

**Responses to Comments, Findings of Fact and Conclusions, and Record of  
Decision**

**for**

**Vetter Stone Company**

**Environmental Assessment Worksheet**

**Responsible Governmental Unit (RGU)**

**Le Sueur County**

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## INTRODUCTION

Vetter Stone Company is proposing to expand its existing permitted mine area located in Kasota Township, Le Sueur County, Minnesota. The Project will include expanding the dimensional limestone and aggregate extraction area of the existing mine operation by approximately 152 acres across 11 parcels of land.

Operational activities that will manipulate the environment will include mining activities. This will consist of the removal of overburden via excavation and blasting, and the extraction of dimensional limestone and aggregate to a depth of approximately 45 feet. The proposed mining expansion area currently consists of open grassland and wetlands. No modifications will be made to the existing Vetter Stone Company equipment or industrial processes. These occur offsite and will not be relocated or need to be modified as part of the Project. The Vetter Stone plant is located approximately 0.75 miles south of the Project site and is accessible from it via a private haul road. The plant consists of a single building which includes equipment for the milling, cutting, and finishing of stone.

An Environmental Assessment Worksheet (EAW) was prepared pursuant to Minnesota Rules Chapter 4410.4300, Subp. 12B: "For development of a facility for the extraction or mining of sand, gravel, stone, or other nonmetallic minerals, other than peat, which will excavate 40 or more acres of land to a mean depth of 10 feet or more during its existence."

## EAW NOTIFICATION, DISTRIBUTION, AND COMMENT PERIOD

In accordance with Minnesota Rules 4410.1500, the EAW was completed and distributed to persons and agencies on the official Environmental Quality Board (EQB) distribution list. The EQB published notice of availability of the EAW in the *EQB Monitor* on December 10<sup>th</sup>, 2024 initiating a 30-day comment period that concluded on January 9<sup>th</sup>, 2025. A hard copy of the EAW was made available for review during the comment period at Le Sueur County Planning and Zoning office located at 88 South Park Ave, Le Center, MN, and a digital copy was available on the County website.

Appendix A includes copies of the comments received. A copy of the published EAW is currently available at: <https://lesueurcounty.gov/786/Public-Comments-for-Ongoing-Projects>.

## COMMENTS RECEIVED

The following letters, emails, or public hearing comments were received by Le Sueur County:

**Agency Comment Letter 1: Minnesota State Historic Preservation Office**

Dated January 3, 2025, from Kelly Gragg-Johnson, Environmental Review Program Specialist.

**Agency Comment Letter 2: Minnesota Pollution Control Agency**

Dated January 8, 2025, from Chris Green, Project Manager – Environmental Review Unit.

**Agency Comment Letter 3: Minnesota Department of Natural Resources**

Dated January 9, 2025, from Haley Byron, Regional Environmental Review Ecologist.

## RESPONSES TO COMMENTS

The following information and clarifications are provided in response to all EAW comments received during the 30-day comment period. Comments responses are provided in italicized text.

### Agency Comment Letter 1: Minnesota State Historic Preservation Office (SHPO)

**SHPO 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. For a list of consultants who have expressed an interest in undertaking such surveys, please visit the website <http://www.mnhs.org/preservation/directory>, and select "Archaeologists" in the "Specialties" box.

We will reconsider the need for survey if the project area can be documented as previously surveyed or disturbed. Any previous survey work must meet contemporary standards. Note: plowed areas and right-of-way are not automatically considered disturbed. Archaeological sites can remain intact beneath the plow zone and in undisturbed portions of the right-of-way.

Please note that this comment letter does not address the requirements of Section 106 of the National Historic Preservation Act of 1966 and 36 CFR § 800. If this project is considered for federal financial assistance, or requires a federal permit or license, then review and consultation with our office will need to be initiated by the lead federal agency. Be advised that comments and recommendations provided by our office for this state-level review may differ from findings and determinations made by the federal agency as part of review and consultation under Section 106.

***Response: Vetter Stone Company has committed to conducting a Phase I archaeological survey if so requested by a permitting agency. The project would not involve federal funding or permitting, thus the National Historic Preservation Act does not apply.***

### Agency Comment Letter 2: Minnesota Pollution Control Agency (MPCA)

**MPCA Comment:** Thank you for the opportunity to review and comment on the Environmental Assessment Worksheet (EAW) for the Vetter Stone Company project (Project) located in Le Sueur County, Minnesota. The Project consists of Vetter Stone Company expanding its existing permitted mine area located in Kasota Township, Le Sueur County, Minnesota. The Project will include expanding the dimensional limestone and aggregate extraction area of the existing mine operation by approximately 152 acres across 11 parcels of land. Minnesota Pollution Control Agency (MPCA) staff has reviewed the EAW and have no comments at this time.

We appreciate the opportunity to review this Project. Please provide the notice of decision on the need for an Environmental Impact Statement. Please be aware that this letter does not constitute approval by the MPCA of any or all elements of the Project for the purpose of pending or future permit actions by the MPCA. Ultimately, it is the responsibility of the Project proposer to secure any required permits and to comply with any requisite permit conditions.

***Response: So noted, thank you.***

### Agency Comment Letter 3: Minnesota Department of Natural Resources (DNR)

**DNR Comment 1:** The Minnesota Department of Natural Resources (DNR) submitted a plan review letter dated January 9, 2025, in response to the EAW. A copy of the letter is attached for reference. Please note that each review item is restated below along with our corresponding response.

Thank you for the opportunity to review the Vetter Stone Company environmental assessment worksheet (EAW) - the comments below address inaccuracies and potential impacts that warrant further investigation.

EAW Section 12. Water Resources: This section needs additional context regarding water appropriations permits, water use, and dewatering discharge locations to evaluate potential impacts on water resources. Robust information needs to be provided on how mining activities may impact Kasota 7 and Lime 30 calcareous fens, as well.

The point locations for the dewatering permits are not within the expanded mining borders provided in the EAW and will need to be reviewed by the Department of Natural Resources (DNR) for use in the new mining locations. These permits were also issued before the adoption of the Minnesota Wetland Conservation Act (WCA). Therefore, no environmental review was performed regarding Kasota 7 and Lime 30 calcareous fens. All four water appropriations permits have historically reported zero or minimal water use. The potential impacts of increased water use require examination. One or more water appropriations permit amendments may be required.

The discharge location for the three dewatering permits is stated as Long Lake on the individual permit applications. Long Lake is a public water wetland located Northwest of the proposed mining locations. The EAW should include how increased dewater activities may impact the wetland along with supporting data. How excavation will impact adjacent wetlands also requires examination.

