



**RECORD OF DECISION
AND
FINDINGS OF FACT**

RANCH OF CREDIT RIVER RURAL SUBDIVISION EAW

RGU: City of Credit River

September 19, 2022

I. Final Action

The City of Credit River concluded the following on September 19, 2022:

1. The Environmental Assessment Worksheet, this “Record of Decision and Findings of Fact” document, and related documentation for Ranch of Credit River Rural Residential Development were prepared in compliance with the procedures of the Minnesota Environmental Policy Act and Minn. Rules, Parts 4410.1000 to 4410.1700.
2. The Environmental Assessment Worksheet, this “Record of Decision and Findings of Fact” document, and related documentation for the project have satisfactorily addressed all of the issues for which existing information could have been reasonably obtained.
3. The project does not have the potential for significant environmental effects based upon the above findings and the evaluation of the following four criteria (per Minn. Rules, Parts 4410.1700 Subp. 7):
 - Type, extent, and reversibility of environmental effects.
 - Cumulative effects of related or anticipated future projects.
 - Extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority.
 - Extent to which environmental effects can be anticipated and controlled as a result of other environmental studies undertaken by public agencies or the project proposer, or of environmental reviews previously prepared on similar projects.
4. The finding by the City that the EAW is adequate and no EIS is required provides no endorsement, approval or right to develop the proposal by the City and cannot be relied upon as an indication of such approval. This finding allows the proposer to have applications considered in the City’s land development process, and for the City in this process, informed by the record of the EAW, to consider proposals for development.

Consequently, the City makes a Negative Declaration and does not require the development of an Environmental Impact Statement for the project.

II. Background

Pursuant to Minnesota Rule 4410.4500, the City of Credit River has prepared an Environmental Assessment Worksheet (EAW) for the proposed Ranch of Credit River Rural Residential Development. The Record of Decision addresses the State of Minnesota environmental review requirements as established in Minnesota Rules

4410.1700. Bill Feldman is the project proposer, and the City of Credit River is the Responsible Governmental Unit (RGU).

III. Findings of Fact and Conclusions

As to the need for an Environmental Impact Statement (EIS) on this project and based on the record in this matter, including the EAW which is incorporated herein by reference, the City of Credit River makes the followings Findings of Fact and Conclusions:

A. Project Description

The Ranch of Credit River is a rural residential development on seven properties totaling 410.4 acres in the City of Credit River, Scott County, Minnesota. The project is made up of 123 single family rural residential 2.5+ acre-sized lots and will be built in four phases. Project access will be provided along the west side of Vernon Ave. (CR 91) between Lucerne Blvd. (CR 8) and Credit River Blvd. (CR 68). This development will tie into a future phase of the Territory and Tara Farms developments along their shared boundaries. Project work will include roadway, storm sewer, stormwater treatment, and park construction. Sanitary and water will be private and constructed with the individual homes. Phase 4 will dispose of and abandon the old farmstead lagoon that treated the multiple barn site waste.

B. Project History

- The project was subject to a mandatory EAW per Minnesota Rule 4410.4300, Subpart 36 (Land Use Conversion)
- The EAW was distributed to the EQB and to the EQB mailing list on July 19, 2022.
- Hard copies of the EAW were provided for public review at Credit River City Hall and the Hennepin County Library. An electronic copy was provided on the City of Credit River's website.
- A notice was published in July 26, 2022 EQB Monitor. The public comment period ended August 25, 2022. Comments were received from the State Historic Preservation Office, State Archaeologist, the Minnesota Pollution Control Agency, the Army Corps of Engineers, Scott County, and the Department of Natural Resources. Copies of these comment letters are hereby incorporated for reference and included in Exhibit A.
- No written public comments were received.

C. Criteria for Determining the Potential for Significant Environmental Effects

In deciding whether a project has the potential for significant environmental effects and whether an Environmental Impact Statement (EIS) is needed, the Minnesota Environmental Quality Board rules (4410.1700 Subparts 6 and 7) require the RGU to compare the impacts that may be reasonably expected to occur from the project with the four criteria by which potential impacts must be evaluated. With respect to each of these factors, the City of Credit River finds the following:

1. **Type, extent and reversibility of environmental effects (Minnesota Rule 4410.1700 Subpart 7A):**

- a. The type of environmental impacts and mitigation efforts anticipated as part of this project include:

Soil Disturbance – The project will involve soil disturbance. A National Pollutant Discharge Elimination System (NPDES) permit will be required and erosion control best management practices will need to be utilized.

Wastewater – The project will increase sanitary sewer flows, but the individual sewage treatment systems will be installed that meet state and county treatment requirements.

Water Supply – The project will increase water usage. Individual wells will be required to be installed for each single-family lot. Each of these wells may be required to obtain a DNR Water Appropriation Permit if the water pumped exceeds 10,000 gallons in a day, or one million gallons in one year. Irrigating more than 1.4 acres of landscape can trigger this threshold.

Transportation – Intersection improvements on Vernon Avenue will be required to be installed.

- b. The extent and reversibility of environmental impacts for the proposed project are consistent with those of a typical residential development project. Impacts will be minimized to the extent practical, with mitigation provided for those impacts which cannot be avoided to resources such as traffic, storm water runoff, etc.

2. **Cumulative potential effects (Minnesota Rule 4410.1700 Subpart 7B):**

There are no reasonably foreseeable future projects to create cumulative impacts.

3. Extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority (Minnesota Rule 4410.1700 Subpart 7C):

a. The following permits or approvals will be required for this project.

Unit of Government	Type of Application	Status
City of Credit River	Preliminary Plat	Phase 1 Approved Phase 2-3 To be submitted Phase 4 Future
City of Credit River	Final Plat	Phase 1 Approved Phase 2-3 To be submitted Phase 4 Future
City of Credit River	Individual Building Permit	For Each Home
Scott County	Septic Permit	For Each Home
Minnesota Department of Health (MDH)	Drive-Point Well Notification	For Each Home
Minnesota Pollution Control Agency (MPCA)	National Pollution Discharge Elimination System (NPDES)	Phase 1 Approved Phase 2-3 To be submitted Phase 4 Future
Minnesota Pollution Control Agency (MPCA)	MPCA 401 Water Quality Certification	MPCA will be part of the review process for the US Army Corp of Engineers Permit
Minnesota Board of Water and Soil Resources (BWSR)	Minnesota Wetland Conservation Act Notice of Application	Phase 1 Turn Lanes Project Applied for, waiting on approval. (LGU # CT220)
Minnesota Department of Natural Resources (DNR)	DNR Water Appropriations Permit	Thus far this permit is not needed
US Army Corps of Engineers	Joint Application Form (General Permit)	Phase 1 Turn Lanes Project Applied for, waiting on approval.

b. The City of Credit River finds that the potential impacts identified as part of the proposed Ranch of Credit River, Rural Residential project can be addressed through the regulatory agencies as part of the permitting process. As a result, additional analysis of these impacts is not required.

4. Extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer (Minnesota Rule 4410.1700 Subpart 7D):

The City finds:

1. The proposed project is reasonably similar to other residential development projects in the area.
2. In consideration of the results of this EAW and permitting processes for similar projects, the City anticipates the environmental effects of the project can be adequately anticipated and mitigated.

D. Conclusions

The Ranch of Credit River Rural Residential Development EAW and comments have generated information adequate to determine that the proposed project does not have the potential for significant environmental effects. Identified effects can be addressed through permitting and the project will comply with all city, county, state and federal review agency requirements.

Based on the criteria established in Minnesota Rule 4410.1700, the project does not have the potential for significant environmental effects. Therefore, an Environmental Impact Statement is not required for the Ranch of Credit River Rural Residential Development project.

IV. Substantive Agency Comments Received and Responses to these Comments

The City received written comments during the public comment period from the following agencies:

State Archaeologist, Minnesota Department of Administration, August 17, 2022
State Historic Preservation Office, August 19, 2022
Scott County, August 23, 2022
Minnesota Pollution Control Agency, August 24, 2022
Metropolitan Council, August 25, 2022
Minnesota Department of Natural Resources, August 25, 2022

The following responses to comments are arranged according to commenting agency. Responses are confined mostly to substantive issues addressing the accuracy and completeness of the material contained in the EAW, and potential impacts that may warrant further investigation. Recommendations and statements not relating to these issues have been duly noted for the record, but are not necessarily addressed in the responses. The complete comment letters are available for review in Exhibit A.

1. State Archaeologist, Minnesota Department of Administration

Comment: Thank you for the opportunity to comment on the above listed project. While there are no previously recorded archaeological sites, archaeological site leads, or burials in the proposed project area, given the project area's proximity to the Credit River and an intermittent tributary, a phase I reconnaissance survey conducted by an archaeologist qualified in Precontact and Historical period archaeology is recommended. The Minnesota Historical Society maintains a list of cultural resource professionals at:
<https://www.mnhs.org/preservation/directory>

Response: This property has been farmed for generations and no known archaeological sites have been encountered. If any archaeological sites are encountered during the construction of this project, the Contractor shall stop work immediately in the vicinity of the discovery area and shall engage a reconnaissance survey conducted by an archaeologist and conforming to SHPO Manual for Archaeological Projects in Minnesota.

2. State Historic Preservation Office, Minnesota Department of Administration

Comment: Due to the nature and location of the proposed project, we recommend that a Phase I archaeological survey be completed. The survey must meet the requirements of the Secretary of the Interior's Standards for Identification and Evaluation and should include an evaluation of National Register eligibility for any properties that are identified. For a list of consultants who have expressed an interest in undertaking such surveys, please visit the website 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.

Response: This property has been farmed for generations and no known archaeological sites have been encountered. If any archaeological sites are encountered during the construction of this project, the Contractor shall stop work immediately in the vicinity of the discovery area and shall engage a reconnaissance survey conducted by an archaeologist and conforming to SHPO Manual for Archaeological Projects in Minnesota.

3. Scott County

Comment: Scott County would encourage the City and Developer to consider community wells and community wastewater system for this proposed development of 123 new homes, or small community. Similar to that of the neighboring residential subdivisions Territory, Stonebridge, and Monterey Heights. A community septic system would require the City to become a Subordinate Service District or a Sanitary District and therefore the City would

ensure the wastewater system is maintained and operating properly. It should be evaluated if a community well and/or community wastewater treatment would be less impactful on surface water, groundwater, and a long-term benefit to the area.

Response: The City of Credit River maintains several subordinate service districts and has determined that it is not interested in establishing any additional districts.

Comment: Throughout the document there are references to Scott County's approval and Scott County ordinances being followed. This project is in the City of Credit River and these County references should be removed or the document should be updated to provide more specific references when indeed an issue falls under the County jurisdiction.

Response: Comment noted.

Comment: Care should be taken to protect septic sites when grading development sites. We discourage grading individual house pads before the building permit is issued as septic systems have been accidentally impacted. Therefore, we recommend a condition that prohibits mass grading as a mitigation measure.

Response: Comment noted. Grading plans will be reviewed as a part of any preliminary and final plat approval, and the developer is required to enter into a development agreement prior to commencing construction.

Comment: More information should be provided about the farmstead lagoon. There is little information provided on what level of cleanup is required in the project description or in section 12.

Response: The existing condition is primarily crop land which contains sediments, pesticides, fertilizers, and other nutrients from the existing agriculture land. There is a lagoon servicing the farmstead to the north that is used for animal waste and will need to be abandoned per the MPCA requirements. Abandonment of the lagoon will be part of phase 4 which is estimated to take place in the year 2030. Material in the lagoon will be tested and either left in place if deemed safe to do so or removed and disposed of properly. More specific instruction will be called out during the design and planning of phase 4 to align with future requirements by all agencies requiring approval of this lagoon abandonment process.

Comment: Page 10 notes that each lot has been reviewed to verify two suitable ISTS sites, please clarify whether the work has been done by a licensed septic designer. It should also be noted that Scott County is the regulatory authority for septic and the septic sites have not yet been approved.

Response: Each proposed lot has been reviewed by a licensed septic designer to verify that an individual sewage treatment system has two feasible drain field locations, a primary and alternate, which is required per state law and regulated by Scott County. Credit River will coordinate review of the preliminary and final plat with Scott County, which is the regulatory authority for the septic sites. Review of the proposed septic sites by Scott County will be required before the preliminary plat can be approved.

Comment: A permit from Scott County Highway Department will be required for work in a county road right of way.

Response: Comment noted.

Comment: The EAW mentions a DNR water appropriations permit will be applied for if necessary but is not included in the list.

Response: Comment noted. The permit has been added to the list.

Comment: There is no mitigation posed for affecting wetlands as the document notes a couple wetlands will be impacted during road construction.

Response: A Notice of Decision approving the replacement plan was issued on June 9, 2022. Wetland impacts for these turn lanes will be mitigated by wetland credits, 0.1222 credits are from the Developer's own wetland bank account (#1168) and the remaining 0.1378 credits will be from another bank (#1665).

Comment: Regarding minimizing potential effects of stormwater (page 10), extra caution should be taken, and mitigation measures should be in place for stormwater features that go online prior to the stabilization of upstream drainage areas.

