



Le Sueur County, MN

Tuesday, February 16, 2016

Board Meeting

Item 5

10:05 a.m. Kathy Brockway, P&Z Administrator (10 minutes)

3 RFA Items, Traxlers Construction, Hanlon and Kamp Dels

Staff Contact: Kathy Brockway - Environmental and P & Z Director

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
February 11, 2016

MEMBERS PRESENT: Don, Reak, Jeanne Doheny, Don Rynda, Shirley Katzenmeyer, Doug Krenik, Al Gehrke, Betty Bruzek, Pam Tietz

MEMBERS ABSENT: Steve Olson, Chuck Retka

OTHERS PRESENT: Kathy Brockway, Commissioners King and Connolly

The meeting was called to order at 7:00 PM by Chairperson, Jeanne Doheny.

ITEM #1: TRAXLER CONSTRUCTION, PAT TRAXLER, (APPLICANT) LE CENTER, MN; BETTY ANN MOLLENHAUER C/O RALPH & EVA FIX, (OWNER) EDINA, MN: Request that the County grant a Conditional Use Permit to allow mineral extraction of 50 acres of a 76.63 acre parcel in an Agriculture "A" District, in the Mineral Resources "MR" Overlay District and the Airport Zoning "AZ" Overlay District. Property is located in the S half of the SE1/4 and the E half of the SE1/4, Section 11, Ottawa Township. The application was tabled at the June 11, 2015 meeting for a Mandatory Environmental Review. The 30-day public comment period for the Mandatory Environmental Assessment Worksheet ended on January 6, 2016. A recommendation to approve the adequacy of this document and recommend a negative declaration on this project. Concluding that any potential environmental effects, which may result from this project, have been addressed. *No public comment will be taken at this meeting*

Kathy Brockway presented the power point presentation. Patrick Traxler, Chantill Kahler-Royer and Kirsten Pauley were present for application.

Discussion was held regarding; Kirsten Pauley updated the Planning Commission on the process of reviewing the environmental documents, responding to the comments, and preparations for the conditional use permit process.

Motion was made by Don Reak to approve the Environmental Assessment Worksheet with the recommendation of a negative declaration for an Environmental Impact Statement and to continue with the Conditional Use Permit process. Seconded by Doug Krenik. Motion approved. Motion carried.

ITEM #2: DANIEL HANLON, ST PAUL, MN, (APPLICANT): JMH PARTNERSHIP LLC, ST PAUL, MN, (OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to establish and operate a self-serve storage facility in an Agriculture "A" District. Property is located in the NE 1/4 NE 1/4, Section 6, Derrynane Township.

Kathy Brockway presented the power point presentation. Daniel Hanlon was present for the application.

TOWNSHIP: No comments, notified through the application process. **DNR:** N/A **LETTERS:** Theresa and Steve Ruhland, read into the record (see file).

PUBLIC COMMENT: No comments.

Discussion was held regarding: access, drainage, commercial use within the Agricultural District, property in family since 1861, number of buildings, plans of expansion in the future, size of buildings, maintenance of property, weed control, lighting, security, possibility of fencing outdoor storage, signage, material movement on site, stockpiling of excess material, traffic, dust control, personal storage of renters, storage of hazardous materials, security cameras, demand of storage units, screening from highway 19, time frame for project, access roads gravel or asphalt. Kathy Brockway read a letter from the Ruhlands into the record opposing the request.

Findings by majority roll call vote:

1. **The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity. Agreed 6-2**
2. **The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. Agreed 5-3**
3. **Adequate utilities, access roads, drainage and other facilities are being provided. Agreed.**
4. **Adequate measures will be taken to provide sufficient off-street parking and loading space to serve the proposed use. Agreed.**
5. **Adequate measures will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result. Agreed. 5-3**

Motion was made by Doug Krenik to approve the application with the following conditions:

- Construct 3 buildings per application submitted;
- Abide by Section 19, Subdivision 9, Nuisance Control of the Le Sueur County Zoning Ordinance;
- No outside storage;
- Excess topsoil to be removed from the site, therefore no stockpiling of material onsite;

Seconded by Betty Bruzek. Motion approved 6-2. Shirley Katzenmeyer does not feel we are adhering to the goals and policies allowing commercial uses within the agricultural zoning district, preserve prime farm land. Pam Tietz quoted page 1, Goal 1 of the County Land Use Goals and Policies to preserve prime agricultural land within Le Sueur County. Motion carried.

