County Highway (CH) 42 Improvement Project

Environmental Assessment Worksheet

June 2019

Prepared for:

Scott County

Prepared by:

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Environmental Assessment Worksheet

This Environmental Assessment Worksheet (EAW) form and EAW Guidelines are available at the Environmental Quality Board's (EQB's) website at: http://www.eqb.state.mn.us/EnvRevGuidanceDocuments.htm. The EAW form provides information about a project that may have the potential for significant environmental effects. The EAW Guidelines provide additional detail and resources for completing the EAW form.

Cumulative potential effects can either be addressed under each applicable EAW Item or can be addressed collectively under EAW Item 19.

Note to reviewers: Comments must be submitted to the RGU during the 30-day comment period following notice of the EAW in the *EQB Monitor*. Comments should address the accuracy and completeness of information, potential impacts that warrant further investigation, and the need for an EIS.

1. Project Title

County Highway (CH) 42 Improvement Project

2. Proposer

Proposer: Scott County
Contact Person: Craig Jenson
Title: Project Manager
Address: 600 Country Trail East
City, State, ZIP: Jordan, MN 55352
Phone: 952-496-8329
Email: cjenson@co.scott.mn.us

3. RGU

RGU: Scott County
Contact Person: Tony Winiecki
Title: County Engineer
Address: 600 Country Trail East
City, State, ZIP: Jordan, MN 55352
Phone: 952-496-8346
Email: twiniecki@co.scott.mn.us

4. Reason for EAW Preparation

Check one:

Required:
☐ EIS Scoping
☒ Mandatory EAW

Discretionary:
☐ Citizen petition
☐ RGU discretion
☐ Proposer initiated

If EAW or EIS is mandatory, give EQB rule category subpart number(s) and name(s):
Minnesota Rules, part 4410.4300, subpart 22 – Highway Projects

5. Project Location

County: Scott
City/Township: Cities of Shakopee and Prior Lake
PLS Location (¼, ¼, Section, Township, Range): Sections 19, 20, 21, 28, 29, and 30 of Township 115N, Range 22W
Watershed (81 major watershed scale): Lower Minnesota Watershed District
At a minimum, attach each of the following to the EAW:

- **County map showing the general location of the project** (see Figure 1)
- **US Geological Survey 7.5 minute, 1:24,000 scale map indicating project boundaries** (see Figure 2)
- **Site plans showing all significant project and natural features. Pre-construction site conditions** (see Figure 1) **and post-construction site plan** (see Appendix A)**.**

6. Project Description

a. Provide the brief project summary to be published in the *EQB Monitor* (approximately 50 words).

Scott County is proposing road improvements along a 1.4 mile-section of County Highway (CH) 42 from CH 17 (Marschall Road) to CH 83. The improvements include reconstructing the existing two-lane undivided rural highway and expanding it to a four-lane divided highway with multi-use trails on both sides of the roadway, stormwater ponds, turn lanes, and expanded shoulders.

b. Give a complete description of the proposed project and related new construction, including infrastructure needs. If the project is an expansion, include a description of the existing facility. Emphasize 1) construction and operation methods and features that will cause physical manipulation of the environment or will produce wastes; 2) modifications to existing equipment or industrial processes; 3) significant demolition, removal, or remodeling of existing structures; and 4) timing and duration of construction activities.

Scott County proposes to reconstruct approximately 1.4 miles of CH 42 from a two-lane rural highway to a four-lane divided highway in the cities of Shakopee and Prior Lake, MN. The existing right-of-way along CH 42 ranges from 150 to 200 feet wide. In areas where the right-of-way is narrower, Scott County proposes property acquisition along the north side of the roadway to make the right-of-way consistently 200 feet wide. The

roadway will include turn lanes, paved shoulders, stormwater ponds, and multi-use trails on both sides of CH 42. The median will have curb and gutter with the rest of the roadway being a rural section with roadside ditches conveying run-off to the proposed stormwater treatment areas. The proposed project is designed to meet current geometric design standards and is the last remaining gap in the four-lane arterial system between the Dakota County border and CH 17. The proposed project layout is shown in Appendix A.

The project will result in slight alignment shifts to accommodate widening while minimizing property impacts. As a result, this project is anticipated to result in some right-of-way acquisition on the north side of CH 42 and has the potential for up to 4.5 acres of right-of-way from three parcels between CH 17 and CH 83. Any acquisition will be conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

To improve access management along CH 42 and be consistent with the highway functional classification under the County's Access Management Policy, [1] six access closures are proposed along CH 42. Dakotah Parkway will remain a full access intersection. Most driveways along this section of highway will become right-in/right-out only.

Stormwater infrastructure will be included as part of the project. This includes the installation of curb and gutter along the roadway and the construction of three new stormwater basins. All three basins will be filtration basins and will provide the necessary treatment for the stormwater runoff from the roadway and trail.

The project is anticipated to be constructed starting in the spring of 2020 and will require one full construction season.

c. Project magnitude

Table 1: Project Magnitude

Measure	Magnitude
Total Project Acreage	49.2 acres
Linear Project Length	1.4 miles

d. Explain the project purpose. If the project will be carried out by a governmental unit, explain the need for the project and identify its beneficiaries.

The purpose of the project is to improve multimodal mobility and provide additional capacity along CH 42. CH 42 is the principal arterial connection between the easterly limits of Dakota County and CH 17, and the proposed project will close the last remaining gap in the four-lane arterial system, benefitting both commuters and local traffic.

e. Are future stages of this development, including development on any other property, planned or likely to happen? ☐ Yes ☒ No

[1] Scott County's Access Management Policy is in Chapter 6 of the 2040 Scott County Comprehensive Plan and is available at https://www.scottcountymn.gov/439/2040-Comprehensive-Plan.

If yes, briefly describe future stages, relationship to present project, timeline, and plans for environmental review.

Not applicable.

f. **Is this project a subsequent stage of an earlier project? ☐ Yes ☒ No**

If yes, briefly describe the past development, timeline, and past environmental review.

Not applicable.

7. Cover Types

Estimate the acreage of the site with each of the following cover types before and after development.

Table 2: Cover Types

Cover Type	Before (Acres)	After (Acres)
Wetlands	3	0
Deep Water/Streams	0.5	0.5
Wooded/Forest	2.6	0
Brush/Grassland	15.1	0
Cropland	17.4	0
Lawn/Landscaping	2.1	30.6
Impervious Surface	8.5	16.9
Stormwater Pond	0	1.2
Other (describe)	0	0
Total	49.2	49.2

8. Permits and Approvals Required

List all known local, state, and federal permits, approvals, certifications, and financial assistance for the project. Include modifications of any existing permits, governmental review of plans, and all direct and indirect forms of public financial assistance including bond guarantees, Tax Increment Financing, and infrastructure. ***All of these final decisions are prohibited until all appropriate environmental review has been completed. See Minnesota Rules Chapter 4410.3100.***

Table 3: Permits and Approvals Required

Unit of Government	Type of Application	Status
LOCAL		
Local Government Units (Cities of Shakopee and Prior Lake)	Wetland Conservation Act Wetland Replacement Plan from each city	To be requested
Scott County	EIS Need Decision	In progress
Shakopee Mdewakanton Sioux Community (SMSC)	SMSC Land Department Permit	To be requested
	National Pollutant Discharge Elimination Permit (NPDES)	To be requested

Unit of Government	Type of Application	Status
STATE		
Minnesota Department of Natural Resources (DNR)	Groundwater Appropriation Permit	To be requested, if necessary
Minnesota Pollution Control Agency (MPCA)	National Pollutant Discharge Elimination Permit (NPDES)	To be requested
	Section 401 Certification (may be covered under USACE permit)	To be requested
FEDERAL		
US Army Corps of Engineers (USACE)	Section 404 Permit	To be requested
US Environmental Protection Agency (USEPA)	NPDES Permit (for impacts on trust land parcels)	To be requested

9. Land Use

a. Describe:

i. Existing land use of the site as well as areas adjacent to and near the site, including parks, trails, and prime or unique farmlands.

Land use within and adjacent to the project limits includes multiple uses including existing right-of-way, agricultural, rural residential, a public works building, a church, and a garden center. There are no parklands within or adjacent to the project limits. Existing trails are located along CH 17 north of CH 42, along CH 83 north and south of CH 42, and on the south side of CH 42 east of CH 83 (see Figure 1). The SMSC owns 12 parcels of land along the project limits, seven of which are trust lands and five are fee lands.

According to the Natural Resources Conservation Service (NRCS) Web Soil Survey, there are approximately 4.7 acres of prime and unique farmlands located within the project limits, not including impervious surfaces.

ii. Planned land use as identified in comprehensive plans (if available) and any other applicable plan for land use, water, or resource management by a local, regional, state, or federal agency.

Based on the City of Shakopee's 2030 Comprehensive Plan and the City of Prior Lake's 2040 Comprehensive Plan land use types map,[2] the land within and adjacent to the project limits is planned for institutional, residential, and business enterprise. The dividing line between the cities of Shakopee and Prior Lake runs north-south approximately ½ mile west of CH 83. A majority of the land on the south side of CH 42 is SMSC owned.

iii. Zoning, including special districts or overlays such as shoreland, floodplain, wild and scenic rivers, critical area, agricultural preserves, etc.

[2] http://www.cityofpriorlake.com/documents/maps/complanduseplanmap.pdf

The project is not located within a shoreland or floodplain district or within or adjacent to a scenic river, critical area, or agricultural preserve.

b. **Discuss the project's compatibility with nearby land uses, zoning, and plans listed in Item 9a above, concentrating on implications for environmental effects.**

   The proposed roadway improvements are consistent with and support the existing and future land uses along the corridor.

c. **Identify measures incorporated into the proposed project to mitigate any potential incompatibility as discussed in Item 9b above.**

   No incompatibility has been identified; therefore, no mitigation is needed.

10. Geology, Soils, and Topography/Land Forms

a. **Geology – Describe the geology underlying the project area and identify and map any susceptible geologic features such as sinkholes, shallow limestone formations, unconfined/shallow aquifers, or karst conditions. Discuss any limitations of these features for the project and any effects the project could have on these features. Identify any project designs or mitigation measures to address effects to geologic features.**

   According to the Geologic Atlas of Scott County,[3] the project limits have upper bedrock contact with the Prairie du Chien Group. The Prairie du Chien is typically 140-190 feet thick and is comprised of Oneota Dolostone, New Richmond Sandstone, and Shakopee Dolostone. The Prairie du Chien is stratigraphically followed by the Jordan Sandstone, the St. Lawrence Formation, the Tunnel City Group (formerly known as the Franconia Formation), the Wonewoc Sandstone (formerly known as the Ironton and Galesville Sandstones), and the Eau Claire Formation. The depth to the bedrock typically ranges from 51 to100 feet throughout the project area.

   There are no known sinkholes, shallow limestone formations, unconfined/shallow aquifers, or karst features present within or near the project limits.

b. **Soils and Topography – Describe the soils on the site, giving NRCS (SCS) classifications and descriptions, including limitations of soils. Describe topography, any special site conditions relating to erosion potential, soil stability, or other soil limitations, such as steep slopes or highly permeable soils. Provide estimated volume and acreage of soil excavation and/or grading. Discuss impacts from project activities (distinguish between construction and operational activities) related to soils and topography. Identify measures during and after project construction to address soil limitations including stabilization, soil corrections, or other measures. Erosion/sedimentation control related to stormwater runoff should be addressed in response to Item 11.b.ii.**

   The current elevations of the existing roadway range from 910 feet to 970 feet and generally slope downward from west to east along the corridor.

   According to the NRCS Web Soil Survey, there are 18 soil types within the project limits. Three soil types (Webster-Glencoe silty clay loams, Lester loams, and Hayden loams)

[3] Available at http://www.dnr.state.mn.us/waters/programs/gw_section/mapping/platesum/scotcga.html.

make up almost 80 percent of the 49 acres within the project limits. Details on the soil types found within the project limits are included in Table 4 and Appendix B.

The NRCS Erosion Hazard Ratings indicate the hazard of soil loss from off-road areas after disturbance activities that expose soil surface. Within the project limits, 45.2 acres (91.8 percent) have a "slight" rating, meaning that erosion is unlikely under normal climatic conditions, and 2.6 acres (5.4 percent) have a "moderate" rating, meaning that some erosion is likely and additional erosion control measures may be needed. This area with a moderate erosion hazard rating is concentrated near the stream channel west of Dakotah Parkway which is locally known as the Jurrison Stream. The remaining 1.4 acres (2.8 percent) within the project limits was not rated.

The proposed project would require approximately 320,000 cubic yards of excavation and 200,00 cubic yards of fill.

Table 4: Soil Types within the Project Limits

Map Unit Symbol	Map Unit Name	Erosion Hazard Rating	Percent of Project Limits
Ab	Alluvial land, frequent overflow, 0 to 6 percent slopes	Slight	0.4
Ga	Glencoe silty clay loam, 0 to 1 percent slopes	Slight	4.2
HaB	Hayden loam, 2 to 6 percent slopes	Slight	12.2
HaC	Hayden loam, 6 to 10 percent slopes	Slight	4.4
HaC2	Hayden loam, 6 to 10 percent slopes, moderately eroded	Slight	10.2
HaD2	Hayden loam, 10 to 22 percent slopes, moderately eroded	Slight	8.3
HcC3	Hayden soils, 6 to 12 percent slopes, severely eroded	Slight	1.7
HcD3	Hayden soils, 12 to 18 percent slopes, severely eroded	Moderate	3.4
HcE3	Hayden soils, 18 to 25 percent slopes	Moderate	0.7
LbB2	Estherville-Burnsville complex, 2 to 6 percent slopes, moderately eroded	Slight	3.4
LbC	Estherville-Burnsville complex, 6 to 12 percent slopes	Slight	2.6
LbD	Estherville-Burnsville complex, 12 to 50 percent slopes	Moderate	1.2
LcB	Lester loam, 2 to 6 percent slopes	Slight	10.5
LcB2	Lester loam, 2 to 6 percent slopes, moderately eroded	Slight	0.4
LcC2	Lester loam, 6 to 10 percent slopes, moderately eroded	Slight	5.4
PaA	Klossner muck, 0 to 1 percent slopes	Slight	5.7
Sb	Steep land, Hayden Lester materials	Not rated	2.8
Wb	Webster-Glencoe silty clay loams	Slight	22.4

An NPDES permit is required because the project will disturb more than 1 acre of land. A Stormwater Pollution Prevention Plan (SWPPP) will be prepared. All areas disturbed during construction will be revegetated in accordance with the standard NPDES permit requirements. In areas with steep slopes, special consideration will be given to prevent erosion during construction, such as erosion control blankets, along with vegetation

establishment to permanently stabilize side slopes and any areas impacted as a result of construction.

11. Water Resources

a. Describe surface water and groundwater features on or near the site below.

i. Surface Water – lakes, streams, wetlands, intermittent channels, and county/judicial ditches. Include any special designations such as public waters, trout stream/lake, wildlife lakes, migratory waterfowl feeding/resting lake, and outstanding resource value water. Include water quality impairments or special designations listed on the current MPCA 303d Impaired Waters List that are within one mile of the project. Include DNR Public Waters Inventory number(s), if any.

The project area contains multiple surface waters including wetlands and watercourses. Aquatic resources within the project limits were delineated using a routine Level 2 delineation method[4] (Short Elliot Hendrickson, Inc. (SEH), December 2017).[5] A delineation was completed by SMSC for the parcel located in the SE quadrant of CH 42 and CH 83. Three additional wetlands were delineated (see Figure 3 and Table 5).

Two watercourses were identified as part of the field delineations.

Table 5: Delineated Wetlands

Basin ID	Size (acres)	Wetland Type
W1	1.21	Shallow Marsh, Type 3
W2	19.41	Floodplain Forest/Fresh (Wet) Meadow; Type 1 and 2
W3	2.69	Fresh (Wet) Meadow; Type 2
W4	0.39	Shallow Open Water Community; Type 5
W5	3.91	Shallow Marsh; Type 3
W6	0.76	Fresh (Wet) Meadow; Type 2
W7	0.19	Fresh (Wet) Meadow; Type 2
W8	2.77	Fresh (Wet) Meadow/ Shallow Marsh; Type 2 and 3
W9	1.61	Shallow Open Water Community; Type 5
W10	1.66	Shallow Marsh; Type 3
W11	0.45	Fresh (Wet) Meadow; Type 2
W12	4.43	Shallow Marsh/Open Water; Type 3/5
W13	0.45	Seasonally Flooded Basin; Type 1
W14	0.27	Fresh (Wet) Meadow; Type 2
W15	0.45	Fresh (Wet) Meadow; Type 2

The wetland delineations were reviewed by the Local Governmental Units (LGUs) (Cities of Shakopee and Prior Lake) and the US Army Corps of Engineers. The Notice of Decision (NOD) was issued by the City of Shakopee and the City of Prior

[4] Level 2 delineation methodology outlined in the 1987 Corps of Engineers Wetlands Delineation Manual (USACE, 1987) along with the Midwest regional supplement (USACE, 2012). More information available at http://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/reg_supp/.
[5] Scott County State Aid Highway 42 Wetland Delineation Report. SEH, December 2017.

Lake on February 5, 2018. The delineation concurrence letter is included in Appendix C. The NOD for the SMSC delineation is also included in Appendix C.

No DNR Public Waters are located within the project limits; however, an DNR Public Waters Wetland is located south of the project. The outlet for this DNR Wetland is Wetland 3 (see Figure 3) with the culvert under CH 42 maintaining the outlet elevation.

Lake O'Dowd is the only resource within one mile of the project limits that is on the MPCA's 303d 2018 Impaired Waters list (see Table 6 and Figure 3).[6] The project will not contribute to the impairment of the lake or any other surface waters near the corridor due to the implementation of stormwater best management practices (BMPs).

Table 6: Impaired Waters within One Mile of the Project Limits

Waterbody	Assessment Unit	Impairment Cause
Lake O'Dowd	70-0095-00	Nutrients, Mercury

ii. Groundwater – aquifers, springs, and seeps. Include 1) depth to groundwater; 2) if project is within a MDH well protection area; and 3) identification of any onsite and/or nearby wells, including unique numbers and well logs, if available. If there are no wells known on site or nearby, explain the methodology used to determine this.

The project area is underlain by several bedrock aquifer systems; the Prairie du Chien-Jordan aquifers are the uppermost aquifers. The underlying St. Lawrence Formation is considered a regional confining bed hydraulically separating the overlying Prairie du Chien-Jordan aquifer from the underlying Tunnel City-Wonewoc (Franconia-Ironton-Galesville) aquifer. The Eau Claire Formation, a shale, siltstone, and very fine-grained sandstone layer that averages about 75 feet in thickness, acts as a confining layer hydraulically separating the overlying Wonewoc from the underlying Mt. Simon-Hinckley aquifer. In addition to the bedrock aquifers, sand layers in the glacial drift may be used as a source of water supply. The groundwater beneath the project site flows west toward the Minnesota River; however, this could vary locally due to surrounding surface waters affecting the groundwater flow.

A review of nearby well records via the Minnesota DNR's Water-Table Elevation and Depth to Water Table data (Minnesota Hydrogeology Atlas series HG-03), the depth to groundwater varies from 170 to 220 feet across the project area. The project site is in an area considered to have medium to high susceptibility to groundwater contamination.

The project is located within the Shakopee Wellhead Protection Area, as well as the Shakopee Drinking Water Supply Management Area (see Figure 4). According to the Minnesota Department of Health (MDH) Well Index,[7] there are

[6] More information related to impaired waters is available at https://www.pca.state.mn.us/water/minnesotasimpaired-waters-list.
[7] Available at https://mnwellindex.web.health.state.mn.us/

several wells along CH 42, but none are located within the project limits. The wells range in depth up to 350 feet. No wells were identified during surveys of the project area; however, if wells are encountered during construction, they will be sealed in accordance with current MDH regulations. Wells located within 150 feet of the project limits are listed in Table 7 and Figure 4.