Response: The construction plans and specifications for each phase of the development will be designed to take the current upstream drainage into consideration.

Comment: Due to the depth to bedrock being up to 200' in some areas of the project, it is possible that aquifers within the quaternary layer could be utilized for private wells.

Response: Comment noted. This will be determined at the time of home construction by a licensed well driller.

Comment: There is no mention of the City of Credit River's planned or proposed wellhead protection area.

Response: At this time, Credit River does not have a public water system and as such does not have a wellhead protection plan. When a municipal water system is developed, it is anticipated that the wells and their associated wellhead protection areas will be within or near the urban service district, located in the northern portion of the City and not near this proposed development. The community water systems in the Territory Development and the Stonebridge Development are privately owned and maintained, and the City is unaware of whether there are Wellhead Protection Plans in place for those community wells.

Comment: On page 22, please remove the Scott County reference from the ground water supply statement.

Response: Comment noted.

Comment: It is noted that there will be wetland impacts for road construction, but it does not mention any mitigation (i.e., wetland replacement or wetland credit purchase).

Response: A Notice of Decision approving the replacement plan was issued on June 9, 2022. Wetland impacts for these turn lanes will be mitigated by wetland credits, 0.1222 credits are from the Developer's own wetland bank account (# 1168) and the remaining 0.1378 credits will be from another bank (#1665).

Comment: Please clarify if the plan is for regional type stormwater basins to be serving all phases, or will each individual phase have its own ponds.

Response: Each phase will provide its own ponding needs.

Comment: Pre-Construction site runoff is noted as draining eastward, contours indicate runoff is westward.

Response: Comment noted.

Comment: On page 21 it states that Scott County does not have TSS or TP removal requirements for stormwater runoff quality, this statement is not true and should be removed. The City of Credit River standards should be referenced here. Scott County will review stormwater for impacts to County ROW's.

Response: Stormwater runoff quality and quantity will be designed to meet the requirements of the City of Credit River, Scott County, and MPCA NPDES requirements. This requires peak runoff rate control for the 2, 10, and 100-year storm events. City of Credit River does not have specific total suspended sediment (TSS) or total phosphorus (TP) removal requirements, outside of the volume requirements. The developer will work with the City and other agencies to establish a plan that will meet all standards for water quality and quantity.

Comment: On page 23 the runoff direction is again stated as to the east, should be corrected to the west.

Response: Comment noted.

Comment: On page 23 regarding discharge values, is the plan for both rate and volume? More details should be provided. The existing creek area should be protected within drainage and utility easements and any changes to the flow capacity or path should include an analysis of downstream impacts.

Response: The existing creek area will be protected in a drainage and utility easement at the time the final plat is recorded. Rate control, volume and water quality will meet agency requirements and will be reviewed during preliminary and final plat review processes.

Comment: Wastewater is not a municipal solid waste. This section should include information on trash and recycling and how the city and project proposer expect to handle that waste.

Response: The proposed project is a rural residential subdivision. Waste material and debris associated with construction will be contained on site and disposed of in a manner consistent with the city, county, and MPCA requirements. Once constructed, the project should only generate typical household solid waste, removal of which will be contracted individually by each property owner. In addition, homeowners may utilize the recycling and disposal of hazardous wastes services at the Scott County Hazardous Waste site located at 588 County Trail E. (MN Highway 282) Jordan, MN 55352.

Comment: Page 28 states there will be no wetland impacts, this is not a true statement as the document has noted there will be wetland impacts from road construction.

Response: Comment noted. As addressed previously, a wetland replacement plan has been approved related to wetland impacts associated with proposed turn-lane construction.

Comment: Scott County would defer to DNR on guidelines on limiting impacts to roost trees.

Response: Comment noted.

Comment: The Ranch of Credit River Second Addition Preliminary Plat that was included has inconsistent information for Street C and how it connects to the neighboring property to the south. The cover page (86 of pdf) shows Street C right of way extending to the southern property line as local road systems should be interconnecting with neighboring property, however the next page shows a cul-de-sac for street C stopping short of the property line.

Response: Currently, the proposed development to the south has not commenced and the final plat and development agreement have not been recorded. As the Ranch project progresses, coordination will occur between the two proposed developments to ensure that suitable connection between the two is completed. Alternatively, if one project is completed before the other the road may temporarily end in a cul-de-sac.

Comment: The private drive along the southern property line (also called 210th street by address) of the second addition plat is not addressed in the EAW, nor is it clear if this is intended for a future public street. This private drive shall be removed from County Road 91 and access shall come from Street C for any new and existing lots. A plat condition may require 210th street platting and construction by the development for 210th Street.

Response: 210th Street is a private drive that is not constructed to City standards that would be difficult to upgrade to meet City requirements. This proposed development will not be permitted to connect to the private drive, and the proposed preliminary plans may need to be altered to address this comment.

4. Minnesota Pollution Control Agency

Comment: Permits and Approvals (Item 8)

This section includes the US Army Corps of Engineers (USACE) Joint Application Form (General Permit) if needed but does not specifically include the USACE Section 404 permit. The MPCA 401 Water Quality Certification does not appear in Section 8 as a required approval. However, on electronic page 307, the EAW indicates that Section 404 and Section 10 of the Rivers and Harbor Act may be required under federal or other state statutes. Clarification is needed to determine if the Section 404 permit is required and if so, then the MPCA 401 Water Quality Certification would also be required. For further information about the 401 Water Quality Certification process, please contact Bill Wilde at 651-757-2825 or william.wilde@state.mn.us

Response: Comment noted. The wetland impacts are being permitted by both BWSR's Minnesota Wetland Conservation Act Notice of Application and the US Army Corps of Engineers Joint Application Form (General Permit).

Comment: Water Resources (Item 11)

The Project proposer needs to be aware that each phase of the residential development will be considered part of one common plan of development as defined in the MPCA National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Construction Stormwater Permit (CSW Permit). Therefore, the Project owner will be required to ensure that CSW Permit coverage is maintained for each phase of the development until all construction is complete. If portions of the site are sold to new owners for construction, such as through

selling of individual lots or group of lots, the owner will need to ensure that the new owners obtain their own coverage under the permit using the MPCA Subdivision Registration process and ensure a Stormwater Pollution Prevention Plan (SWPPP) describing remaining best management practices (BMPs) for the site is provided to the new owners. The permit coverage is required even if the sold portion of the development is less than one acre in size.

Response: Comment noted. This information has been communicated to the Developer.

Comment: Water Resources (Item 11)

Wetlands on the site must be protected from construction runoff with maintenance of a minimum 50-foot natural buffer. If the existing buffer must be encroached to complete the construction, then redundant (double) down gradient sediment control BMPs will be required.