Kasota 7 and Lime 30 calcareous fens are a rare and legally protected wetland type, and under Minnesota Statute 103G.223, cannot be impacted, altered, or degraded unless the DNR commissioner, under an approved management plan, decides some alterations are necessary. Impacts include any temporary or permanent disturbance from project-related activities, including construction, transport, infrastructure, or hydrology and water quality changes. Based on the information provided in the EAW, there will likely be impacts on the Kasota 7 fen. Potential impacts on Lime 30 fen require further assessment.

Coordination with the DNR is required. The DNR commissioner must approve any project that has the potential to impact a calcareous fen. For impact avoidance, the DNR must certify that there is no impact on the wetland containing the calcareous fens, and depending on the type of impact proposed, additional documentation may be needed to confirm avoidance measures are adequate. Projects that seek to impact calcareous fens are not guaranteed to be approved. It is important to note that financial considerations cannot solely be used as a justification for impacting a calcareous fen. If the project is approved, it may include the development of a calcareous fen management plan, compensatory mitigation, and long-term monitoring. Project proposers must receive DNR approval for the final project plan and avoidance measures prior to project implementation. Please submit the final project design, wetland delineation report, mining depths, and dewatering depths, duration and amounts to the DNR staff below.

***Response: Locations of the active DNR Water Appropriations Permits (WAP) are shown on the enclosed Quarry and WAP Map. Vetter Stone will discuss WAP amendments with DNR during the DNR project permitting process. Vetter Stone will also need to submit a Wetland Replacement Plan application to the local WCA administrator, the Le Sueur Soil and Water Conservation District (SWCD). The DNR is represented on the local WCA Technical Evaluation Panel and can provide review comments on the WCA application.***

***Reported historic water appropriation amounts are shown on the enclosed graphs. Water levels in the wells are fairly consistent, despite the variability in the dewatering amounts on an annual basis. The table below lists the active permits along with applicable permitted pumping rates and amounts. Water appropriations are variable depending on the location of active mining, which shifts from time to time based on demand. It should also be noted that dewatering pumping that is discharged directly to other areas of the quarry and doesn't leave the site has historically not***

been reported.

Permit #	Permitted Volume (Gallons per Year)	Permitted Pump Rate (Gallons per Minute)	Historic Use Range (not including years with zero reported)	Last 10 Years Use Range (not including years with zero reported)
1986-4092	135 million	1100	13.062 - 131.868 M	51.405 - 87.225 M
1986-4093	5 million	20	0.170 - 0.913 M	None
1986-4094	240 million	1950	2.400 - 141.911 M	2.4 - 65.504 M
1986-4110	135 million	1100	3.456 - 129.108 M	4.850 - 46.542 M

**The pump locations and discharge location are not anticipated to change, therefore there are not expected to be any changes to Long Lake. There is currently excavation adjacent to the wetlands onsite that are not within the mine expansion area and those wetlands continue to maintain hydrology, therefore there are not expected to be any changes to those wetlands.**

**The proposed mining operation will dewater the limestone/dolomite formation to a depth up to approximately 42 feet in order to extract the mineral resource. The primary groundwater hydrology source for the calcareous fens is the Jordan Sandstone formation located below the limestone/dolomite. Similar to the existing operation, the mine expansion will not mine into or dewater the Jordan Sandstone, therefore there are not expected to be any changes to the hydrology source of the calcareous fens located approximately 4,500 feet west of closest portion of the mine expansion area. It should also be noted that the former Unimin/Covia sandstone mining operation north and west of the Vetter mine has ceased operation and therefore ceased dewatering the Jordan Sandstone formation. Dewatering will continue to be both infiltrated on site and discharged to Long Lake similar to the existing operation, effectively recharging the groundwater table.**

**Vetter Stone has been encouraged by Le Sueur County to consult with DNR and begin conducting studies needed to address DNR's specific comments. Vetter Stone acknowledges the concern for potential for adverse environmental impacts to protected public resources and will follow DNR's recommendations during the WAP and WCA permitting processes. Le Sueur County will also consider DNR's concerns during the County permitting process.**

**DNR Comment 2:** EAW Section 14. Fish, wildlife, plant communities, and sensitive ecological resources (rare features): This section does not include a complete description of plant communities within and adjacent to the Project site or an accurate portrayal of potential impacts. Mapped Native Plant Communities should be included in the EAW. The proposed mining sites contain Mesic Prairie (Southern) (Ups23a) and Southern Dry Prairie (Ups13). These have state conservation ranks of Imperiled (S2) and Critically Imperiled through Vulnerable to Extirpation (S1-S3), respectively. Over one-third of Minnesota's endangered, threatened, and special concern species depend on remaining small fragments of Minnesota's prairie ecosystem, including those referenced in the Natural Heritage Review Letter (MCE-2024-00266).

State-listed Endangered Species: Henslow's sparrow (*Centronyx henslowii*), and loggerhead shrike (*Lanius ludavicianus*).

- Initial disturbance to grassy, unmoved areas should not occur during their breeding season between May 1 and July 15 and tree and shrub removal must not occur between April 1" and July 31st.

- If these avoidance measures are not feasible, areas that will be disturbed and contain suitable nesting habitats will need to be surveyed for active nests prior to any Project disturbance.

State-listed Threatened Species: Tuberous Indian-plantain (*Arnaglossum plantagineum*), and Sullivant's milkweed (*Asclepias sullivantii*).

- If native prairie cannot be avoided, a qualified surveyor must conduct a survey before any Project activities to demonstrate avoidance.

In order to assess potential impacts fully, clarification is needed on the extent to which native plant communities are planned to be avoided. The DNR is also available for consultation regarding state-listed species survey protocol.

The statement that native prairie seeding will provide an ecological value comparable to or greater than existing conditions is inaccurate. Restorations do not typically meet the full suite of ecological function, diversity, and resiliency of remnant native communities. They serve as a complement to remnant native plant communities, not as a direct substitution. The first step in the conservation of native plant communities is the preservation of remnant communities. Restoring natural communities is an important component of landscape resiliency and should be used only when impacts cannot be avoided on remnant sites.