Table 7: Wells Within 150 feet of the Project Limits

Unique Well ID	Type of Well	Status
495805	Domestic	Sealed
257040	Abandoned	Sealed
191519	Domestic	Active
417559	Domestic	Active

b. Describe effects from project activities on water resources and measures to minimize or mitigate the effects below.

i. Wastewater – For each of the following, describe the sources, quantities, and composition of all sanitary, municipal/domestic, and industrial wastewaters projected or treated at the site.

1) If the wastewater discharge is to a publicly owned treatment facility, identify any pretreatment measures and the ability of the facility to handle the added water and waste loadings, including any effects on, or required expansion of, municipal wastewater infrastructure.

Not applicable.

2) If the wastewater discharge is to a subsurface sewage treatment system (SSTS), describe the system used, the design flow, and suitability of site conditions for such a system.

Not applicable.

3) If the wastewater discharge is to surface water, identify the wastewater treatment methods, discharge points, and proposed effluent limitations to mitigation impacts. Discuss any effects to surface or groundwater from wastewater discharges.

Not applicable.

ii. Stormwater – Describe the quantity and quality of stormwater runoff at the site prior to and post construction. Include the routes and receiving water bodies for runoff from the site (major downstream water bodies as well as the immediate receiving waters). Discuss any environmental effects from stormwater discharges. Describe stormwater pollution prevention plans including temporary and permanent runoff controls and potential BMP site locations to manage or treat stormwater runoff. Identify specific erosion control, sedimentation control, or stabilization measures to address soil limitations during and after project construction.

The project area includes 8.5 acres of existing impervious surface. Stormwater runoff from the roadway currently flows north through culverts, streams, and

ditches. The proposed addition of travel lanes, shoulders, and turn lanes would result in a net increase of 8.4 acres of new impervious surface. The project must meet water quality, volume, and erosion control standards set by the Scott County Water Management Organization (WMO).

For stormwater treatment facility sizing, the MPCA Construction Stormwater NPDES Permit requires a water quality volume equal to 1 inch of runoff from the net new impervious surfaces created by the project. The total proposed net new impervious area is approximately 8.4 acres which requires 0.7 acre-ft (30,500 cubic-feet) of water quality volume for the project.

The project is divided into six drainage areas. The proposed drainage areas will generally be maintained. The conveyance will be via roadside ditches and in some areas converted to curb and gutter, and all runoff will be collected and treated before discharge to receiving waters. The roadside ditches will be providing the pretreatment necessary to meet Scott County WMO requirements. Three filtration areas will be constructed, and each area has been located to avoid wetland impacts. Additional right-of-way is required for all three pond locations. Each filtration area is designed to meet or exceed the required water quality and volume control according to the NPDES and the Nationwide Urban Runoff Program (NURP) criteria. The location of each filtration basins is shown in the project layout included in Appendix A.

An NPDES permit is required; therefore, a Stormwater Pollution Prevention Plan (SWPPP) will be prepared for the construction phase of this project. The SWPPP will require erosion control BMPs to be implemented by the contractor during all phases of construction.

iii. Water Appropriation – Describe if the project proposes to appropriate surface or groundwater (including dewatering). Describe the source, quantity, duration, use, and purpose of the water use and if a DNR water appropriation permit is required. Describe any well abandonment. If connecting to an existing municipal water supply, identify the wells to be used as a water source and any effects on, or required expansion of, municipal water infrastructure. Discuss environmental effects from water appropriation, including an assessment of the water resources available for appropriation. Identify any measures to avoid, minimize, or mitigate environmental effects from the water appropriation.

Dewatering is not anticipated as part of this project; however, if dewatering is needed, a plan will be prepared and a water appropriation permit from the DNR will be obtained by the contractor.

iv. Surface Waters

1) Wetlands – Describe any anticipated physical effects or alterations to wetland features, such as draining, filling, permanent inundation, dredging, and vegetative removal. Discuss direct and indirect environmental effects from physical modification of wetlands, including the anticipated effects that any proposed wetland alterations may have to the host watershed. Identify measures to avoid (e.g., available alternatives that were considered),

minimize, or mitigate environmental effects to wetlands. Discuss whether any required compensatory wetland mitigation for unavoidable wetland impacts will occur in the same minor or major watershed, and identify those probable locations.

A total of 2.97 acres of wetland impacts are proposed. All wetland and stream channel impacts are anticipated to be permanent, resulting from roadway fill or culvert installations (i.e., new pipes/aprons, riprap placement). These impacts are based on standard rural road and trail cross-section.

Table 8: Wetland Impacts

Wetland ID	Proposed Impacts (acres)
W1	0.08
W2	1.05
W3	0.72
W4	0
W5	0
W6	0.25
W7	0.06
W8	0.29
W9	0.08
W10	0.24
W11	0
W12	0
W13	0.07
W14	0
W15	0.13
TOTAL	2.97

As design progresses, Scott County will identify measures to avoid and minimize the wetland impacts to the extent practicable. The County will coordinate with the USACE and the Cities of Shakopee and Prior Lake to ensure all activities are authorized by appropriate permits and approvals. It is anticipated that the County will purchase wetland bank credits from a USACE approved state wetland bank within the same Bank Service Area at a 2:1 replacement ratio for unavoidable wetland impacts.

2) **Other surface waters – Describe any anticipated physical effects or alterations to surface water features (lakes, streams, ponds, intermittent channels, county/judicial ditches) such as draining, filling, permanent inundation, dredging, diking, stream diversion, impoundment, aquatic plant removal, and riparian alteration. Discuss direct and indirect environmental effects from physical modification of water features. Identify measures to avoid, minimize, or mitigate environmental effects to surface water features, including in-water Best Management Practices that are proposed to avoid or minimize turbidity/sedimentation while physically altering the water features. Discuss how the project will change the number or type of watercraft on any water body, including current and projected watercraft usage.**

Two delineated watercourses were identified within the project limits. Minor impacts will be required for culvert replacement. These impacts have been minimized to the extent practicable with the only fill occurring as a result of riprap placement within the channel to prevent scouring and erosion. The drainage patterns to these channels will be maintained. The work will be completed during the dry season to avoid the need for dewatering or channel diversion.

12. Contamination/Hazardous Materials/Wastes

a. Pre-project Site Conditions – Describe existing contamination or potential environmental hazards on or in close proximity to the project site, such as soil or groundwater contamination, abandoned dumps, closed landfills, existing or abandoned storage tanks, and hazardous liquid or gas pipelines. Discuss any potential environmental effects from pre-project site conditions that would be caused or exacerbated by project construction and operation. Identify measures to avoid, minimize, or mitigate adverse effects from existing contamination or potential environmental hazards. Include development of a Contingency Plan or Response Action Plan.

The presence of potentially contaminated properties (defined as properties where soil and/or groundwater is impacted with pollutants, contaminants, or hazardous wastes) is a concern due to the potential liabilities associated with ownership of such properties, potential cleanup costs, and safety concerns associated with construction personnel encountering unsuspected wastes or contaminated soil or groundwater. Contaminated materials encountered must be properly handled and treated in accordance with state and federal regulations. Improper handling of contaminated materials can worsen their impact on the environment. Contaminated materials also cause adverse impacts to highway projects by increasing construction costs and causing construction delays, which also can increase project costs.

Eight Limited Phase I Environmental Site Assessments (ESAs) were completed in the project area between 2008 and 2015 for nine total parcels all located on the south side of CH 42. Potentially contaminated properties were identified through review of historic land use records and aerial photographs; US Environmental Protection Agency (EPA), MPCA, and county/city records; and reconnaissance of current property conditions. Potentially contaminated properties identified by the Limited Phase 1 ESAs are listed below:

- One Recognized Environmental Condition (REC) was found at the most southwestern parcel along CH 42 in 2009 (see Figure 5), where there was soil staining beneath three aboveground storage tanks (ASTs), but the tanks were removed in 2014. This staining indicated a release of hazardous materials into the environment. However, a second Phase I was completed in 2015 and identified no RECs on site since there was no evidence of soil staining or presence of ASTs.
- A second REC was found at the first two parcels located on the south side of CH 42 in Prior Lake (see Figure 5), where 12 drums were observed, some of which were partially filled with Protectosil Chem-Trete 40 VOC. The drums were located

outside near a shed, where they appeared to be in good condition and posed a minimal threat of impacting the site. Recommendations included removal of the drums and disposing material at a hazardous waste disposal facility.

According to a review of the Minnesota Pollution Control Agency's (MPCA) What's in my Neighborhood (WIMN) database,[8] four potentially contaminated sites exist within the project limits (see Table 9 and Figure 4: Wellhead Protection Area and Drinking Water Supply Management Area

Figure 5). All four sites are classified as having low potential for contamination using MnDOT's classification categories, meaning there are minor volumes of chemicals or hazardous materials that have been used or stored at these sites.

Table 9: WIMN Sites Within the Project Limits

Site ID	Site Name	Activity	Active?	Potential for Contamination
132843	Minnesota Green Landscaping, Inc.	Hazardous waste, minimal quantity generator	Yes	Low
65317	Elite Construction Services, Inc.	Hazardous waste, very small quantity generator	Yes	Low
123280	SMSC Compost Facility PBR	Solid waste	No	Low
97407	Former O'Loughlin Property – CSW	Construction stormwater	Yes	Low

b. Project Related Generation/Storage of Solid Wastes – Describe solid wastes generated/stored during construction and/or operation of the project. Indicate method of disposal. Discuss potential environmental effects from solid waste handling, storage, and disposal. Identify measures to avoid, minimize, or mitigate adverse effects from the generation/storage of solid waste including source reduction and recycling.

All solid wastes generated by construction of the proposed project would be disposed of properly in a permitted, licensed solid waste facility. Project demolition of concrete, asphalt, and other potentially recyclable construction materials would be directed to the appropriate storage, crushing, or renovation facility for recycling.

The disposal of solid waste generated by clearing the construction area is a common occurrence associated with road construction projects. During project construction, excavation of soil will need to occur within the project limits. Preliminary design will consider selection of grade-lines and locations to minimize excess materials, and consideration will be given to using excess materials on the proposed project or other nearby projects. Any excess soil material that is not suitable for use on the project site or other nearby projects will be disposed of in accordance with state and federal requirements.

Excess materials and debris from this project such as concrete and asphalt will be disposed of in accordance with MnDOT Standard Specifications for Construction, 2104.3C and Minnesota Rule 7035.2825 and the Scott County Solid Waste Ordinance.

[8] Available at https://pca-gis02.pca.state.mn.us/wimn2/index.html

If during construction contaminated soils are encountered, the response would be handled consistent with MPCA requirements.

c. **Project Related Use/Storage of Hazardous Materials – Describe chemicals/hazardous materials used/stored during construction and/or operation of the project including method of storage. Indicate the number, location, and size of any above or below ground tanks to store petroleum or other materials. Discuss potential environmental effects from accidental spills or releases of hazardous materials. Identify measures to avoid, minimize, or mitigate adverse effects from the use/storage of chemicals/hazardous materials including source reduction and recycling. Include development of a spill prevention plan.**

No ASTs or underground storage tanks (USTs) are planned for permanent use in conjunction with this project. Temporary storage tanks for petroleum products may be located in the project limits for refueling construction equipment during roadway construction. Appropriate measures would be taken during construction to avoid spills that could contaminate groundwater or surface water in the project area. In the event that a leak or spill occurs during construction, appropriate action to remedy the situation would be taken immediately in accordance with MPCA guidelines and regulations.

d. **Project Related Generation/Storage of Hazardous Wastes – Describe hazardous wastes generated/stored during construction and/or operation of the project. Indicate method of disposal. Discuss potential environmental effects from hazardous waste handling, storage, and disposal. Identify measures to avoid, minimize, or mitigate adverse effects from the generation/storage of hazardous wastes including source reduction and recycling.**

Normal construction wastes are anticipated. Toxic or hazardous materials such as fuel for construction equipment and materials used in the construction of roads (paint, contaminated rags, acids, bases, herbicides, and pesticides) will likely be used during site preparation and road construction. Although spills of these materials are not common, any spills of reportable quantities that occur will be reported to the Minnesota Duty Officer and the contractor will clean up spilled material according to state requirements.

Measures to avoid adverse effects from storage of hazardous waste include the following:

- Products will be kept in their original containers unless they cannot be resealed. Original labels and Material Safety Data Sheets will be retained onsite and will be accessible at all times as they contain important product and safety information. If surplus product must be disposed of, manufacturers' or local and state recommended methods for proper disposal will be followed. An effort will be made to store only enough products required to do the job.
- All materials stored onsite will be stored in a neat, orderly manner in their appropriate containers and, if possible, under a roof or other enclosure with secondary containment.
- Substances will not be mixed with one another unless recommended by the manufacturer.

- Whenever possible, all of a product will be used up before disposing of the container.
- Manufacturers' recommendations for proper use and disposal will be followed.

The contractor's site superintendent will inspect daily to ensure proper use and disposal of materials onsite.

13. Fish, Wildlife, Plant Communities, and Sensitive Ecological Resources (Rare Features)

a. Describe fish and wildlife resources as well as habitats and vegetation on or near the site.

The majority of the land within the project area has been previously disturbed through construction of the roadway and residential areas (mainly to the south) and through farming practices to the north. Habitats in the project area include upland deciduous forest, brushland, lawn, and cropland; however, due to residential development and agricultural practices, the project area is dominated by surrogate grassland.

Due to fragmented and low quality rural habitat, the wildlife that inhabit this area are generalist species adapted to highly disturbed conditions. These species are generally more tolerant of human presence and activities, such as traffic and agricultural practices, and have demonstrated by their presence that they adapt readily to the human environment.

The project limits are almost entirely within a high potential zone of the rusty patched bumble bee, with the 500 feet of the roadway on the eastern end outside of the high potential zone.[9]

The northern long-eared bat roosts underneath bark, in cavities, or in crevices of both live and dead trees. Tree removal is proposed as part of this project, but the project limits are not located within a township containing any documented northern long-eared bat maternity roost trees or hibernacula entrances.[10]

There are no lakes within the project limits; however, there are two streams and one intermittent stream. It is unlikely the intermittent stream possesses fish species or fish habitat.

The project is not located within any regionally significant ecological areas (RSEAs).

b. Describe rare features such as state-listed (endangered, threatened, or special concern) species, native plant communities, Minnesota County Biological Survey Sites of Biodiversity Significance, and other sensitive ecological resources on or within close proximity to the site. Provide the license agreement number and/or correspondence number (ERDB) from which the data were obtained, and attach the Natural Heritage

[9] Rusty Patched Bumble Bee Map. Available at https://www.fws.gov/midwest/endangered/insects/rpbb/rpbbmap.html.
[10] Townships Containing Documented Northern Long-Eared Bat Maternity Roost Trees and/or Hibernacula Entrances in Minnesota. DNR and USFS, April 1, 2018. Available at https://files.dnr.state.mn.us/eco/ereview/minnesota_nleb_township_list_and_map.pdf.

letter from the DNR. Indicate if any additional habitat or species survey work has been conducted within the site and describe results.

State-Listed Species

A review of the DNR Natural Heritage Inventory System database was conducted (Correspondence # ERDB 20180343) for the area within approximately one mile of the project, and one species, the Blanding's turtle, was identified. Blanding's turtles (*Emydoidea blandingii*), a state-listed threatened species, have been reported in the vicinity of the proposed project. Blanding's turtles use wetlands as well as upland areas up to and over a mile distant from wetlands. Uplands are used for nesting, basking, periods of dormancy, and traveling between wetlands. Factors believed to contribute to the decline of this species include collisions with vehicles, wetland drainage and degradation, and the development of upland habitat. The project corridor consists of wetlands surrounded by loamy and clayey uplands.

Correspondence with the DNR is included in Appendix D.

Federally-Listed Species

The project limits are located almost entirely within a high potential zone for the rusty patched bumble bee. The rusty patched bumble bee is an endangered species that prefers grassland with flowering plants from April through October, underground and abandoned rodent cavities or clumps of grasses above ground as nesting sites, and undisturbed soil for hibernating queens to overwinter. There is no critical habitat designated for this species.

No known northern long-eared bat hibernacula or maternity roost trees are located in the project area.

c. **Discuss how the identified fish, wildlife, plant communities, rare features, and ecosystems may be affected by the project. Include a discussion on introduction and spread of invasive species from the project construction and operation. Separately discuss effects to known threatened and endangered species.**

The project would involve grading and ground disturbance within the project limits. Much of this land has been previously disturbed due to residential, infrastructure, or roadway development and past agricultural practice. The following discusses how the project may affect the species identified above.

State-Listed Species

There are no observed occurrences of Blanding's turtle within one mile of the project, but there is potential that the project may have an impact on the species' habitat.

Federally-Listed Species

There is potential rusty patched bumble bee habitat within the project limits. Construction will start in the spring with mowing and vegetation disturbance occurring in early spring, prior to the active season for the rusty patched bumble bee. Disturbed areas will be reseeded using native seed mixes; therefore, no long-term adverse impacts to the rusty patched bumble bee are anticipated.

Anticipated tree removal within the project limits could potentially affect the northern long-eared bat; however, no roost trees or hibernacula have been identified in the surrounding area.

Invasive Species

The proposed project would not result in the introduction of invasive species. Disturbed areas would be reestablished using appropriate native and stabilization seed mixes.

d. Identify measures that will be taken to avoid, minimize, or mitigate adverse effects to fish, wildlife, plant communities, and sensitive ecological resources.

Blanding's Turtle

Measures outlined in the Blanding's turtle fact sheet (Appendix D) will be implemented to the extent possible. Wildlife-friendly erosion control measures will be utilized to minimize the potential effect on the species during construction.

Rusty Patched Bumble Bee

Construction will start in the spring with mowing and vegetation disturbance occurring in late winter/early spring, prior to the active season for the rusty patched bumble bee. Disturbed areas will be reseeded using native seed mixes.

Northern Long-Eared Bat

Measures outlined in the northern long-eared bat fact sheet (Appendix D) will be implemented to the extent possible.

14. Historic Properties

Describe any historic structures, archeological sites, and/or traditional cultural properties on or in close proximity to the site. Include 1) historic designations; 2) known artifact areas; and 3) architectural features. Attach letter received from the State Historic Preservation Office (SHPO). Discuss any anticipated effects to historic properties during project construction and operation. Identify measures that will be taken to avoid, minimize, or mitigate adverse effects to historic properties.

Due to the previously disturbed nature of the existing right-of-way and absence of known archeological sites surrounding the project, it is not anticipated that any archeological sites will be uncovered during the construction of this project. The Minnesota Office of the State Archeologist (OSA) Mapper was viewed to analyze the north side of CH 42, and no known archeological sites were identified. Multiple sites were identified within Township 115N, Range 22W, Sections 26, 27, 28, and 29 on the south side of CH 42, where Phase I Archeological surveys were completed by SMSC. No significant archeological or historical sites were identified within any parcels. A letter from SMSC indicating no identified sites is included in Appendix E.

The Minnesota State Historic Preservation Office (SHPO) was contacted to determine whether any known cultural resources have been previously identified within the project area. The SHPO response noted that no known resources have been identified in the project area (see Appendix E). SHPO also recommended that a Phase I Archeological survey be

completed within the project area. There were two Phase I Archeological surveys completed for the SMSC on the two eastern most parcels on the north side of CH 42, and nine Phase 1 Archeological surveys completed on the south side of CH 42 that covered nine out of the ten parcels adjacent to the project limits south of CH 42. No sites or resources were identified through those surveys.

If cultural materials are encountered during construction, Unanticipated Discoveries protocols will be followed. If archeological artifacts, features, or human remains are uncovered during construction, demolition, earthmoving activities, and ground disturbance at the location would cease and the state archeologist will be contacted.

15. Visual

Describe any scenic views or vistas on or near the project site. Describe any project related visual effects such as vapor plumes or glare from intense lights. Discuss the potential visual effects from the project. Identify any measures to avoid, minimize, or mitigate visual effects.

The project area is an existing roadway corridor that is not near any unique scenic views or vistas. The proposed project would modify the existing roadway by expanding the number of lanes and adding a trail on both sides. Views to and from CH 42 would be similar to those experienced currently. No visual impacts have been identified.

