

**Final Scoping Decision Document
Bryan Rock Products, Inc.
Waterford Township Limestone Quarry**

**Waterford Township
Dakota County, Minnesota**

November 2023

Responsible Government Unit: Waterford Township

Contact Person:

Elizabeth Wheeler
Waterford Township Clerk
P.O. Box 531
Northfield, MN 55057
Email: waterfordtownship@gmail.com
Phone: (651) 346-8467

Proposer:

Bryan Rock Products, Inc.

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1.0 Introduction

The Proposer, Bryan Rock Products, Inc. (Bryan Rock), seeks to develop a limestone quarry on an approximately 317-acre property located in Waterford Township, Dakota County, MN (Site). The Project includes development of a limestone quarry with the establishment of mining limits, phasing, and reclamation plans (Project). The mining limits will include 223 acres of total quarry area.

The preparation of an Environmental Impact Statement (EIS) is mandatory pursuant to MN Rules 4410.4400, Subpart 9B – which states “*For development of a facility for the extraction or mining of sand, gravel, stone, or other nonmetallic minerals other than peat, which will excavate 160 acres of land or more to a mean depth of 10 feet or more during its existence, the local government unit shall be the RGU.*”

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Contact Person: Elizabeth Wheeler
Waterford Township Clerk
P.O. Box 531
Northfield, MN 55057
Email: waterfordtownship@gmail.com
Phone: (651) 346-8467

Proposer: Bryan Rock Products, Inc. Matt Bryan
P.O. Box 215
Shakopee, MN 55379
Phone (952) 445-3900
Email: mattb@bryanrock.com

This Final Scoping Decision Document (SDD) establishes the intended scope of the Environmental Impact Statement (EIS) and identifies the issues and alternatives that will be examined in depth in the EIS. This Final SDD was modified based on agencies and public comments received on the Draft SDD during the scoping process and the EIS will be prepared in accordance with this Final SDD.

2.0 Purpose and Need

The EIS must evaluate the “economic, employment, and sociological impacts” as well as environmental effects of the Project and will compare the potentially significant impacts of the proposal with a No Action Alternative and other reasonable alternatives to the Project.

When assessing the viability of various alternatives, and per Minnesota Rules (4410.2300 H), the EIS

considers the fundamental need for the Project in addition to the environmental, employment, and sociological impacts of the proposed action and each major alternative.

The Project will supply the region with limestone aggregates which are a basic raw material the construction and agricultural industries depend on. Construction activities utilize most of the aggregate produced in Minnesota including crushed aggregate in concrete and asphalt pavements, drainage base under roads and sewers, as well as parking lots and sidewalks. A significant amount of aggregate goes into concrete for bridges, buildings, and pre-cast blocks. The limestone aggregate that is produced is also used as riprap for erosion control, and as railroad ballast. Ag-lime is used as a soil conditioner in agriculture production. Ag-lime neutralizes soil acidity for better fertilizer efficiency thereby increasing crop yields and facilitating sustainable food production.

The state as well as local governments including counties, cities, and townships depend on a continual supply of aggregate materials for road building and other purposes. It is estimated that 10 tons of aggregate are consumed per person per year. Aggregates are used in growing communities in a number of applications including concrete and asphalt mixes, foundations for highways and structures, railroad ballast, road shoulder stabilization, gravel roads, driveways, riprap/erosion control, shoreland stabilization, snow and ice control, drainfields, golf course sand, infield mix, recreational trails, landscape rock, engineered backfill, retaining wall blocks, and beaches.

The availability of high-quality aggregate resources within the seven-county metropolitan area is rapidly diminishing. Development pressure removes the potential to access aggregate resources through land development and zoning decisions. This only serves to increase the demand for construction aggregates. The Aggregate Resources Inventory of the Seven-County Metropolitan Area (Aggregate Resource Inventory), prepared by the Minnesota Geological Survey (MGS) Information Circular 46 dated May 9, 2000), estimated that by the year 2000, approximately 70% of aggregate reserves in the Twin Cities metropolitan area were covered by development and are no longer available for use. It is a challenge to find high quality accessible bedrock aggregate resources. The resource must be located near to the surface without excessive depths of overburden, have a sufficient thickness and be of a high enough quality to meet construction aggregate specifications. The Aggregate Resources Inventory indicates that the majority of remaining unencumbered bedrock aggregate resources are located solely within southern Washington and eastern and southeastern Dakota County.

