

Dakota County

Dakota County – Minnesota River Greenway, Fort Snelling State Park Segment Project

Findings of Fact and Conclusions

July 2021

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1.0 STATEMENT OF ISSUE

Dakota County, in partnership with the Minnesota Department of Natural Resources (MnDNR), is proposing to construct approximately 3.7 miles of the Minnesota River Greenway, from the existing trailhead near the Trunk Highway 77 (Cedar Avenue) Bridge in Burnsville to the existing trailhead at CSAH 26 (Lone Oak Road) in Eagan (see project location map in Appendix A). The proposed trail corridor is primarily located in Eagan within an unimproved area of Fort Snelling State Park, south of the Minnesota River and within the Minnesota River floodplain. The trail will consist of a 10-foot wide paved surface with two-foot vegetated shoulders. Portions of the trail will be located on raised boardwalks. A new pedestrian bridge over the Union Pacific Railroad track will be constructed.

Preparation of an Environmental Assessment Worksheet (EAW) is required for this project under Minnesota Rules 4410.4300, subpart 27, item B, for projects that will cause an impact to a total of one acre or more of wetlands. Dakota County is the project proposer. Dakota County also is the Responsible Governmental Unit (RGU) for review of this project, as per Minnesota Rules 4410.4300, subpart 27, item B.

Dakota County's decision in this matter shall be either a negative or a positive declaration of the need for an Environmental Impact Statement (EIS). Dakota County must order an EIS for the project if it determines the project has the potential for significant environmental effects.

Based upon the information in the record, which comprises the EAW form for the project, related studies referenced in the EAW, written comments received, responses to the comments, and other supporting documents included in this Findings of Fact and Conclusions document, Dakota County has made Findings of Fact and Conclusions that are detailed in Section 6.

2.0 ADMINISTRATIVE BACKGROUND

Dakota County is the RGU and project proposer for the Dakota County – Minnesota River Greenway, Fort Snelling State Park Segment Project. A State EAW has been prepared for this project in accordance with Minnesota Rules Chapter 4410. The EAW was developed to assess the impacts of the project and other circumstances to determine if an EIS is needed.

The EAW was filed with the Minnesota Environmental Quality Board (EQB) and circulated for review and comment to the required EAW distribution list. A "Notice of Availability" was published in the *EQB Monitor* on June 8, 2021. Dakota County distributed a news release to local media outlets. The news release was published on the Dakota County web page at www.co.dakota.mn.us/News/Pages/greenway-project-available-for-review.aspx. Appendix B of this Findings document includes the June 8, 2021 EQB Monitor, the Dakota County news release and the Sun Thisweek (On-line Edition) news release.

The EAW was made available for public review at the following locations:

- Minneapolis Central Library, Technical & Science Division, Government Docs., 2nd Floor, 300 Nicollet Mall, Minneapolis, MN 55401
- Dakota County project web page at www.co.dakota.mn.us/Transportation/PlannedConstruction/MinnesotaRiver/Pages/default.aspx

Comments were received from June 8 through July 8, 2021. All comments received during the EAW comment period were considered in determining the potential for significant environmental

impacts. Comments received during the comment period, and responses to the substantive comments, are provided in this document in Appendix C and Appendix D.

3.0 FINDINGS OF FACT

3.1 PROJECT DESCRIPTION

The two trail projects that comprise the proposed action are defined in greater detail below. The preliminary design layout for each project can be found in Appendix A of this Findings document.

“River Bottom Trail” Project

The river bottom trail project is located between the existing trailhead at the Trunk Highway 77 (Cedar Avenue) Bridge and the Union Pacific Railroad corridor west of CSAH 26 (Lone Oak Road). This project includes the construction of approximately 3.3 miles of multi-use, non-motorized trail. The multi-use, non-motorized trail will consist of a 10-foot wide paved surface with two-foot vegetated shoulders. The trail shoulders will be seeded with an appropriate native plant seed mix characteristic of the area.

The proposed trail alignment will cross Kennaley’s Creek, a public water crossing and designated trout stream, via an existing 60-foot long single span steel beam pedestrian bridge (BR01600). The bridge is under the ownership of the MnDNR. The project will increase the width of the existing bridge deck with a new timber deck from nine feet wide to 12 feet wide and replace the railing with a new 54-inch high timber railing with curb meeting current geometric requirements. The supporting beams and abutments will be unchanged. No work is planned in the waterway channel.

Portions of the proposed trail will be located on raised boardwalks through the Minnesota River floodway. The proposed boardwalks will have helical anchor piles. The boardwalk superstructure and deck will be concrete. The boardwalk railing will be metal.

The project will also include concrete geogrid mats to act as vehicle turnarounds and storm sewer culverts.

“Rail Crossing Bridge” Project

The rail crossing bridge project begins at the eastern terminus of the river bottom trail project (described above) and ends at the existing trailhead at CSAH 26 (Lone Oak Road). This project includes the construction of approximately 0.4 miles of multi-use, non-motorized trail. The multi-use, non-motorized trail will consist of a 10-foot wide paved surface with two-foot vegetated shoulders. The trail shoulders will be seeded with an appropriate native plant seed mix characteristic of the area.

The rail crossing bridge project includes the construction of a pedestrian bridge over the Union Pacific Railroad track near CSAH 26 (Lone Oak Road). The proposed pedestrian bridge will cross the railroad’s right-of-way perpendicularly and the face of all abutments and piers will be a minimum of five feet outside the right-of-way. The rail crossing bridge project will meet all requirements as laid out in the Guidelines for Railroad Grade Separation Projects. This includes a 23’-4” vertical clearance between the bottom of the proposed structure and top of the rails at a 50-foot offset from the centerline of the tracks, with the requirement being a nine-foot offset. A ten-foot high vertical chain link fence along both sides of the bridge crossing the tracks and along the railroad side of the trail running parallel to the tracks is also included in the design.

The bridge type for crossing the tracks will be a prefabricated steel truss to eliminate any disruption to the railroad's operations during the setting of the bridge.

3.2 CORRECTIONS, CHANGES, OR NEW INFORMATION SINCE THE EAW WAS PREPARED

The following information pertaining to the proposed combined action has been added or updated since the EAW was published. Clarifications to information presented in the EAW also are noted.

Dakota County Project Manager

Josh Kinney is referenced as the Dakota County Project Manager in EAW Item 3. Josh has accepted a new position outside of the County and the project manager role has been reassigned. Please direct any future questions about the proposed action to Joe Morneau.

Joe Morneau, Dakota County Project Manager

14955 Galaxie Avenue, Apple Valley, MN 55124

Phone: (952) 891-7986

Email: Joe.Morneau@co.dakota.mn.us

Permits and Approvals Required

Tables 1 and 2 of the EAW lists anticipated permits and approvals required for the proposed projects.

The Minnesota Pollution Control Agency (MPCA) in their comment letter noted that a MPCA 401 Water Quality Certification is needed on projects that require a U.S. Army Corps of Engineers (USACE) Section 404 permit.

The MnDNR in their comment letter stated that it is possible that a MnDNR Water Appropriation Permit could be required for the diversion of streams during the placing of the culverts for the trail.

The MnDNR in their comment letter requested that a Calcareous Fen Management Plan be added to the list of required permits and approvals for each project.

EAW Item 6.b on page 7 states that the staging of construction activities will be confirmed during the final design stage of the river bottom trail and rail crossing bridge projects. In general, construction will begin with the contractor establishing and staking out the construction boundaries. The contractor will install stabilized construction entrances prior to moving staging equipment and materials onsite. A preliminary traffic control plan has been prepared (see Figure 6 in Appendix A of the EAW) which shows temporary construction access from the existing trailhead at the Trunk Highway 77 (Cedar Avenue) Bridge. Another temporary construction railroad crossing will be shown in the rail crossing bridge project plans. Temporary construction access for the new bridge is currently pending Union Pacific Railroad approval.

The MnDNR in their comment letter stated that in addition to review by the Union Pacific Railroad, consultation with MnDNR Parks and Trails will be required to identify an appropriate temporary crossing location for the proposed rail crossing bridge project.

The Metropolitan Council in their comment letter noted that the proposed trail crosses Metropolitan Council Environmental Services (MCES) facilities in three locations. Two locations are within public right-of-way and do not require any additional permitting to complete the work. A third location includes a crossing of the Seneca Wastewater Treatment Plant (WWTP) Outfall, which is a critical component of the treatment plant. The Seneca WWTP Outfall is an 84-inch Reinforced Concrete Pipe (RCP) that was constructed in 1971 and is located within a dedicated easement. Access to this easement requires an Encroachment Agreement, which Dakota County is in the process of obtaining. Dakota County will continue to work with MCES staff to complete the Encroachment Agreement process, coordinate work activities, and to ensure that the project and its related construction activities do not adversely impact this critical asset.

The Lower Minnesota River Watershed District (LMRWD) in their comment letter stated that Dakota County must obtain an LMRWD Individual Project Permit before the start of construction activities for the applicable rules. Based on the location within the LMRWD's special overlay districts and the overall amount of land disturbance, the proposed action appears to trigger *Rule B – Erosion and Sediment Control* and *Rule C – Floodplain and Drainage Alteration* and potentially *Rule D – Stormwater Management*.