Response: Comment noted.

Comment: Water Resources (Item 11)

The MPCA requires use of volume reduction practices for the first one inch of runoff. At a minimum, the first one inch of stormwater runoff from the new impervious surfaces must meet volume reduction requirements via infiltration unless prohibited due to site conditions. If ponding is required, water reuse such as for irrigation should be considered. The Project proposer is also strongly encouraged to include a range of green infrastructure practices using native vegetation within the development to help meet both volume reduction requirements while providing other benefits to the development site, including climate sustainability and quality of life to its residents. Questions regarding Construction Stormwater Permit requirements should be directed to Roberta Getman at 507-206-2629 or Roberta.Getman@state.mn.us.

Response: Comment noted.

Comment: Other Potential Environmental Effects (Item 20)

Please note that chloride (salt) is a growing issue for lakes, streams, and groundwater around the state. Chloride can come from both de-icing salt and water softener salt. For the proposed Project, the MPCA recommends smart salting practices for de-icing streets and driveways during the winter weather months and water softening best practices be used year-round. Additional resources are available at <https://www.pca.state.mn.us/water/statewide-chloride-resources>

Response: Comment noted.

5. Metropolitan Council

Comment: Item 9 Land Use (Todd Graham, 651-602-1322)

The subject site is part of Transportation Analysis Zone #2252. The City's Plan expects TAZ #2252 to have +100 households growth and +125 population growth during 2020-2040. The proposed development of The Ranch suggests a higher households and population level. Should the subject development proceed, Council staff will adjust upward the forecast allocation for TAZ #2252 by an additional +25 households and +100 population, debiting the difference from other zones in the balance of Credit River.

Response: Comment noted.

Comment: Item 10 Water Resources (Roger Janzig, Roger.Janzig@metc.state.mn.us)

The EAW outlines a proposed development consisting of 123 Rural Residential Single Family 2.5+ acre lots, built on 410.4 acres. The existing land condition is primarily undeveloped agriculture and located outside of the Council's long-term wastewater service area. There is no public sanitary sewer proposed with this project.

Response: Comment noted.

The wastewater treatment represents privately owned Individual Sub-Surface Treatment System (SSTS). Each lot owner will be responsible for disposing of sanitary waste within their own lot while following all regulatory guidelines and requirements. Each lot has been reviewed to verify that the SSTS has two feasible drain field locations, a primary and alternate, which is required per state law. Placement of these drain fields, septic tanks, and buildings have been reviewed to make sure they meet setback requirements for the proposed well placement on each site.

Response: Comment noted.

Future regional wastewater service is not planned for this area of Credit River. This is acknowledged through the Community's land use change that placed this area in a Rural Residential land use designation consisting of 2.5+ acre lot sizes.

Response: Comment noted.

If the proposed Individual SSTS's fail to meet discharge standards in the future, as determined by the MPCA, the Community or property owner will be required to make the necessary upgrades as there is no wastewater system capacity available for the connecting to, and service through the regional system.

Response: Comment noted.

6. Minnesota Department of Natural Resources

Comment: Page 13, Permits and Approvals. A DNR Water Appropriation Permit is required if the water pumped exceeds 10,000 gallons in a day, or one million gallons in one year. Irrigating more than 1.4 acres of landscape can trigger this threshold. The DNR General Permit for Temporary Appropriation, with its lower permit application fee & reduced time for review, may be used for the dewatering if the dewatering volume is less than 50 million gallons and the time of the appropriation is less than 1 year. Construction dewatering includes the dewatering necessary to construct the homes, utilities, streets, stormwater features, and grading. The appropriation of surface water from a lake, river, or stream for the purpose of dust control is also subject to a DNR permit. Please include DNR Water Appropriation permits in Table 5, Permits and Approvals.

Response: Comment noted. It is not anticipated that a DNR Water Appropriation Permit will be required.

Comment: Page 18, Groundwater. If an unknown well is found during construction, it should be sealed in accordance with the regulations of the Minnesota Department of Health.

Response: Comment noted.

Comment: Page 20, Post-Construction Site Runoff. The significant increase in impervious surfaces will also increase the amount of road salt used in the project area. Chloride released into local lakes and streams does not break down, and instead accumulates in the environment, potentially reaching levels that are toxic to aquatic wildlife and plants. Consider promoting local business and city participation in the Smart Salting Training offered through the Minnesota Pollution Control Agency. There are a variety of classes available for road applicators, sidewalk applicators, and property managers. More information and resources can be found at this website. Many winter maintenance staff who have attended the Smart Salting training — both from cities and counties and from private companies — have used their knowledge to reduce salt use and save money for their organizations. We also encourage cities and counties to consider how they may participate in the Statewide Chloride Management Plan and provide public outreach to reduce the overuse of chloride. Here are some educational resources for residents as well as a sample ordinance regarding chloride use.

Response: Comment noted.

Comment: Page 20, Post-Construction Site Runoff. Blanding's turtles, a protected state-listed threatened species, have been documented within the vicinity of the project area. Stormwater features may be colonized by Blanding's turtles in the area, therefore we recommend incorporating measures to avoid

impacting this species into stormwater management. In years when the stormwater features will be dredged to remove excess sediment, please draw down water levels by September 15th in order to allow turtles to find overwintering habitat elsewhere.

Response: Comment noted.

Comment: Page 20, Post-Construction Site Runoff. We recommend that BWSR-approved, weed-free, native seed mixes be used to the greatest degree possible in stormwater features in order to provide pollinator habitat.

Response: Comment noted. The City requires these seed mixes to be used in new developments.

Comment: Page 22, New Wells. Please note that a DNR Water Appropriation Permit could be required for individual water supply/irrigation wells depending on the total acres of lawn installed by the landowner. The DNR has a residential per capita demand goal of 75 gallons per person per day. With larger lot sizes, the amount of water that is used per lot could exceed that demand goal because of the amount of water used for landscape irrigation. If the total volume of water use, including irrigation plus domestic use, is expected to meet or exceed 10,000 gallons per day or 10 million gallons per year, a DNR Water Appropriation Permit would be required. DNR permits can be applied for on-line at the Minnesota Permitting and Reporting System (MPARS) Website: <https://www.dnr.state.mn.us/mpars/index.html>.

Response: Comment noted.

Comment: Page 27, Rare Features. Please see the attached Natural Heritage letter dated, August 11, 2022, that contains requirements regarding protected state-listed species, and include it within the official record.

Response: This letter is included as Exhibit B.