16. Air

a. **Stationary Source Emissions – Describe the type, sources, quantities, and compositions of any emissions from stationary sources such as boilers or exhaust stacks. Include any hazardous air pollutants, criteria pollutants, and any greenhouse gases. Discuss effects to air quality including any sensitive receptors, human health, or applicable regulatory criteria. Include a discussion of any methods used to assess the project's effect on air quality and the results of that assessment. Identify pollution control equipment and other measures that will be taken to avoid, minimize, or mitigate adverse effects from stationary source emissions.**

   Not applicable.

b. **Vehicle Emissions – Describe the effect of the project's traffic generation on air emissions. Discuss the project's vehicle-related emissions effect on air quality. Identify measures (e.g., traffic operational improvements, diesel idling minimization plan) that will be taken to minimize or mitigate vehicle-related emissions.**

   Motor vehicles emit a variety of air pollutants including carbon monoxide (CO), hydrocarbons, nitrogen oxides, and particulates. The primary pollutant of concern is CO, which is a byproduct of the combustion process of motor vehicles. CO concentrations are highest where vehicles idle for extended periods of time. For this reason, CO concentrations are generally highest in the vicinity of signalized intersections where vehicles are delayed and emitting CO. Generally, concentrations approaching state air quality standards are found within about 100 feet of a roadway source. Further from the road, the CO in the air is dispersed by the wind such that concentrations rapidly decrease.

The US Environmental Protection Agency has approved a screening method to determine which intersections need analysis for potential hot spot air quality impacts. The screening analysis consists of two criteria. If either criterion is met, then an intersection analysis would be required.

The first criterion is to determine whether the total daily approach volume of the study area exceeds 82,300 Average Annual Daily Traffic (AADT). All intersection AADTs for the project corridor are well below this threshold.

The second criterion compares the project area to the locations of 10 intersections that the MPCA has identified as having the highest volumes in the metro area. If any of these 10 intersections were affected by the project, then analysis would be required. The nearest of these intersections is over 10 miles away, at the intersection of Nicollet Avenue and CSAH 42 in Burnsville; therefore, the second criterion is not met, and no hot spot analysis is needed.

This project is not regionally significant and does not match the types of projects listed in 40 CFR 93.126, 40 CFR 93.127, or 40 CFR 93.128. Therefore, Scott County is not required to conduct a regional analysis, or a localized hot spot carbon monoxide intersection analysis, and it has not performed one.

c. **Dust and Odors – Describe sources, characteristics, duration, quantities, and intensity of dust and odors generated during project construction and operation. (Fugitive dust may be discussed under Item 16a). Discuss the effect of dust and odors in the vicinity of the project including nearby sensitive receptors and quality of life. Identify measures that will be taken to minimize or mitigate the effects of dust and odors.**

During grading and construction of the project, fugitive dust will be created. Due to impacts from wind and other construction conditions, nearby properties may be temporarily affected. It will be minimized through general dust control measures such as applying water to exposed soils and limiting the extent and duration of the exposed soil conditions. All exposed soil surfaces will be permanently covered after completion of construction with pavement or vegetation, eliminating the potential to generate dust.

17. Noise

Describe sources, characteristics, duration, quantities, and intensity of noise generated during project construction and operation. Discuss the effect of noise in the vicinity of the project including 1) existing noise levels/sources in the area; 2) nearby sensitive receptors; 3) conformance to state noise standards; and 4) quality of life. Identify measures that will be taken to minimize or mitigate the effects of noise.

Construction Noise

The construction of the project is expected to generate noise through both the removal of the old road and installation of the new road. Equipment expected to be used includes haul trucks, jackhammers, loaders, pavers, etc. Elevated noise levels will be unavoidable at times due to the nature of the construction work associated with the project. To alleviate noise issues, all equipment will be in proper working order and properly muffled. Advanced notice will be given to nearby residences prior to any abnormally loud activities such as pavement

sawing, jack hammering, or operations of heavy construction vehicles. Notice should be provided at least seven days before the commencement of noisy construction operations. It is anticipated that nighttime construction will not be required for the proposed project. Construction will be limited to daytime hours as much as possible.

Scott County will require that construction equipment be properly muffled and in proper working order. While Scott County and its contractor(s) are exempt from local noise ordinances, it is the practice to require contractor(s) to comply with applicable local noise restrictions and ordinances to the extent that is reasonable. This project is expected to be under construction for 12 months.

Operational Traffic Noise

The Minnesota State Noise Standards do not apply to certain roadways outside the cities of Minneapolis and St. Paul. The exemption criteria are found in Minnesota Statutes 2017, section 116.07, subdivision 2a. The text of the exemption is provided as follows, with the specific exemption shown in bold text:

> Subd. 2a. Exemptions from standards. No standards adopted by any state agency for limiting levels of noise in terms of sound pressure which may occur in the outdoor atmosphere shall apply to…**(3) except for the cities of Minneapolis and St. Paul, an existing or newly constructed segment of a road, street, or highway under the jurisdiction of a road authority of a town, statutory or home rule charter city, or county, except for roadways for which full control of access has been acquired**,

Subdivision 2a(3) is the exemption that applies to many local roadway projects, since full control of access has not been acquired for many of these facilities. In applying this exemption, full control of access means that the authority to control access is exercised to give preference to through traffic by providing access connections with selected public roads only and by prohibiting crossings at grade or direct private driveway connections. CH 42 is exempt due to the lack of full access control.

The project will not include federal funding and, therefore, does not need to comply with Federal Highway Administration noise abatement criteria.

18. Transportation

a. Describe traffic-related aspects of project construction and operation. Include 1) existing and proposed additional parking spaces; 2) estimated total average daily traffic generated; 3) estimated maximum peak hour traffic generated and time of occurrence; 4) source of trip generation rates used in the estimates; and 5) availability of transit and/or other alternative transportation modes.

According to MnDOT traffic data, the 2017 annual average daily traffic (AADT) volume for CH 42 was 7,000 between CH 17 and CH 83. Scott County's 2040 Comprehensive Plan shows that traffic volumes are forecast to increase to 15,800 in 2040.[11]

[11] Scott County 2040 Comprehensive Plan. Appendix A1: 2040 Traffic Modeling Report. Board Approved December 2018. Available at https://www.scottcountymn.gov/439/2040-Comprehensive-Plan.

The proposed project includes construction of multi-use trails on both sides of CH 42. The proposed trail will provide a connection between the existing trails along CH 17 and CH 83.

b. Discuss the effect on traffic congestion on affected roads and describe any traffic improvements necessary. The analysis must discuss the project's impact on the regional transportation system. *If the peak hour traffic generated exceeds 250 vehicles or the total daily trips exceeds 2,500, a traffic impact study must be prepared as part of the EAW.* Use the format and procedures described in the Minnesota Department of Transportation's Access Management Manual, Chapter 5 *(available at: http://www.dot.state.mn.us/accessmanagement/resources.html)* or a similar local guidance.

According to Scott County's 2040 Comprehensive Plan, CH 42 between CH 17 and CH 83 was not over or approaching capacity in 2017. If the proposed project is not constructed, this segment would be over capacity for a two-lane rural highway in 2040 (see Table 10). However, with the proposed project expanding CH 42 to a four-lane divided highway, it is not forecast to be over or approaching capacity in 2040.

Table 10: Roadway Design Capacities[12]

Roadway Design	Capacity (Average Daily Traffic)
2-Lane Urban Highway	8,000-10,000
2-Lane Rural Highway	14,000-15,000
3-Lane Urban Highway	14,000-17,000
4-Lane Undivided Highway	18,000-22,000
4-Lane Divided Highway	28,000-32,000
6-Lane Divided Highway	48,000-60,000
4-Lane Freeway	60,000-80,000

c. Identify measures that will be taken to minimize or mitigate project related transportation effects.

The proposed project will not adversely affect transportation; therefore, no minimization or mitigation measures are required.

19. Cumulative Potential Effects

a. Describe the geographic scales and timeframes of the project related environmental effects that could combine with other environmental effects resulting in cumulative potential effects.

Cumulative effects result from the incremental impact of the proposed project when added to other past, present, and reasonably foreseeable future actions, regardless of what agency or person undertakes such other actions. The geographic area considered for cumulative potential effects is the area adjacent to the project limits. The projects considered are planned for construction by spring of 2020.

[12] Source: Highway Capacity Manual 2000, Transportation Research Board.

b. Describe any reasonably foreseeable future projects (for which a basis of expectation has been laid) that may interact with environmental effects of the proposed project within the geographic scales and timeframes identified above.

SMSC is planning to construct a frontage road on the south side of CH 42, extending from east of Dakotah Parkway to CH 83 and creating a full intersection with Wilds Path NW. A potential business enterprise development is planned on the 2303 140th Street NW parcel.

c. Discuss the nature of the cumulative potential effects and summarize any other available information relevant to determining whether there is potential for significant environmental effects due to these cumulative effects.

The SMSC frontage road project may have potential impacts to wetlands and stormwater, similar to the proposed CH 42 project. Impacts of the SMSC project will be addressed via regulatory permitting and approval processes and, therefore, would be individually mitigated to ensure minimal cumulative impacts occur.

20. Other Potential Environmental Effects

If the project may cause any additional environmental effects not addressed by Items 1 to 19, describe the effects here, discuss the how the environment will be affected, and identify measures that will be taken to minimize and mitigate these effects.

All known potentially adverse environmental effects are addressed in the preceding sections.

RGU Certification

*The Environmental Quality Board will only accept **SIGNED** Environmental Assessment Worksheets for public notice in the EQB Monitor.*

I hereby certify that:

- The information contained in this document is accurate and complete to the best of my knowledge.
- The EAW describes the complete project; there are no other projects, stages, or components other than those described in this document, which are related to the project as connected actions or phased actions, as defined at Minnesota Rules, parts 4410.0200, subparts 9c and 60, respectively,
- Copies of this EAW are being sent to the entire EQB distribution list.