ITEM #3: KAMP DELS, WATERVILLE, MN, (APPLICANT); POPE PROPERTIES, WATERVILLE, MN, (OWNER): Request that the County grant a Conditional Use Permit to allow the applicant an expansion to an of an existing campground to relocate 7 existing sites and create an additional 4 sites in an Agriculture "A" District. Property is located in the NW 1/4 SE 1/4, Section 23, Waterville Township.

Kathy Brockway informed the Commission that she had a conflict of interest with the application; and that she would present the application as submitted and answer questions pertaining to the Ordinance.

Kathy Brockway presented power point presentation. Tobin Pope, co-owner of Kamp Dels was present for application.

TOWNSHIP: Notification through the application process. DNR: N/A LETTERS: N/A

DISCUSSION: due to a pool expansion applicant is requesting to relocate 7 sites from Tier 1 to area around the pond in Tier 5 and adding an additional 4 sites, new sites will meet current site regulations, full hook up sites, demand for additional sites, family campground, security, discussed future expansion, under a state permit for sewage, in the process of municipal sewage with the City of Waterville due to their new sewage treatment facility, no complaints on file with the County, traffic, current State Permit has been approved to allow the additional seasonal sites.

PUBLIC COMMENT: Mike Clemons, adjoining property owner, losing the peace and quiet of his property, concerns with loud music, loud speaker not being used just for emergency situations, creating noise pollution, cleaning up his property to move there in the future, property in the family since 1955, spending more and more time there, trying to be good neighbors.

Findings by majority roll call vote:

1. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity. Agreed.
2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. Agreed.
3. Adequate utilities, access roads, drainage and other facilities are being provided. Agreed.
4. Adequate measures will be taken to provide sufficient off-street parking and loading space to serve the proposed use. Agreed.
5. Adequate measures have been taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result. Agreed.

Motion was made by Al Gehrke to approve the application as submitted. Seconded by Don Reak. Motion approved. Motion carried.

Motion was made by Doug Krenik to approve the minutes from the December 10, 2015 meeting by Seconded by Pam Tietz. Motion approved. Motion carried.

Motion to adjourn meeting by Al Gehrke. Seconded by Betty Bruzek. Motion approved. Motion carried.

Meeting Adjourned.

Respectfully submitted,
Shirley Katzenmeyer
By Kathy Brockway

*Tape of meeting is on file in the
Le Sueur County Environmental Services Office*

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
February 16, 2016

TO: LE SUEUR COUNTY BOARD OF COMMISSIONERS
FROM: LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
SUBJECT: "REQUEST FOR ACTION"

The Planning Commission recommends your action on the following items:

ITEM #1: TRAXLER CONSTRUCTION, PAT TRAXLER, (APPLICANT) LE CENTER, MN; BETTY ANN MOLLENHAUER C/O RALPH & EVA FIX, (OWNER) EDINA, MN: Request that the County grant a Conditional Use Permit to allow mineral extraction of 50 acres of a 76.63 acre parcel in an Agriculture "A" District, in the Mineral Resources "MR" Overlay District and the Airport Zoning "AZ" Overlay District. Property is located in the S half of the SE1/4 and the E half of the SE1/4, Section 11, Ottawa Township. The application was tabled at the June 11, 2015 meeting for a Mandatory Environmental Review. The 30-day public comment period for the Mandatory Environmental Assessment Worksheet ended on January 6, 2016. A recommendation to approve the adequacy of this document and recommend a negative declaration on this project. Concluding that any potential environmental effects, which may result from this project, have been addressed.

After review of the findings of facts and conclusions the Planning Commission recommends that there are no potential significant environmental effects reasonably expected to occur from the Traxler Construction Inc. Gravel Mine Expansion and there is no need for an Environmental Impact Statement.

ITEM #2: DANIEL HANLON, ST PAUL, MN, (APPLICANT); JMH PARTNERSHIP LLC, ST PAUL, MN, (OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to establish and operate a self-serve storage facility in an Agriculture "A" District. Property is located in the NE 1/4 NE 1/4, Section 6, Derrynane Township.

Based on the information submitted by the applicant, as required by the Le Sueur County Zoning Ordinance, the Planning Commission developed the following findings for this request:

Therefore, the Planning Commission recommends approval of the application with the following conditions:

- Construct 3 buildings per application submitted;
- Abide by Section 19, Subdivision 9, Nuisance Control of the Le Sueur County Zoning Ordinance;
- No outside storage;
- Excess topsoil to be removed from the site, therefore no stockpiling of material onsite.

