

WATERFORD TOWNSHIP



"where the path from the past and the future meets"

Resolution 2026-02 Approval to Distribute Draft EIS for the Proposed Limestone Quarry & Initiate the Mandatory Public Comment Period

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WHEREAS, the Township of Waterford (hereinafter referred to as the **“Township”**) under Minnesota State Statute, section 365.02 (a) is a public corporation organized and existing under the laws of the State of Minnesota; and

WHEREAS, the Waterford Town Board amended Zoning Ordinance No. 2001-5 by adopting Amendment No. 2019-1, effective on July 17, 2019, establishing and incorporating into Zoning Code Section 7.23 Mineral Extraction permitting requirements, environmental review procedures and performance standards to regulate mineral extraction; and

WHEREAS, the Waterford Town Board further amended the Township’s Zoning Ordinance by adopting Ordinance 2024-01, effective November 6, 2024, which in part, replaced Zoning Code Section 7.23 Mineral Extraction; and

WHEREAS, the Waterford Town Board on January 21, 2026 further amended the Township’s Zoning Ordinance by adopting Ordinance 2026-01, effective January 28, 2026, which in part, replaced Zoning Code Section 7.23 Mineral Extraction; and

WHEREAS, Bryan Rock Products, Inc, proposed operator and Thomas Devney, Waterford Township property owner, submitted a Zoning Permit Application Conditional Use – Mining application to the Township for the development of a new limestone quarry (Proposed Project) on October 26, 2022 totaling a project acreage of 317 acres with approximately 223 acres proposed for mining and 94 additional acres defined as setback and open space; and

WHEREAS, the size of the proposed mineral extraction area per Minnesota Rules, part 4410.4400, **requires** an Environmental Review, specifically an Environmental Impact Statement (EIS); and

WHEREAS, the environmental review is conducted by a responsible government unit (RGU) per Minn. R. 4410; and

WHEREAS, the lengthy rigorous environmental review process provides a framework for investigation and examines the project’s impacts **before** any permits from various regulatory agencies are either issued and/or denied; and

WHEREAS, the Minnesota Environmental Quality Board recommends government entities without staff and/or the expertise/experience with the legally regulated environmental review process hire a consultant experienced in similar projects types, including legal documents (EAW, EIS, DSDD, FSDD), methods of environmental analysis; including the project proposer’s data submittal for dewatering, wetland, ecological, traffic, storm water run-off, blasting, and other impacts related to the project; and

WHEREAS, Waterford Township, where the proposed limestone quarry is located, is the RGU and sought legal advice from the then Township Attorney as to the “environmental review process” resulting in his advice to contract with an environmental consultant versed in the environmental review process; and

WHEREAS, Waterford Township then contracted with Stantec to identify the legal requirements the project is subject to, which will provide professional technical expertise; analyze the data submitted by the proposer; coordinate the public comment period and review and/or write the documents required in an environmental review process; and

WHEREAS, the decision to contract with Stantec was because of its extensive expertise and experience in environmental review in mineral extraction not only in Minnesota and the United States but globally; and

WHEREAS, a Scoping Environmental Assessment Worksheet (EAW) and Draft Scoping Decision Document (DSDD) were prepared per Minn. R. 4410.2100, and

WHEREAS, on August 10, 2023, the Town Board approved Resolution 2023-18 causing the publication

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(Northfield News, Sun-Lakeville, Environmental Quality Board (EQB) Monitor) and distribution (Northfield Public Library, Dakota County Library-Farmington, Waterford Township website) of the Scoping EAW and DSDD effective August 21, 2023; and

WHEREAS, the Scoping EAW and DSDD were published (EQB Monitor) on August 2023 for the 30-day public comment period extending from August 21, 2023 through September 21, 2023; and

WHEREAS, a Public Scoping Meeting was held on September 6, 2023 at 7:00 p.m. to provide an opportunity for the public to provide verbal comments in response to the Scoping EAW; and

WHEREAS, the public comments received by the Town Clerk via the Township's website link during the 30-day public comment period and during the Public Scoping Meeting (25 public comments total) were forwarded to Stantec (Ms. Courtney Bot – Township's Consultant) for review; and