Signature _____ Date 6-25-19

Title COUNTY ENGINEER

Figures

Figure 1: Project Location

Figure 2: USGS 7.5 Minute Topographic Map

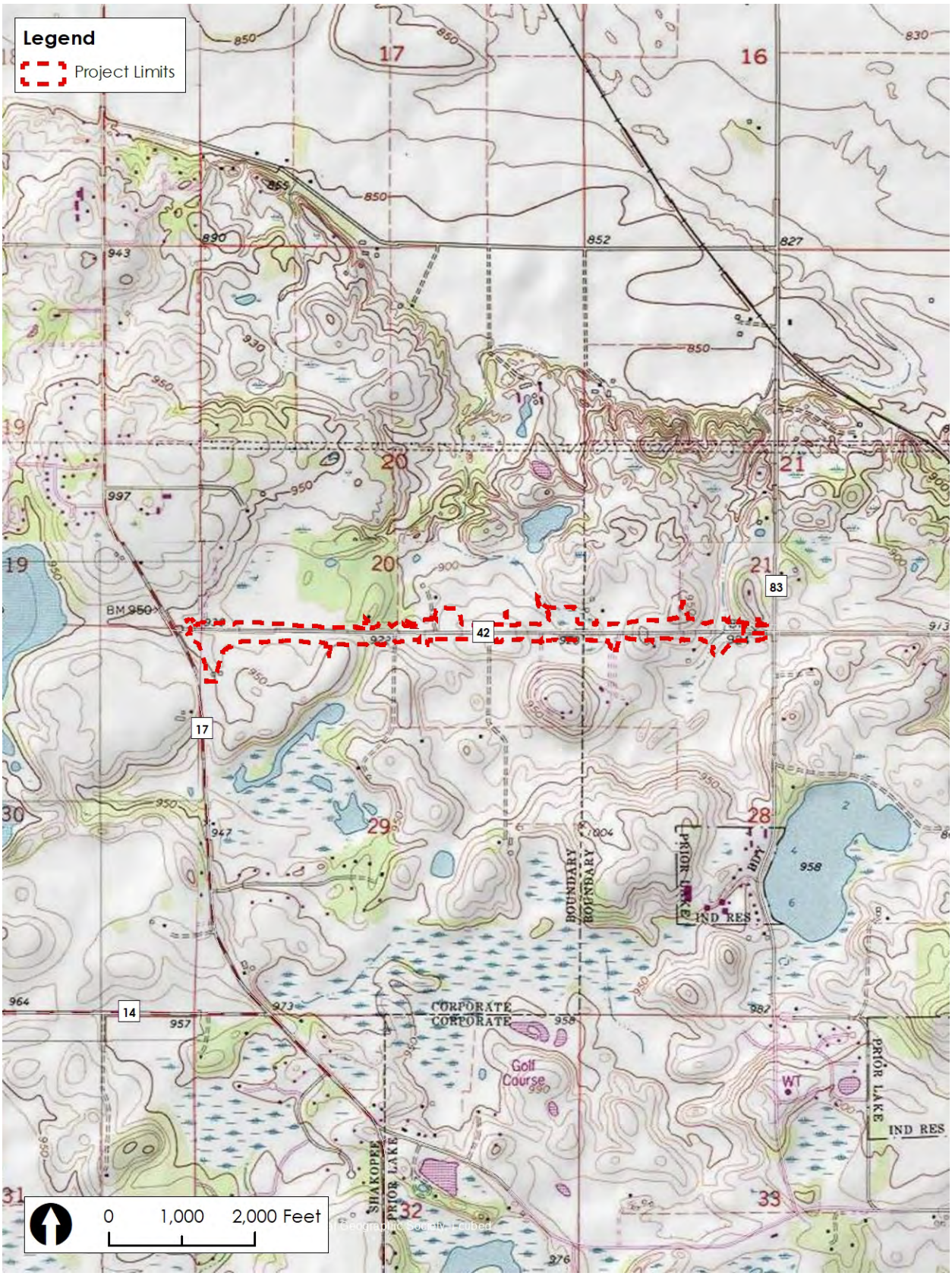


Figure 3: Water Resources

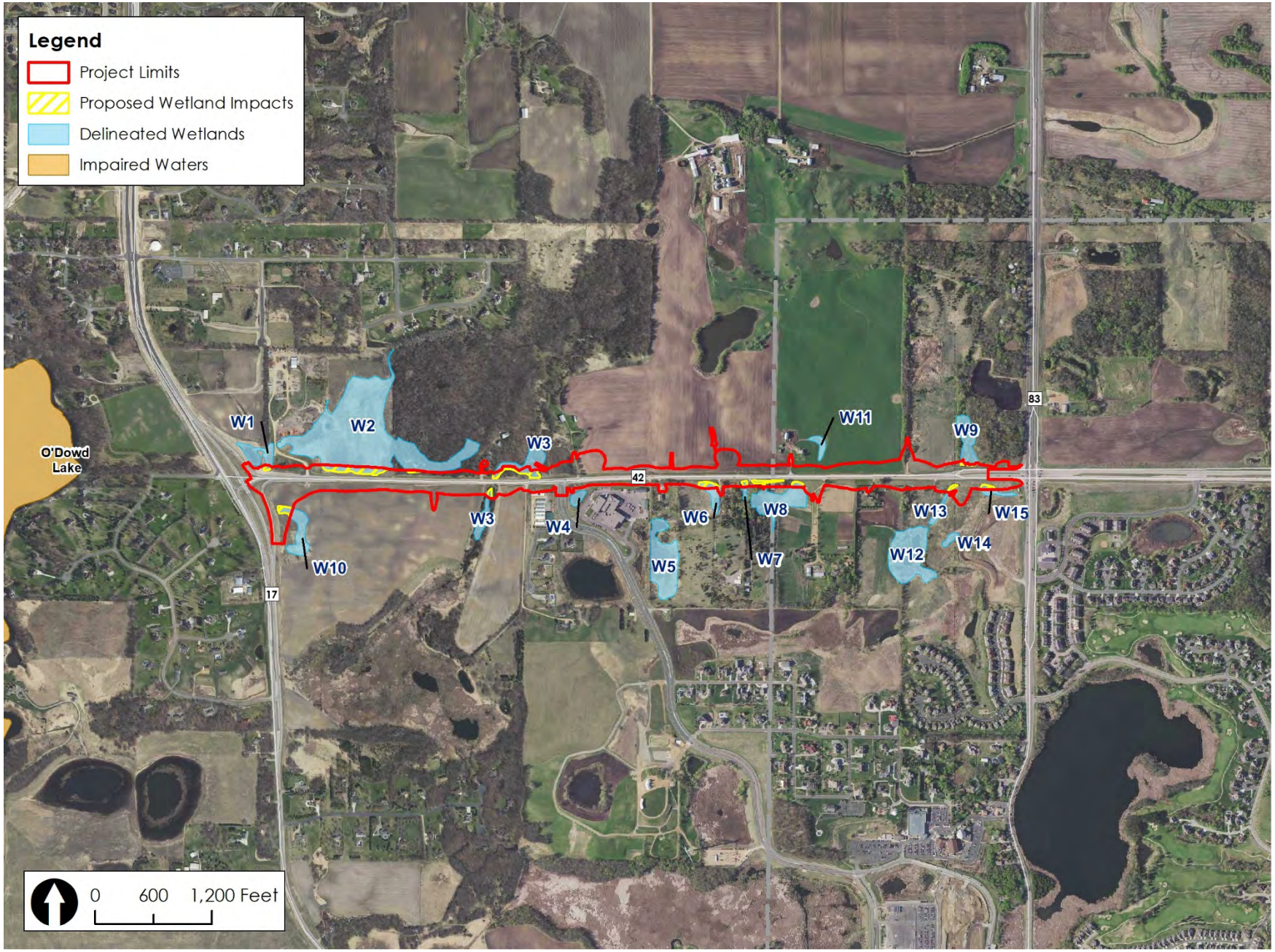


Figure 4: Wellhead Protection Area and Drinking Water Supply Management Area

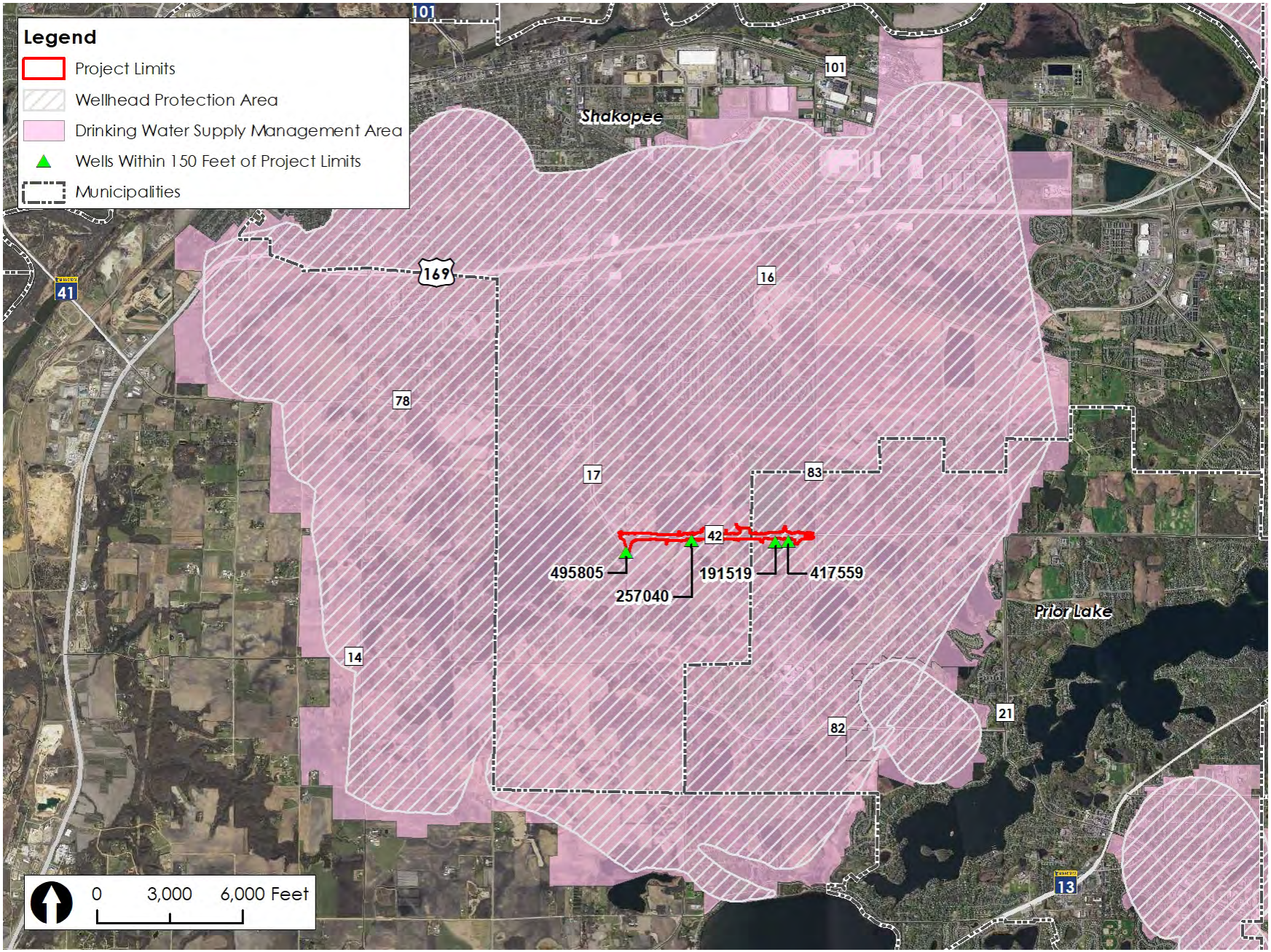
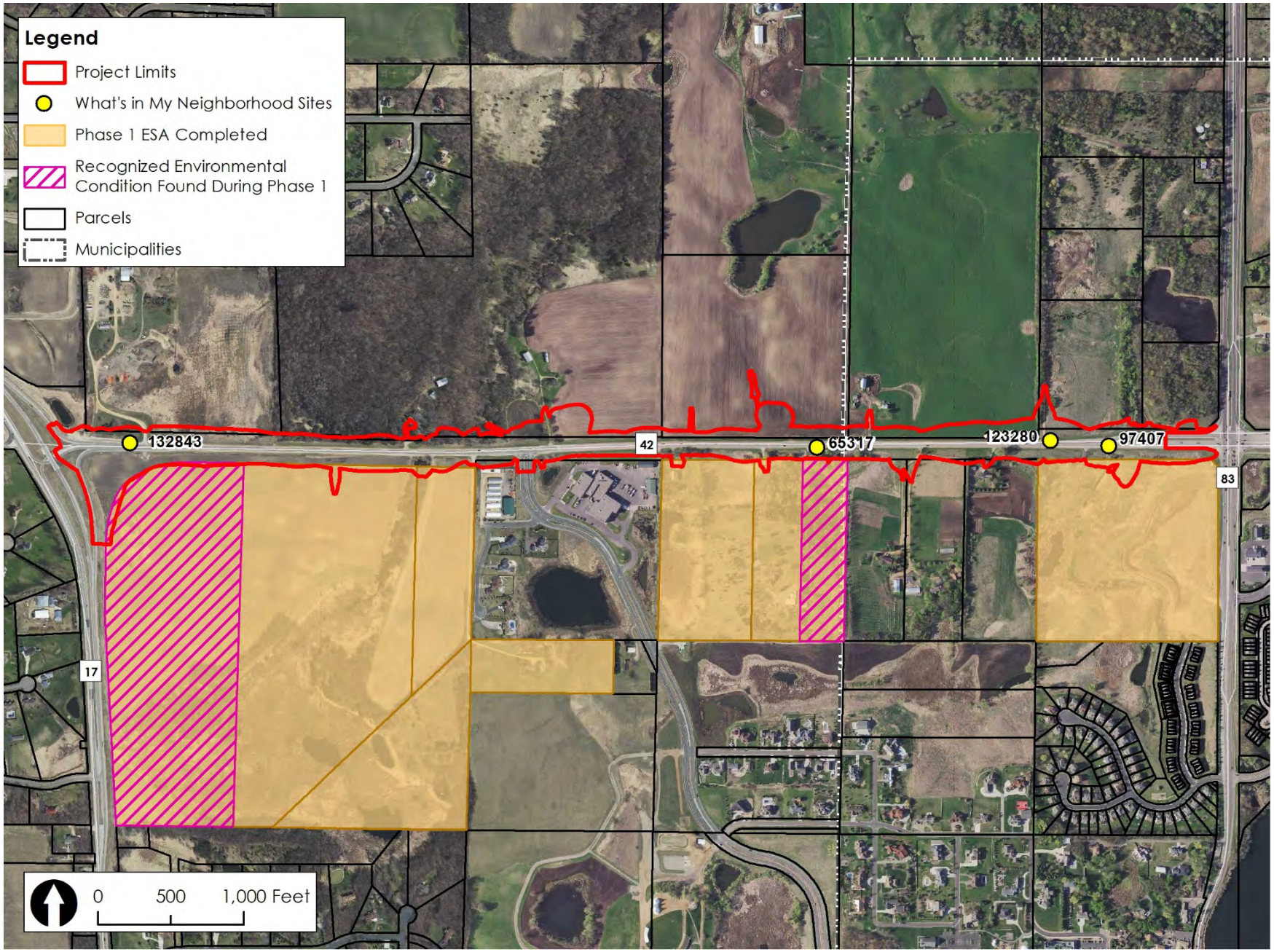
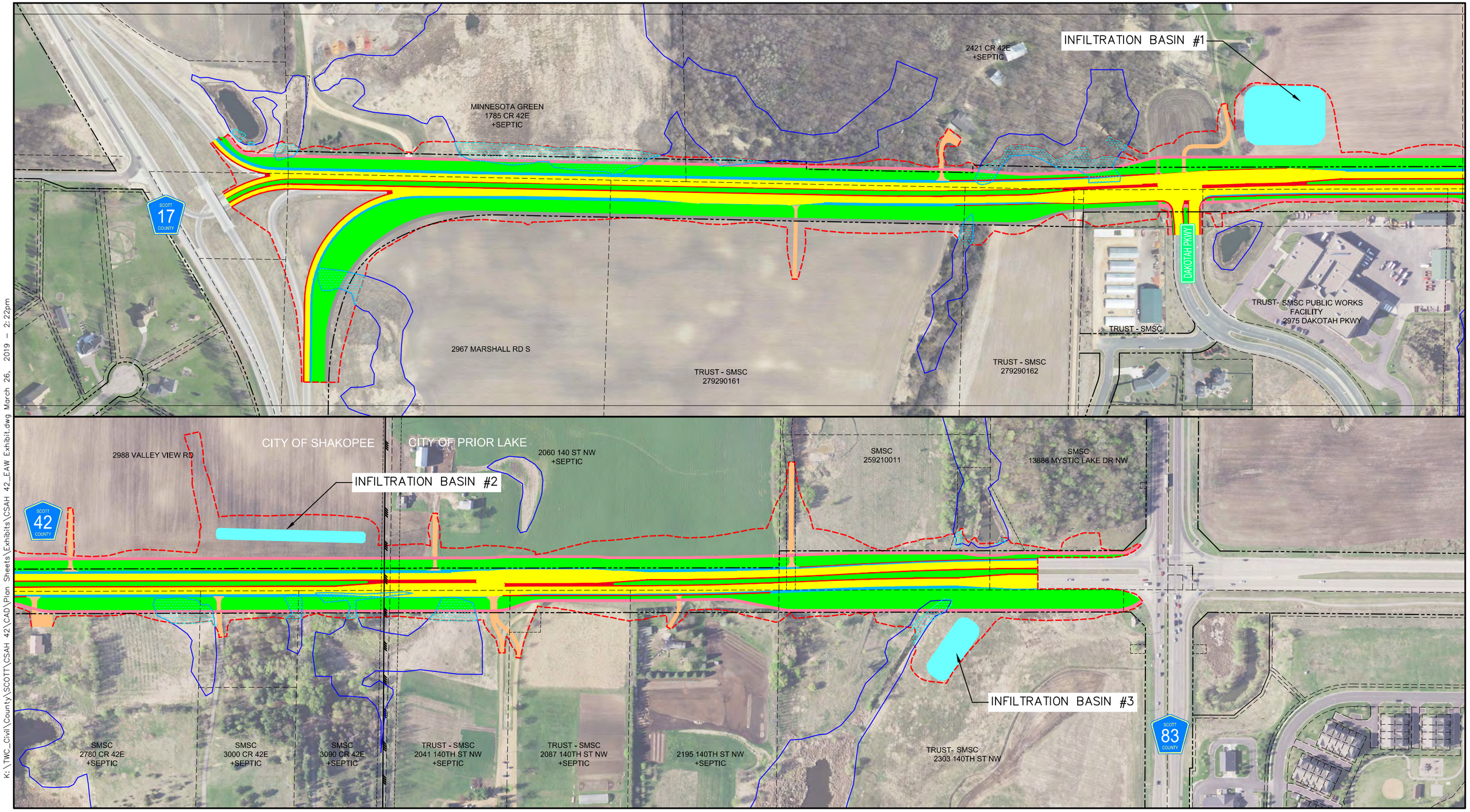


Figure 5: Phase I ESA and What's In My Neighborhood Site Locations



Appendix A

Project Layout



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Scott County

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NORTH

0 75 150 300
HORIZONTAL
SCALE IN FEET

LEGEND

- PROJECT LIMITS
- DELINEATED WETLAND BOUNDARY
- PROPOSED ROADWAY
- PROPOSED TRAIL
- PROPOSED CONCRETE MEDIAN
- PROPOSED TURF
- PRELIMINARY WETLAND IMPACTS

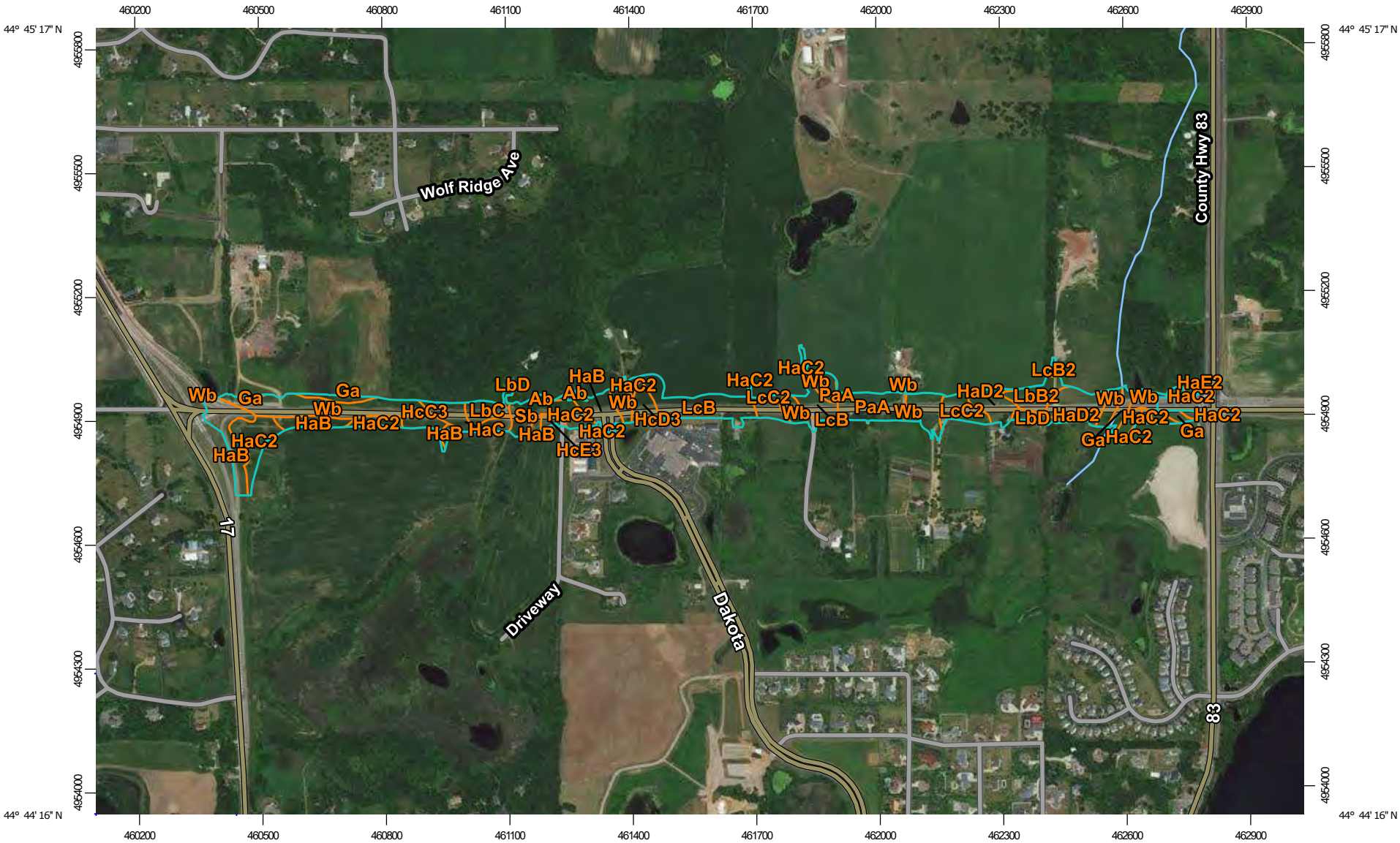
42 COUNTY

CH 42 IMPROVEMENT PROJECT LAYOUT

Appendix B

Natural Resources Conservation Service (NRCS) Web Soil Survey Map

Soil Map—Scott County, Minnesota
(Const_Limits_20190410)



MAP LEGEND

Area of Interest (AOI)

- Area of Interest (AOI)

Soils

- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

Special Point Features

- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features

Water Features

- Streams and Canals

Transportation

- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background

- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Scott County, Minnesota
Survey Area Data: Version 14, Sep 12, 2018

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jul 1, 2013—Sep 13, 2016

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
Ab	Alluvial land, frequent overflow, 0 to 6 percent slopes	0.2	0.4%
Ga	Glencoe silty clay loam, 0 to 1 percent slopes	2.1	4.2%
HaB	Hayden loam, 2 to 6 percent slopes	6.0	12.2%
HaC	Hayden loam, 6 to 10 percent slopes	2.2	4.4%
HaC2	Hayden loam, 6 to 10 percent slopes, moderately eroded	5.0	10.2%
HaD2	Hayden loam, 10 to 22 percent slopes, moderately eroded	4.1	8.3%
HaE2	Hayden loam, 18 to 25 percent slopes	0.0	0.0%
HcC3	Hayden soils, 6 to 12 percent slopes, severely eroded	0.9	1.7%
HcD3	Hayden soils, 12 to 18 percent slopes, severely eroded	1.7	3.4%
HcE3	Hayden soils, 18 to 25 percent slopes	0.4	0.7%
LbB2	Estherville-Burnsville complex, 2 to 6 percent slopes, moderately eroded	1.7	3.4%
LbC	Estherville-Burnsville complex, 6 to 12 percent slopes	1.3	2.6%
LbD	Estherville-Burnsville complex, 12 to 50 percent slopes	0.6	1.2%
LcB	Lester loam, 2 to 6 percent slopes	5.1	10.5%
LcB2	Lester loam, 2 to 6 percent slopes, moderately eroded	0.2	0.4%
LcC2	Lester loam, 6 to 10 percent slopes, moderately eroded	2.6	5.4%
PaA	Klossner muck, 0 to 1 percent slopes	2.8	5.7%
Sb	Steep land, Hayden-Lester materials	1.4	2.8%
Wb	Webster-Glencoe silty clay loams	11.0	22.4%
Totals for Area of Interest		**49.2**	**100.0%**

Appendix C

Minnesota Conservation Act Notices of Decision

Minnesota Wetland Conservation Act
Notice of Decision

Local Government Unit (LGU)	Address
City of Shakopee	**129 Holmes Street S.** **Shakopee, MN 55379**

1. PROJECT INFORMATION

Applicant Name	**Project Name**:	**Date of Application**	**Application Number**
Scott County Highway Department (Anthony Sellner) 600 Jordan Trail East Jordan, MN 55352 phone: 952-496-8313 email: asellner@co.scott.mn.us	County State Aid Highway 42	1/4/2018	2017-9
☒ Attach site locator map.			

Type of Decision:

☒ Wetland Boundary or Type ☐ No-Loss ☐ Exemption ☐ Sequencing
☐ Replacement Plan ☐ Banking Plan

Technical Evaluation Panel Findings and Recommendation (if any):

☒ Approve ☐ Approve with conditions ☐ Deny

Summary (or attach): The TEP (LGU and BWSR) reviewed the delineation on October 19, 2017 and agreed with the boundaries as delineated in the field.

2. LOCAL GOVERNMENT UNIT DECISION

Date of Decision: 2/5/2018

☒ Approved ☐ Approved with conditions (include below) ☐ Denied

LGU Findings and Conclusions (attach additional sheets as necessary):

The Scott County Highway Department (applicant) applied for a boundary and type approval for wetlands located along approximately 1.6 miles of County State Aid Highway (CSAH 42) in Prior Lake and Shakopee, Scott County. On September 8, 2017 Short Elliot Hendrickson, Inc. (SEH), on behalf of the applicant, delineated 11 wetlands within the project area, which are summarized below:

Basin 1 (1.21 ac): Type 3 (PEM1C) Shallow Marsh
Basin 2 (4.09 ac): Type 1/2 (PFO1A/PEM1B) Floodplain Forest/Fresh (wet) Meadow
Basin 3 (2.12 ac): Type 2 (PEM1B) Fresh (wet) Meadow
Basin 4 (0.38 ac): Type 5 (PUBGx) Shallow Open Water
Basin 5 (0.66 ac): Type 3 (PEM1C) Shallow Marsh
Basin 6 (0.66 ac): Type 2 (PEM1B) Fresh (wet) Meadow
Basin 7 (0.20 ac): Type 3 (PEM1B) Fresh (wet) Meadow
Basin 8 (2.2 ac) Type 2/3 (PEM1B/PEM1C) Fresh (wet) Meadow/Shallow Marsh
Basin 9 (0.78 ac): Type 5 (PUBGx) Shallow Open Water

Basin 10 (1.66 ac): Type 3 (PEM1C) Shallow Marsh Basin 11 (0.07 ac): Type 2 (PEM1B) Fresh (wet) Meadow Of the 11 wetlands delineated, nine (Basins 1, 2, 3, 4, 5, 6, 7, 10, and a portion of 8) are located within the City of Shakopee. This Notice of Decision pertains to those wetlands only. The remaining wetlands are located within the City of Prior Lake. The TEP reviewed the boundaries on October 19, 2017 and agreed the boundaries were accurately identified in the field.

For Replacement Plans using credits from the State Wetland Bank:

Bank Account #	Bank Service Area	County	Credits Approved for Withdrawal (sq. ft. or nearest .01 acre)

Replacement Plan Approval Conditions. In addition to any conditions specified by the LGU, the approval of a Wetland Replacement Plan is conditional upon the following:

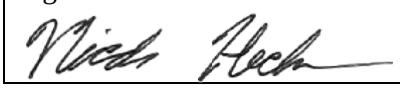
☐ **Financial Assurance:** For project-specific replacement that is not in-advance, a financial assurance specified by the LGU must be submitted to the LGU in accordance with MN Rule 8420.0522, Subp. 9 (List amount and type in LGU Findings).

☐ **Deed Recording:** For project-specific replacement, evidence must be provided to the LGU that the BWSR "Declaration of Restrictions and Covenants" and "Consent to Replacement Wetland" forms have been filed with the county recorder's office in which the replacement wetland is located.

☐ **Credit Withdrawal:** For replacement consisting of wetland bank credits, confirmation that BWSR has withdrawn the credits from the state wetland bank as specified in the approved replacement plan.

Wetlands may not be impacted until all applicable conditions have been met!