The LMRWD in their comment letter noted that the EAW mentions that the trail crosses Black Dog Creek. However, the LMRWD points out that due to the construction of Cedar Avenue, the MnDNR public streams alignment is incorrect, because Black Dog Creek no longer crosses under Cedar Avenue and instead overflows from Black Dog Lake to the Minnesota River. The stream labeled in the EAW as Black Dog Creek is its former channel. Given the presence of trout streams, confusion over the location and names of the trout streams, and the presence of the nearby Nicols Meadow calcareous fen complex, the LMRWD requests that the MnDNR Fisheries Unit also review the proposed combined action to ensure no harm comes to these rare resources from the trail construction. As requested, Dakota County will coordinate with the MnDNR Fisheries Unit with respect to reviewing the proposed combined action to provide clarification on the stream names and designations as well as to provide any design requirements or better management practices for the proposed crossing locations to reduce the impact of the proposed bridge and culvert crossings on these State-designated trout streams (Black Dog Creek and Kennaley's Creek).

The updated list of permits and approvals for the proposed combined action is identified in Tables 1 and 2 of this Findings document.

Land Use Plans

As requested by the Metropolitan Council in their comment letter, Dakota County will prepare and submit a focused Minnesota River Greenway Master Plan Amendment (Plan Amendment) to the Council. The Plan Amendment will rely upon planning and technical work that has occurred subsequent to the adopted 2012 Master Plan and will include the items listed below.

- Rationale for selecting the chosen alignment
- How members of the public and other key stakeholders were involved in the selection of the alignment and/or development of the Interpretive Plan
- Documentation of the decision related to regional (vs. state) trail classification
- Latest use, operations, and maintenance agreements with MnDNR

The MnDNR in their comment letter asked if the County has any future plans to connect the proposed trail facility to the nearby Cedar Grove Transit Station. In November 2017, the Dakota County Regional Railroad Authority, the City of Eagan and the Statewide Health Improvement Partnership completed the Cedar Avenue Transitway Station Area Plan. This plan outlines a range of future station area investments at the Cedar Grove Transit Station intended to improve mobility to and from the station, enhance the transit user experience, and facilitate transit supportive redevelopment near the station. Constructing a multi-use trail connection to the Minnesota River Valley Trails is identified as a possible future improvement in this plan.

Geology, Soils and Topography/Land Forms

The MnDNR in their comment letter stated that the geotechnical studies that have been completed to date will need to be referenced in each project's Calcareous Fen Management Plan. As requested, Dakota County will coordinate with the MnDNR Wetlands Program Coordinator, Jennie Skancke, on the development of these plans.

Calcareous Fen

EAW Item 6.b on page 6 and EAW Item 11.a.i on page 18 states that a mapped calcareous fen is located near the eastern portion of the proposed combined action and is referred to as "Area 4" in the rail crossing plans. A field review of the corridor did not identify calcareous fen habitat in the combined project area, and the proposed combined action is not located within the mapped extent of this resource. Direct impacts to this unique habitat are not anticipated. As calcareous fens are sensitive to changes in hydrology, the potential for having incidental or secondary impacts is greater than would be anticipated in a typical wetland. For these reasons, the mapped area of the calcareous fen will be specifically excluded from access during construction and additional precautions will be undertaken to reduce alteration of hydrology. This may include restricting potential construction dewatering from this area, altering the quantity and quality of storm water runoff directed in this direction, evaluation of how the project could impact groundwater movement, and preventing disturbance that could encourage invasive species from encroaching.

The MnDNR in their comment letter stated that given that calcareous fens are natural systems, their occurrence on the landscape cannot always be precisely mapped. They may not have a clear or static boundary and frequently occur among other wetland types within a wetland complex or mosaic. Maps showing calcareous fen "boundaries" or "extents" are necessary for practical identification purposes but should not be interpreted as depicting discrete community boundaries, which can fluctuate on the landscape. Calcareous fens typically transition from a stable, diagnostic hydrology regime in the core of the fen community, to more variable hydrological regimes in surrounding seepage meadows (less consistent groundwater discharge), and sometimes to cattail marshes or floodplains (more frequent inundation). For regulatory purposes, the MnDNR has long considered the boundary of calcareous fens to be the boundary of the wetland complex in which the fen is located. As proposed, the MnDNR is concerned about indirect impacts to the fen, though the MnDNR doesn't believe major changes to the design will be needed. Rather, the potential indirect impacts should be mitigated and/or minimized through development of a Calcareous Fen Management Plan that identifies measures that will be taken during construction. A Calcareous Fen Management Plan has been added to the list of required permits and approvals for each project.

Public Water Wetlands

EAW Item 11.a.i on page 18 states that Nicols (#19014200) and Quarry Lakes (#19012800) are Public Water Wetlands within the combined project area. These wetlands were also identified during the wetland delineation as Wetlands 1 and 2. These wetlands are identified separately as they are regulated by the MnDNR as Public Waters for the purposes of permitting.

The MnDNR in their comment letter stated that they have determined that Wetlands 1 and 2 in the wetland delineation are outside of the MnDNR Public Water Wetlands boundaries and should be regulated under the Wetland Conservation Act. The MnDNR also stated that the boardwalk crossings of Kennaley's Creek and Nicols Lake will require MnDNR Public Water Works Permits.

Groundwater

The MnDNR in their comment letter requested that the County expand their response to EAW Item 11.a.ii (Groundwater) to include an explanation about upwelling and calcareous fens.

Calcareous fens are unique wetlands characterized by a substrate of non-acidic peat and dependent on a constant supply of cold groundwater that has low oxygen and is rich in calcium and magnesium bicarbonates. The calcium-rich environment supports plant species that are termed "calciphiles" or calcium loving species. Many of these species found within calcareous fens are rare due to the scarcity of the habitat. In Minnesota there are eight state-listed rare plants known to occur in calcareous fens, four of which occur almost exclusively in this plant community. Calcareous fens are typically found on slight slopes where discharging groundwater drains off and there is minimal surface water interaction. These conditions result in a wetland that is almost always saturated yet rarely experiences fluctuations in water level (MnDNR Calcareous Fen Fact Sheet, 2011). Due to the relatively fragile hydrology of calcareous fens, they are susceptible to degradation from hydrologic variations.

Calcareous fens are one of the rarest natural communities in the United States having been reported in only ten states. In Minnesota, there are approximately 200 identified calcareous fens. Most are only a few acres in size. They are typically found at the bases of terrace escarpments in river valleys in southeastern Minnesota, on the sides of morainal hills and valley sideslopes in southern and west-central Minnesota, and on the downslope side of beach ridges in the Glacial Lake Agassiz basin in the northwest (MnDNR Calcareous Fen Fact Sheet, 2011).

In Minnesota, calcareous fens are protected through the Wetland Conservation Act which states that calcareous fens may not be filled, drained, or otherwise degraded, wholly or partially, by any activity, unless the commissioner of natural resources, under an approved management plan, decides some alteration is necessary (Minn. Statutes 103G.223). Furthermore, the rare plants that are known to occur in calcareous fens are protected through the Minnesota endangered species law (Minn. Statutes 84.0895).

The calcareous fen near the project area was originally identified by the Minnesota Biological Survey in 1993. That survey identified several calcareous fens near the Minnesota River Greenway corridor project area. A more detailed follow up survey was conducted by Midwest Natural Resources, Inc. (MNR) in 2013. MNR conducted a meander plant survey and a targeted meander search for calciphiles throughout each of the previously identified calcareous fen areas. MNR used the "Calciphile Species Occurrence Method" to determine that there is one calcareous fen in the project area (Calcareous Fen Investigation, MNR, 2013).

The primary threats to the calcareous fen are direct habitat/plant destruction (trampling, excavation, etc.) and hydrologic impacts related to changes in surface drainage and groundwater

recharge to the fen. A Calcareous Fen Management Plan has been added to the list of required permits and approvals for each project.

Stormwater Runoff

The MnDNR in their comment letter stated that the southernmost portion of the trail will cross both Kennaley's Creek and Black Dog Creek, both of which are MnDNR designated trout streams. As such, the MnDNR emphasized that great care must be taken to avoid sedimentation in these streams and, if at all possible, stormwater should not be routed to these streams.

The MnDNR in their comment letter stated that stormwater is especially destructive to calcareous fens and that all stormwater for the project must be routed away from calcareous fens.

The MPCA in their comment letter stated that the proposed action appears to be part of a larger Common Plan of Development as defined in the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) General Construction Stormwater permit. The MPCA states that if the entire Project (past, current and future) results in 50 or more disturbed acres, the Stormwater Pollution Prevention Plan (SWPPP) for each phase requires review by the MPCA before permit issuance due to proximity to special and impaired waters. Dakota County will coordinate with the MPCA during the final design phase of the river bottom trail project and the rail crossing bridge project.

The MPCA in their comment letter stated that the proposed combined action has the ability to discharge to both impaired and special waters, including trout streams and a calcareous fen. The MPCA states that the EAW acknowledges that some additional best management practices (BMPs) will be required during construction. In addition, the MPCA states that the SWPPP for the Project must include additional or redundant (double) BMPs to minimize all potential water quality or environmental impacts to the special waters and maintenance of 100-foot buffers to these waters. An encroachment to these buffers requires full documentation for circumstances resulting in the need and include restoration activities. These redundant BMP's are called for in the erosion control plan.

The MPCA in their comment letter stated that stormwater management must not increase the temperature of runoff to trout streams and volume reduction via infiltration or other method to reduce runoff is required. To achieve this, the MPCA strongly encourages the MnDNR to consider using pervious asphalt and boardwalks with slot openings to reduce impervious surface runoff over and near these and other waters. The MPCA also stated that infiltration via vegetated swales, bio-infiltration areas should also be considered to the greatest extent possible.

Boardwalks will consist of planks with up to a ¼-inch gap. Infiltration is infeasible on site, but drainage will be directed to vegetated swales.

Water Appropriation

The MnDNR in their comment letter stated that in many areas adjacent to Trunk Highway 13 (Sibley Memorial Highway), there is a clay layer that acts as a confining bed for the ground water in the bedrock in the area. The groundwater in the area is often artesian with high pressure that is difficult to control. As such, the MnDNR emphasized that great care should be taken in drilling near Highway 13 and a well driller should be on call to assist in an emergency sealing of the bore hole if this is needed.

