

| Agency                             | Comment  | Response   |
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| State Historic Preservation Office | 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.   | The project proposer will further review and consider the recommendation for surveys in coordination with the county.  |
| Minnesota Pollution Control Agency | Noise (Item 17)<br>Based on the information provided in this EAW, the MPCA does not have any concerns about noise if or when the Project is complete. The MPCA recommends that construction equipment be muffled, as appropriate, during all phases of construction. For noise related questions, please contact Fawkes Char at 651-757-2327 or fawkes.char@state.mn.us.   | Thank you for your comment. The applicant will instruct contractors to use properly muffled equipment, as appropriate, during construction of the project. Construction standards will be followed for all phases of construction.   |
| Minnesota Pollution Control Agency | <p data-bbox="391 905 1073 1367">Wetlands<br/>Table 8.1 includes the United States Army Corps of Engineers (USACE) Section 404 permit, hence the table must also include the MPCA 401 Water Quality Certification. Table 11.1, indicates that 6.23 acres of wetlands are delineated. However, less than 1 acre of wetlands will be impacted due to roadway access construction. These wetland impacts are estimated and are likely to change upon detailed project engineering. Any permanently impacted wetlands must be mitigated at a replacement ratio acceptable to all agencies that regulate surface waters for the State of Minnesota.</p> <p data-bbox="391 1409 1073 1766">In accordance with Minnesota Statutes, the Project should include the MPCA as a regulator of all surface waters as defined by Minn. Stat. § 115.01, subd. 22. Waters of the state. Even though there may be surface waters that are determined to be USACE non-jurisdictional, or exempt from the Wetlands Conservation Act, all surface waters are regulated by the MPCA and any surface water impact needs to be described in the application and may require mitigation.</p> <p data-bbox="391 1797 1073 1904">Also, a Section 401 Water Quality Certification is required for any project with a federally-issued license or permit that authorizes an activity that results in a</p> | <p data-bbox="1096 905 1419 1083">Thank you for the comment. MPCA 401 Water Quality Certification added to table 8.1.</p> <p data-bbox="1096 1125 1419 1367">The applicant understands that a pre-filing meeting is needed at least 30 days prior to submitting a 401 Water Quality Certification request.</p> |

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|   | <p>discharge to a water of the United States. The 401 Water Quality Certification becomes an enforceable component of the associated federal license or permit – issued under either Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act. The scope of a Clean Water Act Section 401 Water Quality Certification is limited to assuring that a discharge from a federally licensed or permitted activity will comply with water quality requirements. Revisions to the Section 401 rule became effective in September 2020, and now require applicants to request a pre-filing meeting from the certifying agency at least 30 days prior to submitting a 401 Water Quality Certification request. The MPCA is the certifying authority in the State of Minnesota. For further information about the 401 Water Quality Certification process, please contact Bill Wilde at 651-757-2825 or <a href="mailto:william.wilde@state.mn.us">william.wilde@state.mn.us</a>.</p>  |  |
| <p>Minnesota Pollution Control Agency</p> | <p>Stormwater</p> <ul style="list-style-type: none"> <li>• Because the EAW mentions impaired waters within 1 mile of the Project, if at least 50 acres of land will be disturbed, the Stormwater Pollution Prevention Plan (SWPPP) for the Project requires review and approval by the MPCA prior to issuance of the National Pollutant Discharge Elimination System/State Disposal System Construction Stormwater Permit (CSW Permit).</li> <li>• To comply with CSW Permit requirements, the Project proposer is encouraged to provide as much stormwater volume control via infiltration upstream of the proposed retention pond as possible to minimize discharges to downstream waters.</li> <li>• The Project proposer is also encouraged to minimize impervious surfaces by constructing narrower streets and sidewalks or utilizing pervious pavements within the development. Pervious pavements help infiltrate stormwater, eliminate ponding and reduce salt use in winter months. Please direct questions regarding CSW Permit requirements to Roberta Getman at 507-206-2629 or <a href="mailto:roberta.getman@state.mn.us">roberta.getman@state.mn.us</a>.</li> </ul> | <p>Thank you for the comment. If the project requires 50 acres or more of land disturbance, the MPCA will be provided a copy of the SWPPP for approval prior to any land-moving activities. The applicant, in coordination with the county, will evaluate options for stormwater volume control such as the use of infiltration upstream to retain water and minimize discharge to downstream waters. The applicant, in coordination with the county, will evaluate options for minimizing impervious surfaces on the project.</p> |
| <p>Minnesota Pollution Control Agency</p> | <p>Water Resources (Item 11)<br/>Impaired Waters<br/>This section of the EAW appears dated, and that is likely a function of this product being developed before the 2020 impaired waters list was approved by</p>  | <p>Thank you for the comment. The document has been updated to include the 2020 EPA approved nutrient TMDL</p>   |

