

CITY OF TONKA BAY, MINNESOTA

RESOLUTION 2025-13

RESOLUTION DENYING A PETITION FOR PREPARATION OF AN ENVIRONMENTAL ASSESSMENT WORKSHEET FOR THE TONKA BAY INDIAN CEMETERY SOIL REPATRIATION PROJECT

WHEREAS, during recent road reconstruction projects, and as a result of a water main break emergency, contractors acting on behalf of the City of Tonka Bay (the “City” and the “Proposer”) excavated certain organic soils from areas located within Cemetery 21HE0047 (the “Cemetery Soils”) which were unable to be replaced within the area from which they were excavated; and

WHEREAS, the City has been working with the Minnesota Indian Affairs Council (MIAC), Tribal Historic Preservation Offices (THPOs), and others for in order to identify an appropriate location for the repatriation of the Cemetery Soils; and

WHEREAS, the City has been informed by MIAC that the repatriation of approximately 5,300 hundred cubic yards of Cemetery Soils to the real property owned by the City of Tonka Bay which is identified by Parcel ID Number 2811723340017 (the “Property”) would be an acceptable repatriation plan for the Cemetery Soils, and the City has proposed to repatriate the Cemetery Soils to this Property (the “Project”); and

WHEREAS, as part of its process in determining the appropriateness of the Property for the Project, the City has engaged consultants to evaluate the impacts of the Project, including any proposed environmental impacts, including but not limited to completion of a wetland delineation, walking the site to assess tree conditions, evaluation of potential contamination of the excavated soils, and evaluation of habitat quality for wildlife, information about which was provided as part of the Council Packet materials for the May 13, 2025 and May 19, 2025 Council Meetings; and

WHEREAS, on May 13, 2025, the City received a citizen petition (the “Petition”) from the Environmental Quality Board (the “EQB”) requesting that the City require an Environmental Assessment Worksheet (“EAW”) for the Project; and

WHEREAS, the EQB has designated the City as the Responsible Governmental Unit (“RGU”) for the Project; and

WHEREAS, the Project is neither exempt from an EAW nor subject to a mandatory EAW; and

WHEREAS, the EQB’s rules (Minnesota Rules, Part 4410.1100, subpart 6) require the City to determine whether the evidence presented by the petitioners, proposers, and other persons or otherwise known to the RGU demonstrates that, because of the nature or location of the Project, the Project may have the potential for significant environmental effects; and

WHEREAS, the EQB rules (Minnesota Rules, Part 4410.1700, subpart 7) further require the City to consider the following factors in making such determination:

- a. Type, extent, and reversibility of environmental effects;

- b. Cumulative potential effects: 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;
- c. The extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority; and
- d. The extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other environmental impact statements.

WHEREAS, at its meeting on May 19, 2025, the City Council considered the request for the EAW and a response to the Petition prepared by the City’s staff and consultants, including a memorandum from WSB dated May 15, 2025 (the “Memorandum”).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TONKA BAY AS FOLLOWS:

- 1. After careful consideration and based on all of the evidence presented by the petitioners and other persons, including the Petition and related documentation and the evidence and testimony presented to the City Council at its May 13, 2025 and May 19, 2025 meetings, as well as the Memorandum, and upon consideration of the factors and criteria set forth in Minnesota Rules, Part 4410.1100, subpart 6 and Part 4410.1700, subpart 7, the City Council determines that the evidence presented fails to demonstrate that the Project may have the potential for significant environmental effects.
- 2. The City further incorporates the findings of fact and other information in the Memorandum, which serve as the basis for the City’s findings of fact regarding the Petition and this Resolution.
- 3. Based on all of the above, the Petition to require preparation of an EAW for the Project is hereby **DENIED**.
- 4. The City Staff are specifically authorized and directed to notify all parties identified by Minnesota Rules, Section 4410.1100, subpart 8, including sending a copy of this Resolution to the representative for the petitioners and the EQB staff within five days of the date it was adopted.

Adopted this 19th day of May, 2025.

Adam Jennings, Mayor

ATTEST:

Janell Gildemeister, City Clerk