Proposed Water Crossings

The MnDNR in their comment letter stated that the 10 to 13 culverts with a diameter between 12 and 27 inches are not consistent with the required avoidance measure for Blanding's turtles listed on EAW page 5, "Culverts need to be 36 inches or greater in diameter, at least twice as wide as the normal width of open water and have an elliptical or flat-bottom."

As stated in EAW Item 11.b.iv.b on page 26, the trail will require installation of culverts as it crosses a few forced low areas that drain to the Minnesota River. These smaller drainage structures are not located in a defined drainage channel and will be used to equalize flow and to provide hydrologic connectivity between the two sides of the trail, so that effects on the pre-construction hydrology, including water levels and hydroperiod, are minimized to the extent possible. Dakota County will continue to coordinate with the MnDNR during the final design phase of the river bottom trail project and the rail crossing bridge project.

The MnDNR in their comment letter asked if temporary bridges or other water crossings will be needed during the construction phase (Kennaley's Creek, Quarry Lake outlets, and other unnamed drainages). If so, the MnDNR requested that those crossing locations and methods be described as part of the EAW. The MnDNR also requested that poly/timber mats be used when working on saturated soil in order to avoid compaction.

Temporary water crossings will be required to facilitate boardwalk construction. These crossings will consist of 1.5-inch clean rock embankments or causeways built parallel to the proposed boardwalks. Construction equipment for the boardwalk construction will work off of these embankments. This gradation of rock will allow slack water to percolate through the embankment. Concentrated flows at drainage ways will be accommodated by temporary culverts penetrating the embankment. When boardwalk construction is complete, the embankment and temporary culverts will be removed, and construction traffic will use the completed boardwalks. Poly/timber mats will be required when working on saturated soils.

Potential Environmental Hazards

The MnDNR in their comment letter stated that if it becomes necessary to conduct pollution remediation by pumping and treating ground water, then a MnDNR Water Appropriation Permit will be required for the appropriation if the volume exceeds 10,000 gallons per day, or one million gallons per year.

State-Listed Species

EAW Item 6.b on page 5 and EAW Item 13.d on page 41 state that the contractor must monitor for turtles during construction and report any sightings to the MnDNR Regional Nongame Specialist, Michael Worland at 320-234-2550 or Michael.Worland@state.mn.us. The MnDNR in their comment letter noted that this staff contact has changed, and that the contractor must report any sightings of Blanding's turtles to the MnDNR Regional Nongame Specialist, Erica Hoaglund (Erica.Hoaglund@state.mn.us; 651-259-5772).

Archaeological Resources

The Minnesota State Historic Preservation Office (MnSHPO) stated in their comment letter that the proposed combined action, as currently proposed, will have no adverse effect on site 21DK0035. This is an archaeological site located within the project's area of potential effect. MnSHPO also stated that there are no properties listed in the National or State Registers of Historic Places that will be affected by the proposed combined action. The MnSHPO comment

letter notes that this state-level review of the proposed combined action does not address the requirements of a “Section 106” federal-level review.

As referenced in EAW Item 14 and in Appendix F of the EAW, the Minnesota Department of Transportation (MnDOT) Cultural Resources Unit (CRU) determined that there would be no historic properties affected by the proposed river bottom trail project. The MnDOT CRU determination addresses the requirements of a “Section 106” federal-level review given that this is a Federal Highway Administration (FHWA)-funded project.

As referenced in EAW Item 6, the proposed rail crossing bridge project does not utilize any federal funds. If it is determined that the proposed rail crossing bridge project will require a federal wetlands permit, then review and consultation with MnSHPO will need to be initiated by the lead federal agency (the USACE), in accordance with the MnSHPO comment letter.

Dust Control

The MnDNR in their comment letter stated that the appropriation of water from the Minnesota River or nearby lakes in volumes that exceed 10,000 gallons per day, or one million gallons per year, will need approval under a MnDNR Water Appropriation Permit. It was noted that the MnDNR will not allow appropriation from Kennaly’s Creek Trout Stream or Black Dog Creek Trout Stream. The MnDNR requested that products containing chloride not be used for dust control in this sensitive area.

4.0 AGENCY AND PUBLIC COMMENTS ON THE EAW

In response to the publication of the EAW, Dakota County received five agency comment letters and five public comments. Consistent with state environmental review rules, responses have been prepared for all substantive comments submitted during the EAW 30-day comment period, which ended on July 8, 2021. Written responses have been provided for substantive comments pertaining to analysis conducted for and documented in the EAW (see Appendix C and Appendix D in this document). Responses were not provided for comments of general opinion or statements of preference, or issues outside of the project.

4.1 SUMMARY OF COMMENTS FROM AGENCIES

Comment letters were received from the following agencies:

- Minnesota State Historic Preservation Office (MnSHPO)
- Lower Minnesota River Watershed District (LMRWD)
- Metropolitan Council
- Minnesota Department of Natural Resources (MnDNR)
- Minnesota Pollution Control Agency (MPCA)

The following topics summarize the issues identified in the comment letters.

- Archaeological Resources
- Required Permits and Approvals
- Land Use Plans
- Geology, Soils and Topography/Land Forms
- Calcareous Fen
- Public Water Wetlands
- Groundwater
- Stormwater Runoff

- Water Appropriation
- Proposed Water Crossings
- Potential Environmental Hazards
- State-Listed Species
- Archaeological Resources
- Dust Control

4.2 SUMMARY OF COMMENTS FROM THE PUBLIC

There were five public comments received during the public comment period. The comments were in regard to the following areas:

- General Project Support
- Cumulative Potential Effects

5.0 FINDINGS REGARDING CRITERIA FOR DETERMINING THE POTENTIAL FOR SIGNIFICANT ENVIRONMENTAL EFFECTS

Minnesota Rules 4410.1700 provides that an environmental impact statement shall be ordered for projects that have the potential for significant environmental effects. In deciding whether a project has the potential for significant environmental effects, the following four factors described in Minnesota Rules 4410.1700, Subp.7 shall be considered:

A. Type, extent, and reversibility of environmental effects;

B. Cumulative potential effects. The RGU shall consider the following factors: whether the cumulative potential effect is significant; whether the contribution from the project is significant when viewed in connection with other contributions to the cumulative potential effect; the degree to which the project complies with approved mitigation measures specifically designed to address the cumulative potential effect; and the efforts of the proposer to minimize the contributions from the project;

C. The extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority. The RGU may rely only on mitigation measures that are specific and that can be reasonably expected to effectively mitigate the identified environmental impacts of the project; and

D. The extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other EISs.

Dakota County's key findings with respect to each of these criteria are set forth below.

5.1 TYPE, EXTENT, AND REVERSIBILITY OF IMPACTS

Dakota County finds that the analysis completed during the EAW process is adequate to determine whether the proposed combined action has the potential for significant environmental effects. The EAW describes the type and extent of impacts anticipated to result from the proposed combined action. In addition to the information in the EAW, the additional information described in Section 3.2 of this Findings document, as well as the comments received during the

public comment period (see Appendix C and Appendix D of this Findings document) were taken into account in considering the type, extent and reversibility of project impacts.

5.2 CUMULATIVE POTENTIAL EFFECTS OF RELATED OR ANTICIPATED FUTURE PROJECTS

As discussed in Item 19 of the EAW, the cumulative potential effect of related or anticipated future transportation and development projects has been considered, and the proposed combined action has low potential for cumulative impacts to the resources directly or indirectly affected by the project. Given laws, rules, and regulations in place, as well as local regulatory requirements and comprehensive planning and zoning laws, substantial adverse cumulative impacts to these resources are not anticipated.

5.3 EXTENT TO WHICH THE ENVIRONMENTAL EFFECTS ARE SUBJECT TO MITIGATION BY ONGOING PUBLIC REGULATORY AUTHORITY

The mitigation of environmental impacts will be designed and implemented in coordination with regulatory agencies and will be subject to the plan approval and permitting process. Permits and approvals that have been obtained or may be required prior to project construction include those listed below in Tables 1 and 2.

Table 1 – Agency Permits and Approvals for the River Bottom Trail Project

Unit of Government	Type of Approval or Permit	Status
Federal		
MnDOT on behalf of FHWA	Categorical Exclusion Approval	Pending
	Section 4(f) Programmatic Determination	Completed
MnDOT CRU on behalf of FHWA	Section 106 Determination	Completed
MnDOT OES on behalf of FHWA	ESA Section 7 Determination	Completed
U.S. Army Corps of Engineers	Section 404 Permit	To Be Obtained
State		
MnDNR	Section 4(f) Programmatic Concurrence	Completed
	Right-of-Way Agreement	Completed
	Plan Review/Temporary Construction Access	Ongoing
	Wetland Conservation Act (WCA) Permit	To Be Obtained
	Public Waters Permit	To Be Obtained
	Water Appropriation Permit for Construction	To Be Obtained
	Dewatering (If Needed)	
	Calcareous Fen Management Plan	To Be Approved
MnDOT	Construction Plan Approval	Pending
	Categorical Exclusion Approval	Pending
MPCA	National Pollutant Discharge Elimination System – Construction Stormwater Phase II Permit	To Be Obtained
	Section 401 Water Quality Certification	To Be Obtained
SHPO	Section 106 Consultation	Completed
Regional		
Metropolitan Council Environmental Services (MCES)	Encroachment Agreement	To Be Approved
Local		
Dakota County	State EIS Need Decision	To Be Requested
	Layout Review	To Be Requested
City of Eagan	WCA Permit (Reviewer)	To Be Obtained
	Plan Review	To Be Requested
Lower Minnesota River Watershed District	Floodplain Fill/No Rise Certification	To Be Obtained
	Individual Project Permit	To Be Obtained
Railroad		
Union Pacific	Railroad Agreement/Temporary Occupancy Permit	To Be Requested