LGU Authorized Signature:

Signing and mailing of this completed form to the appropriate recipients in accordance with 8420.0255, Subp. 5 provides notice that a decision was made by the LGU under the Wetland Conservation Act as specified above. If additional details on the decision exist, they have been provided to the landowner and are available from the LGU upon request.		
Name **Micah Heckman**	Title **Graduate Engineer**	
Signature 	Date **2/5/2018**	Phone Number and E-mail **952.233.9363** **mheckman@shakopeemn.gov**

THIS DECISION ONLY APPLIES TO THE MINNESOTA WETLAND CONSERVATION ACT. Additional approvals or permits from local, state, and federal agencies may be required. Check with all appropriate authorities before commencing work in or near wetlands.

Applicants proceed at their own risk if work authorized by this decision is started before the time period for appeal (30 days) has expired. If this decision is reversed or revised under appeal, the applicant may be responsible for restoring or replacing all wetland impacts.

This decision is valid for three years from the date of decision unless a longer period is advised by the TEP and specified in this notice of decision.

3. APPEAL OF THIS DECISION

Pursuant to MN Rule 8420.0905, any appeal of this decision can only be commenced by mailing a petition for appeal, including applicable fee, within thirty (30) calendar days of the date of the mailing of this Notice to the following as indicated:

Check one:

☒ Appeal of an LGU staff decision. Send petition and $**500** fee (if applicable) to: **City of Shakopee** **129 Holmes Street S.** **Shakopee, MN 55379**	☐ Appeal of LGU governing body decision. Send petition and $500 filing fee to: Executive Director Minnesota Board of Water and Soil Resources 520 Lafayette Road North St. Paul, MN 55155

4. LIST OF ADDRESSEES

☒ SWCD TEP member: **Troy Kuphal, Collin Schoenecker**
☒ BWSR TEP member: **Ben Carlson**
☐ LGU TEP member (if different than LGU Contact): **Alison Harwood,** WSB & Associates, Inc.
☒ DNR TEP member: **Becky Horton, Jennie Skancke**
☐ DNR Regional Office (if different than DNR TEP member)
☒ WD or WMO (if applicable): **Paul Nelson,** Scott County WMO
☒ Applicant (notice only) and Landowner (if different): **Anthony Sellner,** Scott County Highway Department
☒ Members of the public who requested notice (notice only): **Rebecca Beduhn,** SEH
☒ Corps of Engineers Project Manager (notice only)
☐ BWSR Wetland Bank Coordinator (wetland bank plan applications only)

5. MAILING INFORMATION

- For a list of BWSR TEP representatives: www.bwsr.state.mn.us/aboutbwsr/workareas/WCA_areas.pdf
- For a list of DNR TEP representatives: www.bwsr.state.mn.us/wetlands/wca/DNR_TEP_contacts.pdf
- Department of Natural Resources Regional Offices:

NW Region:	NE Region:	Central Region:	Southern Region:
Reg. Env. Assess. Ecol. Div. Ecol. Resources 2115 Birchmont Beach Rd. NE Bemidji, MN 56601	Reg. Env. Assess. Ecol. Div. Ecol. Resources 1201 E. Hwy. 2 Grand Rapids, MN 55744	Reg. Env. Assess. Ecol. Div. Ecol. Resources 1200 Warner Road St. Paul, MN 55106	Reg. Env. Assess. Ecol. Div. Ecol. Resources 261 Hwy. 15 South New Ulm, MN 56073

For a map of DNR Administrative Regions, see: http://files.dnr.state.mn.us/aboutdnr/dnr_regions.pdf

- For a list of Corps of Project Managers: www.mvp.usace.army.mil/regulatory/default.asp?pageid=687 or send to:

  US Army Corps of Engineers
  St. Paul District, ATTN: OP-R
  180 Fifth St. East, Suite 700
  St. Paul, MN 55101-1678

- For Wetland Bank Plan applications, also send a copy of the application to:

  Minnesota Board of Water and Soil Resources
  Wetland Bank Coordinator
  520 Lafayette Road North
  St. Paul, MN 55155

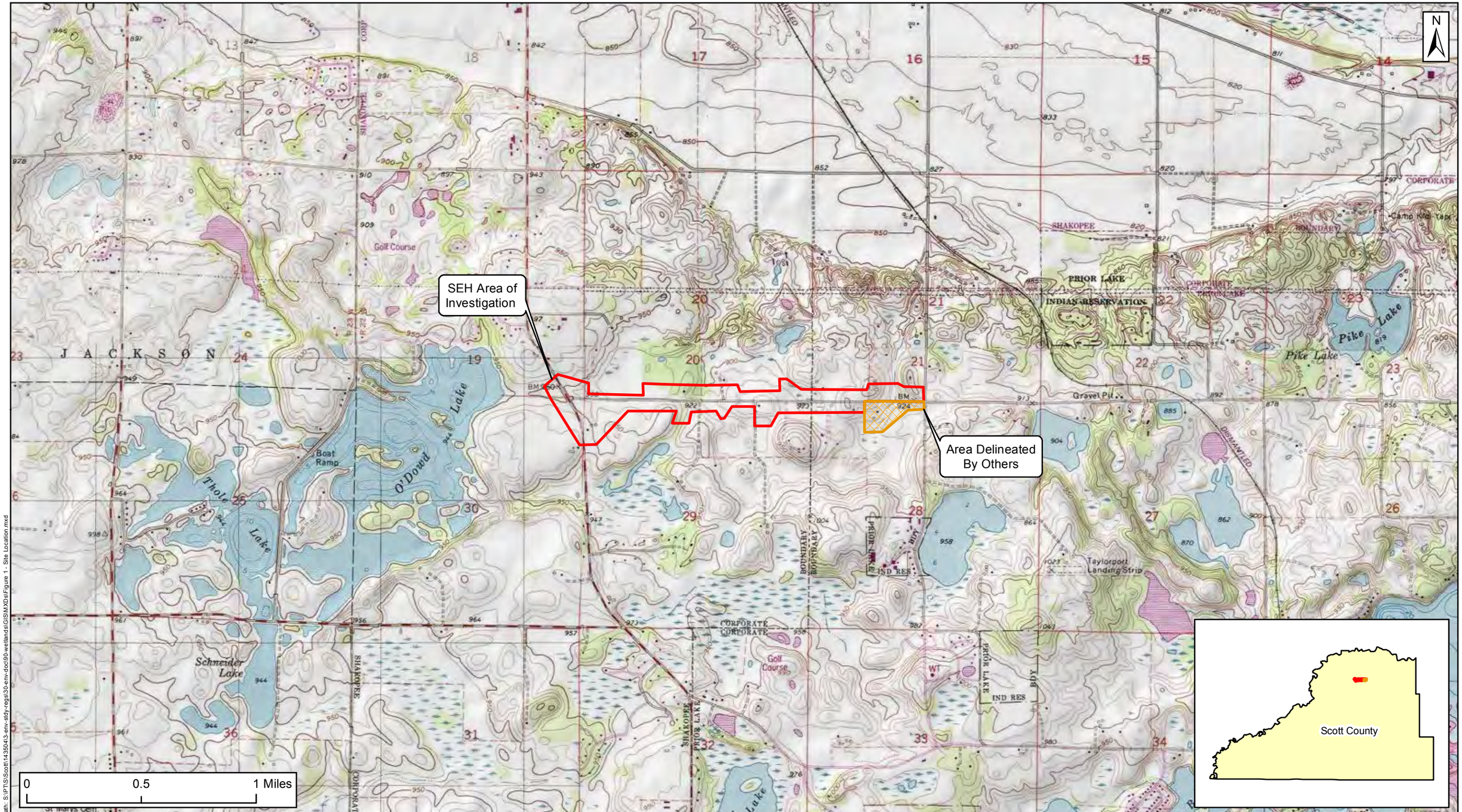
6. ATTACHMENTS

In addition to the site locator map, list any other attachments:

☒ **Approved Boundary Figure**

☐

☐



Path: S:\PTIS\Scott\143504\3-env-stdy-regs\30-env-doc\90-wetlands\GIS\MXDs\Figure 1 - Site Location.mxd

SEH

3535 VADNAIS CENTER DR.
ST. PAUL, MN 55110
PHONE: (651) 490-2000
FAX: (888) 908-8166
TF: (800) 325-2055
www.sehinc.com

Project: SCOTT 143504
Print Date: 12/22/2017

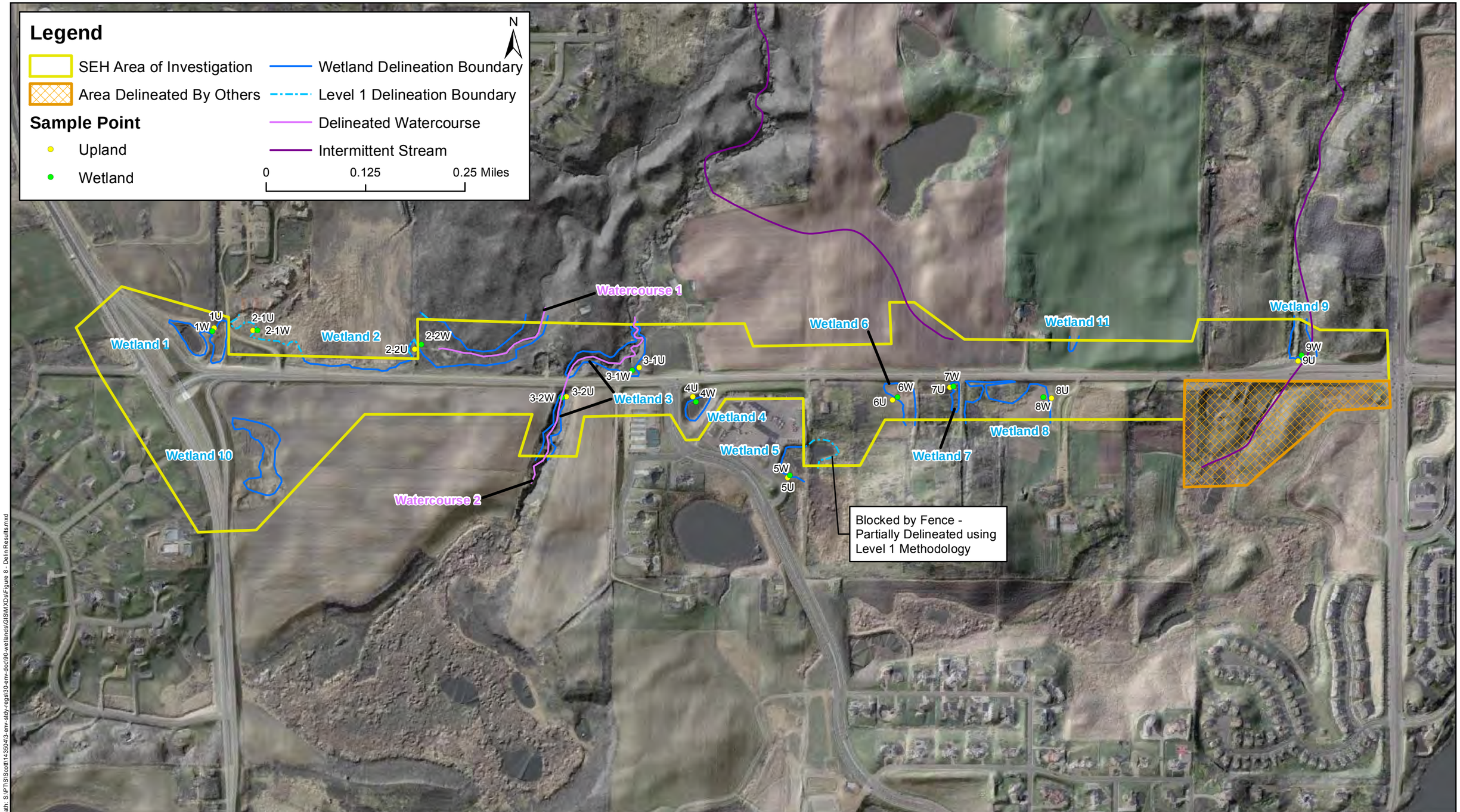
User Name: ebudrow
Projection: NAD 1983 UTM Zone 15N
Source: SEH, ESRI, USGS, MnDNR

SITE LOCATION AND TOPOGRAPHY

CSAH 42 Wetland Services
Scott County, Minnesota

Figure 1

This map is neither a legally recorded map nor a survey map and is not intended to be used as one. This map is a compilation of records, information, and data gathered from various sources listed on this map and is to be used for reference purposes only. SEH does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and SEH does not represent that the GIS Data can be used for navigational, tracking, or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. The user of this map acknowledges that SEH shall not be liable for any damages which arise out of the user's access or use of data provided.



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SEH

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WETLAND DELINEATION RESULTS

CSAH 42 Wetland Services
Scott County, Minnesota

Figure 8

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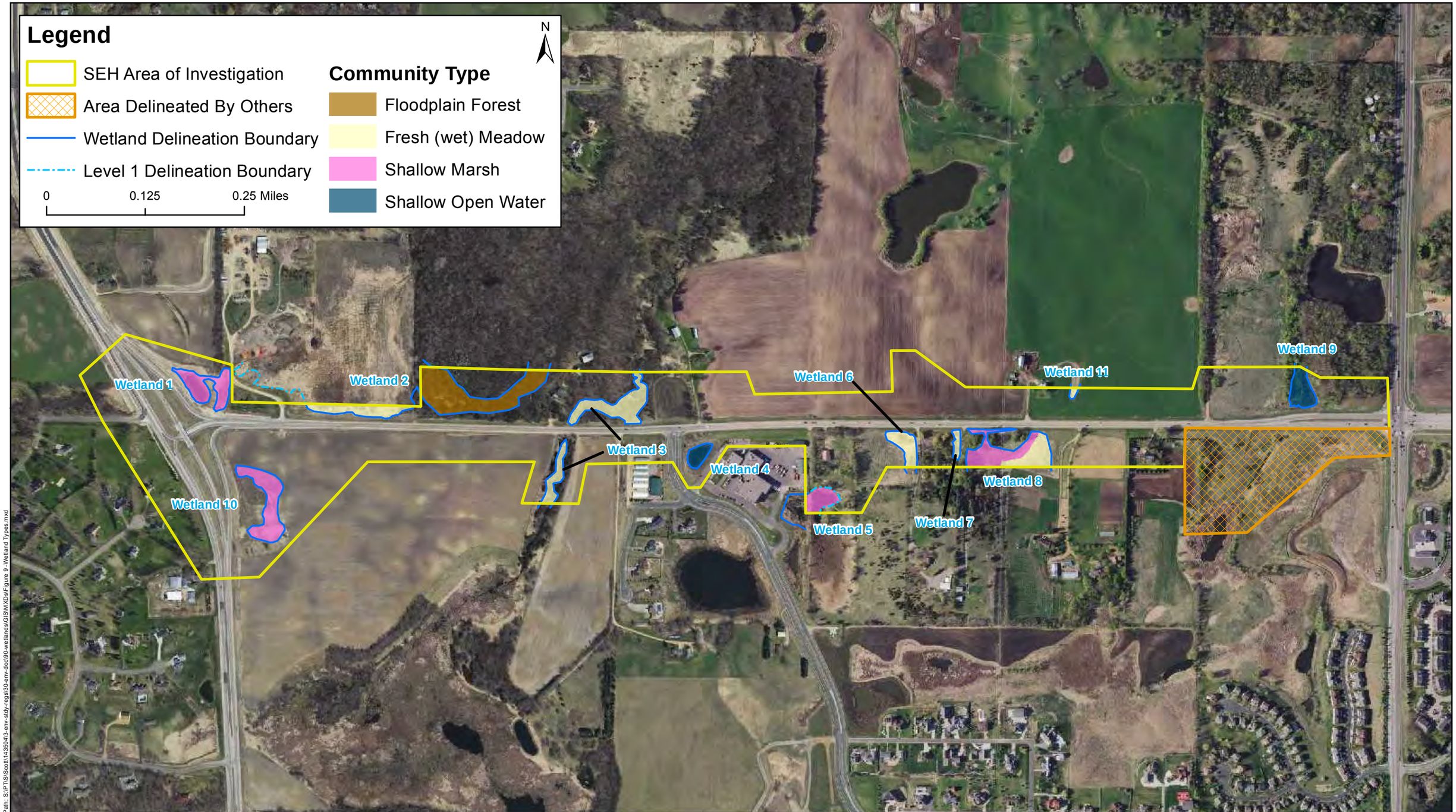

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Project: SCOTT 143504
Print Date: 12/27/2017

User Name: ebudrow
Projection: NAD 1983 UTM Zone 15N
Source: SEH, ESRI, USGS, MnDNR

WETLAND COMMUNITY TYPES

CSAH 42 Wetland Services
Scott County, Minnesota

Figure 9

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Minnesota Wetland Conservation Act
Notice of Decision

Local Government Unit (LGU)	Address
City of Prior Lake	**4646 Dakota Street SE** **Prior Lake, MN 55372**

1. PROJECT INFORMATION

Applicant Name	Project Name:	Date of Application	Application Number
Scott County Highway Department (Anthony Sellner) 600 Jordan Trail East Jordan, MN 55352 phone: 952-496-8313 email: asellner@co.scott.mn.us	County State Aid Highway 42	1/4/2018	10878-000
☒ Attach site locator map.			

Type of Decision:

☒ Wetland Boundary or Type ☐ No-Loss ☐ Exemption ☐ Sequencing
☐ Replacement Plan ☐ Banking Plan

Technical Evaluation Panel Findings and Recommendation (if any):

☒ Approve ☐ Approve with conditions ☐ Deny

Summary (or attach): The TEP (LGU and BWSR) reviewed the delineation on October 19, 2017 and agreed with the boundaries as delineated in the field.

2. LOCAL GOVERNMENT UNIT DECISION

Date of Decision: 2/5/2018

☒ Approved ☐ Approved with conditions (include below) ☐ Denied

LGU Findings and Conclusions (attach additional sheets as necessary):

The Scott County Highway Department (applicant) applied for a boundary and type approval for wetlands located along approximately 1.6 miles of County State Aid Highway (CSAH 42) in Prior Lake and Shakopee, Scott County. On September 8, 2017 Short Elliot Hendrickson, Inc. (SEH), on behalf of the applicant, delineated 11 wetlands within the project area, which are summarized below:

Basin 1 (1.21 ac): Type 3 (PEM1C) Shallow Marsh
Basin 2 (4.09 ac): Type 1/2 (PFO1A/PEM1B) Floodplain Forest/Fresh (wet) Meadow
Basin 3 (2.12 ac): Type 2 (PEM1B) Fresh (wet) Meadow
Basin 4 (0.38 ac): Type 5 (PUBGx) Shallow Open Water
Basin 5 (0.66 ac): Type 3 (PEM1C) Shallow Marsh
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Basin 7 (0.20 ac): Type 3 (PEM1B) Fresh (wet) Meadow
Basin 8 (2.2 ac) Type 2/3 (PEM1B/PEM1C) Fresh (wet) Meadow/Shallow Marsh
Basin 9 (0.78 ac): Type 5 (PUBGx) Shallow Open Water

Basin 10 (1.66 ac): Type 3 (PEM1C) Shallow Marsh **Basin 11 (0.07 ac): Type 2 (PEM1B) Fresh (wet) Meadow** Of the 11 wetlands delineated, three (Basins 9, 11, and a portion of 8) are located within the City of Prior Lake. This Notice of Decision pertains to those wetlands only. The remaining wetlands are located within the City of Shakopee. The TEP reviewed the boundaries on October 19, 2017 and agreed the boundaries were accurately identified in the field.

For Replacement Plans using credits from the State Wetland Bank:

Bank Account #	Bank Service Area	County	Credits Approved for Withdrawal (sq. ft. or nearest .01 acre)

Replacement Plan Approval Conditions. In addition to any conditions specified by the LGU, the approval of a Wetland Replacement Plan is conditional upon the following:

☐ **Financial Assurance:** For project-specific replacement that is not in-advance, a financial assurance specified by the LGU must be submitted to the LGU in accordance with MN Rule 8420.0522, Subp. 9 (List amount and type in LGU Findings).