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|                                     | <p>the Environmental Protection Agency (EPA) and released publically. Fish Lake (70-0069-00) was accurately recognized as being 0.35 miles southeast of the Project and impaired for nutrients and mercury. While the EAW states that Total Maximum Daily Loads (TMDLs) have not been approved, Fish Lake now has a 2020 EPA approved Nutrient TMDL to address the impairment that was included in the website at:<br/> <a href="https://www.pca.state.mn.us/sites/default/files/wq-iv7-49e.pdf">https://www.pca.state.mn.us/sites/default/files/wq-iv7-49e.pdf</a>.<br/> The Fish Lake Phosphorus TMDL summary is Table 55 on page 152. For questions about this impairment, please contact Jordan Donatell at 651-757-2254 or <a href="mailto:jordan.donatell@state.mn.us">jordan.donatell@state.mn.us</a>.</p> | for Fish Lake.  |
| Minnesota Department of Agriculture | No comment.   | Thank you for the comment.  |
| Met Council                         | <p>Item 6 – Project Description (Todd Graham, 651-602-1322)<br/> The EAW site is a small part of Transportation Analysis Zone (TAZ) #2223 in Spring Lake Township. TAZ allocations for 2040 have been prepared by Scott County. This TAZ has decreased in population, losing -34 households and -155 population during 2020-2040. Should the Schieffer Residential Development project move forward, the forecast and TAZ allocation are not adequate. Council staff recommend increasing the 2030 and 2040 communitywide forecast and the TAZ allocation by +70 households and +300 population. This would require a comprehensive plan amendment which should be noted in the required approvals section of the EAW.</p>  | As noted, TAZ allocations will be updated at the time of the plan amendment, as well as community forecasting and allocations                         |
| Met Council                         | <p>Item 19 – Cumulative Potential Effects (Cameran Bailey, 651-602-1212)<br/> Staff recommends adding the following as potential mitigation methods for Item 11. Water Resources, Item 12. Contamination/Hazardous Materials/Wastes, Item 13. Fish, Wildlife, Plant Communities, and Sensitive Ecological Resources, Item 16. Air, and Item 18. Transportation. All of these mitigation methods would be in alignment with multiple goals, policies, and strategies adopted by Scott County in its 2040 Comprehensive Plan and are offered for your consideration to further those policies and the Council’s Natural Resources and Resilience policies, as stated</p>  | The applicant, with the county, will consider implementing the provided suggestions for the proposed project where they are feasible and appropriate. |