Table 2 – Agency Permits and Approvals for the Rail Crossing Bridge Project

Unit of Government	Type of Approval or Permit	Status
Federal U.S. Army Corps of Engineers	Section 404 Permit (If Necessary)	To Be Obtained
State MnDNR	Right-of-Way Agreement Plan Review/Temporary Construction Access Wetland Conservation Act Permit (If Necessary) Water Appropriation Permit for Construction Dewatering (If Needed) Calcareous Fen Management Plan	Completed Ongoing To Be Obtained To Be Obtained To Be Approved
MPCA	National Pollutant Discharge Elimination System – Construction Stormwater Phase II Permit Section 401 Water Quality Certification	To Be Obtained To Be Obtained
SHPO	Historic/Archaeological Review	To Be Obtained Completed
Local Dakota County	Construction Plan Approval State EIS Need Decision	To Be Requested To Be Requested
City of Eagan	Plan Review Wetland Conservation Act Permit (Reviewer)	To Be Requested To Be Obtained
Lower Minnesota River Watershed District	Floodplain Fill/No Rise Certification Individual Project Permit	To Be Obtained To Be Obtained
Railroad Union Pacific	Railroad Agreement/Temporary Occupancy Permit	To Be Requested

5.4 EXTENT TO WHICH ENVIRONMENTAL EFFECTS CAN BE ANTICIPATED AND CONTROLLED AS A RESULT OF OTHER ENVIRONMENTAL STUDIES

Dakota County has extensive experience in trail and bridge construction. Many similar projects have been designed and constructed throughout the county. No problem is anticipated which Dakota County has not encountered and successfully solved many times in similar projects in or near the project area. Dakota County finds that the environmental effects of the proposed combined action can be anticipated and controlled as a result of assessment of potential issues during environmental review, and experience in addressing similar issues on previous projects.

6.0 CONCLUSIONS

1. Dakota County has jurisdiction in determining the need for an environmental impact statement on the proposed combined action.
2. All requirements for environmental review of the proposed combined action have been met.
3. The EAW and the permit development processes related to the proposed combined action have generated information that is adequate to determine whether the proposed combined action has the potential for significant environmental effects.
4. Areas where potential environmental effects have been identified will be addressed during the final design of the proposed combined action. Mitigation will be provided where impacts are expected to result from project construction, operation or

maintenance. Mitigative measures are incorporated into project design, and have been or will be coordinated with state and federal agencies during the permitting process.

5. Based on the criteria in Minnesota Rules part 4410.1700, the project does not have the potential for significant environmental effects.
6. An Environmental Impact Statement is not required for the proposed Dakota County – Minnesota River Greenway, Fort Snelling State Park Segment Project.
7. Any findings that might properly be termed conclusions and any conclusions that might properly be called findings are hereby adopted as such.

Based on the Findings of Fact and Conclusions contained herein and on the entire record:

Dakota County hereby determines that the Dakota County – Minnesota River Greenway, Fort Snelling State Park Segment Project will not result in significant environmental impacts, and that the proposed combined action does not require the preparation of an environmental impact statement.

For Dakota County,



Joe Morneau
Project Manager
Dakota County

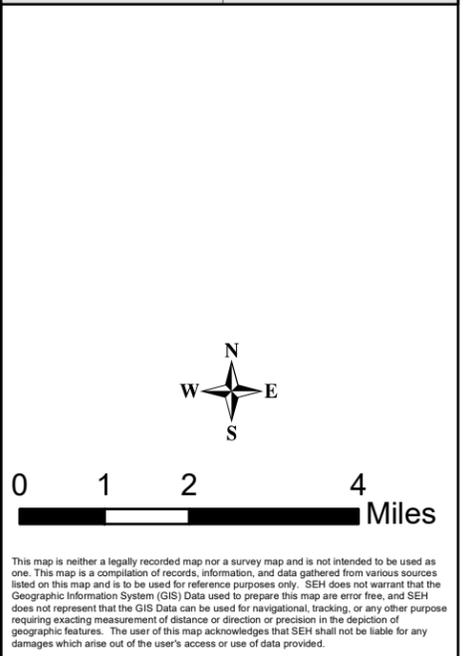
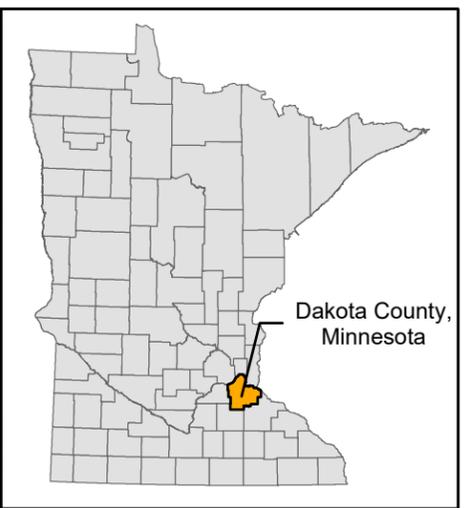
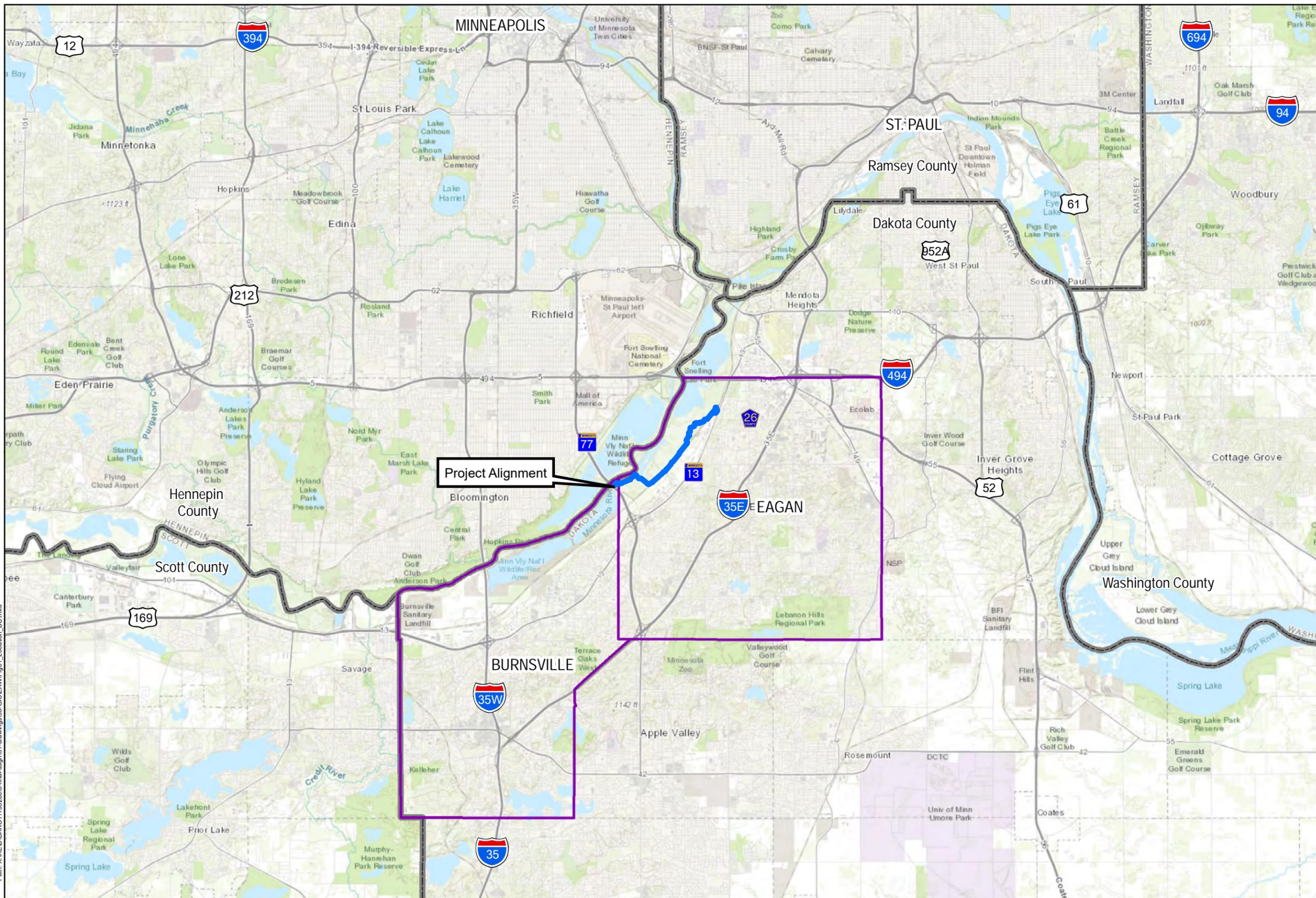
7/28/2021
Date

Appendix A

Project Location Map

River Bottom Trail Project General Layout

Rail Crossing Bridge Project General Layout



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3535 VADNAIS CENTER DR.
ST. PAUL, MN 55110
PHONE: (651) 490-2000
FAX: (651) 490-2150
WATTS: 800-325-2055
www.sehinc.com

Project: DAKOT 155280
Print Date: 5/24/2021
User Name: msteuernagel
Projection: NAD 83 UTM Z 15N
Source: SEHinc, Dakota Co., MNDNR
Background: World Topographic Map