Comment: age 26, Rare Features. Please note that Blanding's turtles (*Emydoidea blandingii*), a statelisted threatened species, have been documented within the proposed project. Blanding's turtles use upland areas up to and over a mile distant from wetlands, waterbodies, and watercourses. 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 mortality 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. This project does have the potential to impact this rare turtle through direct fatalities and habitat disturbance/destruction due to excavation, fill, and other construction activities associated with the project.

Minnesota's Endangered Species Statute (Minnesota Statutes, section 84.0895) and associated Rules (Minnesota Rules, part 6212.1800 to 6212.2300 and 6134) prohibit the take of threatened or endangered species without a permit. As such, the following avoidance measures are required:

- o Avoid wetland impacts during hibernation season, between October 15th and April 15th, unless the area is unsuitable for hibernation.
- o The use of erosion control blanket shall be limited to 'bio-netting' or 'natural-netting' types, and specifically not products containing plastic mesh netting or other plastic components.

- ♣ Also, be aware that hydro-mulch products may contain small synthetic (plastic) fibers to aid in their matrix strength. These loose fibers could potentially resuspend and make their way into Public Waters. As such, please review mulch products and not allow any materials with synthetic (plastic) fiber additives in areas that drain to Public Waters.

- o Areas where there will be construction should be checked for turtles before the use of heavy equipment or any ground disturbance.

- ♣ The Blanding's turtle flyer must be given to all contractors working in the area.

- ♣ Monitor for turtles during construction and report any sightings to the DNR Nongame Specialist, Bridgette Timm (Bridgette.Timm@state.mn.us).

- ♣ If turtles are in imminent danger they must be moved by hand out of harm's way, otherwise, they are to be left undisturbed.

If the above avoidance measures are not possible, please contact the DNR as further action may be needed.

For additional information, see the Blanding's turtle fact sheet, which 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 both lists of recommendations and apply those that are relevant to your project. For further assistance regarding this turtle, please contact the DNR Regional Nongame Specialist, Bridgette Timm.

Response: Comment noted.

V. Comments from the Public

No comments from the public were received.

Exhibit A

Agency Comment Letters

Division of Ecological and Water Resources
Region 3 Headquarters
1200 Warner Road
Saint Paul, MN 55106
August 25, 2022

Transmitted by Email

Cindy Nash, City Planner
City of Credit River
P.O. Box 251
Hamel, MN 55340

Dear Cindy Nash,

Thank you for the opportunity to review the Ranch of Credit River Rural Residential Development Environmental Assessment Worksheet (EAW) in Scott County. The DNR respectfully submits the following comments for your consideration:

1. Page 13, Permits and Approvals. A DNR Water Appropriation Permit is required if the water pumped exceeds 10,000 gallons in a day, or one million gallons in one year. Irrigating more than 1.4 acres of landscape can trigger this threshold. The DNR General Permit for Temporary Appropriation, with its lower permit application fee & reduced time for review, may be used for the dewatering if the dewatering volume is less than 50 million gallons and the time of the appropriation is less than 1 year. Construction dewatering includes the dewatering necessary to construct the homes, utilities, streets, stormwater features, and grading. The appropriation of surface water from a lake, river, or stream for the purpose of dust control is also subject to a DNR permit. Please include DNR Water Appropriation permits in Table 5, Permits and Approvals.
2. Page 18, Groundwater. If an unknown well is found during construction, it should be sealed in accordance with the regulations of the Minnesota Department of Health.
3. Page 20, Post-Construction Site Runoff. The significant increase in impervious surfaces will also increase the amount of road salt used in the project area. Chloride released into local lakes and streams does not break down, and instead accumulates in the environment, potentially reaching levels that are toxic to aquatic wildlife and plants. Consider promoting local business and city participation in the Smart Salting Training offered through the Minnesota Pollution Control Agency. There are a variety of classes available for road applicators, sidewalk applicators, and property managers. More information and resources can be found at this [website](#). Many winter maintenance staff who have attended the Smart Salting training — both from cities and counties and from private companies — have used their knowledge to reduce salt use and save money for their organizations.

We also encourage cities and counties to consider how they may participate in the [Statewide Chloride Management Plan](#) and provide public outreach to reduce the overuse of chloride. Here are some [educational resources](#) for residents as well as a [sample ordinance](#) regarding chloride use.

4. Page 20, Post-Construction Site Runoff. Blanding's turtles, a protected state-listed threatened species, have been documented within the vicinity of the project area. Stormwater features may be colonized by Blanding's turtles in the area, therefore we recommend incorporating measures to avoid impacting this species into stormwater management. In years when the stormwater features will be dredged to remove excess sediment, please draw down water levels by September 15th in order to allow turtles to find overwintering habitat elsewhere.
5. Page 20, Post-Construction Site Runoff. We recommend that BWSR-approved, weed-free, native [seed mixes](#) be used to the greatest degree possible in stormwater features in order to provide pollinator habitat.
6. Page 22, New Wells. Please note that a DNR Water Appropriation Permit could be required for individual water supply/irrigation wells depending on the total acres of lawn installed by the landowner. The DNR has a residential per capita demand goal of 75 gallons per person per day. With larger lot sizes, the amount of water that is used per lot could exceed that demand goal because of the amount of water used for landscape irrigation. If the total volume of water use, including irrigation plus domestic use, is expected to meet or exceed 10,000 gallons per day or 10 million gallons per year, a DNR Water Appropriation Permit would be required. DNR permits can be applied for on-line at the Minnesota Permitting and Reporting System (MPARS) Website: <https://www.dnr.state.mn.us/mpars/index.html>.
7. Page 27, Rare Features. Please see the attached Natural Heritage letter dated, August 11, 2022, that contains requirements regarding protected state-listed species, and include it within the official record.
8. Page 26, Rare Features. Please note that Blanding's turtles (*Emydoidea blandingii*), a state-listed threatened species, have been documented within the proposed project. Blanding's turtles use upland areas up to and over a mile distant from wetlands, waterbodies, and watercourses. 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 mortality 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.

This project does have the potential to impact this rare turtle through direct fatalities and habitat disturbance/destruction due to excavation, fill, and other construction activities associated with the project. Minnesota's Endangered Species Statute (*Minnesota Statutes*, section 84.0895) and associated Rules (*Minnesota Rules*, part 6212.1800 to 6212.2300 and 6134) prohibit the take of threatened or endangered species without a permit. As such, **the following avoidance measures are required:**

- Avoid wetland impacts during hibernation season, between October 15th and April 15th, unless the area is unsuitable for hibernation.