***Response: Vetter Stone acknowledges there may be rare, protected habitats and species present within the expansion area and further DNR consultation is required. Vetter Stone recognizes the concern for potential adverse environmental impacts to protected public resources and will follow DNR's recommendations and requirements during the WAP and WCA permitting processes. Le Sueur County will also consider DNR's concerns during the County permitting process. Vetter Stone will need to apply for a Mineral Extraction Conditional Use Permit (CUP) from Le Sueur County. Per Le Sueur County Zoning Ordinance Section 20, Subd. 2, the CUP application must provide a detailed mine operations plan, hydrogeology plan, and a dewatering plan that is "in accordance with the DNR".***

**DNR Comment 3:** The small, isolated wetlands proposed to be replaced through a WCA-approved replacement plan may meet rare natural community criteria. Minnesota Rules 8420.0515, subp. 3 states that a wetland replacement plan for activities that modify a rare natural community must be denied if the local government unit (LGU) determines that proposed activities will permanently adversely affect the natural community. The proposed 50-foot buffer from the adjacent wetland areas may also be insufficient to avoid impacts on those wetlands. The WCA LGU will need to work closely with the DNR technical evaluation panel representative throughout the wetland replacement plan process.

***Response: Vetter Stone acknowledges that additional coordination with the Wetland Conservation Act (WCA) LGU and DNR is needed and will occur under the WCA and WAP permitting process. Vetter Stone will submit a Wetland Replacement Plan application to the local WCA LGU, the Le Sueur Soil and Water Conservation District (SWCD). The DNR is represented on the WCA Technical Evaluation Panel and will provide review comments on the WCA application.***

**DNR Comment 4:** Additional information is needed to support the statement that the Project is not likely to introduce or spread invasive species during operation. Based on the information provided in the EAW, introducing and spreading invasive species is possible, and implementing preventative measures in areas of high and outstanding biodiversity significance that support remnant native plant communities is prudent.

***Response: Preventative measures will be implemented such as using native seed mixes and cleaning equipment prior to moving into new mine expansion areas in order to prevent the spread of invasive species.***

**DNR Comment 5:** EAW Section 17. Air. The discussion on dust control would benefit from additional information. The current water appropriations permits do not list dust control as an approved use. A new water appropriation permit and/or amendment of one or more active permits will be needed to account for additional use for dust control and increases in authorized volume or pump rate. Please clarify the source and anticipated amount of water used for dust control. Which chemical binders are being considered should also be included. Products containing calcium chloride or magnesium chloride are often used for dust control. Chloride products that are released into the environment do not break down and can accumulate to levels that are toxic to plants and wildlife. It is recommended to avoid chemical dust suppressants containing chloride.

***Response: Water from offsite sources, not quarry dewatering, is used in the dust control trucks. Chemical binders will not be used for dust control.***

**DNR Comment 6:** Need for Environmental Impact Statement. The scope of information provided in the EAW is insufficient to assess the potential for and significance of environmental impacts. Impacts on Kasota 7 and Lime 30 calcareous fens, Long Lake, and adjacent wetlands are of particular concern. Several options exist to accomplish this task.

1. Complete an Environmental Impact Statement.
2. Follow the process outlined for insufficient information in Minnesota Statute 4410.1700 Subp. 2a.

If neither of these options is chosen, the information needed to assess potential impacts on calcareous fens and adjacent wetlands and amend water appropriations permits will be required through applicable regulatory processes. Utilizing one of the alternatives listed above will help ensure a comprehensive investigation of environmental impacts that will help reduce delays in regulatory decision-making for the Project.

***Response: Le Sueur County followed the process outlined in Minnesota Statute 4410.1700 Subp. 2a. With the Proposer's agreement, the County delayed the Environmental Impact Statement (EIS) Need Decision for 90 days to obtain additional information necessary to reach a reasoned decision about the potential for significant environmental impacts and the need for an EIS. The decision notification was sent to the Environmental Quality Board (EQB), Vetter Stone, and all persons who provided public EAW comments.***

***Vetter Stone provided the County additional information, which has been included in the response to comments above. Based on this additional information and based on Le Sueur County's assessment of the rigorous DNR and WCA permitting processes, it was determined that the potential environmental effects of the project as described in the EAW and expressed in DNR's comments can be effectively mitigated or avoided by ongoing public regulatory authority requirements. The WAP and WCA permit requirements and enforcement processes provide specific mitigation measures that can be reasonably expected to mitigate the identified environmental impacts of the project.***

## FINDINGS OF FACT

### Proposed Project

Vetter Stone Company is proposing to expand its existing permitted mine area located in Kasota Township, Le Sueur County, Minnesota. The Project will include expanding the dimensional limestone and aggregate extraction area of the existing mine operation by approximately 152 acres across 11 parcels of land.

Operational activities that will manipulate the environment will include mining activities. This will consist of the removal of overburden via excavation and blasting, and the extraction of dimensional limestone and aggregate to a depth of approximately 45 feet. The proposed mining expansion area currently consists of open grassland and wetlands. No modifications will be made to the existing Vetter Stone Company equipment or industrial processes. These occur offsite and will not be relocated or need to be modified as part of the Project. The Vetter Stone plant is located approximately 0.75 miles south of the Project site and is accessible from it via a private haul road. The plant consists of a single building which includes equipment for the milling, cutting, and finishing of stone.

An Environmental Assessment Worksheet (EAW) was prepared pursuant to Minnesota Rules Chapter 4410.4300, Subp. 12B: "For development of a facility for the extraction or mining of sand, gravel, stone, or other nonmetallic minerals, other than peat, which will excavate 40 or more acres of land to a mean depth of 10 feet or more during its existence". The EAW and the respective comments have been reviewed in accordance with Minnesota Rules 4410.1700 to determine if the Project has potential for significant environmental effects.

### Decision Regarding the Potential for Significant Environmental Effects

Minnesota Rules 4410.1700, Subp. 7 lists four criteria that shall be considered in deciding whether a project has the potential for significant environmental effects. Those criteria and the County's findings are presented below.

#### Criteria A: Type, Extent, and Reversibility of Environmental Effects

Minnesota Rules 4410.1700 Subp. 7 (A) indicates the first factor that the Responsible Governmental Unit (RGU) must consider is the "type, extent, and reversibility of environmental effects." Le Sueur County's findings are set forth below.