Aggregate resources are critical and finite. The MGS and the Metropolitan Council have recognized the value of identifying and preserving those remaining aggregate resources. On a local scale, when potential aggregate resources are not permitted for extraction and utilization of the resource, the aggregates must be shipped from further distances creating a burden on public infrastructure, increased greenhouse gas emissions, and increased costs due to the high environmental and economic cost of importing aggregates from more distant locations. The cost of all projects requiring aggregates increases with the increased distance from the source. Larger projects such as airport runways, road construction, schools, local streets, community centers, and medical facilities are impacted the most. It is therefore sound land use planning to allow the extraction of this available high-quality resource under the on-going authority of a

local zoning/conditional use/mining permit.

3.0 Project Alternatives

The EIS must evaluate the “Environmental, economic, employment, and sociological impacts” (Minnesota Rule 4410.2300, Item H.) of the Project and will compare the potentially significant impacts of the proposed Project with a No Action Alternative and other reasonable alternatives. The Minnesota Environmental Review Rules require the EIS to address at least one alternative of each of the following types of alternatives or provide an explanation of why no alternative of a particular type is included in the EIS (Minnesota Rule 4410.2300, Item G.):

- No Action Alternative
- Alternative Sites
- Alternative Technologies
- Modified Designs or Layouts
- Modified Scale or Magnitude
- Alternatives incorporating reasonable mitigation measures identified through the EIS scoping and Draft EIS process.

An alternative may be excluded from analysis in the EIS if:

- it would not meet the underlying need for or purpose of the project.
- It would likely not have any significant environmental benefit compared to the project as proposed.
- Another alternative, of any type, that will be analyzed in the EIS would likely have similar environmental benefits but substantially less adverse economic, employment, or sociological impacts.

3.1 Proposed Project

Bryan Rock proposes to develop a limestone quarry on 317 acres of property they own in Waterford Township, Dakota County, MN. The Project establishes mining limits, phasing, and reclamation plans. The mining limits will include 223 acres of total quarry area. The quarry operations will include topsoil and overburden removal, dewatering, blasting, extraction, processing (crushing, washing, screening,) stockpiling, loading, hauling, and reclamation. The quarry operation will be conducted in phases. Extraction of limestone will progress across the Site over an estimated 50-year timeframe. The mine proposes to excavate the upper approximately two thirds of the Prairie du Chien Group limestone/dolomite deposit. The proposed depth of excavation is an average of 145 feet extending to an elevation of 775 feet above mean sea level (msl). Aggregates produced at the Site will be used in the construction industry throughout the southern metropolitan area.

3.2 No Action Alternative

The EIS will include a No-Build Alternative. The No-Build Alternative assumes the Project Site will continue to be used for crop production. The evaluation of a No-Build Alternative will describe and analyze potential impacts to the topics considered in the EIS, including socio-economic impacts if the proposed Project did not occur.

3.3 Alternative Sites

An Alternative Site analysis will be excluded from the alternatives studied in the EIS consistent with Minn. Rules 4410.2300 subp. G and the Environmental Quality Board's (EQB) May 2010 Guide to Minnesota Environmental Review Rules produced by the Environmental Quality Board staff. The Rules establish that an alternative that does not meet the underlying purpose for the Project can be excluded from the alternatives analysis. Specific guidance regarding alternative site analysis is provided in the May 2010 guidance document. One criterion in both the Rules and May 2010 guidance document for excluding an alternative site from the analysis is that there would be no significant environmental benefit over the proposed Project. It is documented in other EISs for construction aggregate facilities in Dakota County (i.e., Empire Township and UMORE), that other sites in the vicinity are expected to have similar environmental effects.

EQB Guidance also indicates that site access or ownership is a key criterion to consideration of an alternative site analysis. With regard to site access/ownership, Bryan Rock has a signed purchase agreement for the Proposed Project site, that has been in place for over a year, which provides access to the mineral resource. Bryan Rock has incurred substantial costs related specifically to the Proposed Project Site that cannot be recovered if the Proposed Project was moved to another site/location. Bryan Rock does not have access/ownership to mineral rights on other sites. Bryan Rock does not have eminent domain authority, which would provide a means to obtain access rights. The Proposed Project site in of itself is an integral part of this Project. The location of the resource, i.e., being mapped as a shallow bedrock subcrop of dolomite, is just one element to the analysis for site suitability. There are several other very site-specific factors that are critical in establishing site suitability including but not limited to access to the resource, verified quality of the resource, verified quantity of the resource, and distance from intended market, as haul distance is an integral factor in site suitability for aggregate resources. These critical aspects of site suitability cannot be determined for other sites where access is not available. Lastly, as indicated in the May 2010 EQB guidance, RGUs should not examine extraneous alternatives just to make an EIS more complicated.