ITEM #3: KAMP DELS, WATERVILLE, MN, (APPLICANT); POPE PROPERTIES, WATERVILLE, MN, (OWNER): Request that the County grant a Conditional Use Permit to allow the applicant an expansion to an of an existing campground to relocate 7 existing sites and create an additional 4 sites in an Agriculture "A" District. Property is located in the NW 1/4 SE 1/4, Section 23, Waterville Township.

Based on the information submitted by the applicant, as required by the Le Sueur County Zoning Ordinance, the Planning Commission developed the following findings for this request:

Therefore, the Planning Commission recommends approval of the application as written.

ACTION: ITEM #1: _____

ITEM #2: _____

ITEM #3: _____

DATE: _____

COUNTY ADMINISTRATOR'S SIGNATURE: _____

FINDINGS OF FACT

WHEREAS, DANIEL HANLON, ST PAUL, MN, (APPLICANT); JMH PARTNERSHIP LLC, ST PAUL, MN, (OWNER): has applied for a Conditional Use Permit to allow the applicant to establish and operate a self-serve storage facility in an Agriculture "A" District. Property is located in the NE 1/4 NE 1/4, Section 6, Derrynane Township.

WHEREAS, the Le Sueur County Planning and Zoning Commission held on public hearing on **February 11, 2016**, in order to hear public testimony from the applicants as well as interested parties pertaining to and as provided by the Zoning Ordinance of Le Sueur County.

WHEREAS, the Le Sueur County Planning and Zoning Commission, acting as an advisory board to the Le Sueur County Board of Commissioners recommends **denial/approval** of the application due to the following findings:

1. **The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.**
2. **The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.**
3. **Adequate utilities, access roads, drainage and other facilities are being provided.**
4. **Adequate measures will be taken to provide sufficient off-street parking and loading space to serve the proposed use.**
5. **Adequate measures will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.**

WHEREAS, On February 16, 2016, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners **ACTION** the Conditional Use Permit application as requested by **DANIEL HANLON, ST PAUL, MN, (APPLICANT); JMH PARTNERSHIP LLC, ST PAUL, MN, (OWNER).**

NOW, THEREFORE, IT IS HEREBY RESOLVED, the following Findings of Fact were adopted at the February 16, 2016, Le Sueur County Board meeting in order to protect the public health, safety and general welfare of the citizens of Le Sueur County.

1. **With the imposition of appropriate conditions as stated, the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.**
2. **With the imposition of appropriate conditions as stated, the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.**
3. **With the imposition of appropriate conditions as stated, adequate utilities, access roads, drainage and other facilities are being provided.**
4. **With the imposition of appropriate conditions as stated, adequate measures will be taken to provide sufficient off-street parking and loading space to serve the proposed use.**
5. **With the imposition of appropriate conditions as stated, adequate measures will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.**

BE IT FURTHER RESOLVED, by the Le Sueur County Board of Commissioners that based on the above Findings of Fact, a Conditional Use Permit to allow the applicant to establish and operate a self-serve storage facility in an Agriculture "A" District. Property is located in the NE 1/4 NE 1/4, Section 6, Derrynane Township.

ATTEST:

Lance Wetzel, Chairman, Le Sueur County Board of Commissioners.

Darrell Pettis, Le Sueur County Administrator

DATE: _____

FINDINGS OF FACT

WHEREAS, KAMP DELS, WATERVILLE, MN, (APPLICANT); POPE PROPERTIES, WATERVILLE, MN, (OWNER): has applied for a Conditional Use Permit to allow the applicant an expansion to an of an existing campground to relocate 7 existing sites and create an additional 4 sites in an Agriculture “A” District. Property is located in the NW 1/4 SE 1/4, Section 23, Waterville Township.

WHEREAS, the Le Sueur County Planning and Zoning Commission held on public hearing on **February 11, 2016**, in order to hear public testimony from the applicants as well as interested parties pertaining to and as provided by the Zoning Ordinance of Le Sueur County.

WHEREAS, the Le Sueur County Planning and Zoning Commission, acting as an advisory board to the Le Sueur County Board of Commissioners recommends **denial/approval** of the application due to the following findings:

1. **The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.**
2. **The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.**
3. **Adequate utilities, access roads, drainage and other facilities have been provided.**
4. **Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use.**
5. **Adequate measures have been to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.**

WHEREAS, On February 16, 2016, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners **ACTION** the Conditional Use Permit application as requested by

NOW, THEREFORE, IT IS HEREBY RESOLVED, the following Findings of Fact were adopted at the February 16, 2016, Le Sueur County Board meeting in order to protect the public health, safety and general welfare of the citizens of Le Sueur County.