- The use of [erosion control](#) blanket shall be limited to ‘bio-netting’ or ‘natural-netting’ types, and specifically not products containing plastic mesh netting or other plastic components.
 - Also, be aware that hydro-mulch products may contain small synthetic (plastic) fibers to aid in their matrix strength. These loose fibers could potentially re-suspend and make their way into Public Waters. As such, please review mulch products and not allow any materials with synthetic (plastic) fiber additives in areas that drain to Public Waters.
- Areas where there will be construction should be checked for turtles before the use of heavy equipment or any ground disturbance.
 - The [Blanding’s turtle flyer](#) must be given to all contractors working in the area.
 - Monitor for turtles during construction and report any sightings to the [DNR Nongame Specialist](#), Bridgette Timm (Bridgette.Timm@state.mn.us).
 - If turtles are in imminent danger they must be moved by hand out of harm’s way, otherwise, they are to be left undisturbed.

If the above avoidance measures are not possible, please contact the DNR as further action may be needed.

For additional information, see the [Blanding’s turtle fact sheet](#), which 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 both lists of recommendations and apply those that are relevant to your project.** For further assistance regarding this turtle, please contact the DNR Regional Nongame Specialist, Bridgette Timm.

Thank you again for the opportunity to review this document. Please let me know if you have any questions.

Sincerely,



Melissa Collins
Regional Environmental Assessment Ecologist | Ecological and Water Resources
Minnesota Department of Natural Resources
Phone: 651-259-5755
Email: melissa.collins@state.mn.us

CC: Greg Halling, Windsor Engineers

Equal Opportunity Employer



August 25, 2022

Cindy Nash, Consulting Planner
City of Credit River c/o Collaborative Planning, LLC
P.O. Box 251
Hamel, MN 55340

RE: City of Credit River – Environmental Assessment Worksheet (EAW) – Ranch of Credit River Rural Residential Development
Metropolitan Council Review No. 22786-1
Metropolitan Council District No. 16

Dear Cindy Nash:

The Metropolitan Council received the EAW for the Ranch of Credit River Rural Residential Development project in the City of Credit River on July 19, 2022. The proposed project is located south of Credit River Boulevard (County Road 68) and west of Vernon Avenue (County Road 91). The proposed development consists of 410.4 acres with 123 single-family lots built in four phases.

The staff review finds that the EAW is complete and accurate with respect to regional concerns and does not raise major issues of consistency with Council policies. An EIS is not necessary for regional purposes.

We offer the following comments for your consideration.

Item 9 Land Use (Todd Graham, 651-602-1322)

The subject site is part of Transportation Analysis Zone #2252. The City's Plan expects TAZ #2252 to have +100 households growth and +125 population growth during 2020-2040. The proposed development of The Ranch suggests a higher households and population level. Should the subject development proceed, Council staff will adjust upward the forecast allocation for TAZ #2252 by an additional +25 households and +100 population, debiting the difference from other zones in the balance of Credit River.

Item 10 Water Resources (Roger Janzig, Roger.Janzig@metc.state.mn.us)

The EAW outlines a proposed development consisting of 123 Rural Residential Single Family 2.5+ acre lots, built on 410.4 acres. The existing land condition is primarily undeveloped agriculture and located outside of the Council's long-term wastewater service area. There is no public sanitary sewer proposed with this project.

The wastewater treatment represents privately owned Individual Sub-Surface Treatment System (SSTS). Each lot owner will be responsible for disposing of sanitary waste within their own lot while following all regulatory guidelines and requirements. Each lot has been reviewed to verify that the SSTS has two feasible drain field locations, a primary and alternate, which is required per state law. Placement of these drain fields, septic tanks, and buildings have been reviewed to make sure they meet setback requirements for the proposed well placement on each site.

Future regional wastewater service is not planned for this area of Credit River. This is acknowledged through the Community's land use change that placed this area in a Rural Residential land use designation consisting of 2.5+ acre lot sizes.

If the proposed Individual SSTS's fail to meet discharge standards in the future, as determined by the MPCA, the Community or property owner will be required to make the necessary upgrades as there is no wastewater system capacity available for the connecting to, and service through the regional system.

This concludes the Council's review of the EAW. The Council will not take formal action on the EAW. If you have any questions or need further information, please contact Patrick Boylan, Principal Reviewer, at 651-602-1438 or via email at patrick.boylan@metc.state.mn.us.

Sincerely,



Angela R. Torres, AICP, Senior Manager
Local Planning Assistance

CC: Tod Sherman, Development Reviews Coordinator, MnDOT - Metro Division
Wendy Wulff, Metropolitan Council District 16
Patrick Boylan, Sector Representative/Principal Reviewer
Reviews Coordinator

*N:\CommDev\LPA\Communities\Credit River Township\Letters\Credit River 2022 Ranch of Credit River Rural Residential Development EAW
22786-1.docx*

August 24, 2022

Cindy Nash
City Planner
City of Credit River
PO Box 251
Hamel, MN 55340

Re: Ranch of Credit River Rural Residential Development Environmental Assessment Worksheet

Dear Cindy Nash:

Thank you for the opportunity to review and comment on the Environmental Assessment Worksheet (EAW) for the Ranch of Credit River project (Project) located in Credit River, Scott County, Minnesota. The Project consists of a new residential development. Regarding matters for which the Minnesota Pollution Control Agency (MPCA) has regulatory responsibility and other interests, the MPCA staff has the following comments for your consideration.

Permits and Approvals (Item 8)

This section includes the US Army Corps of Engineers (USACE) Joint Application Form (General Permit) if needed but does not specifically include the USACE Section 404 permit. The MPCA 401 Water Quality Certification does not appear in Section 8 as a required approval. However, on electronic page 307, the EAW indicates that Section 404 and Section 10 of the Rivers and Harbor Act may be required under federal or other state statutes. Clarification is needed to determine if the Section 404 permit is required and if so, then the MPCA 401 Water Quality Certification would also be required. For further information about the 401 Water Quality Certification process, please contact Bill Wilde at 651-757-2825 or william.wilde@state.mn.us.

Water Resources (Item 11)

- The Project proposer needs to be aware that each phase of the residential development will be considered part of one common plan of development as defined in the MPCA National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Construction Stormwater Permit (CSW Permit). Therefore, the Project owner will be required to ensure that CSW Permit coverage is maintained for each phase of the development until all construction is complete. If portions of the site are sold to new owners for construction, such as through selling of individual lots or group of lots, the owner will need to ensure that the new owners obtain their own coverage under the permit using the MPCA Subdivision Registration process and ensure a Stormwater Pollution Prevention Plan (SWPPP) describing remaining best management practices (BMPs) for the site is provided to the new owners. The permit coverage is required even if the sold portion of the development is less than one acre in size.
- Wetlands on the site must be protected from construction runoff with maintenance of a minimum 50-foot natural buffer. If the existing buffer must be encroached to complete the construction, then redundant (double) down gradient sediment control BMPs will be required.
- The MPCA requires use of volume reduction practices for the first one inch of runoff. At a minimum, the first one inch of stormwater runoff from the new impervious surfaces must meet volume reduction requirements via infiltration unless prohibited due to site conditions. If ponding is

required, water reuse such as for irrigation should be considered. The Project proposer is also strongly encouraged to include a range of [green infrastructure practices](#) using native vegetation within the development to help meet both volume reduction requirements while providing other benefits to the development site, including climate sustainability and quality of life to its residents. Questions regarding Construction Stormwater Permit requirements should be directed to Roberta Getman at 507-206-2629 or Roberta.Getman@state.mn.us.