1. **Cover Types.** The 177.3-acre Project area currently consists of 158.9 acres of grassland & shrubland, 8.87 acres of impervious industrial land, 7.25 acres of wetland, and 3.23 acres of woodlands. The proposed Project would convert 152.15 acres of undeveloped area to open-pit mineral extraction use. The Project would result in the loss of 148.8 acres of grassland and shrubland, at least 0.91 acres of wetland, and 2.7 acres of woodlands. Upon completion of extraction operations, the site would be subject to restorations plans as required by the County's Conditional Use Permit and DNR permitting conditions.
2. **Shorelands and Floodplains.** The Project area is not within a FEMA floodplain nor within a Le Sueur County Floodplain or Shoreland Overlay District.
3. **Land Use.** Existing land use of the mine expansion area generally consists of pastured grassland with multiple small depressional wetlands and a small wooded area. Adjacent land consists primarily of pastured grasslands, existing mine quarries, and railroad. There are no parks, public open space, cemeteries, trails, or prime or unique farmlands located within or adjacent to the Project site.

The Le Sueur County Land Use Plan has the entire Project site mapped as "High Value Aggregate" within The Plan's Aggregate Resource Areas Map. Goal #6 of The Plan states "Aggregate resources

are a finite resource that is directly impacted by scattered site development. The County should protect its aggregate resources from premature development". The project will help the County meet this goal by allowing the high value aggregate located within the project site be extracted.

The Le Sueur County Official Zoning Map (February 1, 2013) shows the site mapped within Conservancy and General Industry zones as well as within a Mineral Resources overlay district. The Le Sueur County Zoning Ordinance defines the purpose of Mineral Resource Overlay Districts as follows: "The Mineral Resources Overlay District is intended to protect areas with existing significant mineral resources including sand, gravel, limestone and sandstone deposits". The Project will help fulfill the intended purpose of the overlay district.

4. **Geology and Soils.** The site is known to contain an extractable limestone formation that ranges from approximately 35 to 50 feet below ground surface. Underneath the limestone formation is a Jordan sandstone formation which ranges from approximately 50 to 80 feet deep. No mining below the limestone formation is proposed to occur as part of the Project. There are no known or mapped sinkholes or karst features identified within or near the Project site.
5. **Water Quality.** During mining operation, as well as following reclamation, overland stormwater flow will generally not leave the Project site due to the highwalls that exist currently and those that will be created. This includes both stormwater that is generated on site as well as any stormwater generated off site that flows in the site. Therefore, the quantity of stormwater runoff exiting the site is anticipated to decrease as a result of runoff being captured and allowed to infiltrate onsite within mined areas. Likewise, the quality of stormwater runoff following reclamation is anticipated to be similar to or better than that of the existing conditions as a result of runoff being captured and allowed to infiltrate onsite within mined areas.

Vetter Stone Company has obtained an MPCA-issued National Pollutant Elimination System permit (#MNG 490173) for its existing mining operations. This permit will be amended to include the new mine area as necessary, and the Project will conform with the requirements of the permit. The permit is intended to eliminate or minimize stormwater contact with significant materials that may result in pollution of runoff and to identify and manage non-stormwater discharges. A Storm Water Pollution Prevention Plan (SWPPP) has been developed for Project site to ensure that the Project complies with the permit.

The Project is not anticipated to result in adverse impacts to water quality. Onsite runoff within mining areas would generally be collected within the pit and potentially be subject to dewatering in accordance with DNR WAP conditions. Concerns regarding Long Lake, as highlighted in DNR's comment letter, will be further addressed during the WAP amendment process. Vetter Stone will comply with all state and local permitting requirements to ensure the Project does not result in degradation of water quality.

6. **Wetlands and Surface Waters.** There are no DNR Public Waters, designated wildlife lakes, migratory waterfowl feeding/resting areas, trout streams/lakes, outstanding resource value waters, or county or jurisdictional ditches within the Project area.

Prominent water features located within 1 mile of the Project site include an unnamed tributary (MN Public Water 055-072) of the Minnesota River as well as a DNR Public Waters Wetland, Long Lake (MN PW 40012200). Long Lake is located approximately 400' to the northwest of the Project site and is the receiving water for Vetter Stone dewatering discharge. The unnamed tributary is located to the south of the Project area, the closest it comes to the site is approximately 700' from its southeast corner. A stretch of this watercourse is a MPCA Section 303d listed impaired water. It was listed for fish bioassessments and benthic macroinvertebrates bioassessments.

Eight wetland areas, totaling approximately 7.25 acres, were delineated within the Project site and approved by the Local Government Unit (Le Sueur SWCD) of the Minnesota Wetland Conservation Act. A Notice of Decision was issued on November 9, 2021 (LGU Project No. 18-21).

The Project would result in the direct loss of approximately 0.9 acres of wetland. Increased dewatering discharge could potentially result in impacts to Long Lake, a MN Public Waters wetland. The DNR has identified two nearby calcareous fens (Kasota 7 and Lime 30) that could potentially be impacted by dewatering activities. Proposed or potential impacts to wetland will be further addressed and mitigated through the WCA and DNR permitting processes, which will require additional studies and identify appropriate mitigation measures as needed.

7. **Wastewater.** The proposed Project would not generate significant wastewater. The only wastewater source will be onsite staff, who will utilize portable toilets. Those toilets are serviced by local professionals, and waste is hauled offsite to a suitable wastewater treatment facility.
8. **Hazardous Materials.** Both the Minnesota Pollution Control Agency and the Minnesota Department of Agriculture "What's In My Neighborhood" databases were reviewed to identify active hazardous waste generators and sources of agricultural chemical soil/groundwater contamination within one mile of the Project area. No instances of existing contamination or potential environmental hazards were identified in the Project area.

The proposed mining activities would not generate hazardous materials, nor is it anticipated that contaminated soil or groundwater will be encountered. If potentially contaminated materials or other environmental hazards are discovered during operations, the Project proposer will immediately cease activities in the area, then take appropriate and reasonable actions to contain and reduce the human health/environmental risk prior to contacting the State of Minnesota Duty Officer. The development of a Contingency Plan or Response Action Plan will be initiated if analytical results characterize the discovered materials as a regulated contaminated waste

9. **Ecological Resources.** The proposed Project is entirely within or adjacent to areas identified by the Minnesota Biological Survey (MBS) as a Site of Outstanding or High Biodiversity Significance. Sites of Biodiversity Significance have varying levels of native biodiversity and are ranked based on the relative significance of this biodiversity at a statewide level. Sites ranked as Outstanding contain the best occurrences of the rarest species, the most outstanding examples of the rarest native plant communities, and/or the largest, most intact functional landscapes present in the state. Sites ranked as High contain very good quality occurrences of the rarest species, high quality examples of the rare native plant communities, and/or important functional landscapes.