WHEREAS, Ms. Bot following her review of the public comments then forwarded the public comments to Sunde Engineering PLLC (Ms. Kirsten Pauly – Project Proposer's Consultant) for review and inclusion in the Scoping Decision Document; and

WHEREAS, Ms. Pauly, after her review then provided Ms. Bot, with a draft Final Scoping Decision Document (FSDD) for review in October 2023; and

WHEREAS, Ms. Bot reviewed the Project Proposer's response to public comments on the Scoping EAW and the FSDD, as a whole, for consistency with the requirements contained within Minn. R. 4410.2100 Subp. 6 Scoping Decision; Contents; and

WHEREAS, Ms. Bot then sent comments to Ms. Pauly on the draft FSDD; and

WHEREAS, Ms. Pauly then delivered the Final Scoping Decision Document to Ms. Bot and Ms. Bot deemed the Response to Comments and the FSDD consistent with the requirements of Minn. R. 4410.2100 Subp. 6; and

WHEREAS, Ms. Bot then provided then Township Clerk, Elizabeth Wheeler, the Final Scoping Decision Document (FSDD), including the Response to Comments, by email for inclusion in the Board Packet for October 12, 2023; and

WHEREAS, Ms. Wheeler, prior to receiving the FSDD from Ms. Bot for inclusion in the Board Packet, mailed a meeting notice to 345 property owners (all Township property owners, all property owners within 1.5 miles of the proposed limestone quarry property and all those that submitted a written public comment) on Friday, September 29, 2023 inviting the public to attend a presentation of the Township's consultant/hydrogeologist and the Project Proposer's consultant/hydrogeologist on Thursday, October 12, 2023 at 6:00 p.m. at the Northfield Ballroom; and

WHEREAS, upon receipt of the FSDD, Ms. Wheeler uploaded (an established practice) the Board Packet (containing the FSDD, including the Response to Comments) to the Township website on Tuesday, October 10, 2023 prior to the Thursday, October 12, 2023 Regular Board Meeting; and

WHEREAS, on October 12, 2023 the Township Board received from the Township's consultant (Stantec) and the Project Proposer's consultant (Sunde Engineering) an update on the work completed to date plus the plans moving forward for the Proposed Limestone Quarry, including the hydrogeologic investigation and groundwater model development; and

WHEREAS, the Waterford Town Board acting as Responsible Governmental Unit (RGU) per Minn. R. 4410.4400 Subp. 9 B determined the Final Scoping Decision Document is consistent with the requirements of Minn. R. 4410.2100 Subp. 6 Scoping Decision; Contents and issued the document as the Final Scoping Decision Document for the Proposed Limestone Quarry in Waterford Township on November 9, 2023; and

WHEREAS, subsequent to November 9, 2023, the Project Proposer prepared a Preliminary Draft Environmental Impact Statement (Preliminary Draft EIS) consistent with the FSDD providing sections of the incomplete Preliminary Draft EIS over the timeframe of late 2023 to December of 2025; and

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WHEREAS, Stantec reviewed sections of the Project Proposer's Preliminary Draft EIS and provided comments; and

WHEREAS, the Project Proposer finally provided the purportedly complete Preliminary Draft EIS to Stantec for Stantec to distribute to the Waterford Town Board for its review from December 12-18, 2025; and

WHEREAS, the Waterford Town Board provided the Project Proposer with review comments and a corresponding agenda for the Town Board Work Session on December 23, 2025; and

WHEREAS, the Project Proposer prepared revisions to the Preliminary Draft EIS on December 30, 2025 and Stantec reviewed prior to distributing to the Waterford Town Board on January 1, 2026 in preparation of the Town Board meeting on January 8, 2026; and

WHEREAS, the Waterford Town Board reviewed the January 1, 2026 version of the Preliminary Draft EIS prior to January 5, 2026 for purposes of finalizing for Waterford Town Board purported action on January 8, 2026; however, various provisions and argumentative language remained in the Preliminary Draft EIS, such that further comments resulted from the Waterford Town Board; and

WHEREAS, the Waterford Town Board provided the Project Proposer with review comments on January 6, 2026; and

WHEREAS, the Project Proposer prepared revisions to the Preliminary Draft EIS on January 8, 2026, and the Town Board removed consideration of the Preliminary Draft EIS from the January 8, 2026 Town Board agenda to provide time to review the complete document; and