Other Potential Environmental Effects (Item 20)

Please note that chloride (salt) is a growing issue for lakes, streams, and groundwater around the state. Chloride can come from both de-icing salt and water softener salt. For the proposed Project, the MPCA recommends smart salting practices for de-icing streets and driveways during the winter weather months and water softening best practices be used year-round. Additional resources are available at <https://www.pca.state.mn.us/water/statewide-chloride-resources>.

We appreciate the opportunity to review this Project. Please provide your specific responses to our comments and notice of decision on the need for an Environmental Impact Statement. Please be aware that this letter does not constitute approval by the MPCA of any or all elements of the Project for the purpose of pending or future permit action(s) by the MPCA. Ultimately, it is the responsibility of the Project proposer to secure any required permits and to comply with any requisite permit conditions. If you have any questions concerning our review of this EAW, please contact me by email at Karen.kromar@state.mn.us or by telephone at 651-757-2508.

Sincerely,

Karen Kromar

This document has been electronically signed.

Karen Kromar
Planner Principal
Environmental Review Unit
Resource Management and Assistance Division

KK:rs

cc: Dan Card, MPCA, St. Paul
Bill Wilde, MPCA, St. Paul
Roberta Getman, MPCA, Rochester



328 West Kellogg Blvd St Paul, MN 55102

OSA.Project.Reviews.adm@state.mn.us

Date: 08/17/2022

Cindy Nash
City of Credit River
763-473-0569
cnash@collaborative-planning.com

Project Name: RANCH OF CREDIT RIVER, RURAL RESIDENTIAL DEVELOPMENT

Notes/Comments
<p>Thank you for the opportunity to comment on the above listed project. While there are no previously recorded archaeological sites, archaeological site leads, or burials in the proposed project area, given the project area's proximity to the Credit River and an intermittent tributary, a phase I reconnaissance survey conducted by an archaeologist qualified in Precontact and Historical period archaeology is recommended. The Minnesota Historical Society maintains a list of cultural resource professionals at: https://www.mnhs.org/preservation/directory.</p>
Recommendations
<ul style="list-style-type: none"><input type="checkbox"/> Not Applicable<input type="checkbox"/> No Concerns<input type="checkbox"/> Monitoring<input type="checkbox"/> Phase Ia – Literature Review<input checked="" type="checkbox"/> Phase I – Reconnaissance survey<input type="checkbox"/> Phase II – Evaluation<input type="checkbox"/> Phase III – Data Recovery

If you require additional information or have questions, comments, or concerns please contact our office.

Sincerely,

A handwritten signature in blue ink, appearing to read 'JTW', with a horizontal line extending from the end of the signature.

Jennifer Tworzyanski
Assistant to the State Archaeologist
OSA
Kellogg Center 328 Kellogg Blvd W
St Paul MN 55102
651.201.2265
jennifer.tworzyanski@state.mn.us



SCOTT COUNTY Environmental Services

GOVERNMENT CENTER 114 · 200 FOURTH AVENUE WEST · SHAKOPEE, MN 55379-1220
(952) 496-8177 · Fax (952) 496-8496 · Web www.scottcountymn.gov

August 23rd, 2022

Cindy Nash
Credit River Government Center
18985 Meadow View Blvd
Prior Lake, MN 55372

Ms. Nash:

Scott County has reviewed the draft Environmental Assessment Worksheet for the Ranch of Credit River Rural Residential Development. Regarding matters for which Scott County has regulatory responsibility or other interests, we offer the following comments for your consideration.

General

- Scott County would encourage the City and Developer to consider community wells and community wastewater system for this proposed development of 123 new homes, or small community. Similar to that of the neighboring residential subdivisions Territory, Stonebridge, and Monterey Heights. A community septic system would require the City to become a Subordinate Service District or a Sanitary District and therefore the City would ensure the wastewater system is maintained and operating properly. It should be evaluated if a community well and/or community wastewater treatment would be less impactful on surface water, groundwater, and a long-term benefit to the area.
- Throughout the document there are references to Scott County's approval and Scott County ordinances being followed. This project is in the City of Credit River and these County references should be removed or the document should be updated to provide more specific references when indeed an issue falls under the County jurisdiction.

Project Description

- Care should be taken to protect septic sites when grading development sites. We discourage grading individual house pads before the building permit is issued as septic systems have been accidentally impacted. Therefore, we recommend a condition that prohibits mass grading as a mitigation measure.
- More information should be provided about the farmstead lagoon. There is little information provided on what level of cleanup is required in the project description or in section 12.
- Page 10 notes that each lot has been reviewed to verify two suitable ISTS sites, please clarify whether the work has been done by a licensed septic designer. It should also be noted that Scott County is the regulatory authority for septic and the septic sites have not yet been approved.

Permits and Approvals Required

- A permit from Scott County Highway Department will be required for work in a county road right of way.
- The EAW mentions a DNR water appropriations permit will be applied for if necessary but is not included in the list.

Land Use

- There is no mitigation posed for affecting wetlands as the document notes a couple wetlands will be impacted during road construction.

Water Resources

- Regarding minimizing potential effects of stormwater (page 10), extra caution should be taken, and mitigation measures should be in place for stormwater features that go online prior to the stabilization of upstream drainage areas.
- Due to the depth to bedrock being up to 200' in some areas of the project, it is possible that aquifers within the quaternary layer could be utilized for private wells.
- There is no mention of the City of Credit River's planned or proposed wellhead protection area.
- On page 22, please remove the Scott County reference from the ground water supply statement.
- It is noted that there will be wetland impacts for road construction, but it does not mention any mitigation (i.e., wetland replacement or wetland credit purchase).
- Please clarify if the plan is for regional type stormwater basins to be serving all phases, or will each individual phase have its own ponds.
- Pre-Construction site runoff is noted as draining eastward, contours indicate runoff is westward.
- On page 21 it states that Scott County does not have TSS or TP removal requirements for stormwater runoff quality, this statement is not true and should be removed. The City of Credit River standards should be referenced here. Scott County will review stormwater for impacts to County ROW's.
- On page 23 the runoff direction is again stated as to the east, should be corrected to the west.
- On page 23 regarding discharge values, is the plan for both rate and volume? More details should be provided. The existing creek area should be protected within drainage and utility easements and any changes to the flow capacity or path should include an analysis of downstream impacts.