This sites also has areas mapped as Native Plant Communities. These are Mesic Prairie (Southern) (UPs23a) and Southern Dry Prairie (UPs13). These have state conservation ranks of Imperiled (S2) and Critically Imperiled through Vulnerable to Extirpation (S1-S3), respectively. More than 99% of the prairie that was present in the state before settlement has been destroyed, and more than one-third of Minnesota's endangered, threatened, and special concern species are now dependent on remaining small fragments of Minnesota's prairie ecosystem. This includes several state-listed insect species of special concern that have been recorded near the proposed Project.

The current Project design will impact these areas. Actions to avoid or minimize disturbance include, but are not limited to, the following recommendations:

Minimize vehicular disturbance in the MBS Site (allow only vehicles/equipment necessary for construction activities).

- Do not park equipment or stockpile supplies in the MBS Site.
- Do not place spoil in the MBS Site or other sensitive areas.
- Use effective erosion prevention and sediment control measures.
- Inspect and clean equipment prior to operating within the MBS Site and follow recommendations to prevent the spread of invasive species.
- Revegetate disturbed soil with native species suitable to the local habitat as soon as possible.
- Use only weed-free mulches, topsoils, and seed mixes.

Tuberous Indian-plantain (*Arnoglossum plantagineum*) and Sullivant's milkweed (*Asclepias sullivantii*), both state-listed threatened plant species, and rattlesnake master (*Eryngium yuccifolium*) and black disc lichen (*Buellia nigra*), both species of special concern, have been documented near the proposed Project. These species are found in native upland prairie remnants. Minnesota's Endangered Species Statute and associated Rules prohibit the take of threatened or endangered species without a permit. The proposed Project may impact mapped examples of native prairie.

Le Sueur County has determined that the above ecological concerns will be thoroughly addressed and mitigated by ongoing public regulatory authority requirements, including conditions set forth by the DNR and Le Sueur County during the Project permitting process.

10. **Historic Resources.** Information was requested and received from the Minnesota Historical Society State Historic Preservation Office (SHPO). Upon conducting a search of the Minnesota Archaeological Inventory and Historic Structures Inventory, no previously known archaeological sites or historic properties/structures were identified within the proposed Project area. Reviews of the Minnesota Statewide Historic Inventory Portal (MnSHIP) and National Register of Historic Places (NRHP) were conducted with no known historic features within the Project site. Because the Project area has not been subject to any previous archaeological surveys, SHPO has recommended that a survey be conducted. Vetter Stone will conduct a survey if requested by a permitting authority.
11. **Visual Resources.** The Project is located in an area that is already dominated by mining land use. The Project is not anticipated to create any significant visual nuisances such as intense light pollution or vapor plumes.
12. **Air.** No stationary source of air emissions is proposed as part of the Project. Mining can be a source of particulate matter and fugitive dust due to the process of opening up new areas to access the targeted aggregate resource and vehicle/equipment circulation on unpaved surfaces. Project activities that may generate dust include the drilling, blasting, sawing, crushing, hauling, and stockpiling of materials. Vetter Stone Company will comply with the requirements of Minn. R. 7011.0150 requiring that all reasonable measures are taken to prevent avoidable amounts of particulate matter from becoming airborne.

Fugitive dust will be controlled at the site by implementing best management practices such as water application. Specific dust control best management practices will be determined based on severity, weather conditions, and current site conditions. Every effort possible will be made to minimize the dust generated. Typically, dust is controlled by applying water to the dust source.

Minor emissions generated from construction equipment will occur during the construction phase. Contractors will be responsible for ensuring equipment is properly maintained and not contributing to excess emissions. Following Project completion, vehicle-related air emissions in the area - including carbon monoxide levels - will see a relatively small increase due to the increase in traffic to and from the site.

The Project will not generate significant odors during construction or operation. Odors generated during construction will be mitigated by maintenance of the construction equipment to the manufacturers' specifications and by using appropriate fuel additives when necessary. Grading and construction will temporarily generate dust. BMPs and other standard construction methods will be used to reduce construction impacts such as intermittent applications of water to exposed soils as needed to reduce dust during dry weather.

13. **Greenhouse Gas Emissions (GHG)/ Carbon Footprint.** Average annual GHG emissions were calculated for construction and operation phases of the Project. Three types of emissions were evaluated; direct emissions released from the property, emissions associated with offsite generation of purchased electricity, and emissions from offsite provision of waste management. It is estimated the mining activity will annually generate 151 tons of carbon or carbon-equivalent emissions. The Project's carbon footprint is acceptable and typical of similar Projects.

14. **Noise.** Existing noise in the Project area includes noise generated from the mining operations from the existing Vetter Stone Company quarry and other mining operations located adjacent to the site. Sensitive receptors located within proximity to the Project site include nearby residential homes. Only one residence is located immediately adjacent to the Project site. Mining activities will not occur within 200' of this residence as required by Le Sueur County ordinance.

The Project will fall under Noise Area Classification 3 under Minnesota Rules 7030.0050. All exterior noise generated by the Project is expected to meet the standards of this classification.

Minnesota's noise pollution rules are based on statistical calculations that quantify noise levels over a one-hour monitoring period. The L10 calculation is the noise level that is exceeded for 10 percent, or 6 minutes, of the hour, and the L50 calculation is the noise level exceeded for 50 percent, or 30 minutes, of the hour. There is no limit on maximum noise.

The statutory limits for a residential location are L10 = 65 dBA and L50 = 60 dBA during the daytime (7:00 a.m. – 10:00 p.m.) and L10 = 55 dBA and L50 = 50 dBA during the nighttime (10:00 p.m. – 7:00 a.m.). This means that during the one-hour period of monitoring, daytime noise levels cannot exceed 65 dBA for more than 10 percent of the time or 60 dBA more than 50 percent of the time.

15. **Transportation.** Approximately 40 trucks per day will access the site during normal hours of operation. The Project is not anticipated to generate a significant increase in daily traffic on public roadways. All quarry vehicles will utilize private internal haul roads between the new mining area and existing processing facility.

#### **Criteria B: Cumulative Potential Effects**

Minnesota Rules 4410.1700 Subp. 7 (B) indicates the second factor the RGU must consider is “whether the cumulative potential effect is significant; whether the contribution from the project is significant when viewed in connection with other contributions to the cumulative potential effect; the degree to which the project complies with approved mitigation measures specifically designed to address the cumulative potential effect; and the efforts of the proposer to minimize the contributions from the project.”

The Project would not present significant concerns regarding cumulative environmental effects. No other significant projects in the surrounding area are known to be planned or in construction.