☐ **Deed Recording:** For project-specific replacement, evidence must be provided to the LGU that the BWSR "Declaration of Restrictions and Covenants" and "Consent to Replacement Wetland" forms have been filed with the county recorder's office in which the replacement wetland is located.

☐ **Credit Withdrawal:** For replacement consisting of wetland bank credits, confirmation that BWSR has withdrawn the credits from the state wetland bank as specified in the approved replacement plan.

Wetlands may not be impacted until all applicable conditions have been met!

LGU Authorized Signature:

Signing and mailing of this completed form to the appropriate recipients in accordance with 8420.0255, Subp. 5 provides notice that a decision was made by the LGU under the Wetland Conservation Act as specified above. If additional details on the decision exist, they have been provided to the landowner and are available from the LGU upon request.		
Name **Pete Young**	Title **Water Resources Engineer**	
Signature	Date 2/5/18	Phone Number and E-mail **952.447.9831** **pyoung@cityofpriorlake.com**

THIS DECISION ONLY APPLIES TO THE MINNESOTA WETLAND CONSERVATION ACT. Additional approvals or permits from local, state, and federal agencies may be required. Check with all appropriate authorities before commencing work in or near wetlands.

Applicants proceed at their own risk if work authorized by this decision is started before the time period for appeal (30 days) has expired. If this decision is reversed or revised under appeal, the applicant may be responsible for restoring or replacing all wetland impacts.

This decision is valid for three years from the date of decision unless a longer period is advised by the TEP and specified in this notice of decision.

3. APPEAL OF THIS DECISION

Pursuant to MN Rule 8420.0905, any appeal of this decision can only be commenced by mailing a petition for appeal, including applicable fee, within thirty (30) calendar days of the date of the mailing of this Notice to the following as indicated:

Check one:

☒ Appeal of an LGU staff decision. Send petition and $**500** fee (if applicable) to: **City of Prior Lake** **4646 Dakota Street SE** **Prior Lake, MN 55372**	☐ Appeal of LGU governing body decision. Send petition and $500 filing fee to: Executive Director Minnesota Board of Water and Soil Resources 520 Lafayette Road North St. Paul, MN 55155

4. LIST OF ADDRESSEES

☒ SWCD TEP member: **Troy Kuphal, Collin Schoenecker**
☒ BWSR TEP member: **Ben Carlson**
☐ LGU TEP member (if different than LGU Contact): **Alison Harwood,** WSB & Associates, Inc.
☒ DNR TEP member: **Becky Horton, Jennie Skancke**
☐ DNR Regional Office (if different than DNR TEP member)
☒ WD or WMO (if applicable): **Paul Nelson,** Scott County WMO
☒ Applicant (notice only) and Landowner (if different): **Anthony Sellner,** Scott County Highway Department
☒ Members of the public who requested notice (notice only): **Rebecca Beduhn,** SEH
☒ Corps of Engineers Project Manager (notice only)
☐ BWSR Wetland Bank Coordinator (wetland bank plan applications only)

5. MAILING INFORMATION

➢For a list of BWSR TEP representatives: www.bwsr.state.mn.us/aboutbwsr/workareas/WCA_areas.pdf

➢For a list of DNR TEP representatives: www.bwsr.state.mn.us/wetlands/wca/DNR_TEP_contacts.pdf

➢Department of Natural Resources Regional Offices:

NW Region:	NE Region:	Central Region:	Southern Region:
Reg. Env. Assess. Ecol. Div. Ecol. Resources 2115 Birchmont Beach Rd. NE Bemidji, MN 56601	Reg. Env. Assess. Ecol. Div. Ecol. Resources 1201 E. Hwy. 2 Grand Rapids, MN 55744	Reg. Env. Assess. Ecol. Div. Ecol. Resources 1200 Warner Road St. Paul, MN 55106	Reg. Env. Assess. Ecol. Div. Ecol. Resources 261 Hwy. 15 South New Ulm, MN 56073

For a map of DNR Administrative Regions, see: http://files.dnr.state.mn.us/aboutdnr/dnr_regions.pdf

➢For a list of Corps of Project Managers: www.mvp.usace.army.mil/regulatory/default.asp?pageid=687 or send to:

US Army Corps of Engineers
St. Paul District, ATTN: OP-R
180 Fifth St. East, Suite 700
St. Paul, MN 55101-1678

➢For Wetland Bank Plan applications, also send a copy of the application to:

Minnesota Board of Water and Soil Resources
Wetland Bank Coordinator
520 Lafayette Road North
St. Paul, MN 55155

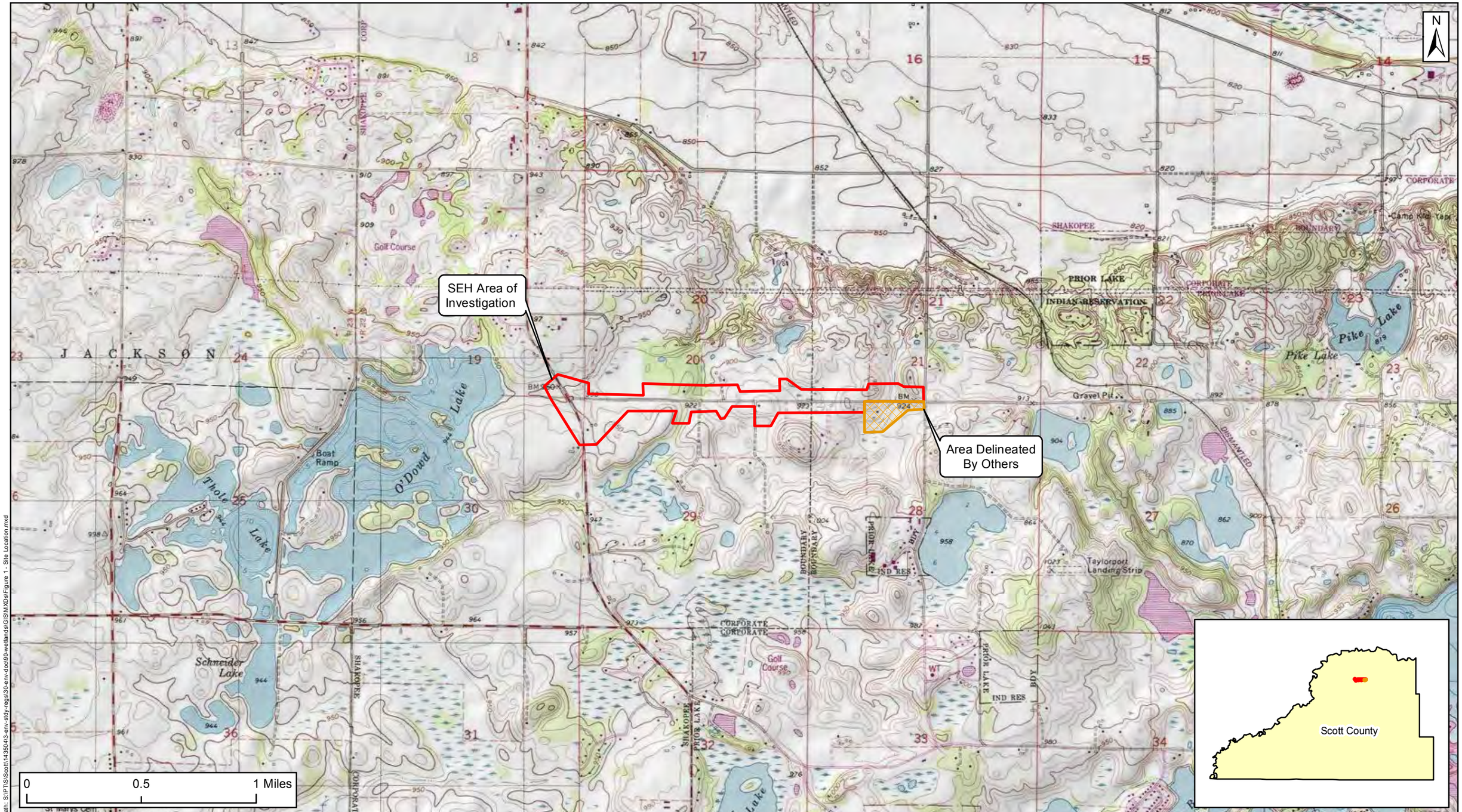
6. ATTACHMENTS

In addition to the site locator map, list any other attachments:

☒ **Approved Boundary Figure**

☐

☐



Path: S:\PTIS\Scott\143504\3-env-stdy-regs\30-env-doc\90-wetlands\GIS\MXDs\Figure 1 - Site Location.mxd

SEH

3535 VADNAIS CENTER DR.
ST. PAUL, MN 55110
PHONE: (651) 490-2000
FAX: (888) 908-8166
TF: (800) 325-2055
www.sehinc.com

Project: SCOTT 143504
Print Date: 12/22/2017

User Name: ebudrow
Projection: NAD 1983 UTM Zone 15N
Source: SEH, ESRI, USGS, MnDNR

SITE LOCATION AND TOPOGRAPHY

CSAH 42 Wetland Services
Scott County, Minnesota

Figure 1

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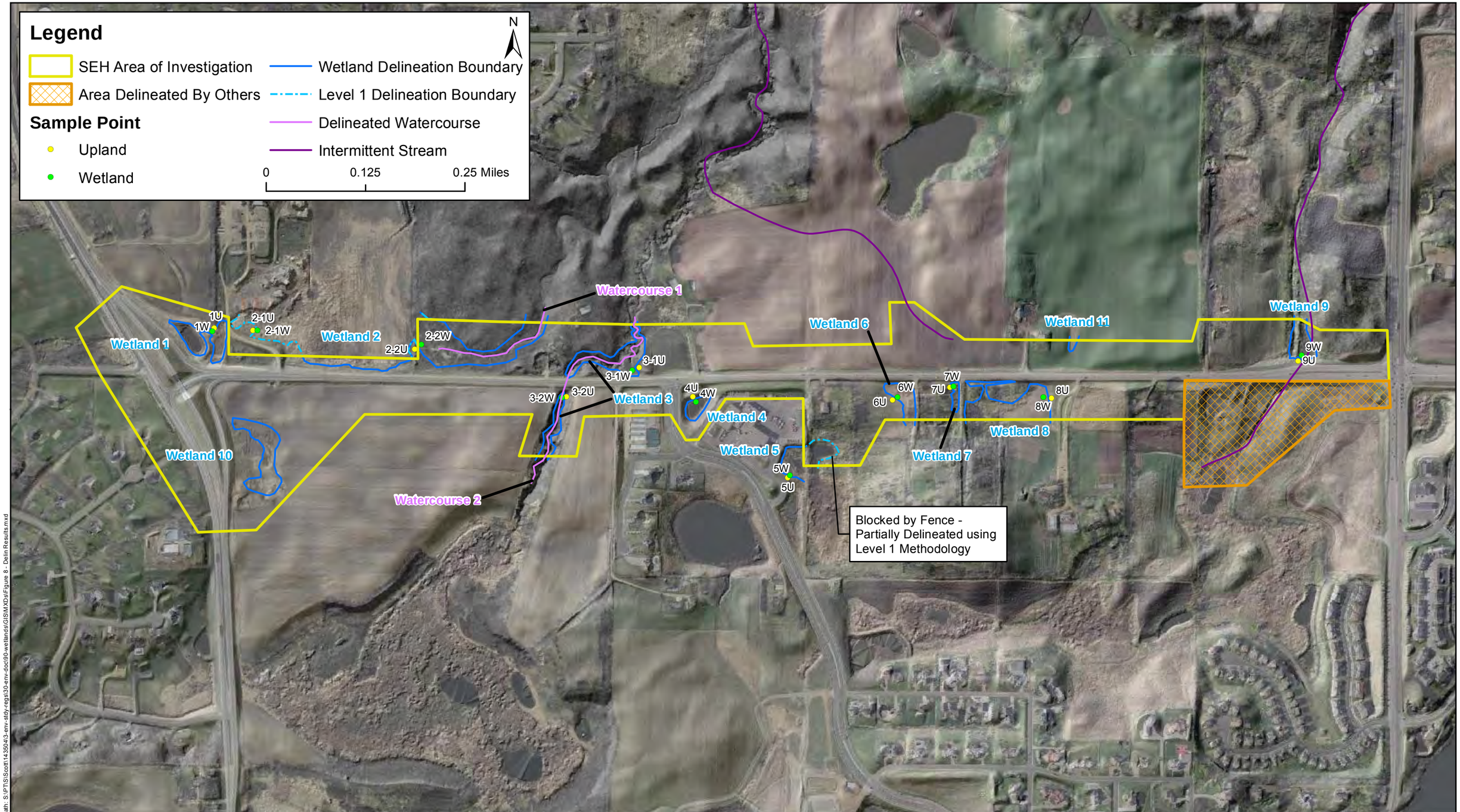

Path: S:\PT\S\Scott\143504\3-env-stdy-rep\30-env-doc\90-wetlands\GIS\MXDs\Figure 8 - Delin Results.mxd

SEH

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ST. PAUL, MN 55110
PHONE: (651) 490-2000
FAX: (888) 908-8166
TF: (800) 325-2055
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Project: SCOTT 143504
Print Date: 12/27/2017

User Name: ebudrow
Projection: NAD 1983 UTM Zone 15N
Source: SEH, ESRI, USGS, MnDNR

WETLAND DELINEATION RESULTS

CSAH 42 Wetland Services
Scott County, Minnesota

Figure 8

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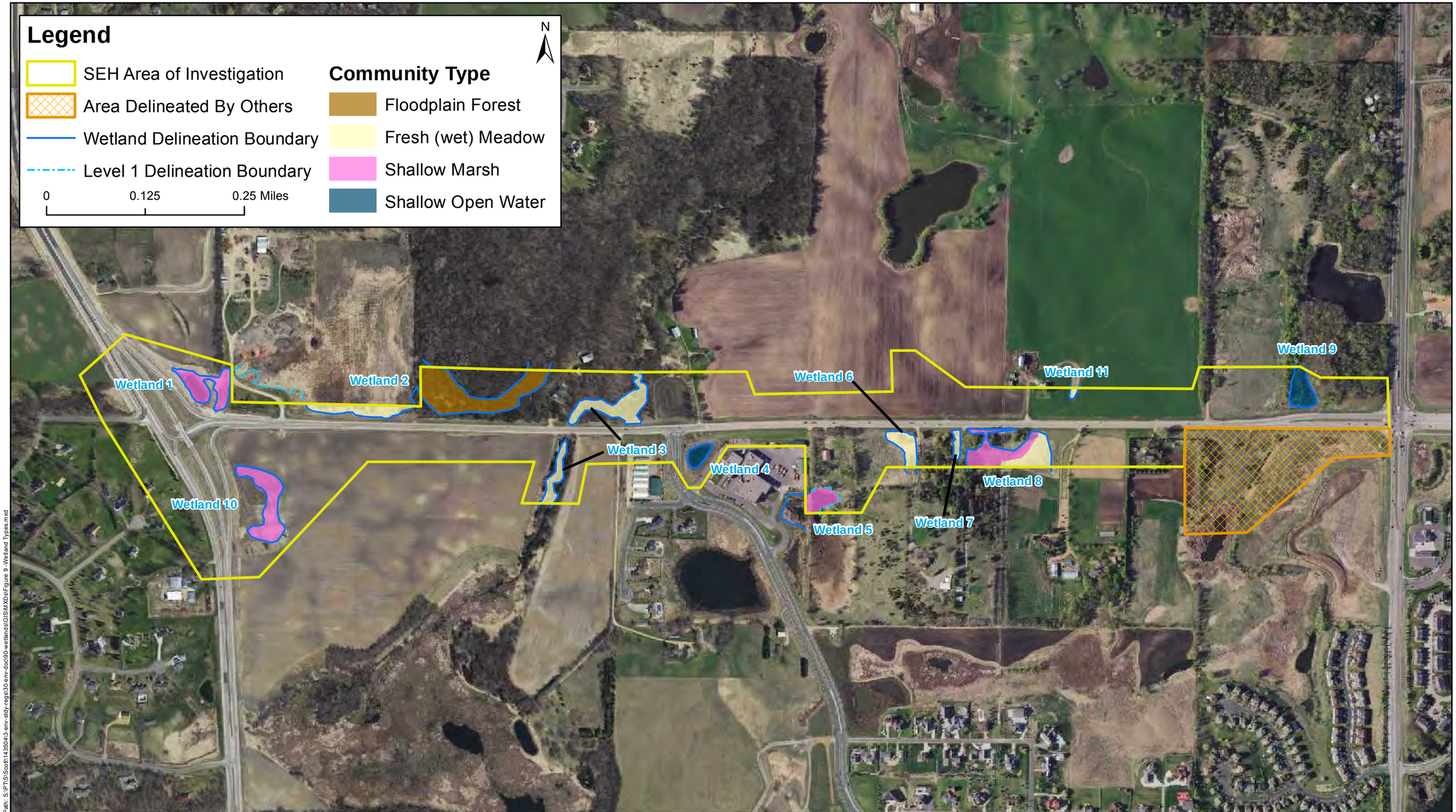

Path: S:\PT\S\Scott\143504\3-env-stdy-rgs\30-env-doc\90-wetlands\GIS\MXDs\Figure 9 -Wetland Types.mxd

SEH
3535 VADNAIS CENTER DR.
ST. PAUL, MN 55110
PHONE: (651) 490-2000
FAX: (888) 908-8166
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Project: SCOTT 143504
Print Date: 12/27/2017

User Name: ebudrow
Projection: NAD 1983 UTM Zone 15N
Source: SEH, ESRI, USGS, MnDNR

WETLAND COMMUNITY TYPES

CSAH 42 Wetland Services
Scott County, Minnesota

Figure 9

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Minnesota Wetland Conservation Act
Notice of Decision

Local Government Unit (LGU)	Address
Prior Lake	**4646 Dakota Street** **Prior Lake, MN 55372**

1. PROJECT INFORMATION

Applicant Name	Project Name	Date of Application	Application Number
Shakopee Mdewakanton Sioux Community (Charlie Vig)	**SW Quad - CSAH 83 and CSAH 42**	**9/8/2016**	**1964-340**

☒ Attach site locator map.

Type of Decision:

☒ Wetland Boundary or Type ☐ No-Loss ☐ Exemption ☐ Sequencing
☐ Replacement Plan ☐ Banking Plan

Technical Evaluation Panel Findings and Recommendation (if any):

☒ Approve ☐ Approve with conditions ☐ Deny

Summary (or attach): The LGU and DNR reviewed the delineation on October 11, 2016 and asked that the applicant review two additional areas for evidence of wetland criteria. The applicant submitted additional information for these two locations, including soils and hydrology data. The TEP agreed with the applicant's additional data.

2. LOCAL GOVERNMENT UNIT DECISION

Date of Decision: 11/7/2016

☐ Approved ☒ Approved with conditions (include below) ☐ Denied

LGU Findings and Conclusions (attach additional sheets as necessary):

On behalf of the applicant, Bolton & Menk, Inc. staff conducted a Level 2 delineation within the proposed boundaries of the SW Quadrant of CSAH 83 and CSAH 42 in Prior Lake, Scott County. The delineation includes the entire parcel containing the project area.

An aerial photo review of the project area was completed, and field delineation was performed on April 21, 2016. During the delineation, five wetlands and two stormwater ponds were found to occur within the project area. These areas are summarized below:

Wetland 1 - Seasonally Flooded Basin (Type 1): 0.45 acre
Wetland 2 - Shallow Marsh/Shallow Open Water (Type 3/5): 4.43 acres
Wetland 3 - Fresh (Wet) Meadow/Shallow Marsh (Type 2/3): 9.04 acres
Wetland 4 - Fresh (Wet) Meadow (Type 2): 0.27 acre
Wetland 6 - Fresh (Wet) Meadow (Type 2): 0.47 acre
Pond 1 – Shallow, Open Water (Type 5): 0.39 acre (pond was built within a historic wetland)
Pond 2 was constructed in upland for the purpose of holding and treating runoff from the surrounding roadways and development and therefore is not regulated by the Wetland Conservation Act.