Contamination/hazardous materials/wastes

- Wastewater is not a municipal solid waste. This section should include information on trash and recycling and how the city and project proposer expect to handle that waste.

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

- Page 28 states there will be no wetland impacts, this is not a true statement as the document has noted there will be wetland impacts from road construction.
- Scott County would defer to DNR on guidelines on limiting impacts to roost trees.

Traffic

- The Ranch of Credit River Second Addition Preliminary Plat that was included has inconsistent information for Street C and how it connects to the neighboring property to the south. The cover page (86 of pdf) shows Street C right of way extending to the southern property line as local road systems should be interconnecting with neighboring property, however the next page shows a cul-de-sac for street C stopping short of the property line.
- The private drive along the southern property line (also called 210th street by address) of the second addition plat is not addressed in the EAW, nor is it clear if this is intended for a future public street. This private drive shall be removed from County Road 91 and access shall come from Street C for any new and existing lots. A plat condition may require 210th street platting and construction by the development for 210th Street.

Sincerely,

A handwritten signature in black ink that reads "JESSE KRZENSKI". The letters are slightly slanted and connected in a cursive-like style.

Jesse Krzenski
Scott County Environmental Services
952-496-8361

CC Kate Sedlacek, Environmental Services Manager
Craig Jenson, Transportation Planning Manager
Megan Tasca, Scott County Engineer

August 19, 2022

Cindy Nash
City Planner
City of Credit River
PO Box 251
Hamel, MN 55340

RE: EAW – Ranch of Credit River Residential Development
T114 R21 S28 & S29, Credit River Twp, Scott County
SHPO Number: 2022-2236

Dear Cindy Nash:

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

Due to the nature and location of the proposed project, we recommend that a Phase I archaeological survey be completed. The survey must meet the requirements of the Secretary of the Interior's Standards for Identification and Evaluation and should include an evaluation of National Register eligibility for any properties that are identified. For a list of consultants who have expressed an interest in undertaking such surveys, please visit the website 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, Environmental Review Program Specialist, at kelly.graggjohnson@state.mn.us.

Sincerely,



Sarah J. Beimers
Environmental Review Program Manager

Exhibit B

Natural Heritage Letter



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

August 11, 2022

Correspondence # MCE 2022-00535

Marcus Lee
Windsor Engineers

RE: Natural Heritage Review of the proposed The Ranch of Credit River,
T114N R21W Sections 28-29, 32-33; Scott County

Dear Marcus Lee,

As requested, the [Minnesota Natural Heritage Information System](#) has been reviewed to determine if the proposed project has the potential to impact any rare species or other significant natural features. Based on the project details provided with the request, the following rare features may be impacted by the proposed project:

State-listed Species

- Blanding's turtles (*Emydoidea blandingii*), a state-listed threatened species, have been documented in the vicinity of the proposed project. Blanding's turtles use upland areas up to and over a mile distant from wetlands, waterbodies, and watercourses. 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 mortality 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.

This project has the potential to impact this rare turtle through direct fatalities and habitat disturbance/destruction due to excavation, fill, and other construction activities associated with the project. Minnesota's Endangered Species Statute (*Minnesota Statutes*, section 84.0895) and associated Rules (*Minnesota Rules*, part 6212.1800 to 6212.2300 and 6134) prohibit the take of threatened or endangered species without a permit. As such, **the following avoidance measures are required:**

- Avoid aquatic impacts during hibernation season, between October 15th and April 15th, unless the area is unsuitable for hibernation.
- The use of [erosion control](#) blanket shall be limited to 'bio-netting' or 'natural-netting' types, and specifically not products containing plastic mesh netting or other plastic components.
 - Also, be aware that hydro-mulch products may contain small synthetic (plastic) fibers to aid in their matrix strength. These loose fibers could potentially re-suspend and make their way into Public Waters. As such, please review mulch products and not allow any materials with synthetic (plastic) fiber additives in areas that drain to Public Waters.
- Areas where there will be construction, especially aquatic areas, should be thoroughly checked for turtles before the use of heavy equipment or any ground disturbance.
 - The [Blanding's turtle flyer](#) must be given to all contractors working in the area.
 - Monitor for turtles during construction and report any sightings to the [DNR Nongame Specialist](#), Bridgette Timm (Bridgette.Timm@state.mn.us).
 - If turtles are in imminent danger they must be moved by hand out of harm's way, otherwise, they are to be left undisturbed.

If the above avoidance measures are not possible, please contact me as further action may be needed.

For additional information, see the [Blanding's turtle fact sheet](#) which 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 both lists of recommendations and apply those that are relevant to your project.** For further assistance regarding this turtle, please contact the DNR Regional Nongame Specialist, Bridgette Timm.

- Please visit the [DNR Rare Species Guide](#) for more information on the habitat use of these species and recommended measures to avoid or minimize impacts. For further assistance with these species, please contact the appropriate [DNR Regional Nongame Specialist](#) or [Regional Ecologist](#).

Federally Protected Species

- To ensure compliance with federal law, conduct a federal regulatory review using the U.S. Fish and Wildlife Service's (USFWS) online [Information for Planning and Consultation \(IPaC\) tool](#).

Environmental Review and Permitting

- Please include a copy of this letter and the MCE-generated Final Project Report 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 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.

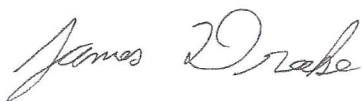
The Natural Heritage Information System (NHIS), a collection of databases that contains information about Minnesota's rare natural features, is maintained by the Division of Ecological and Water Resources, Department of Natural Resources. The NHIS is continually updated as new information becomes available, 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 and project description provided with the request. If project details change or the project has not occurred within one year, please resubmit the project for review within one year of initiating project activities.

The Natural Heritage Review does not constitute project approval by the Department of Natural Resources. Instead, it identifies issues regarding known occurrences of rare features and potential impacts to these rare features. Visit the [Natural Heritage Review website](#) for additional information regarding this process, survey guidance, and other related information. For information on the environmental review process or other natural resource concerns, you may contact your [DNR Regional Environmental Assessment Ecologist](#).

Thank you for consulting us on this matter, and for your interest in preserving Minnesota's rare natural resources.

Sincerely,



James Drake
Natural Heritage Review Specialist
James.F.Drake@state.mn.us

Cc: Melissa Collins, Bridgette Timm