#### **Criteria C: Extent to Which the Environmental Effects are Subject to Mitigation**

Minnesota Rules 4410.1700 Subp. 7 (C) indicates the third factor the RGU must consider is the “extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority.” The City's findings are set forth below.

Environmental effects on water quality, wetlands, groundwater, and ecological resources are subject to additional approvals and/or mitigation through requirements of local, state, and federal regulations, ordinances, management plans, and permitting processes. The following permits and approvals are required for the Project addressed under the EAW. These processes will provide additional opportunities to require mitigation.

Potential environmental effects associated with this project will be mitigated in accordance with applicable rules and regulations. Le Sueur County therefore finds that potential environmental effects of the project are less than significant and are suitably “subject to mitigation by ongoing public regulatory authority.” Below is an updated Table 6 from the EAW listing anticipated permits and approvals needed for the Project.

Unit of Government	Type of Application	Status
Le Sueur County	Conditional Use Permit	To be Submitted
	Wetland Conservation Act - Wetland Delineation	Approved (LGU #18-21)
	Wetland Conservation Act - Wetland Replacement Plan	To be applied for
Minnesota Pollution Control Agency	NPDES Industrial Stormwater Permit	Active (MNG 490173). Will need to be amended.
Minnesota Department of Natural Resources	Water Appropriations Permit	Active (1986-4092, #1986-4110, #1986-4094, & 1986-4093). Will need to be amended.
	DNR Project Review	To be completed
	Permit for the Take of Endangered or Threatened Species	To be submitted if necessary

**Criteria D: Extent to Which Environmental Effects can be Anticipated and Controlled**

Minnesota Rules 4410.1700 Subp. 7 (D) indicates the final factor the RGU must consider is the “extent to which environmental effects can be anticipated and controlled as a result of other environmental studies undertaken by public agencies or the project proposer, including other EISs.” Le Sueur County’s findings are set forth below.

1. The proposed project design, plans, EAW, related studies, and mitigation measures apply knowledge, approaches, standards, and best management practices gained from previous experience and projects that have, in general, successfully mitigated potential offsite environmental effects.
2. The EAW, in conjunction with this document, contains or references the known studies that provide information or guidance regarding environmental effects that can be anticipated and controlled.
3. Other projects studied under environmental reviews in Minnesota have included studies and mitigation measures comparable to those included in this EAW.
4. There are no elements of the project that pose the potential for significant environmental effects that cannot be addressed by the project design, assessment, permitting and development processes, and by ensuring conformance with regional and local plans.
5. The environmental effects of this development can be anticipated and controlled by the permit application and review processes of the state and local regulatory authorities.
6. Considering the results of environmental review and permitting processes for similar projects, Le Sueur County finds that the environmental effects of the project can be adequately anticipated and controlled.

## RECORD OF DECISION

1. Le Sueur County fulfilled all procedural requirements of law and rule applicable to determining the need for an EIS on the Project, including procedures outlined under Minn. R. 4410.1000 through 4410.1700.
2. The EAW and the permit development processes related to the Project have generated information which is adequate to determine whether the Project has the potential for significant environmental effects.
3. Areas where potential environmental effects have been identified have included proper mitigative responses to be included within the final design and permitting of the Project. Mitigation will be required to be provided where impacts are expected to result from Project construction, operation, or maintenance. Mitigative measures will be required to be incorporated into project design and have been or will be coordinated with local, state, and federal agencies during the applicable permit process. The DNR will not issue Water Appropriation or Public Waters Work permits until the agency's concerns have been adequately addressed. The Le Sueur County Mineral Extraction Conditional Use Permit requires the Project's water appropriations plan is in accordance with DNR requirements and also requires additional information regarding impacts to ecological resources.
4. Based on the EAW, comments received from state and federal agencies, the responses to comments, and the criteria above, Le Sueur County finds that the Project does not have the potential for significant environmental effects and does not require the preparation of an EIS.
5. Based on the criteria in Minnesota Rules part 4410.1700, the Project does not have the potential for significant environmental effects.
6. Le Sueur County makes a "Negative Declaration;" and
7. An Environmental Impact Statement (EIS) is not required.

## **Appendix A: Comment Letters**



January 3, 2025

Aaron Stubbs  
Le Sueur County Planning and Zoning Administrator  
88 South Park Ave  
Le Center, MN 56057

RE: EAW – Vetter Stone Company  
T109 R26 S8 & S17, Kasota Twp, Le Sueur County  
SHPO Number: 2025-0286

Dear Aaron Stubbs:

Thank you for providing this office with a copy of the Environmental Assessment Worksheet (EAW) for the above-referenced project.

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. For a list of consultants who have expressed an interest in undertaking such surveys, please visit the website [www.mnhs.org/preservation/directory](http://www.mnhs.org/preservation/directory), and select "Archaeologists" in the "Specialties" box.

We will reconsider the need for survey if the project area can be documented as previously surveyed or disturbed. Any previous survey work must meet contemporary standards. **Note:** plowed areas and right-of-way are not automatically considered disturbed. Archaeological sites can remain intact beneath the plow zone and in undisturbed portions of the right-of-way.

Please note that this comment letter does not address the requirements of Section 106 of the National Historic Preservation Act of 1966 and 36 CFR § 800. If this project is considered for federal financial assistance, or requires a federal permit or license, then review and consultation with our office will need to be initiated by the lead federal agency. Be advised that comments and recommendations provided by our office for this state-level review may differ from findings and determinations made by the federal agency as part of review and consultation under Section 106.

If you have any questions regarding our review of this project, please contact me at 651-201-3285 or [kelly.graggjohnson@state.mn.us](mailto:kelly.graggjohnson@state.mn.us).

Sincerely,

*Kelly Gragg-Johnson*

Kelly Gragg-Johnson  
Environmental Review Program Specialist

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MINNESOTA STATE HISTORIC PRESERVATION OFFICE

50 Sherburne Avenue ■ Administration Building 203 ■ Saint Paul, Minnesota 55155 ■ 651-201-3287

[mn.gov/admin/shpo](http://mn.gov/admin/shpo) ■ [mnshpo@state.mn.us](mailto:mnshpo@state.mn.us)

AN EQUAL OPPORTUNITY AND SERVICE PROVIDER

January 8, 2025

Aaron Stubbs  
Le Sueur County  
88 South Park Avenue  
Le Center, Minnesota 56057  
[astubbs@co.le-sueur.mn.us](mailto:astubbs@co.le-sueur.mn.us)

RE: Vetter Stone Company – Environmental Assessment Worksheet

Dear Aaron Stubbs:

Thank you for the opportunity to review and comment on the Environmental Assessment Worksheet (EAW) for the Vetter Stone Company project (Project) located in Le Sueur County, Minnesota. The Project consists of Vetter Stone Company expanding its existing permitted mine area located in Kasota Township, Le Sueur County, Minnesota. The project will include expanding the dimensional limestone and aggregate extraction area of the existing mine operation by approximately 152 acres across 11 parcels of land. Minnesota Pollution Control Agency (MPCA) staff has reviewed the EAW and have no comments at this time.