The TEP reveiwed the delineation on October 11, 2016 and asked the appliant to provide data on two additional locations within the project area. The applicant provided soils and hydrology data for both areas, which indicated these areas were upland. The TEP agreed with the remaining boundaries as delineated.

Condition(s) of Approval: Provide the city with a GIS shapefile or CAD file of the delineated wetland boundaries.

This decision is valid for a period of 5 years.

For Replacement Plans using credits from the State Wetland Bank:

Bank Account #	Bank Service Area	County	Credits Approved for Withdrawal (sq. ft. or nearest .01 acre)

Replacement Plan Approval Conditions. In addition to any conditions specified by the LGU, the approval of a Wetland Replacement Plan is conditional upon the following:

☐ **Financial Assurance:** For project-specific replacement that is not in-advance, a financial assurance specified by the LGU must be submitted to the LGU in accordance with MN Rule 8420.0522, Subp. 9 (List amount and type in LGU Findings).

☐ **Deed Recording:** For project-specific replacement, evidence must be provided to the LGU that the BWSR "Declaration of Restrictions and Covenants" and "Consent to Replacement Wetland" forms have been filed with the county recorder's office in which the replacement wetland is located.

☐ **Credit Withdrawal:** For replacement consisting of wetland bank credits, confirmation that BWSR has withdrawn the credits from the state wetland bank as specified in the approved replacement plan.

Wetlands may not be impacted until all applicable conditions have been met!

LGU Authorized Signature:

Signing and mailing of this completed form to the appropriate recipients in accordance with 8420.0255, Subp. 5 provides notice that a decision was made by the LGU under the Wetland Conservation Act as specified above. If additional details on the decision exist, they have been provided to the landowner and are available from the LGU upon request.

Name	Title	
Pete Young	**Water Resources Engineer**	
Signature	Date 11/7/2016	Phone Number and E-mail **952.447.9831** **pyoung@cityofpriorlake.com**

THIS DECISION ONLY APPLIES TO THE MINNESOTA WETLAND CONSERVATION ACT. Additional approvals or permits from local, state, and federal agencies may be required. Check with all appropriate authorities before commencing work in or near wetlands.

Applicants proceed at their own risk if work authorized by this decision is started before the time period for appeal (30 days) has expired. If this decision is reversed or revised under appeal, the applicant may be responsible for restoring or replacing all wetland impacts.

This decision is valid for three years from the date of decision unless a longer period is advised by the TEP and specified in this notice of decision.

3. APPEAL OF THIS DECISION

Pursuant to MN Rule 8420.0905, any appeal of this decision can only be commenced by mailing a petition for appeal, including applicable fee, within thirty (30) calendar days of the date of the mailing of this Notice to the following as indicated: Check one:

☒ Appeal of an LGU staff decision. Send petition and $0 fee (if applicable) to: **City of Prior Lake** **4646 Dakota Street** **Prior Lake, MN 55372**	☐ Appeal of LGU governing body decision. Send petition and $500 filing fee to: Executive Director Minnesota Board of Water and Soil Resources 520 Lafayette Road North St. Paul, MN 55155

4. LIST OF ADDRESSEES

☒ SWCD TEP member: **Collin Schoenecker**
☒ BWSR TEP member: **Ben Meyer**
☒ LGU TEP member (if different than LGU Contact): **Alison Harwood, WSB & Associates**
☒ DNR TEP member: **Becky Horton/Jennie Skancke**
☐ DNR Regional Office (if different than DNR TEP member)
☒ WD or WMO (if applicable): **Paul Nelson, Scott WMO**
☒ Applicant (notice only) and Landowner (if different): **Charlie Vig, SMSC**
☒ Members of the public who requested notice (notice only): **Mark Perry, Bolton & Menk, Inc.; Pete Young, City of Prior Lake.**
☒ Corps of Engineers Project Manager (notice only): **Ryan Malterud**
☐ BWSR Wetland Bank Coordinator (wetland bank plan applications only)

5. MAILING INFORMATION

- For a list of BWSR TEP representatives: www.bwsr.state.mn.us/aboutbwsr/workareas/WCA_areas.pdf
- For a list of DNR TEP representatives: www.bwsr.state.mn.us/wetlands/wca/DNR_TEP_contacts.pdf
- Department of Natural Resources Regional Offices:

NW Region:	NE Region:	Central Region:	Southern Region:
Reg. Env. Assess. Ecol. Div. Ecol. Resources 2115 Birchmont Beach Rd. NE Bemidji, MN 56601	Reg. Env. Assess. Ecol. Div. Ecol. Resources 1201 E. Hwy. 2 Grand Rapids, MN 55744	Reg. Env. Assess. Ecol. Div. Ecol. Resources 1200 Warner Road St. Paul, MN 55106	Reg. Env. Assess. Ecol. Div. Ecol. Resources 261 Hwy. 15 South New Ulm, MN 56073

For a map of DNR Administrative Regions, see: http://files.dnr.state.mn.us/aboutdnr/dnr_regions.pdf

- For a list of Corps of Project Managers: www.mvp.usace.army.mil/regulatory/default.asp?pageid=687 or send to:

  US Army Corps of Engineers
  St. Paul District, ATTN: OP-R
  180 Fifth St. East, Suite 700
  St. Paul, MN 55101-1678

- For Wetland Bank Plan applications, also send a copy of the application to:

  Minnesota Board of Water and Soil Resources
  Wetland Bank Coordinator
  520 Lafayette Road North
  St. Paul, MN 55155

6. ATTACHMENTS

In addition to the site locator map, list any other attachments:

☒ **Approved Wetland Boundary Figure**

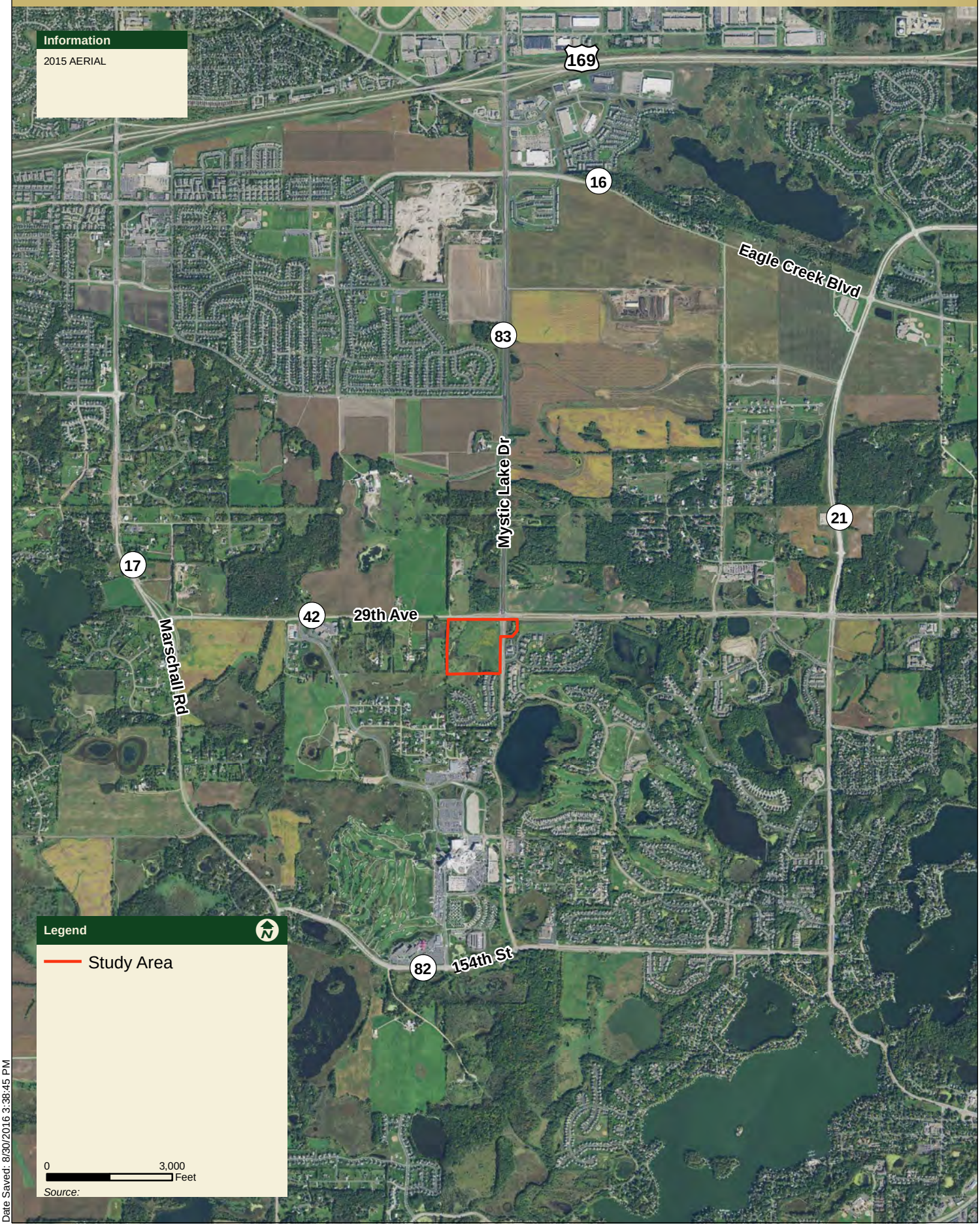
☐

SW QUADRANT 83 & 42

SHAKOPEE MDEWAKANTON SIOUX COMMUNITY

EXHIBIT A: PROJECT LOCATION

August, 2016



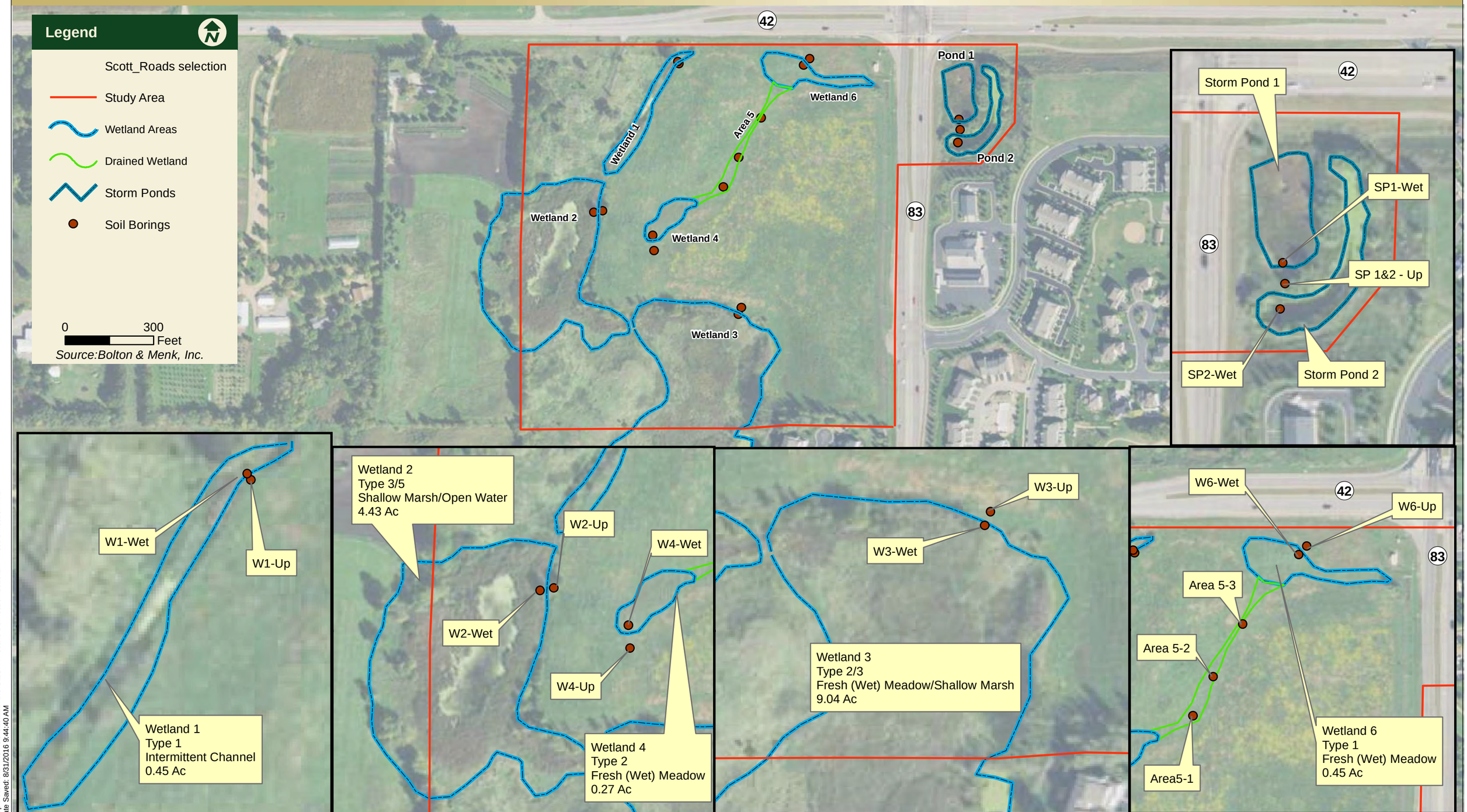
Map Document: H:\SMSC\C1511241\GIS\ESRI\Wetland Delineation 2016\ExA-Project Location.mxd
Date Saved: 8/30/2016 3:38:45 PM

SW QUADRANT 83 & 42

SHAKOPEE MDEWAKANTON SIOUX COMMUNITY

EXHIBIT F: WETLAND DELINEATION

August, 2016



Map Document: H:\SMSC\C151124\1\GIS\ESRI\Wetland Delineation 2016\ExF-Wet Delineation.mxd
Date Saved: 8/31/2016 9:44:40 AM

Appendix D

Minnesota Department of Natural Resources Correspondence

From: Parris, Leslie (DNR)
To: Anders, Mattie
Subject: NHIS Response: CSAH 42 Improvements
Date: Wednesday, March 27, 2019 11:29:02 AM

Hi Mattie,

I have reviewed the NHIS regarding the above project. There are no new records in the vicinity of the project. As such, the Natural Heritage letter (# ERDB 20180343) dated March 23, 2018 is valid until March 27, 2020.

Thank you for consulting us on this matter. If you have any further questions, please feel free to contact me.

V/r,
Leslie

Leslie Parris
NR Specialist | Ecological and Water Resources

Minnesota Department of Natural Resources
1200 Warner Road
St. Paul, MN 55106
Email: leslie.parris@state.mn.us
mndnr.gov

DEPARTMENT OF NATURAL RESOURCES

Minnesota Department of Natural Resources
Division of Ecological & Water Resources
500 Lafayette Road, Box 25
St. Paul, MN 55155-4025

March 23, 2018
Correspondence # ERDB 20180343

Mr. Jesse Krzenski
Scott County
200 4th Avenue West
Shakopee, MN 55379

RE: Natural Heritage Review of the proposed CSAH 42 Improvements,
T115N R22W Sections 20, 21, 28, & 29; Scott County

Dear Mr. Krzenski,

As requested, the Minnesota Natural Heritage Information System has been queried to determine if any rare species or other significant natural features are known to occur within an approximate one-mile radius of the proposed project. Based on this query, rare features have been documented within the search area (for details, please visit the Rare Species Guide Website for more information on the biology, habitat use, and conservation measures of these rare species). Please note that the following rare features may be adversely affected by the proposed project:

- Blanding's turtles (*Emydoidea blandingii)*, a state-listed threatened species, have been reported in the vicinity of the proposed project. Blanding's turtles use wetlands as well as upland areas up to and over a mile distant from wetlands. Uplands are used for nesting, basking, periods of dormancy, and traveling between wetlands. Factors believed to contribute to the decline of this species include collisions with vehicles, wetland drainage and degradation, and the development of upland habitat. Any added fatality can be detrimental to populations of Blanding's turtles, as these turtles have a low reproduction rate that depends upon a high survival rate to maintain population levels.

  For your information, I have attached a Blanding's turtle fact sheet that describes the habitat use and life history of this species. The fact sheet also provides two lists of recommendations for avoiding and minimizing impacts to this rare turtle. **Please refer to the first list of recommendations for your project.** If greater protection for turtles is desired, the second list of additional recommendations can also be implemented. The use of erosion control blanket should be limited to 'bio-netting' or 'naturalnetting' types (category 3N or 4N), and specifically not allow plastic mesh netting (see attaced). For specific recommendations pertaining to transportation projects, please refer to Chapter One in Best Practices Manual.

The attached flyer should be given to all contractors working in the area. If Blanding's turtles are encountered on site, please remember that state law and rules prohibit the destruction of threatened or endangered species, except under certain prescribed conditions. If turtles are in imminent danger they must be moved by hand out of harm's way, otherwise they are to be left undisturbed.

- The Environmental Assessment Worksheet should address whether the proposed project has the potential to adversely affect the above rare features and, if so, it should identify specific measures that will be taken to avoid or minimize disturbance. Sufficient information should be provided so the DNR can determine whether a takings permit will be needed for any of the above protected species.

- Please include a copy of this letter in any state or local license or permit application. Please note that measures to avoid or minimize disturbance to the above rare features may be included as restrictions or conditions in any required permits or licenses.

The Natural Heritage Information System (NHIS), a collection of databases that contains information about Minnesota's rare natural features, is maintained by the Division of Ecological and Water Resources, Department of Natural Resources. The NHIS is continually updated as new information becomes available, and is the most complete source of data on Minnesota's rare or otherwise significant species, native plant communities, and other natural features. However, the NHIS is not an exhaustive inventory and thus does not represent all of the occurrences of rare features within the state. Therefore, ecologically significant features for which we have no records may exist within the project area. If additional information becomes available regarding rare features in the vicinity of the project, further review may be necessary.

For environmental review purposes, the results of this Natural Heritage Review are valid for one year; the results are only valid for the project location (noted above) and the project description provided on the NHIS Data Request Form. Please contact me if project details change or for an updated review if construction has not occurred within one year.

The Natural Heritage Review does not constitute review or approval by the Department of Natural Resources as a whole. Instead, it identifies issues regarding known occurrences of rare features and potential effects to these rare features. If needed, please contact your DNR Regional Environmental Assessment Ecologist to determine whether there are other natural resource concerns associated with the proposed project. Please be aware that additional site assessments or review may be required.

Thank you for consulting us on this matter, and for your interest in preserving Minnesota's rare natural resources. An invoice will be mailed to you under separate cover.

Sincerely,

Samantha Bump
Natural Heritage Review Specialist
Samantha.Bump@state.mn.us

Enc. Blanding's Turtle Fact Sheet & Flyer
Wildlife Friendly Erosion Control

Links: Rare Species Guide
http://www.dnr.state.mn.us/rsg/index.html
Best Practices for Meeting GP 2004-0001
https://www.dnr.state.mn.us/waters/watermgmt_section/pwpermits/gp_2004_0001_manual.html
DNR Regional Environmental Assessment Ecologist Contact Info
http://www.dnr.state.mn.us/eco/ereview/erp_regioncontacts.html

Cc: Becky Horton
Leslie Parris

Northern Long-Eared Bat

Myotis septentrionalis

The northern long-eared bat is federally listed as a threatened species under the Endangered Species Act. ***Endangered*** species are animals and plants that are in danger of becoming extinct. ***Threatened*** species are animals and plants that are likely to become endangered in the foreseeable future. Identifying, protecting and restoring endangered and threatened species is the primary objective of the U.S. Fish and Wildlife Service's Endangered Species Program.

Photo by Steve Taylor, University of Illinois

This northern long-eared bat, observed during an Illinois mine survey, shows visible symptoms of white-nose syndrome.

What is the northern long-eared bat?