1. **The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.**
2. **The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.**
3. **Adequate utilities, access roads, drainage and other facilities are being provided.**
4. **Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use.**
5. **Adequate measures have been taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.**

BE IT FURTHER RESOLVED, by the Le Sueur County Board of Commissioners that based on the above Findings of Fact, a Conditional Use Permit To allow the applicant an expansion to an of an existing campground to relocate 7 existing sites and create an additional 4 sites in an Agriculture “A” District. Property is located in the NW 1/4 SE 1/4, Section 23, Waterville Township, is **APPROVED/DENIED**.

ATTEST:

Lance Wetzel, Chairman, Le Sueur County Board of Commissioners.

Darrell Pettis, Le Sueur County Administrator

DATE: _____

LE SUEUR COUNTY

IN THE MATTER OF THE DECISION ON THE NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED TRAXLER CONSTRUCTION, INC. GRAVEL MINE EXPANSION LE SUEUR COUNTY, MINNESOTA

FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDER

Traxler Construction, Inc., (Proposer) proposes to expand an existing aggregate mining and processing facility in Le Sueur County, Minnesota. Consistent with Minnesota Rules Chapter 4410, Le Sueur County, the responsible governmental unit (RGU), has prepared the Traxler Construction, Inc. Environmental Assessment Worksheet (EAW).

FINDINGS OF FACT

Project Description

1. The project is an expansion of an existing sand and gravel mine in Le Sueur County.
2. The expansion parcel is located across Minnesota Trunk Highway (MTH) 112 from the existing mine and processing plant. The total acreage of parcels with existing and proposed mining and processing activities is 152.92 acres. The expansion site will encompass 78 acres, of which no more than 49.3 acres will be mined.
3. Mining involves the removal of overburden to expose the sand and gravel, excavation, crushing, screening and conveying the material under the highway for additional processing, stockpiling and sales at the existing mine.
4. Reclamation will be concurrent with mining.

Project History

1. The proposed project (Project) is the expansion of existing sand and gravel mining and processing facility that has been operated by the Proposer since 1989 and others before that.
2. The existing mine is "grandfathered in" and does not operate under a Conditional Use Permit.
3. The Project involves expanding the existing sand and gravel mine located on the east side of Minnesota Trunk Highway (MTH) 112 to the west side of the highway.
4. The existing mining/processing property encompasses approximately 75 acres and mining operations are proposed to expand onto property encompassing 78 acres.

Procedural History

1. On November 24, 2015, Le Sueur County released the Draft EAW for the Traxler Construction Inc. Gravel Mine Expansion; and
2. On December 2, 2015, public notice on the availability of the Draft EAW appeared in the Le Center Leader newspaper.
3. On December 7, 2015, public notice on the availability of the Draft EAW appeared in the State of Minnesota Environmental Quality Board's publication: the EQB Monitor.
4. The Draft EAW was sent to the following agencies for review and comment:
 - a. U.S. Army Corps of Engineers
 - b. U.S. Fish & Wildlife Services
 - c. Board of Water and Soil Resources
 - d. Minnesota Department of Agriculture
 - e. Minnesota Department of Health
 - f. Minnesota Department of Natural Resources
 - g. Minnesota Department of Transportation
 - h. Minnesota Environmental Quality Board
 - i. Minnesota Historical Society
 - j. Minnesota Pollution Control Agency
 - k. Minnesota Department of Commerce
 - l. Minnesota State Archaeologist
 - m. Region Nine Development Commission
 - n. Indian Affairs Council
 - o. Le Sueur County Planning and Zoning
 - p. Le Sueur County Soil and Water Conservation District
 - q. Le Sueur County Transportation Department and,
5. Copies of the document were placed in the Le Sueur County Environmental Services office, Technology and Science Library, the Region Nine Development Library (Blue Earth County Library), Le Sueur Public Library, and Le Center Library, and,
6. The deadline for comment on the EAW was January 6, 2016.
7. The County received comments from two governmental agencies: Minnesota Pollution Control Agency and Minnesota State Historic Preservation Office.
8. The County received no comments from the public.

Comments and Response to Comments

Copies of the comment letters are included as Attachment A. Individual comments and responses are provided:

Commenter: Karen Kromar, Planner Principal, Environmental Review Unit,
Resource Management and Assistance Division, MPCA

Comment Date: January 5, 2016

Thank you for your response regarding the Traxler Construction, Inc. Gravel Mine Expansion Environmental Assessment Worksheet.