We appreciate the opportunity to review this project. **Please provide the notice of decision on the need for an Environmental Impact Statement.** Please be aware that this letter does not constitute approval by the MPCA of any or all elements of the Project for the purpose of pending or future permit actions by the MPCA. Ultimately, it is the responsibility of the Project proposer to secure any required permits and to comply with any requisite permit conditions. If you have any questions concerning our review of this EAW, please contact me by email at [chris.green@state.mn.us](mailto:chris.green@state.mn.us) or by telephone at 507-476-4258.

Sincerely,  
Chris Green

*This document has been electronically signed.*

Chris Green, Project Manager  
Environmental Review Unit  
Resource Management and Assistance Division

CG:rs

cc: Dan Card, MPCA  
Kirsten Dieterman, MPCA  
Nicole Peterson, MPCA  
Deepa deAlwis, MPCA  
Innocent Eyoh, MPCA  
Lauren Dickerson, MPCA  
Wayne Cords, MPCA



Division of Ecological & Water Resources  
Region 4 (South Region)  
21371 Highway 15 South  
New Ulm, MN 56073

January 09, 2025

Aaron Stubbs  
Le Sueur County  
88 South Park Avenue  
Le Center, MN 56057  
[EAWComments@lesueurcounty.gov](mailto:EAWComments@lesueurcounty.gov)

**Subject: Vetter Stone Company Environmental Assessment Worksheet**

Greetings,

Thank you for the opportunity to review the Vetter Stone Company environmental assessment worksheet (EAW)—the comments below address inaccuracies and potential impacts that warrant further investigation.

**EAW Section 12. Water Resources**

This section needs additional context regarding water appropriations permits, water use, and dewatering discharge locations to evaluate potential impacts on water resources. Robust information needs to be provided on how mining activities may impact Kasota 7 and Lime 30 calcareous fens, as well.

The point locations for the dewatering permits are not within the expanded mining borders provided in the EAW and will need to be reviewed by the Department of Natural Resources (DNR) for use in the new mining locations. These permits were also issued before the adoption of the Minnesota Wetland Conservation Act (WCA). Therefore, no environmental review was performed regarding Kasota 7 and Lime 30 calcareous fens. All four water appropriations permits have historically reported zero or minimal water use. The potential impacts of increased water use require examination. One or more water appropriations permit amendments may be required.

The discharge location for the three dewatering permits is stated as Long Lake on the individual permit applications. Long Lake is a public water wetland located Northwest of the proposed mining locations. The EAW should include how increased dewater activities may impact the wetland along with supporting data. How excavation will impact adjacent wetlands also requires examination.

Kasota 7 and Lime 30 calcareous fens are a rare and legally protected wetland type, and under Minnesota Statute 103G.223, cannot be impacted, altered, or degraded unless the DNR commissioner, under an approved management plan, decides some alterations are necessary. Impacts include any temporary or permanent disturbance from project-related activities, including construction, transport, infrastructure, or hydrology and

water quality changes. Based on the information provided in the EAW, there will likely be impacts on the Kasota 7 fen. Potential impacts on Lime 30 fen require further assessment.

Coordination with the DNR is required. The DNR commissioner must approve any project that has the potential to impact a calcareous fen. For impact avoidance, the DNR must certify that there is no impact on the wetland containing the calcareous fens, and depending on the type of impact proposed, additional documentation may be needed to confirm avoidance measures are adequate. Projects that seek to impact calcareous fens are not guaranteed to be approved. It is important to note that financial considerations cannot solely be used as a justification for impacting a calcareous fen. If the project is approved, it may include the development of a calcareous fen management plan, compensatory mitigation, and long-term monitoring.

Project proposers must receive DNR approval for the final project plan and avoidance measures prior to project implementation. Please submit the final project design, wetland delineation report, mining depths, and dewatering depths, duration and amounts to the DNR staff below.

Calcareous Fen Program Coordinator  
Keylor Andrews  
[Keylor.andrews@state.mn.us](mailto:Keylor.andrews@state.mn.us)

Regional Ecologist  
Megan Benage  
[Megan.benage@state.mn.us](mailto:Megan.benage@state.mn.us)

#### **EAW Section 14. Fish, wildlife, plant communities, and sensitive ecological resources (rare features)**

This section does not include a complete description of plant communities within and adjacent to the project site or an accurate portrayal of potential impacts. Mapped Native Plant Communities should be included in the EAW. The proposed mining sites contain Mesic Prairie (Southern) (Ups23a) and Southern Dry Prairie (Ups13). These have state conservation ranks of Imperiled (S2) and Critically Imperiled through Vulnerable to Extirpation (S1-S3), respectively. Over one-third of Minnesota's endangered, threatened, and special concern species depend on remaining small fragments of Minnesota's prairie ecosystem, including those referenced in the Natural Heritage Review Letter (MCE-2024-00266).

**State-listed Endangered Species:** Henslow's sparrow (*Centronyx henslowii*), and loggerhead shrike (*Lanius ludovicianus*)

- Initial disturbance to grassy, unmowed areas should not occur during their breeding season between May 15<sup>th</sup> and July 15<sup>th</sup>, and tree and shrub removal must not occur between April 1<sup>st</sup> and July 31<sup>st</sup>.
- If these avoidance measures are not feasible, areas that will be disturbed and contain suitable nesting habitats will need to be surveyed for active nests prior to any project disturbance.

**State-listed Threatened Species:** Tuberous Indian-plantain (*Arnoglossum plantagineum*), and Sullivant's milkweed (*Asclepias sullivantii*)

- If native prairie cannot be avoided, a qualified surveyor must conduct a survey before any project activities to demonstrate avoidance.

In order to assess potential impacts fully, clarification is needed on the extent to which native plant communities are planned to be avoided. The DNR is also available for consultation regarding state-listed species survey protocol.