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|   | <p>in the Land Use Policy section of Thrive MSP 2040:</p> <ul style="list-style-type: none"> <li>• Orienting new home siting and overhang design with the sun and horizon to maximize solar energy gain during the winter and minimize solar energy gain in the summer.</li> <li>• Selecting home insulation, shingling, and exterior construction materials for minimum embedded greenhouse gas emissions, and for their nontoxic, recyclable, and biodegradable qualities.</li> <li>• Selecting the preservation of mature trees for their ability to shade new homes in the summer and allow solar insolation in the winter.</li> <li>• Selecting vegetation for landscaping that is native, edible, draught-tolerant, and provides habitat to known endangered and sensitive wildlife and habitat species in the area.</li> <li>• Orienting lawn and right-of-way boulevard grading and landscaping to maximize a site-wide integrated stormwater management and irrigation network and integrated site-wide wildlife and habitat ecosystem.</li> <li>• Building all homes solar-ready, geo-thermal, and EV-ready for seamless installation should future residents desire.</li> <li>• Building a centralized, electric vehicle “car share and charging hub” within the development.</li> <li>• Soliciting the developer to integrate a community solar garden into the development to serve new energy demand needs, while also relieving resident-perceived pressures on agricultural land by new community solar garden development.</li> </ul> |   |
| Minnesota Department of Natural Resources | Page 13, Surface Waters. If there is to be a crossing of the DNR Public Watercourse, then it is possible that the appropriation necessary to construct the crossing of the watercourse will need a DNR Water Appropriation Permit.   | There is currently no plan to cross the DNR Public Watercourse. All necessary permits (Public Waters Crossing, Utility Crossing Licenses, Water Appropriations, etc.) will be pursued if plans change and a crossing is needed. |
| Minnesota Department of Natural Resources | Page 14, Drainage. It is unclear if the project area is currently tile drained.  | Given the agricultural use on the property, it is assumed there is some agricultural drain tile currently on the property.  |

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|   |  | No drain tile maps have been gathered from the landowner. The site will be designed and graded to properly drain in the post-construction setting considering any drain tile that may exist.  |
| Minnesota Department of Natural Resources | Page 15, Groundwater. It should be noted that the irrigation of more than 1.4 acres of landscaping by an individual homeowner will require more than one million gallons of water per year during dry periods and will require a DNR Water Appropriation Permit. Please inform the home owners of the need for a DNR Water Appropriation Permit should they choose to irrigate more than 1.4 acres of property.  | Comment noted for the record.   |
| Minnesota Department of Natural Resources | Page 16, SSTS. It is good that a hydric soil investigation will be conducted. It appears that multiple potential septic system drainfields are sited in areas with potentially hydric soil. It is also unclear if any of the project area is tile drained, which could change hydrologic conditions significantly once the area is converted from agricultural to residential use. It should also be noted that once tillage ceases in formerly agricultural areas, soils have a tendency to get wetter over time. It will be very important to follow construction BMP's in areas where septic drainfields will be placed in order to preserve soil structure that is necessary for adequate treatment of septic effluent. No heavy machinery should be used in these locations and any excavation should be in a manner that maintains soil structure in an un-smearred and un-compacted condition. No grading should be performed when the soil moisture content at the depth of excavation is below the plastic limit. We recommend fencing future drainfield areas off to avoid any disturbance during construction activities. | Thank you for your comment. The applicant will work closely with the county to ensure that individual septic systems are properly sited in accordance with the Scott County septic ordinance (including the presence of any currently operating drain tile systems) and will protect the systems during construction. The applicant will direct future landowners towards septic system ownership manuals to help maintain the life and function of their personal systems. |
| Minnesota Department of Natural Resources | Page 16, SSTS. Please make future landowners aware of resources such as this personalized septic system owner manual that can help to maintain the life and function of their septic system.   | Thank you for the comment.  |

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| <p>Minnesota Department of Natural Resources<br/>Minnesota Department of Natural Resources</p> | <p>Page 18, Stormwater. The developer should consider the use of stormwater from constructed stormwater features for irrigating some of the landscaping in the development. Please note that this type of use does not require a DNR Water Appropriation Permit.</p> <p>Page 18, Stormwater and Erosion Control BMPs. We recommend using native seed mixes in stormwater features and native plants in landscaping to the greatest degree possible in order to provide pollinator habitat.</p> | <p>The applicant, in coordination with the county, will consider the use of stormwater from constructed stormwater features for irrigation of project landscaping.</p> <p>The applicant will consider using native seed mixes in stormwater features and native plants in landscaping where feasible.</p> |
| <p>Minnesota Department of Natural Resources</p>   | <p>Page 24, Rare Features. The DNR does not anticipate impacts to state-listed rare features as a result of this project.</p>  | <p>Comment noted for the record.</p>  |