WHEREAS, Town Consultants and the Project Proposer exchanged additional rounds of comments between January 8 and January 12, 2026 and on January 13, 2026, the Project Proposer provided a summary document responding to previous versions of the Preliminary Draft EIS; and

WHEREAS, on January 20, 2026, the Project Proposer provided revisions to the Preliminary Draft EIS and such comments were provided to the Waterford Town Board in preparation of the Town Board meeting on January 21, 2026; and

WHEREAS, Stantec reviewed the January 20, 2026, Preliminary Draft EIS prior to the January 21, 2026 Town Board meeting; and

WHEREAS, Town Consultants and the Project Proposer exchanged additional rounds of comments between January 21 and February 9, 2026 and as of February 9, 2026, the Project Proposer provided a summary document responding to previous versions of the Preliminary Draft EIS; and

WHEREAS, a final Draft EIS was not received by the Waterford Town Board prior to the February 9, 2026, meeting; and

WHEREAS, at the February 12, 2026 Town Board meeting, the Town Board authorized additional consultants to review the Preliminary Draft EIS; and

WHEREAS, following the February 12, 2026 Town Board Meeting, the Town Board and Project Proposer exchanged additional rounds of comments and also received comments from Kim Linquist at WSB; and

WHEREAS, on February 20, 2026, additional comments were received by the Town Board related to the land use section of the EIS – these changes were presented to the Town Board on February 20, 2026 and will be incorporated into the Draft EIS along with any additional changes requested by the Board on February 20, 2026 prior to distribution; and

NOW THEREFORE, be it resolved by the Waterford Town that the above referenced recitals are incorporated

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herein by reference to the Resolution; and

NOW THEREFORE, be it further resolved by the Waterford Town Board that it hereby determines and directs the following:

1. The Proposer's consultant shall deliver the final Draft EIS to Stantec, which shall contain no additional revisions, as to be determined by Stantec;
2. Stantec shall insert the revised land use language into the Draft EIS;
3. Stantec shall review and determine consistency of the Draft EIS with the EAW agency comments and any other necessary review requirements;
4. If Stantec determines that the Draft EIS is consistent with Nos. 1, 2 and 3 above of this clause, then the Waterford Town Board acting as Responsible Governmental Unit shall proceed as set forth below in this Resolution;
5. If Stantec determines that the Draft EIS is NOT consistent with this clause, the Draft EIS shall be returned to the Waterford Town Board for further action; and

NOW THEREFORE, based upon the satisfaction of No. 4 above, be it further resolved by the Waterford Town Board acting as Responsible Governmental Unit hereby determines that the Preliminary Draft EIS has been prepared consistent with Minnesota Rules, 4410.0200 to 4410.6500 and in accord with the scoping document and is considered the Draft EIS; and

NOW THEREFORE, based upon the satisfaction of No. 4 above, be it further resolved that the Draft EIS shall be distributed for a period beginning on March 10, 2026 and ending on May 9, 2026; and

NOW THEREFORE, based upon the satisfaction of No. 4 above, be it further resolved that the Waterford Town Board with the Project Proposer and Stantec will carry out the requirements per Minn. R. 4410.2600 including: Subp. 2 (Distribution of the Draft EIS), Subp. 3 (Distribution of the Draft EIS Summary), Subp. 5 (Notice to publish in EQB Monitor), Subp.6 (Press release); and

NOW THEREFORE, based upon the satisfaction of No. 4 above, be it further resolved that a Draft EIS Information Meeting will be held on a date to be determined by the Waterford Town Board per Minn. R. 4410.2600 Subp. 2; and

NOW THEREFORE, based upon the satisfaction of No. 4 above, be it further resolved that the Town Clerk will provide a notification email with this resolution attached to all parties on the Limestone Quarry Group Email Notification list as presented at the February 20, 2026 Town Board Meeting; and

NOW THEREFORE, based upon the satisfaction of No. 4 above, be it finally resolved the Town Clerk will upload the Draft EIS to the Township's website (waterfordtownshipmn.org).

Brett Stadler, Chairperson

Tom Davis, Town Clerk