Minnesota River Greenway – Fort Snelling State Park Segment Trail

Site Location Map

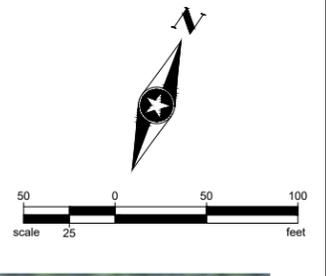
Dakota County
Minnesota

Figure
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LEGEND

- 101+00 TRAIL ALIGNMENT
- PROPERTY LINE
- PERMANENT EASEMENT
- TEMPORARY EASEMENT
- CONSTRUCTION LIMITS
- CULVERT AND APRON
- XC CHAIN LINK FENCE
- BOARDWALK
- BITUMINOUS TRAIL
- W EXISTING WETLAND

- SURCHARGE NOTES**
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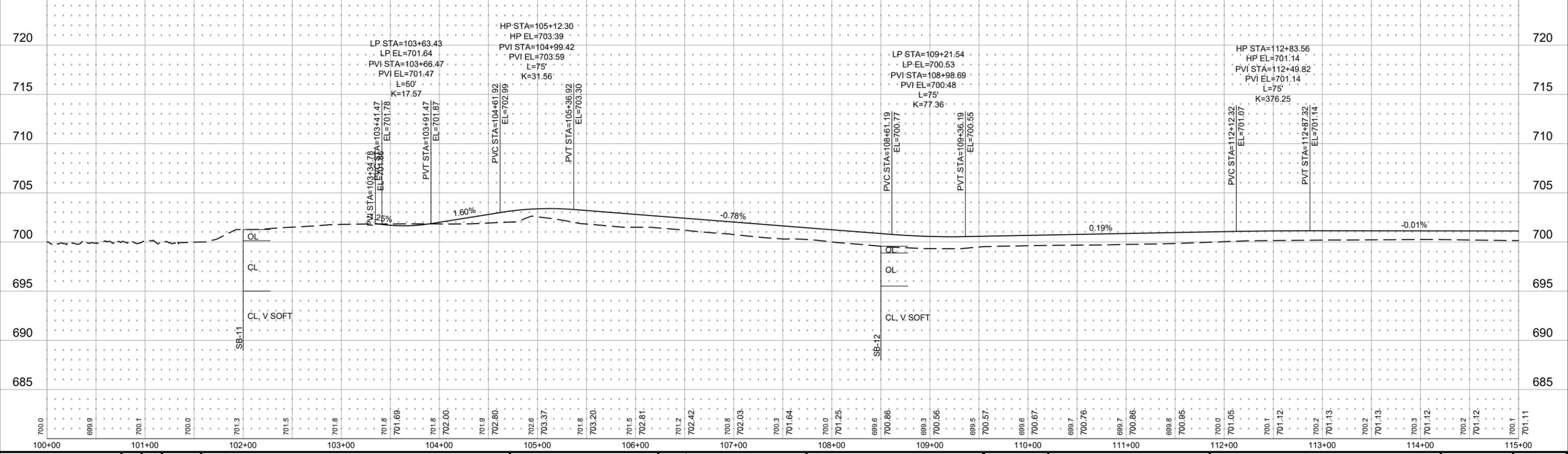


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 - B CMP ROUND
 - C GRADE SWALE TO DRAIN
 - D 20' W x35' L TURN AROUND, SEE SHEET 6-7 FOR DETAIL



MINNESOTA RIVER GREENWAY - FORT SNELLING SEGMENT



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 DESIGNER: KM
 CHECKED BY: WB

NO.	BY	DATE	REVISIONS

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 SUITE 300
 MINNETONKA, MN 55343
 www.sehinc.com

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PRELIMINARY
 Date: XX/XX/2020 Lic. No. XXXXX

