS, expired on April 20, 2005; and

WHEREAS, pursuant to Minnesota Rule Part 4410.2700, a Final Environment Impact Statement (FEIS) that addressed comments received on the DEIS was prepared by the Township; and

WHEREAS, on June 28, 2005, the Empire Town Board approved the distribution of the FEIS; and

WHEREAS, on July 11, 2005, a press release was given to the *Farmington Independent* and posted notice of the availability of the FEIS was placed at the Empire Town Hall, and the Dakota County Library System Farmington office; legal notice of the availability of the FEIS was published in the *Farmington Independent* on July 14, 2005; the FEIS was distributed to all persons and agencies under the EQB's official EIS distribution list, and notice of the availability of the FEIS was published in the *EQB Monitor* on July 18, 2005; and

WHEREAS, the ten day comment period, under EQB Rules for submitting comments on the FEIS, expired on August 8, 2005; and

WHEREAS, comments on the FEIS were received from Dakota County, the Minnesota Department of Natural Resources, the City of Lakeville, the Metropolitan Council, and the Dakota County Soil and Water Conservation District; and

WHEREAS, additional traffic and groundwater analyses and clarification of mitigation measures have been prepared in response to comments on the FEIS; and

WHEREAS, the Township has completed responses to comments and desires to circulate this resolution and the responses to comments as a revised FEIS before making the final determination on adequacy of the FEIS.

NOW, THEREFORE, BE IT RESOLVED, based on the information generated during the EIS process, the Board of Supervisors of Empire Township makes the following findings of fact and decision on the completeness and preliminary adequacy of the revised FEIS for mineral extraction within the Empire Township.

1. The environmental review process, mandated by the Minnesota Environmental Policy Act, and implemented pursuant to the EQB Rules (Minnesota Rules Parts 4410.0200 to 4410.6500), has been followed, and this resolution shall be the Township's record of its compliance with the EQB rules and findings in this matter.
2. The potential environmental effects of mineral extraction relate to increased truck traffic congestion, to noise and air quality as a result of increased traffic and fugitive dust, to surface water quality as a result of increased surface water run-off and sedimentation from areas by excavation and mineral extraction, to ground water quality as a result of mineral extraction, and to disruption of native fauna and flora as a result of excavation and mineral extraction.
3. Other potential effects of mineral extraction relate to land use issues and social issues.
4. The FEIS addresses the issues raised in the Scoping Decision so that all issues for which information can be reasonably obtained have been analyzed.
5. The revised FEIS sets forth a general plan to mitigate the effects of mineral extraction, and will be used as a reference guide and requirements in the Township's mineral extraction permitting procedures.
6. The FEIS provides responses to the substantive comments received during the DEIS review concerning issues raised in the Scoping Decision.
7. Additional analysis and final revisions to the FEIS have been completed as a result of comments received in August 2005, leading to clarification of potential impacts from truck traffic congestion, clarification of potential impacts to groundwater quality, clarifications in the Mitigation Plan, and the completion of responses to all comments received on the FEIS which are attached hereto as Exhibit A.
8. Each proposed mineral extraction operation subsequent to the environmental review will require an Interim Use Permit by the Township, through which specific mitigative measures identified in the FEIS to lessen potential environmental effects will be addressed and implemented.
9. All State and Federal rules and permits regarding mineral extraction operations will be enforced through the local permitting process.

BE IT FURTHER RESOLVED, the Board of Supervisors of Empire Township, declares the “Sand and Gravel Mining and Accessory Uses” Final Environmental Impact Statement for mineral extraction within Empire Township is complete and authorizes the notice of availability of the revised FEIS to be published in the EQB Monitor and its distribution for final review and comment.

Approved and adopted by the Board of Supervisors this 13th day of December, 2005.

ATTEST:

Terry Holmes, Chair

Kathleen B. Krippner, Clerk-Treasurer