1. Question/Comment: Permits and Approvals (Item 8). This facility is currently regulated under general industrial stormwater No Exposure permit coverage. This is typically unachievable for the type of activities conducted at a sand and gravel mining operation. Please clarify if all of the proper permits have been obtained, or applied for, for the existing and future industrial activities at this location. For questions regarding industrial stormwater, please contact Melissa Wenzel at 651-757-2816.

Response: The project proposer has a General Permit for Nonmetallic Mineral Mining and Associated Activities MNG490268 as well a General Permit for Industrial Stormwater Multi-Sector Permit MNRNE38BJ from the MPCA. The Industrial Stormwater Multi-Sector Permit has a no Exposure Exclusion. The proposer will terminate the Industrial Stormwater Multi-Sector permit (and no exposure exclusion) and operate exclusively under the Nonmetallic Mineral Mining Permit. As required under the Nonmetallic Mineral Mining and Associated Activities permit, a site-specific stormwater pollution prevention plan will be developed and implemented for the existing mining operation as well as the expansion area.. The General Permit for Nonmetallic Mineral Mining and Associated Activities includes stormwater discharges associated with construction activity and small construction activity and will therefore be the only NPDES permit required for site operation,

2. Question/Comment: Water Resources (Item 11). As noted in the EAW, the Minnesota River is within one mile and is impaired. Please note that the impairment will dictate additional increased stormwater treatment during construction and require additional increased treatment post construction. These requirements will be included in the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Construction Stormwater Permit. The Project proposer should determine that compliance with these increased stormwater water quality treatments can be achieved on the Project site or elsewhere. Information regarding the MPCA's Construction Stormwater Program can be found on the MPCA's website at <http://www.pca.state.mn.us/water/stormwater/stormwater-c.html>. Questions regarding Construction Stormwater Permit requirements should be directed to Roberta Getman at 507-206-2629.

Response: The General Permit for Nonmetallic Mineral Mining and Associated Activities includes stormwater discharges associated with construction activity and small construction activity. The additional best management practices that are required for construction activities located within 1 mile of impaired waters will be incorporated into the stormwater pollution prevention plan prepared for the project. Applicable additional stormwater quality treatments include stabilizing exposed soils area no later than 7 days after activity has ceased in that area, and providing temporary sedimentation basins for common drainage locations that serve an area with 5 or more acres disturbed at one time.

3. Question/Comment: Noise (Item 17) As noted in the EAW, the facility will have to comply with NAC-I on the residential property in the area of normal residential use. The EAW does not specify the hours of operation. Please note that the Minnesota noise standards are more stringent during nighttime hours of 10:00 pm – 7:00 am and any operations during those hours will need to comply with the more stringent standard. For questions regarding the noise standard, please contact Amanda Smith at 651-757-2486.

Response: Le Sueur County ordinance states that general mining and processing activities may take place from 6:00 am to 7:00 pm, Monday through Saturday, unless otherwise specified in the Conditional Use Permit. Therefore the project may be subject to both the daytime noise standardss and the more restrictive nighttime standards. The project proposer will comply with all applicablestate noise standards. The the Conditional Use Permit will address hours of operation as well as noise mitigation measures.

Commenter: Sarah J. Beimers, Manager, Government Programs, and Compliance
State Historic Preservation Office

Comment Date: December 23, 2015

Thank you for your response regarding the Traxler Construction, Inc. Gravel Mine Expansion Environmental Assessment Worksheet.

4. Question/Comment: Due to the nature and location of the proposed project, we recommend that a Phase I archaeological survey be completed. The survey must meet the requirements of the Secretary of the Interior’s Standards for Identification and Evaluation, and should include an evaluation of National Register eligibility for any properties that are identified.

Response: A Phase I Archaeological Survey will take place this spring, once the snow has melted. The Phase I Archaeological Survey will meet the requirements of the Secretary of the Interior’s Standards for Identification and Evaluation including a walkover of the agricultural land at regular

intervals and digging several holes (usually spaced every 50 feet) anywhere that the ground surface visibility is less than 25%. Since corn stubble is left from last year's crop, the survey will take place after the field has been tilled. A report will be prepared which will include additional documents and research if any sites are identified. Upon completion, the Phase I report will be sent to SHPO for review and comment. If any site is identified that is possibly significant, then a Phase II could be needed

If any significant site is identified, the limits of mining may need to be amended, based on the results of the archaeological survey. This will be addressed by the Conditional Use Permit.