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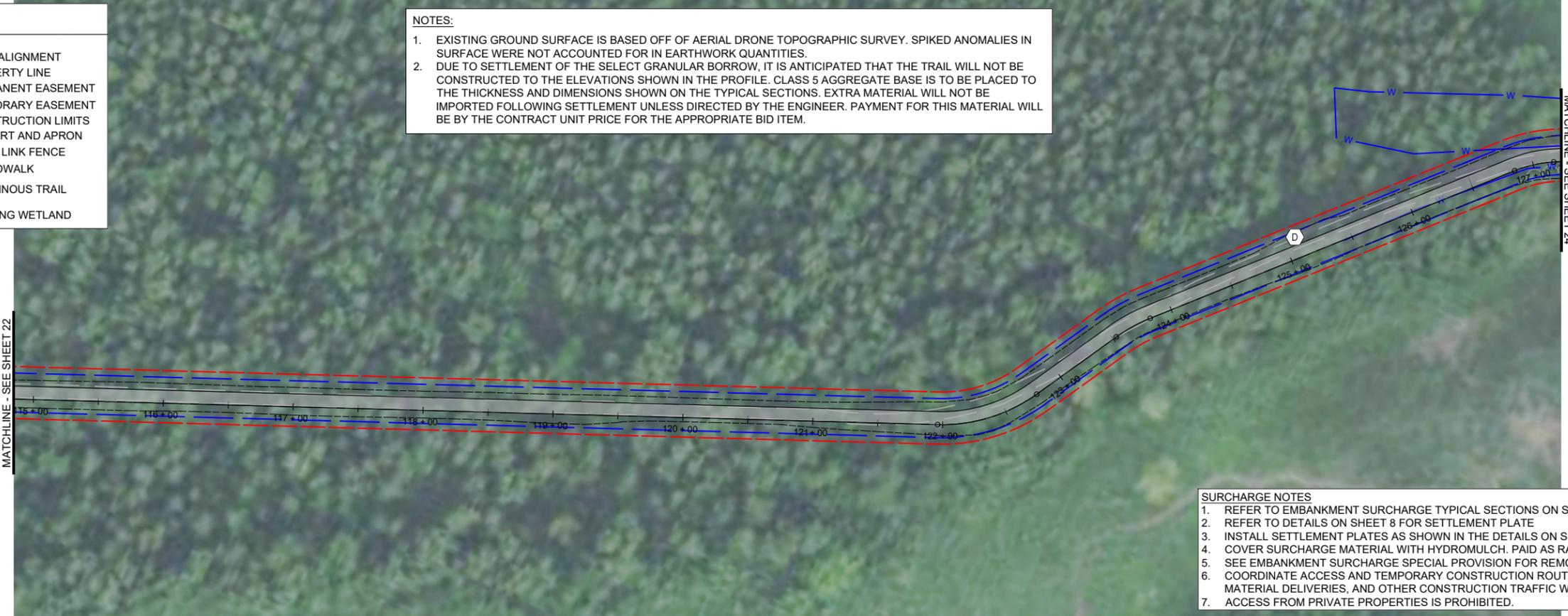
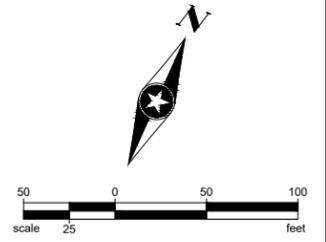
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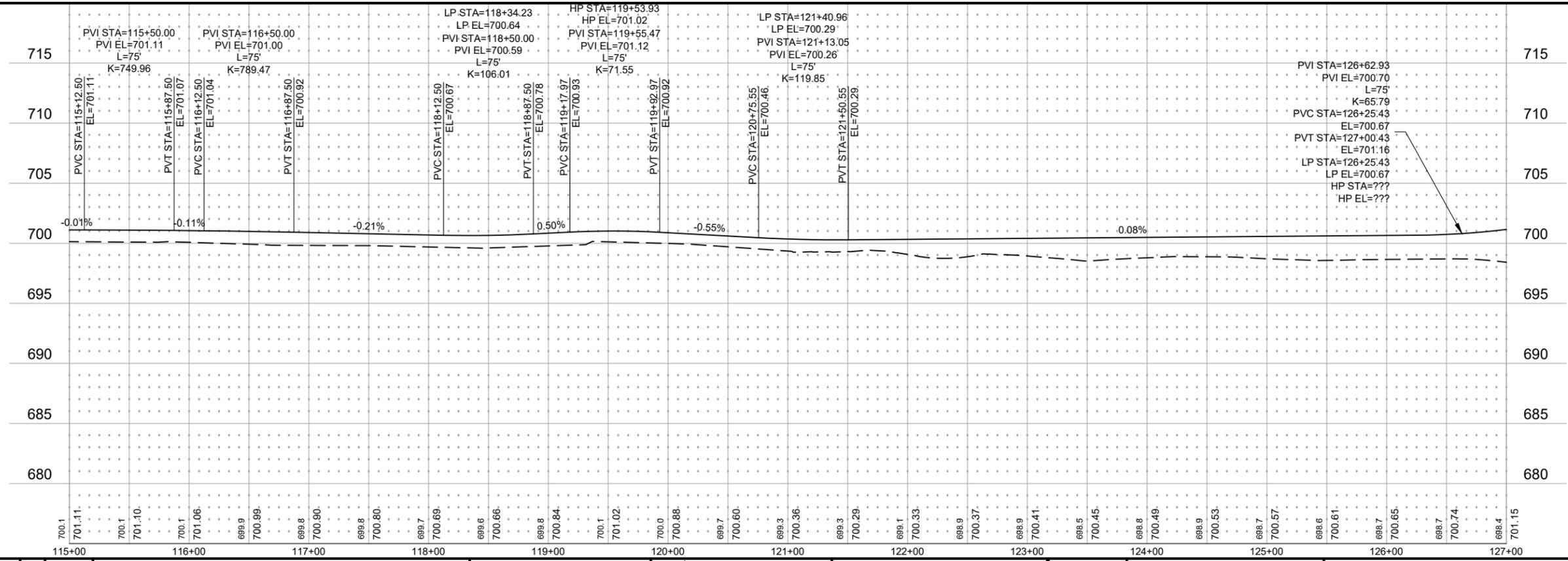
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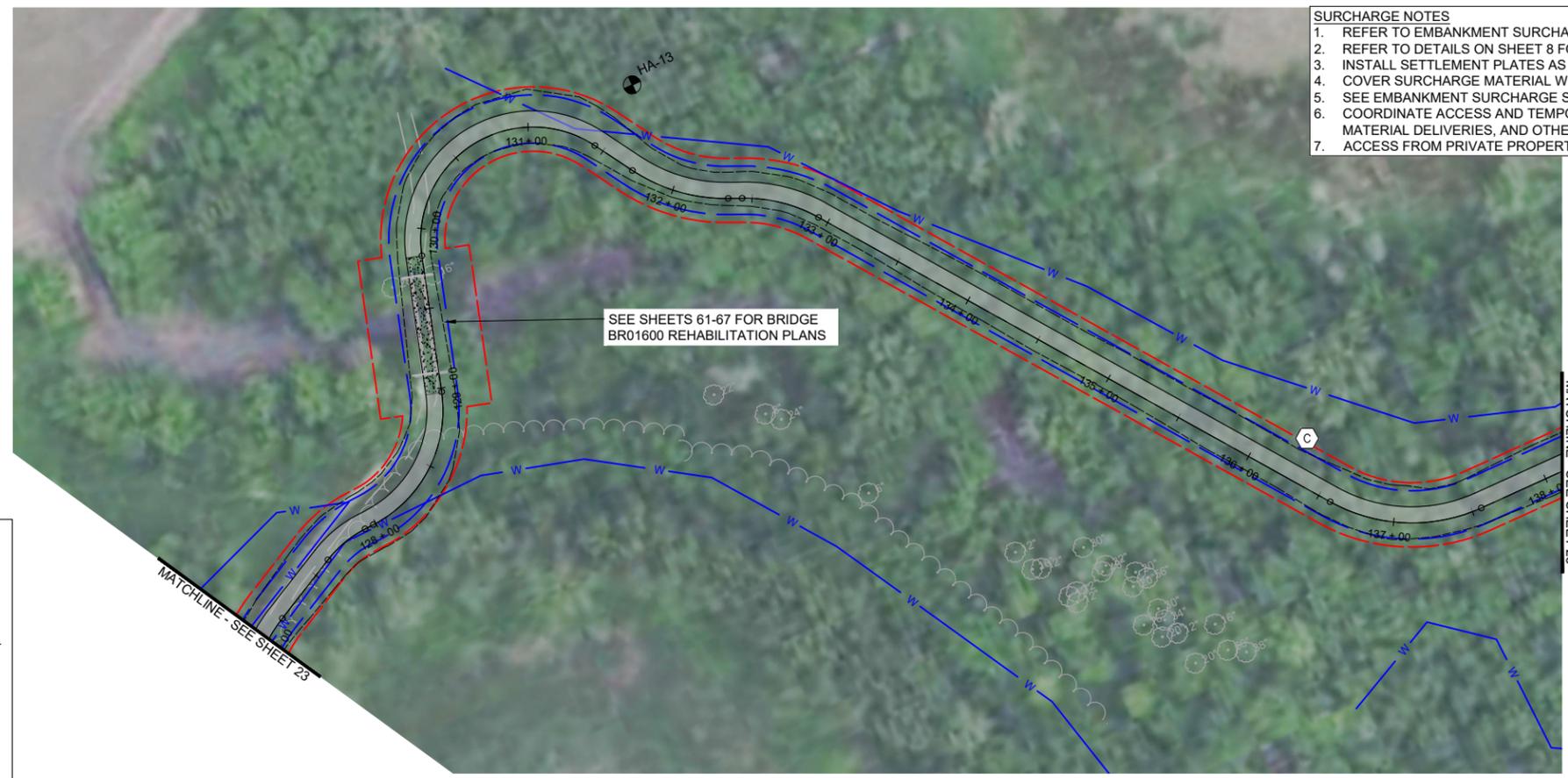
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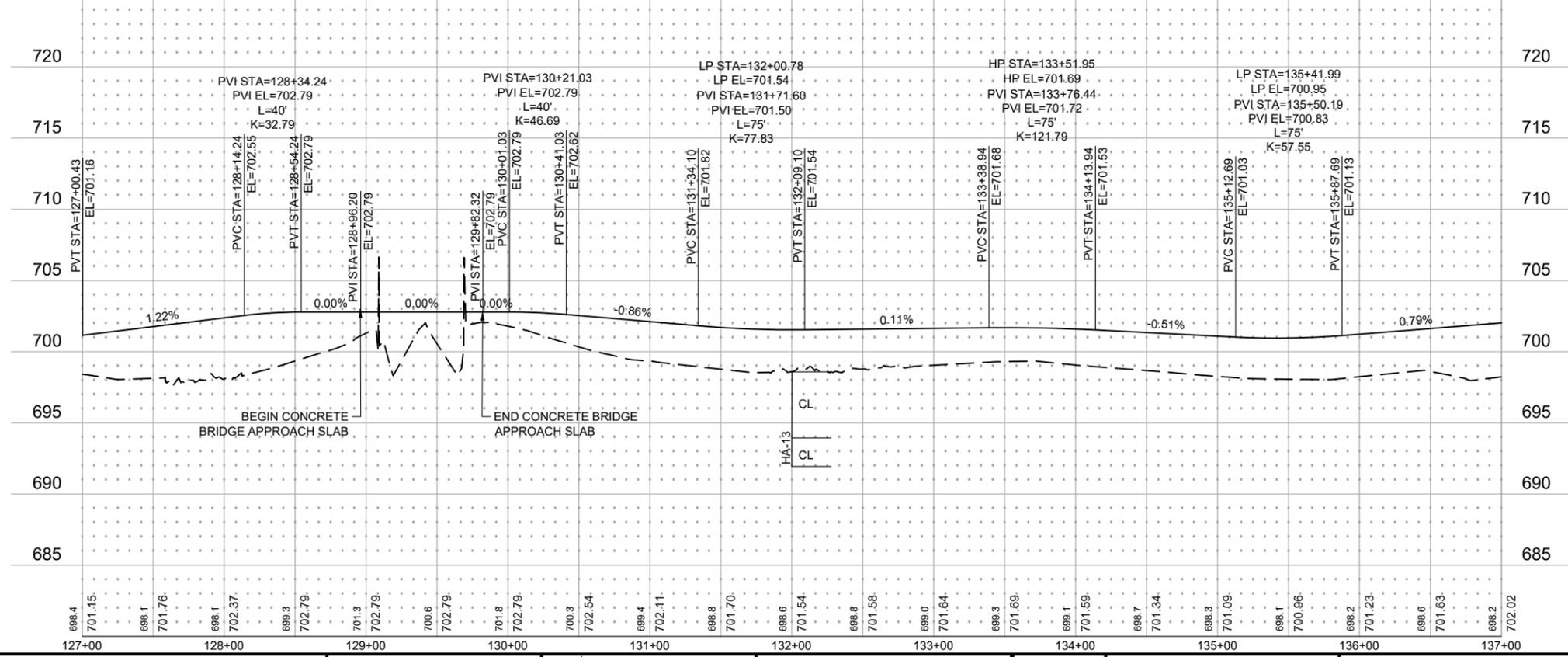
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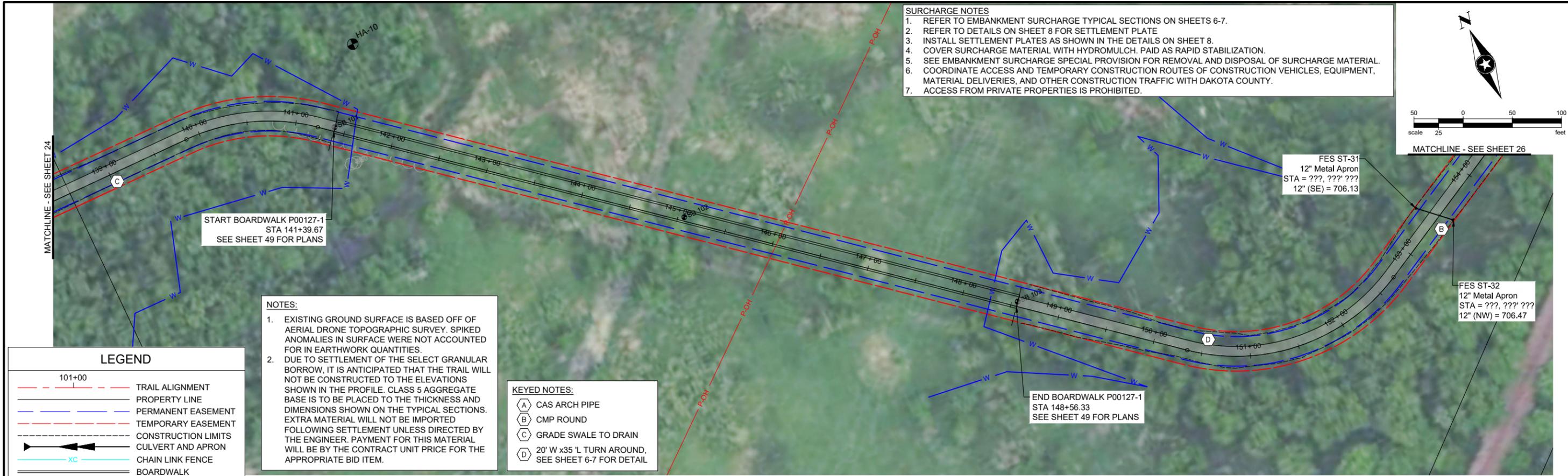
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START BOARDWALK P00127-1
STA 141+39.67
SEE SHEET 49 FOR PLANS