3.4 Alternative Technologies

Relevant alternative technologies would involve wet mining techniques. Wet mining technologies, such as a dredge or drag line, are not practical given the type of materials (bedrock as opposed to unconsolidated sand and gravel) or the depths to which the target resource extends below the water table. Wet mining technologies are not a reasonable alternative that would meet the need or purpose of the Project and will not be considered in the EIS.

3.5 Modified Designs or Layouts

The design and layout of the proposed Project was based on a hydrogeologic evaluation that verified the extent of resource and the identification and avoidance of environmentally sensitive areas, including on-site wetlands, floodplains, and shoreland areas and the continued use of the Site for agricultural production during the initial phases of mining activity. A specific modified design or layout will not be included in the EIS, however, as studies are completed, if modifications to the mine plan are identified that could reduce impacts or provide greater environmental protection, they will be identified as mitigation alternatives.

3.6 Modified Scale or Magnitude

The EIS will include an evaluation of a modified scale by looking at an alternative that decreases the depth of the proposed dewatering floor by 20 feet to determine largely if that alternative provides significant environmental benefits over the proposed Project.

3.7 Incorporation of Reasonable Mitigation Measures Identified Through Public Comments

Alternatives incorporating reasonable mitigation measures identified through EIS Scoping and Draft EIS process will be further evaluated in the EIS. Mitigation measures will be identified to provide decision makers with a list of possible measures to reduce environmental impacts.

4.0 EIS Studies

RGU has evaluated the Scoping EAW to determine how the topics evaluated will be treated in the Draft EIS using the following criteria:

- A. The topic is obviously not relevant or is so minor that it will not be addressed at all in the Draft EIS.
- B. The topic is minor but will be discussed briefly in the Draft EIS using the same information as in the Scoping EAW.
- C. The topic is significant, but the Scoping EAW information is adequate with some addition or updates for use in the Draft EIS.
- D. The topic is significant and information beyond what was in the Scoping EAW will be included in the Draft EIS.

Table 4-1 Final Scoping Decision Item Summary

Scoping EAW Item Number and EIS Content Topic	How Topic will be Addressed in Draft EIS
6. Project Description	D
8. Cover Types	B
10. Land Use	C
11a. Geology	B
11b. Soils and Topography/Landforms	A
12. Water Resources	D
13. Contamination/Hazardous Materials/Wastes	C
14. Fish, Wildlife, Plant Communities, and Sensitive Ecological	C
15. Historic Properties	D
16. Visual	B
17. Air	A
18. Greenhouse Gas/Carbon Footprint	A
19. Noise	D
20. Transportation	B
21. Cumulative Potential Effects	D
22. Other Potential Environmental Effects: Blasting	D
23. Socioeconomic Impacts	D

4.1 Minor Corrections/Updates

General Comments

1. The EIS studies are intended to analyze worst case conditions to determine if the potential for a significant environmental effect is likely to occur. However, because of the progressive nature of a quarry operation, where appropriate, the studies will incorporate additional analysis at intermediate stages of development. This information will be utilized to help establish if or when a mitigation may be appropriate.

Section 6 (Project Description)

1. The project description will be updated in the EIS to describe how the unmined areas will be utilized over the life of the project.
2. The description of the reclamation plan will be expanded in the project description. The narrative will be expanded to include a discussion of potential carbon emission reduction measures that can

be incorporated into site operations and reclamation activities to enhance carbon storage.

Section 10 (Land Use)

1. A discussion of effects to the seasonal snowmobile trail, resulting from the Project, will be included in the EIS, including impacts related to winter dewatering discharge.
2. Identification and discussion of existing and proposed wetland banks in the vicinity of the Project will be added to the land use section of the EIS.

Section 12 (Water Resources)

1. The tributary near the Project area goes by several names. The official MDNR Public Water name is Unnamed Tributary, but the County calls this same tributary County Ditch #2, and it is listed on the County Web Mapping Application as Tributary No. 1 to North Branch Chub Creek. The naming convention of this tributary will be clarified for consistency in the EIS.