Appearance: The northern long-eared bat is a medium-sized bat with a body length of 3 to 3.7 inches and a wingspan of 9 to 10 inches. Their fur color can be medium to dark brown on the back and tawny to pale-brown on the underside. As its name suggests, this bat is distinguished by its long ears, particularly as compared to other bats in its genus, *Myotis*.

Winter Habitat: Northern long-eared bats spend winter hibernating in caves and mines, called hibernacula. They use areas in various sized caves or mines with constant temperatures, high humidity, and no air currents. Within hibernacula, surveyors find them hibernating most often in small crevices or cracks, often with only the nose and ears visible.

Summer Habitat: During the summer, northern long-eared bats roost singly or in colonies underneath bark, in cavities or in crevices of both live trees and snags (dead trees). Males and non-reproductive females may also roost in cooler places, like caves and mines. Northern long-eared bats seem to be flexible in selecting roosts, choosing roost trees based on suitability to retain bark or provide cavities or crevices. They rarely roost in human structures like barns and sheds.

Reproduction: Breeding begins in late summer or early fall when males begin to swarm near hibernacula. After copulation, females store sperm during hibernation until spring. In spring, females emerge from their hibernacula, ovulate and the stored sperm fertilizes an egg. This strategy is called delayed fertilization.

After fertilization, pregnant bats migrate to summer areas where they roost in small colonies and give birth to a single pup. Maternity colonies of females and young generally have 30 to 60 bats at the beginning of the summer, although larger maternity colonies have also been observed. Numbers of bats in roosts typically decrease from the time of pregnancy to post-lactation. Most bats within a maternity colony give birth around the same time, which may occur from late May or early June to late July, depending where the colony is located within the species' range. Young bats start flying by 18 to 21 days after birth. Maximum lifespan for the northern long-eared bat is estimated to be up to 18.5 years.

Feeding Habits: Like most bats, northern long-eared bats emerge at dusk to feed. They primarily fly through the understory of forested areas feeding on moths, flies, leafhoppers, caddisflies, and beetles, which they catch while in flight using echolocation or by gleaning motionless insects from vegetation.

Range: The northern long-eared bat's range includes much of the eastern and north central United States, and all Canadian provinces from the Atlantic Ocean west to the southern Yukon Territory and eastern British Columbia. The species' range includes 37 States and the District of Columbia: Alabama, Arkansas, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

Why is the northern long-eared bat in trouble?

White-nose Syndrome: No other threat is as severe and immediate as

this. If this disease had not emerged, it is unlikely that northern long-eared bat populations would be experiencing such dramatic declines. Since symptoms were first observed in New York in 2006, white-nose syndrome has spread rapidly from the Northeast to the Midwest and Southeast; an area that includes the core of the northern long-eared bat's range, where it was most common before this disease. Numbers of northern long-eared bats (from hibernacula counts) have declined by up to 99 percent in the Northeast. Although there is uncertainty about the rate that white-nose syndrome will spread throughout the species' range, it is expected to continue to spread throughout the United States in the foreseeable future.

Other Sources of Mortality:

Although no significant population declines have been observed due to the sources of mortality listed below, they may now be important factors affecting this bat's viability until we find ways to address WNS.

Impacts to Hibernacula: Gates or other structures intended to exclude people from caves and mines not only restrict bat flight and movement, but also change airflow and microclimates. A change of even a few degrees can make a cave unsuitable for hibernating bats. Also, cave-dwelling bats are vulnerable to human disturbance while hibernating. Arousal during hibernation causes bats to use up their energy stores, which may lead to bats not surviving through winter.

Loss or Degradation of Summer Habitat: Highway construction, commercial development, surface mining, and wind facility construction permanently remove habitat and are activities prevalent in many areas of this bat's range. Many forest management activities benefit bats by keeping areas forested rather than converted to other uses. But, depending on type and timing, some forest management activities can cause mortality and temporarily remove or degrade roosting and foraging habitat.

Wind Farm Operation: Wind turbines kill bats, and, depending on the species, in very large numbers. Mortality from windmills has been documented for northern long-eared bats, although a small number have been found to date. However, there are many wind projects within a large portion of the bat's range and many more are planned.

What Is Being Done to Help the Northern Long-Eared Bat?

Disease Management: Actions have been taken to try to reduce or slow the spread of white-nose syndrome through human transmission of the fungus into caves (e.g. cave and mine closures and advisories; national decontamination protocols). A national plan was prepared by the Service and other state and federal agencies that details actions needed to investigate and manage white-nose syndrome. Many state and federal agencies, universities and non-governmental organizations are researching this disease to try to control its spread and address its affect. See www.whitenosesyndrome.org/ for more.

Addressing Wind Turbine Mortality: The Service and others are working to minimize bat mortality from wind turbines on several fronts. We fund and conduct research to determine why bats are susceptible to turbines, how to operate turbines to minimize mortality and where important bird and bat migration routes are located. The Service, state natural resource agencies, and the wind energy industry are developing a Midwest Wind Energy Habitat Conservation Plan, which will provide wind farms a mechanism to continue operating legally while minimizing and mitigating listed bat mortality.

Listing: The northern long-eared bat is listed as a threatened species under the federal Endangered Species Act. Listing a species affords it the protections of the Act and also increases the priority of the species for funds, grants, and recovery opportunities.

Hibernacula Protection: Many federal and state natural resource agencies and conservation organizations have protected caves and mines that are important hibernacula for cave-dwelling bats.

What Can I Do?

Do Not Disturb Hibernating Bats: To protect bats and their habitats, comply with all cave and mine closures, advisories, and regulations. In areas without a cave and mine closure policy, follow approved decontamination protocols (see http://whitenosesyndrome.org/topics/decontamination). Under no circumstances should clothing, footwear, or equipment that was used in a white-nose syndrome affected state or region be used in unaffected states or regions.

Leave Dead and Dying Trees Standing: Like most eastern bats, the northern long-eared bat roosts in trees during summer. Where possible and not a safety hazard, leave dead or dying trees on your property. Northern long-eared bats and many other animals use these trees.

Install a Bat Box: Dead and dying trees are usually not left standing, so trees suitable for roosting may be in short supply and bat boxes may provide additional roost sites. Bat boxes are especially needed from April to August when females look for safe and quiet places to give birth and raise their pups.

Support Sustainability: Support efforts in your community, county and state to ensure that sustainability is a development goal. Only through sustainable living will we provide rare and declining species, like the northern long-eared bat, the habitat and resources they need to survive alongside us.

Spread the Word: Understanding the important ecological role that bats play is a key to conserving the northern long-eared and other bats. Helping people learn more about the northern long-eared bat and other endangered species can lead to more effective recovery efforts. For more information, visit www.fws.gov/midwest/nleb and www.whitenosesyndrome.org

Join and Volunteer: Join a conservation group; many have local chapters. Volunteer at a local nature center, zoo, or national wildlife refuge. Many state natural resource agencies benefit greatly from citizen involvement in monitoring wildlife. Check your state agency websites and get involved in citizen science efforts in your area.

Environmental Review Fact Sheet Series

Endangered, Threatened, and Special Concern Species of Minnesota

Blanding's Turtle

(*Emydoidea blandingii*)

Minnesota Status:	Threatened	State Rank[1]:	S2
Federal Status:	none	Global Rank[1]:	G4

HABITAT USE

Blanding's turtles need both wetland and upland habitats to complete their life cycle. The types of wetlands used include ponds, marshes, shrub swamps, bogs, and ditches and streams with slow-moving water. In Minnesota, Blanding's turtles are primarily marsh and pond inhabitants. Calm, shallow water bodies (Type 1-3 wetlands) with mud bottoms and abundant aquatic vegetation (e.g., cattails, water lilies) are preferred, and extensive marshes bordering rivers provide excellent habitat. Small temporary wetlands (those that dry up in the late summer or fall) are frequently used in spring and summer -- these fishless pools are amphibian and invertebrate breeding habitat, which provides an important food source for Blanding's turtles. Also, the warmer water of these shallower areas probably aids in the development of eggs within the female turtle. Nesting occurs in open (grassy or brushy) sandy uplands, often some distance from water bodies. Frequently, nesting occurs in traditional nesting grounds on undeveloped land. Blanding's turtles have also been known to nest successfully on residential property (especially in low density housing situations), and to utilize disturbed areas such as farm fields, gardens, under power lines, and road shoulders (especially of dirt roads). Although Blanding's turtles may travel through woodlots during their seasonal movements, shady areas (including forests and lawns with shade trees) are not used for nesting. Wetlands with deeper water are needed in times of drought, and during the winter. Blanding's turtles overwinter in the muddy bottoms of deeper marshes and ponds, or other water bodies where they are protected from freezing.

LIFE HISTORY

Individuals emerge from overwintering and begin basking in late March or early April on warm, sunny days. The increase in body temperature which occurs during basking is necessary for egg development within the female turtle. Nesting in Minnesota typically occurs during June, and females are most active in late afternoon and at dusk. Nesting can occur as much as a mile from wetlands. The nest is dug by the female in an open sandy area and 6-15 eggs are laid. The female turtle returns to the marsh within 24 hours of laying eggs. After a development period of approximately two months, hatchlings leave the nest from mid-August through early-October. Nesting females and hatchlings are often at risk of being killed while crossing roads between wetlands and nesting areas. In addition to movements associated with nesting, all ages and both sexes move between wetlands from April through November. These movements peak in June and July and again in September and October as turtles move to and from overwintering sites. In late autumn (typically November), Blanding′s turtles bury themselves in the substrate (the mud at the bottom) of deeper wetlands to overwinter.

IMPACTS / THREATS / CAUSES OF DECLINE

- loss of wetland habitat through drainage or flooding (converting wetlands into ponds or lakes)
- loss of upland habitat through development or conversion to agriculture
- human disturbance, including collection for the pet trade* and road kills during seasonal movements
- increase in predator populations (skunks, racoons, etc.) which prey on nests and young

*It is illegal to possess this threatened species.

RECOMMENDATIONS FOR AVOIDING AND MINIMIZING IMPACTS

These recommendations apply to typical construction projects and general land use within Blanding's turtle habitat, and are provided to help local governments, developers, contractors, and homeowners minimize or avoid detrimental impacts to Blanding's turtle populations. **List 1** describes minimum measures which we recommend to prevent harm to Blanding's turtles during construction or other work within Blanding's turtle habitat. **List 2** contains recommendations which offer even greater protection for Blanding's turtles populations; this list should be used *in addition to the first list* in areas which are known to be of state-wide importance to Blanding's turtles (contact the DNR's Natural Heritage and Nongame Research Program if you wish to determine if your project or home is in one of these areas), or in any other area where greater protection for Blanding's turtles is desired.

List 1. Recommendations for all areas inhabited by Blanding's turtles.	**List 2. *Additional* recommendations for areas known to be of state-wide importance to Blanding's turtles.**
GENERAL	
A flyer with an illustration of a Blanding's turtle should be given to all contractors working in the area. Homeowners should also be informed of the presence of Blanding's turtles in the area.	Turtle crossing signs can be installed adjacent to road-crossing areas used by Blanding's turtles to increase public awareness and reduce road kills.
Turtles which are in imminent danger should be moved, by hand, out of harms way. Turtles which are not in imminent danger should be left undisturbed.	Workers in the area should be aware that Blanding's turtles nest in June, generally after 4pm, and should be advised to minimize disturbance if turtles are seen.
If a Blanding's turtle nests in your yard, do not disturb the nest.	If you would like to provide more protection for a Blanding's turtle nest on your property, see "Protecting Blanding's Turtle Nests" on page 3 of this fact sheet.
Silt fencing should be set up to keep turtles out of construction areas. It is critical that silt fencing be removed after the area has been revegetated.	Construction in potential nesting areas should be limited to the period between September 15 and June 1 (this is the time when activity of adults and hatchlings in upland areas is at a minimum).
WETLANDS	
Small, vegetated temporary wetlands (Types 2 & 3) should not be dredged, deepened, filled, or converted to storm water retention basins (these wetlands provide important habitat during spring and summer).	Shallow portions of wetlands should not be disturbed during prime basking time (mid morning to mid- afternoon in May and June). A wide buffer should be left along the shore to minimize human activity near wetlands (basking Blanding's turtles are more easily disturbed than other turtle species).
Wetlands should be protected from pollution; use of fertilizers and pesticides should be avoided, and run-off from lawns and streets should be controlled. Erosion should be prevented to keep sediment from reaching wetlands and lakes.	Wetlands should be protected from road, lawn, and other chemical run-off by a vegetated buffer strip at least 50' wide. This area should be left unmowed and in a natural condition.
ROADS	
Roads should be kept to minimum standards on widths and lanes (this reduces road kills by slowing traffic and reducing the distance turtles need to cross).	Tunnels should be considered in areas with concentrations of turtle crossings (more than 10 turtles per year per 100 meters of road), and in areas of lower density if the level of road use would make a safe crossing impossible for turtles. Contact your DNR Regional Nongame Specialist for further information on wildlife tunnels.
Roads should be ditched, not curbed or below grade. If curbs must be used, 4 inch high curbs at a 3:1 slope are preferred (Blanding's turtles have great difficulty climbing traditional curbs; curbs and below grade roads trap turtles on the road and can cause road kills).	Roads should be ditched, not curbed or below grade.

ROADS cont.	
Culverts between wetland areas, or between wetland areas and nesting areas, should be 36 inches or greater in diameter, and elliptical or flat-bottomed.	Road placement should avoid separating wetlands from adjacent upland nesting sites, or these roads should be fenced to prevent turtles from attempting to cross them (contact your DNR Nongame Specialist for details).
Wetland crossings should be bridged, or include raised roadways with culverts which are 36 in or greater in diameter and flat-bottomed or elliptical (raised roadways discourage turtles from leaving the wetland to bask on roads).	Road placement should avoid bisecting wetlands, or these roads should be fenced to prevent turtles from attempting to cross them (contact your DNR Nongame Specialist for details). This is especially important for roads with more than 2 lanes.
Culverts under roads crossing streams should be oversized (at least twice as wide as the normal width of open water) and flat-bottomed or elliptical.	Roads crossing streams should be bridged.
UTILITIES	
Utility access and maintenance roads should be kept to a minimum (this reduces road-kill potential).	
Because trenches can trap turtles, trenches should be checked for turtles prior to being backfilled and the sites should be returned to original grade.	
LANDSCAPING AND VEGETATION MANAGEMENT	
Terrain should be left with as much natural contour as possible.	As much natural landscape as possible should be preserved (installation of sod or wood chips, paving, and planting of trees within nesting habitat can make that habitat unusable to nesting Blanding's turtles).
Graded areas should be revegetated with native grasses and forbs (some non-natives form dense patches through which it is difficult for turtles to travel).	Open space should include some areas at higher elevations for nesting. These areas should be retained in native vegetation, and should be connected to wetlands by a wide corridor of native vegetation.
Vegetation management in infrequently mowed areas -- such as in ditches, along utility access roads, and under power lines -- should be done mechanically (chemicals should not be used). Work should occur fall through spring (after October 1st and before June 1st).	Ditches and utility access roads should not be mowed or managed through use of chemicals. If vegetation management is required, it should be done mechanically, as infrequently as possible, and fall through spring (mowing can kill turtles present during mowing, and makes it easier for predators to locate turtles crossing roads).

Protecting Blanding's Turtle Nests: Most predation on turtle nests occurs within 48 hours after the eggs are laid. After this time, the scent is gone from the nest and it is more difficult for predators to locate the nest. Nests more than a week old probably do not need additional protection, unless they are in a particularly vulnerable spot, such as a yard where pets may disturb the nest. Turtle nests can be protected from predators and other disturbance by covering them with a piece of wire fencing (such as chicken wire), secured to the ground with stakes or rocks. The piece of fencing should measure at least 2 ft. x 2 ft., and should be of medium sized mesh (openings should be about 2 in. x 2 in.). It is ***very important*** that the fencing be **removed <u>before August 1st</u>** so the young turtles can escape from the nest when they hatch!

REFERENCES

[1]Association for Biodiversity Information. "Heritage Status: Global, National, and Subnational Conservation Status Ranks." NatureServe. Version 1.3 (9 April 2001). http://www.natureserve.org/ranking.htm (15 April 2001).

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Moriarty, J. J., and M. Linck. 1994. Suggested guidelines for projects occurring in Blanding's turtle habitat. Unpublished report to the Minnesota DNR. 8 pp.

Oldfield, B., and J. J. Moriarty. 1994. Amphibians and Reptiles Native to Minnesota. University of Minnesota Press, Minneapolis, 237 pp.

Sajwaj, T. D., and J. W. Lang. 2000. Thermal ecology of Blanding′s turtle in central Minnesota. Chelonian Conservation and Biology 3(4):626-636.

Appendix E

Minnesota State Historic Preservation Office Correspondence

Shakopee Mdewakanton Sioux Community

2330 SIOUX TRAIL NW • PRIOR LAKE, MINNESOTA 55372
TRIBAL OFFICE: 952.445.8900 • FAX: 952.233.4256

June 6, 2019

Scott County
Mr. Craig Jensen, Transportation Planner
600 Country Trail East
Jordan, MN 55352

Subject: CSAH 42 Project (17-83) Archeological Review

Dear Mr. Jenson;

The SMSC have previously completed Phase 1 Archaeological Reconnaissance Surveys for our twelve parcels in the project corridor. This research included both field work and literature surveys of any archaeological and historical sites documented through 2015. None of our surveys or field work have indicated that cultural resources may be present on SMSC properties within the project corridor.

Please contact me at stephen.albrecht@shakopeedakota.org if you have additional questions.

Sincerely,

Steve Albrecht P.E.
Operations Administrator

MINNESOTA HISTORICAL SOCIETY

STATE HISTORIC PRESERVATION OFFICE

Using the Power of History to Transform Lives
PRESERVING › SHARING › CONNECTING

February 20, 2018

Mr. Jesse Krzenski
Scott County
200 4th Avenue West
Shakopee, MN 55379

RE: CSAH 42 Improvement between CSAH 17 and CSAH 83
T115 R22 S20, 21, 28, 29
Prior Lake and Shakopee, Scott County
SHPO Number: 2018-1039

Dear Mr. Krzenski:

Thank you for the opportunity to comment on the above project. It is being reviewed pursuant to the responsibilities given to the Minnesota Historical Society by the Minnesota Historic Sites Act and the Minnesota Field Archaeology Act.

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 **preservationdirectory.mnhs.org**, and select "Archaeologists" in the "Search by 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 Kelly Gragg-Johnson at (651) 259-3455.

Sincerely,

Sarah J. Beimers

Sarah J. Beimers, Manager
Government Programs and Compliance

345 West Kellogg Boulevard, St. Paul, MN 55102
651-259-3000 • mnhs.org

DEPARTMENT OF ADMINISTRATION
STATE HISTORIC PRESERVATION OFFICE

April 11, 2018

Mr. Jesse Krzenski
Scott County Environmental Services
200 4th Avenue West
Shakopee, MN 55379

RE: CSAH 42 Improvement between CSAH 17 and CSAH 83
Prior Lake and Shakopee, Scott County
SHPO Number: 2018-1039

Dear Mr. Krzenski:

Thank you for continuing consultation on the above project. As you are aware, this project is being reviewed pursuant to the responsibilities given the State Historic Preservation Office by the Minnesota Historic Sites Act and the Minnesota Field Archaeology Act.

We previously commented on this project in a letter dated February 12, 2018 recommending that, due to the nature and location of the proposed project, a Phase I archaeological survey be completed. You have now submitted additional information stating that a review of the SHPO Standing Structures and Archaeological Site databases was conducted and that 51 previously identified historic properties were identified within one mile of the project area and that the project will have no impact on these properties. Please keep in mind that this is a record search only and is not considered a Phase I archaeological survey. There may be other archaeological sites within your project area that have not been identified through previous surveys. If a Phase I archaeological survey has been conducted for this specific project, please submit the Phase I survey report for our review and comment. Otherwise, we continue to recommend that a Phase I archaeological survey be completed prior to project construction.

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 our Environmental Review Section at (651) 201-3285.

Sincerely,

Sarah J. Beimers

Sarah J. Beimers
Environmental Review Manager