FES ST-31
12" Metal Apron
STA = ???, ???' ???
12" (SE) = 706.13

FES ST-32
12" Metal Apron
STA = ???, ???' ???
12" (NW) = 706.47

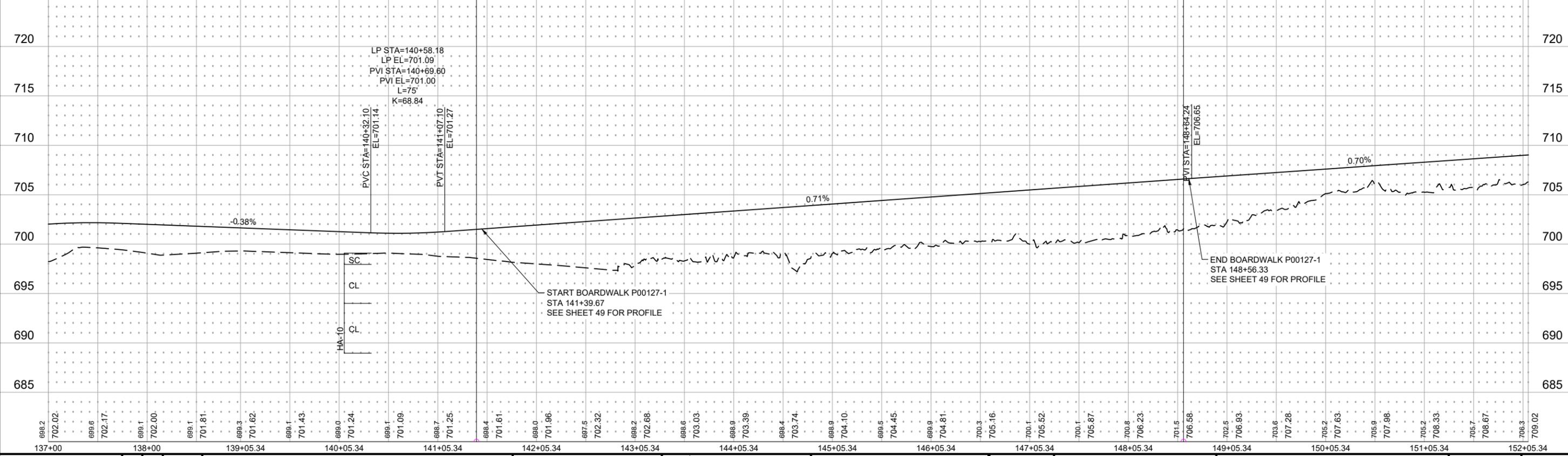
END BOARDWALK P00127-1
STA 148+56.33
SEE SHEET 49 FOR PLANS

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- LEGEND**
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MINNESOTA RIVER GREENWAY - FORT SNELLING SEGMENT



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CHECKED BY: WB

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MINNESOTA RIVER GREENWAY - FORT SNELLING SEGMENT

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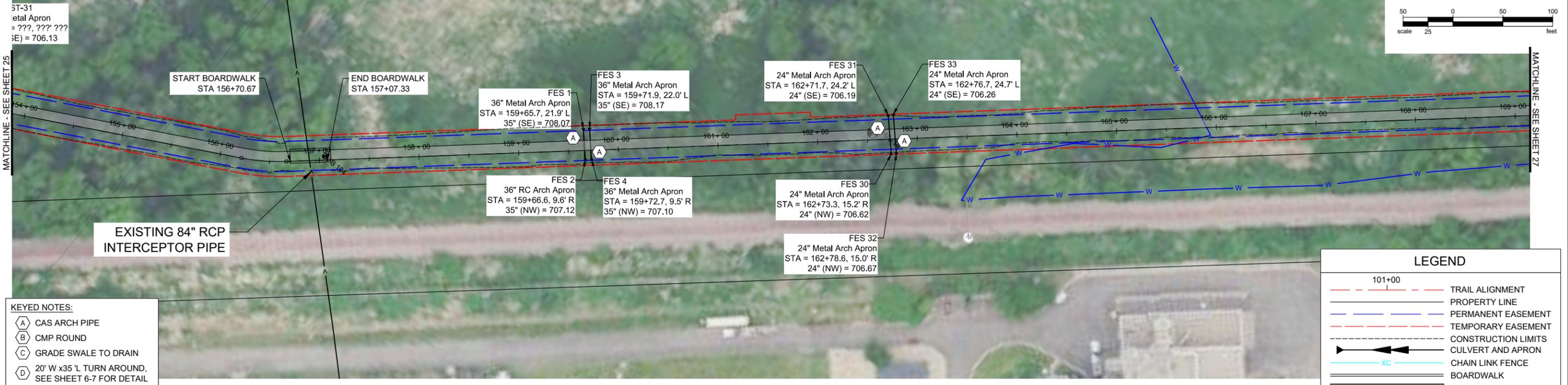
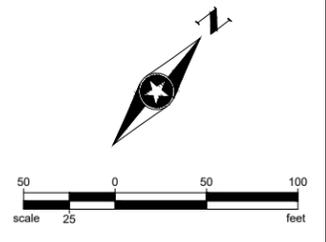
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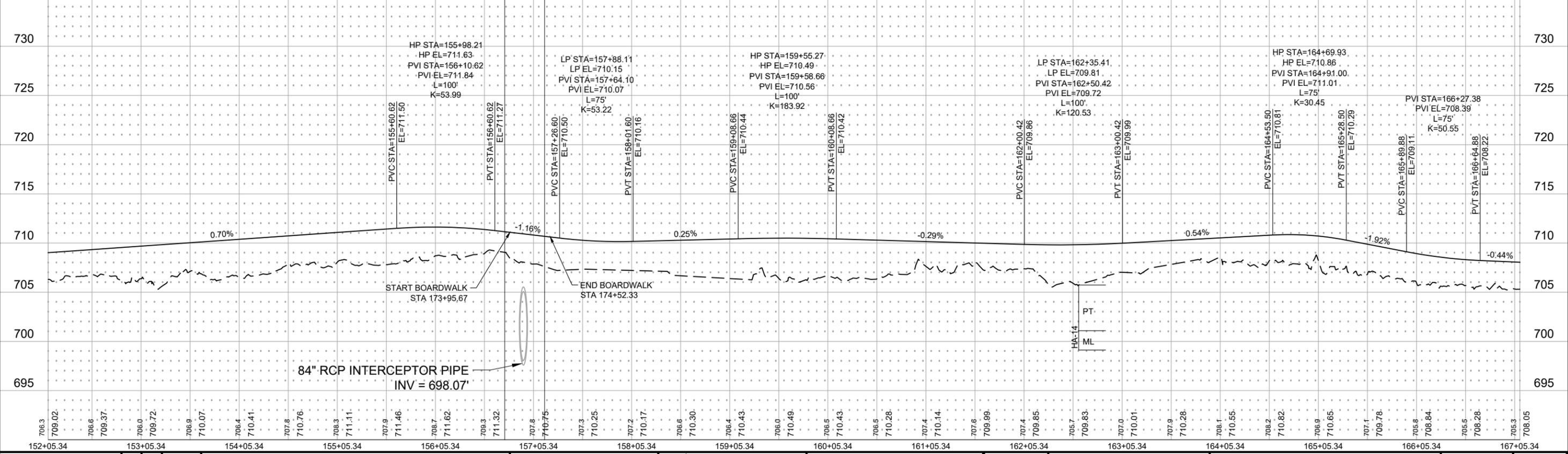
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MINNESOTA RIVER GREENWAY - FORT SNELLING SEGMENT



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 DESIGNER: **KRW**
 CHECKED BY: **KMB**

