



**ASSOCIATED GENERAL CONTRACTORS - MN/DOT  
TRANSPORTATION CONSTRUCTION AND  
GRADING INNOVATIONS TECHNOLOGY FORUM**

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# Aggregate Resources-Permitting

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- **Aggregate Source Permitting Issues**
  - Current Framework and Requirements
    - Evolution of permitting complexity
  - Permanent Facility Permits
    - Community Interests politicize decisions
  - “Grading Permit” Requirements
    - Compromise intended to reduce conflict fails in implementation

# Aggregate Resources-Permitting

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- **Permitting Proceedings Components**
- **Political**--the decision is made by elected officials and affects their constituent community
- **Legal**-- the permit affects legal rights of both permittee and residents
- **Technical**— Conflict over how the site is operated and affects community interests

# Aggregate Resources-Permitting

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- **Permitting can impair projects**
  - Time, expense and uncertainty
- **Permitting can also be your friend!**
  - Solve problems
  - Protect from criticism
  - Provide political cover
  - Barrier to entry for problem players

# Aggregate Resources-Permitting

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- **Strategic Permitting**
  - Identify “Killer” Issues and key components
  - “Pick Up and Put Down”
- **Goal is to “Disarm” the opposition**
  - Eliminate placeholder arguments
  - Focus on problem solving
- **Understand the various components of the decision**

# Aggregate Resources-Permitting

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- **Land Use, Soil Resources and Topography Components**
  - Zoning Regulations
  - Critical areas
  - Shoreland regulations
  - Farmland protection
  - Reclamation
  - Resource Protection

# Aggregate Resources-Permitting

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- **Environmental considerations:**
  - Air Quality
  - Water Quality
  - Water Quantity
  - Plants and Animals

# Aggregate Resources-Permitting

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- **Societal Considerations**
  - Tangible and intangible
  - Human impacts
    - Noise
    - Traffic
    - Unregulated dust
    - Odor
    - Glare
    - Visibility

# Aggregate Resources-Permitting

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- **Pick up and Put Down**
  - Effective strategy for many issues
    - Hard to complain if problem acknowledged by process
    - Analysis must yield defensible results
      - Open process is essential
      - Technical evaluation
      - Knowledgeable source
    - Resist politicization of result

# Aggregate Resources-Permitting

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- **Identification of Killer Issues**
  - Self-identification
  - Neighborhood meetings
  - Public hearing comments
  - Letters to the editor
  - Local thought leaders
  - Environmental review comments
  - Internet chat and blog sites

# Aggregate Resources-Permitting

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- **Environmental Review can resolve Killer Issues**
  - Rules require RGU respond to comments
  - Proposer has opportunity to comment as well
  - Outcome of EAW is government determination that the project does or does not have the potential for significant effects
    - Negative declaration clears way for permitting
    - EIS will analyze effects and alternatives to mitigate

# Aggregate Resources-Permitting

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- **Permitting Cases and Decisions**
  - Waite Park quarry expansion
  - Kandiyohi County Gravel pits environmental review
  - Ravanna Township grandfather rights
  - Carver County expansion
  - Lake County ready-mix plant addition

# Aggregate Resources-Permitting

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- **Permitting strategies can help**
- **Leverage regulatory framework**
- **Leverage legal rights**
- **Benefit from environmental review**
- **Effective communication/lobbying**

# Aggregate Resources-Permitting

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- **Practical considerations**
  - Permitting controversy is personal
  - Perception becomes reality
  - Fear is an irrational motivator
- **Solutions**
  - Balance political, legal and technical issues
  - Understand host community interests
  - Develop strategic approach early

# Aggregate Resources-Permitting

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- **Conclusion**

- Effective use of the permitting process can aid in getting a favorable result
- Regulators obtain similar benefit
- Community has knowledge environmental effects have been managed and addressed