Criteria for Determining the Potential for Significant Environmental Effects

The purpose of the EAW is to identify potential environmental effects and determine whether or not an Environmental Impact Statement (EIS) is required. An EIS is undertaken when the project has the potential for significant environmental effects. The RGU determines if a project has the potential for significant environmental effects based on four criteria as outlined in Minnesota Rule 4410.1700:

1. The type, extent, and reversibility of environmental effects;
2. Cumulative potential effects;
3. Extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority; and
4. Extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer.

Determining whether a project needs or does not need an EIS is an evaluation of the potential for significant environmental effects based on the above criteria. An analysis of the four criteria is provided in this Record of Decision.

1. Type, extent, and reversibility of environmental effects:

Historic Resources

- 1.1 The State Historic Preservation Office (SHPO) has no record of any historical properties on the site, but recommends that a Phase I Archaeological Survey be conducted to determine if there are any sites of cultural resources significance.
- 1.2 The Phase 1 Archaeological Survey will be completed prior to grading or striping activities stripping operations and mining limits may be adjusted based on the findings of the survey to minimize or eliminate the potential for significant irreversible impacts.

Erosion and Sedimentation

2.1 The mine operates under a Minnesota Pollution Control Agency (MPCA) General Permit for non-metallic mineral mining, which will be amended to include the expansion area.

2.2 Erosion and sedimentation will be controlled using MPCA Best Management Practices (BMP) and treating and stormwater that contacts disturbed soil or other significant material prior to discharge off-site in accordance with a site specific stormwater pollution prevention plan to be prepared for the existing mine and the expansion property. BMPs to be implemented may include silt fences, berms, rock construction entrances, and seeding disturbed areas.

2. Cumulative potential effects of related or anticipated future projects:

The EAW addressed potential cumulative effects of this mine operating alongside several other mines operating in the area. Specifically cumulative impacts to wildlife habitat and natural plant communities, ground water quantity and quality, stormwater and wastewater. Because mining is conducted in phases and reclamation is conducted as phases of mining are completed, cumulative effects are minimized. In addition, this is the continuation of an on-going mining operation and increases in production which may be associated with an increase in the potential for cumulative environmental effects are not anticipated.

3. The extent to which environmental effects are subject to mitigation by ongoing public regulatory authority:

3.1 All appropriate permits are in place (as a result of the existing operation) and will be modified or obtained before work starts in the expansion area.

3.2 The following environmental effects are subject to MPCA regulatory authority:
Stormwater; Water Quality; Noise; Fuel Storage and Air Emissions.

3.3 The following environmental effects are subject to DNR regulatory authority:
Water Quantity; Surface Waters; Wetlands/public waters; and Wildlife and Habitat.

3.4 A Phase I Archaeological Survey will be conducted this spring to determine if there are any sites of cultural resource significance involved with the project before work starts on the project. If any significant sites are found, mitigation will be addressed in the Conditional Use Permit.

4. The extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer:

4.1 No other EISs or studies undertaken by public agencies or the proposer were reviewed.

CONCLUSIONS

- A. The EAW, comments received on the EAW, and the responses prepared, have generated sufficient information to determine whether the Proposed Project has the potential for significant environmental effects.
- B. Areas where the potential for significant environmental effects from the Project may have existed have either been identified and incorporated into the EAW or will be mitigated through State and local mandatory permitting and regulatory procedures.
- C. The Project will be required to meet all regulatory standards through permitting, monitoring, and mitigative measures.
- D. Based upon the criteria established in Minnesota Rule 4410.1700, subpart 7, the Project does not have the potential for significant environmental effects. An Environmental Impact Statement is not required.
- E. Any findings that might properly be termed conclusions and any conclusions that might properly be termed findings are hereby adopted as such.

ORDER

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF LE SEUER COUNTY, STATE OF MINNESOTA, as follows:

That the Le Sueur County Board, after review of the findings of facts and conclusions determines that there are no potential significant environmental effects reasonably expected to occur from the Traxler Construction Inc. Gravel Mine Expansion and there is no need for an Environmental Impact Statement,

The motion for the adoption of the foregoing resolution was duly seconded by Board member _____ and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

and the following abstained:

and the following were absent:

whereupon said resolution was declared duly passed and adopted by the Le Sueur County Board this the 16th day of February 2016.

Chairperson, Board of County Commissioners

ATTEST:

County Administrator