Section 13 (Contamination/Hazardous Materials/Wastes)

1. More detail will be provided in the EIS relative to how the recycled concrete and asphalt part of the operation will occur, with focus on storage, management, processing, beneficial use, potential impacts to groundwater contamination, and pollution prevention.
2. More detail will be provided regarding on site fuel handling and storage including information on separation from groundwater and bedrock and compliance with MPCA fuel storage regulations.
3. This section will be expanded in the EIS to address the adjacent natural gas pipeline, potential contamination impacts resulting from conducting mining operations adjacent to the pipeline, and emergency response measures.

Section 14 (Fish and Wildlife Resources)

1. A more detailed description of potential effects to fish and wildlife resources will be included in the EIS, specifically related to State easements, wetlands and wetland banks near the mining area, if determined that these areas are likely to be indirectly impacted as a result of the dewatering operations.
2. The section will include a description of the required prohibition of tree and shrub removal from April through July within the Project Area including setbacks areas and perimeter berms that are constructed and vegetated within setback areas to protect loggerhead shrike nesting areas.

5.0 Special Studies

This section describes the compilation and analysis of existing information or studies to be conducted that include the development of new data. Studies for topics identified as having a potential significant impact “C” or “D” will be used to evaluate alternatives and potential environmental effects.

5.1 Water Resources

- a. The EIS will include the development of a site-specific groundwater model utilizing information from the hydrogeologic investigation and on-site pumping test. The model will be used to predict pumping requirements and the characterization of the radius of influence resulting from proposed pumping levels. (Hydrogeologic Investigation, pump test and model development has been completed and was included in the SEAW.) Results of the modeled alternatives will be used as a basis for establishing the potential impact areas to be evaluated in the subsequent water resource evaluations listed below.
- b. A well inventory will be completed which will identify residential water supply wells and irrigation wells within the area that could be impacted by dewatering. The inventory will include a review and summary of well construction information and assessment of the potential water quality and quantity impact of each well, including residential water supply and irrigations wells, to predicted drawdowns.
- c. The EIS will include an analysis of potential water quality and quantity impacts of dewatering and dewatering discharges to County Ditch #2, Tributary No. 1 of North Branch Chub Creek, North Branch of Chub Creek, Chub Creek, and the Cannon River, or as an alternative irrigation water supply, and include mitigation measures to address impacts identified in the analysis. The analysis will include evaluation of predicted discharge volumes and flow rates to assess potential upstream and downstream flooding and winter discharge impacts. The analysis will include an evaluation of potential impacts to water quality resulting from existing elevated levels of nitrates in the groundwater as well as mitigation strategies to reduce existing groundwater impairments through discharge of dewatering water through the adjacent wetland complex or as alternative irrigation water supply to offset existing fertilizer use.
- d. The EIS will include an analysis of potential effects of a lowered water table to surrounding lands to include the potential for impacts to cropland and sod farms including the potential for subsidence or the development of karst features (also referred to as subsidence or sinkholes) along with a monitoring and mitigation plan, if appropriate.
- e. The EIS will include a proposed groundwater level monitoring plan to monitor water level changes as dewatering progresses across the Site and a well interference mitigation plan to

address any identified impacts to water supply or irrigation wells.

- f. The EIS will include an analysis of potential impact to wetlands and wetland banks located within the area of potential impact. The evaluation will include a more detailed description of potential effects to fish and wildlife resources if wetlands or wetland banks near the mining area are determined to be indirectly impacted as a result of the dewatering operations. Similarly, if indirect wetland impacts are identified, a wetland monitoring and mitigation plan would be prepared. (Note: Wetland Delineation completed August 2022).
- g. The EIS will include a discussion of potential effects to seasonal snowmobile trails, specifically as it relates to winter dewatering discharge.

5.2 Historic Properties

- a. The EIS will include a Phase 1 archaeological survey completed to the guidelines provided by State Historic Preservation Office.

5.3 Visual

- a. The EIS will include a viewshed analysis and the development of a screening plan.
- b. The EIS will include an analysis of potential impacts from the use of lights during non-daylight hours.
- c. The analysis will include mitigation measures to minimize potential impacts to wildlife from use of LED lighting.