The statement that native prairie seeding will provide an ecological value comparable to or greater than existing conditions is inaccurate. Restorations do not typically meet the full suite of ecological function, diversity, and resiliency of remnant native communities. They serve as a complement to remnant native plant communities, not as a direct substitution. The first step in the conservation of native plant communities is the preservation of remnant communities. Restoring natural communities is an important component of landscape resiliency and should be used only when impacts cannot be avoided on remnant sites.

The small, isolated wetlands proposed to be replaced through a WCA-approved replacement plan may meet rare natural community criteria. Minnesota Rules 8420.0515, subp. 3 states that a wetland replacement plan for activities that modify a rare natural community must be denied if the local government unit (LGU) determines that proposed activities will permanently adversely affect the natural community. The proposed 50-foot buffer from the adjacent wetland areas may also be insufficient to avoid impacts on those wetlands. The WCA LGU will need to work closely with the DNR technical evaluation panel representative throughout the wetland replacement plan process.

Additional information is needed to support the statement that the project is not likely to introduce or spread invasive species during operation. Based on the information provided in the EAW, introducing and spreading invasive species is possible, and implementing preventative measures in areas of high and outstanding biodiversity significance that support remnant native plant communities is prudent.

#### **EAW Section 17. Air**

The discussion on dust control would benefit from additional information. The current water appropriations permits do not list dust control as an approved use. A new water appropriation permit and/or amendment of one or more active permits will be needed to account for additional use for dust control and increases in authorized volume or pump rate. Please clarify the source and anticipated amount of water used for dust control. Which chemical binders are being considered should also be included. Products containing calcium chloride or magnesium chloride are often used for dust control. Chloride products that are released into the environment do not break down and can accumulate to levels that are toxic to plants and wildlife. It is recommended to avoid chemical dust suppressants containing chloride.

#### **Need for Environmental Impact Statement**

The scope of information provided in the EAW is insufficient to assess the potential for and significance of environmental impacts. Impacts on Kasota 7 and Lime 30 calcareous fens, Long Lake, and adjacent wetlands are of particular concern. Several options exist to accomplish this task.

1. Complete an Environmental Impact Statement.
2. Follow the process outlined for insufficient information in Minnesota Statute 4410.1700 Subp. 2a.

If neither of these options is chosen, the information needed to assess potential impacts on calcareous fens and adjacent wetlands and amend water appropriations permits will be required through applicable regulatory processes. Utilizing one of the alternatives listed above will help ensure a comprehensive investigation of environmental impacts that will help reduce delays in regulatory decision-making for the project.

Please contact Regional Environmental Assessment Ecologist Haley Byron with questions regarding this letter and to initiate consultation activities.

Regards,

*/s/Haley Byron*

Haley Byron  
Regional Environmental Assessment Ecologist

117 Rogers Street  
Mankato, MN 56001  
Office: 507-389-8813  
Cell: 507-910-8963  
Email: [haley.byron@state.mn.us](mailto:haley.byron@state.mn.us)

CC:

Theresa Ebbenga, Assistant Regional Manager  
Ethan Jenzen, North District Manager  
Keylor Andrews, Calcareous Fen Program Manager  
Megan Benage, Regional Ecologist  
Genevieve Brand, Assistant Regional Ecologist  
Anne Hall, Groundwater Appropriations Hydrologist  
Alan Gleisner, Area Hydrologist  
Mike Worland, Regional Nongame Wildlife Specialist

*Equal Opportunity Employer*

## **Appendix B: Le Sueur County Negative EIS Need Declaration Resolution**

**RESOLUTION FINDING NO NEED FOR AN  
ENVIRONMENTAL IMPACT STATEMENT (EIS) FOR THE VETTER  
STONE COMPANY ENVIRONMENTAL ASSESSMENT WORKSHEET**

**WHEREAS**, Minnesota Rules 4410.4300 Subp. 12B, Item C requires that an EAW be prepared for development of a facility for the extraction or mining of sand, gravel, stone, or other nonmetallic minerals, other than peat, which will excavate 40 or more acres of land to a mean depth of ten feet or more during its existence, the local governmental unit is the Responsible Government Unit (RGU); and

**WHEREAS**, Vetter Stone Company (Proposer) initiated the EAW process with Le Sueur County (RGU) in January 2024; and

**WHEREAS**, on December 2, 2024, the EAW was completed for the proposed Vetter Stone Company project, which would expand Vetter Stone Company's existing limestone and aggregate mining area by up to 152 acres; and

**WHEREAS**, on December 10, 2024, the EAW was publicly noticed in the EQB Monitor, commencing the 30-day public comment period; and

**WHEREAS**, on December 10, 2024, copies of the EAW were distributed to all persons and agencies on the official Environmental Quality Board (EQB) distribution list and other interested parties; and

**WHEREAS**, the 30-day comment period ended on January 9, 2025, at 4:30 p.m., and Le Sueur County accepted and responded to all written comments received; and

**WHEREAS**, in response to public agency EAW comments, and with the Proposer's agreement, the Decision on Need for an EIS was delayed by Le Sueur County per Minnesota Rules 4410.1700 Subp. 2a to obtain additional information necessary to make a reasoned decision on the potential significance of environmental impacts; and

**WHEREAS**, potential environmental impacts identified in the EAW and public agency comments will be effectively mitigated through ongoing public regulatory authority, including but not limited to the Minnesota Department of Natural Resources and Le Sueur Soil and Water Conservation District; and

**WHEREAS**, the Planning and Zoning Administrator has recommended a Negative Declaration on the need for an EIS.

**NOW THEREFORE BE IT RESOLVED by the Le Sueur County Board of Commissioners that:**

1. The EAW was prepared in compliance with the procedures of the Minnesota Environmental Policy Act and Minnesota Rules, Parts 4410.1000 to 4410.1700;
2. The EAW satisfactorily addressed the environmental issues for which existing information could have been reasonably obtained;
3. Based on the criteria established in Minnesota Rules 4410.1700, the project does not have the potential for significant environmental effects;
4. The County makes a “Negative Declaration”;
5. **An EIS is not required;** and
6. Le Sueur County adopts the Response to Comments, Findings of Fact, and Record of Decision for the Vetter Stone Company EAW (“Record of Decision”) and directs the Planning and Zoning Administrator to maintain the Record of Decision and distribute it in accordance with Minnesota Rules.

**PASSED AND ADOPTED by the Le Sueur County Board of Commissioners this 20<sup>th</sup> day of May 2025.**

  
\_\_\_\_\_  
David Preisler, Chairman  
Le Sueur County Board of Commissioners

ATTESTED BY:   
\_\_\_\_\_  
Joseph Martin  
Le Sueur County Administrator