5.4 Noise

- a. The EIS will include an analysis of predicted noise levels at nearby sensitive receptors, predicted noise levels will be compared to state standards, and mitigative measures will be identified and incorporated as necessary based on model results.

5.5 Transportation

- a. The EIS will include a traffic impact analysis that includes an assessment of the Project on the nearby roadway system and identifies any applicable mitigation.
- b. The EIS will include an evaluation of project-related impacts to the shared access road that runs along the southern boundary of the Project Area, including the location of the mine berms, anticipation of mine traffic on the access road during different mine life stages, identification of fugitive dust control measures (as may be appropriate), including evaluation of the proposed fugitive dust impacts on adjacent crops.

5.6 Blasting

- a. A Blast Monitoring Plan will be prepared and included in the EIS that will address the blasting process, best practices, notification procedures, blast monitoring, pre-blast surveys, reporting requirements, standards, and blast vibration mitigation measures to ensure compliance with adopted standards.
- b. This section of the EIS will include additional analysis of potential effects of blasting related to the natural gas pipeline running adjacent to the mine and describe mitigation measures as may be appropriate.

5.7 Socioeconomic Impacts

- a. The EIS will include an analysis of the Project and Project Alternatives on the socioeconomic impacts. The socioeconomic impact analysis will include information on financial impacts to the township, property values, the local economy, and jobs.

6.0 EIS Schedule (Tentative)

The timeline for the scoping period and EIS preparation will be in accordance with the time limits for preparation as set forth in Minn. R. 4410.0200 to 4410.6500. A preliminary schedule and list of activities for the completion of the EIS for the Project is outlined in Table 7.1 Anticipated EIS Schedule:

Table 6.1 Scoping Process

Planned Date	Event
August 10, 2023	RGU approves resolution
August 15, 2023	Draft Scoping EAW and Draft Scoping Decision Document submitted to EQB
August 22, 2023	Draft Scoping EAW and Draft Scoping Decision Document published in EQB Monitor
September 6, 2023	RGU holds public meeting
September 21, 2023	30-day comment period ends
November 9, 2023	RGU issues scoping decision (the regulatory 15-day time period may be extended by no more than 15 additional days to accommodate the Township’s monthly meeting schedule).
December 5, 2023	EIS preparation notice published in EQB Monitor, RGU issues press release, 280-day EIS process begins

Table 6.2 Draft EIS

Planned Date	Event
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March 2024	RGU distributes completed EIS draft and publishes notice in EQB Monitor. Summary provided to all members of the EAW distribution list and other commentors
April 2024	Draft EIS published in the <i>EQB Monitor</i>
April 2024	RGU holds informational meeting not less than 15 days after publication in <i>EQB Monitor</i>
June 2024	RGU publishes response to substantive comments on Draft EIS and prepares Final EIS

Table 6.3 Final EIS

Planned Date	Event
August 2024	Final EIS published in <i>EQB Monitor</i> /Final EIS distributed
September 2024	Interested persons may submit written comments (not less than 10 days following publication)
November 2024	RGU makes determination of adequacy of the Final EIS (at least 10 days following publication)
December 2024	Adequacy decision notification and published in <i>EQB Monitor</i>

7.0 Government Permits and Approvals (Scoping EAW item)

Table 7.1 Permits and Approvals to be Required or Modified

Unit of Government	Type of Application	Status
Waterford Township	Mineral Extraction Permit	Application Submitted
	Wetland Conservation Act (WCA) Permit	To be applied for, if required
Minnesota Pollution Control Agency (MPCA)	Air Emissions General Permit or Amendment to Existing	To be applied for
	NPDES/SDS MN G490000 General Permit for Non-Metallic Mineral Mining and Associated Activities	Obtained (MNG490080). Will add Site prior to initiating mining operations.
	Section 401 Water Quality Certification	To be applied for if required
Minnesota Department of Natural Resources (MDNR)	Water Appropriations Permit	To be applied for - application developed concurrent with EIS
	Public Waters Work Permit	
Dakota County	Well Construction Permits	Obtained

	Well Sealing Permits	To be applied for if required
	Public Drainage Systems Permit	To be applied for – application developed concurrent with EIS
	Commercial Driveway Access Permit	To be applied for – application developed concurrent with EIS
	Hazardous Waste minimal generator registration	To be applied for if required
US Army Corps of Engineers (USACE)	Clean Water Act Permit	To be applied for, if required