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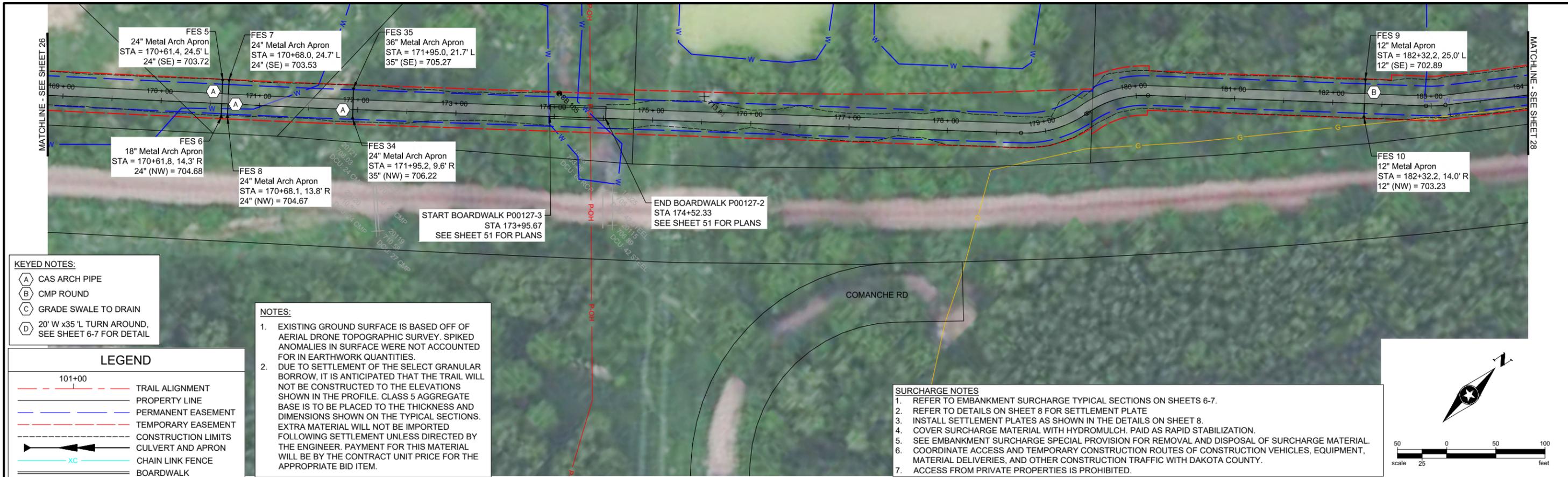
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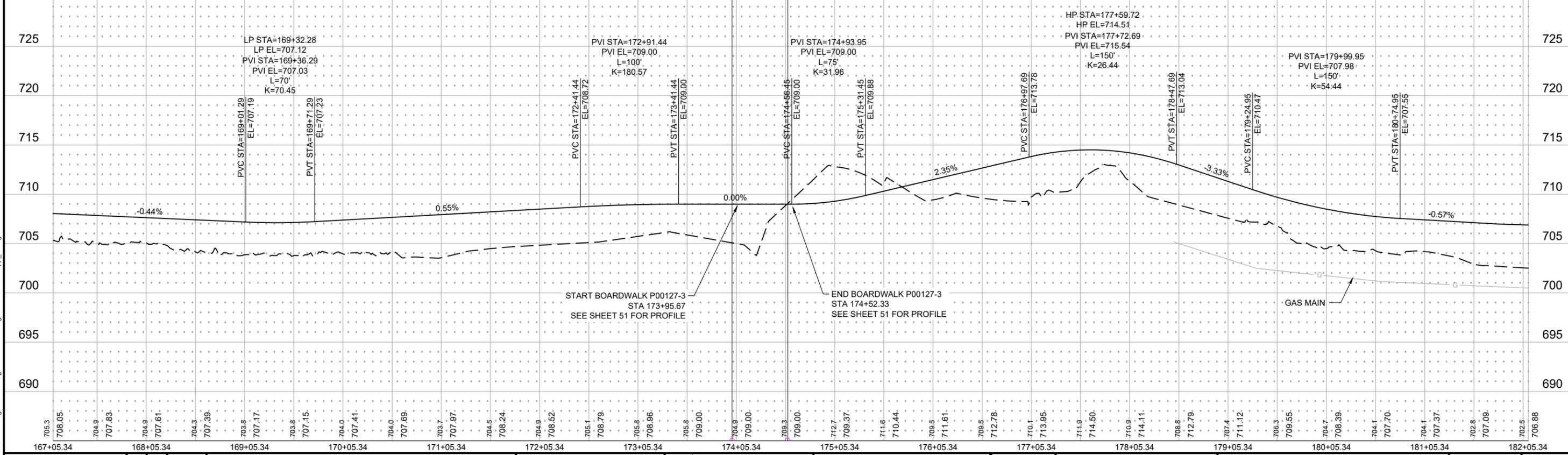
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MINNESOTA RIVER GREENWAY - FORT SNELLING SEGMENT



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 DESIGNER: KM
 CHECKED BY: WB

NO.	BY	DATE	REVISIONS

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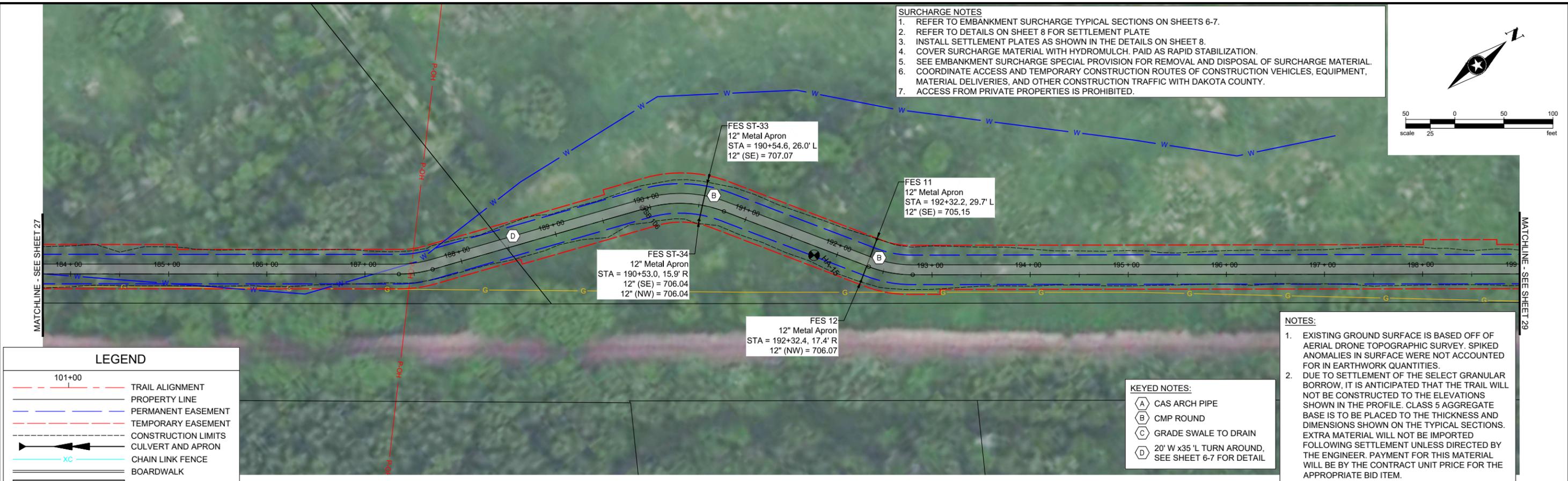
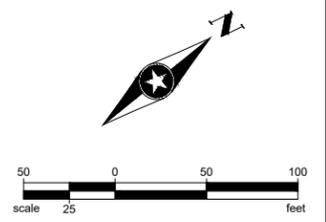
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LEGEND

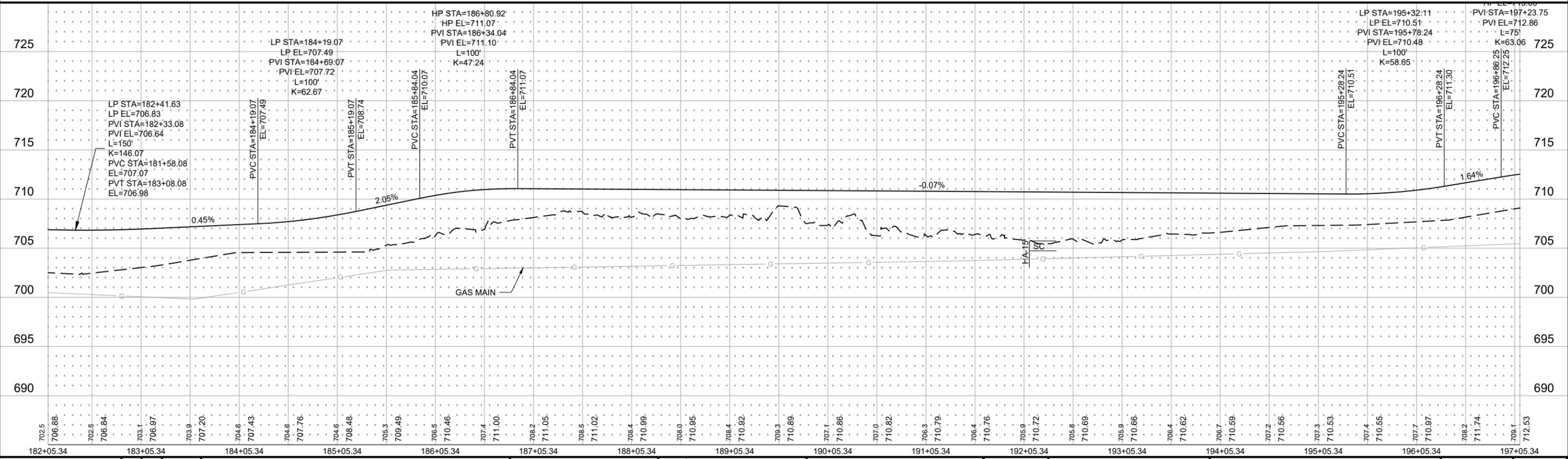
- 101+00 TRAIL ALIGNMENT
- PROPERTY LINE
- PERMANENT EASEMENT
- TEMPORARY EASEMENT
- CONSTRUCTION LIMITS
- CULVERT AND APRON
- CHAIN LINK FENCE
- BOARDWALK
- BITUMINOUS TRAIL
- EXISTING WETLAND

KEYED NOTES:

- (A) CAS ARCH PIPE
- (B) CMP ROUND
- (C) GRADE SWALE TO DRAIN
- (D) 20' W X 35' L TURN AROUND, SEE SHEET 6-7 FOR DETAIL

- NOTES:**
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 2. DUE TO SETTLEMENT OF THE SELECT GRANULAR BORROW, IT IS ANTICIPATED THAT THE TRAIL WILL NOT BE CONSTRUCTED TO THE ELEVATIONS SHOWN IN THE PROFILE. CLASS 5 AGGREGATE BASE IS TO BE PLACED TO THE THICKNESS AND DIMENSIONS SHOWN ON THE TYPICAL SECTIONS. EXTRA MATERIAL WILL NOT BE IMPORTED FOLLOWING SETTLEMENT UNLESS DIRECTED BY THE ENGINEER. PAYMENT FOR THIS MATERIAL WILL BE BY THE CONTRACT UNIT PRICE FOR THE APPROPRIATE BID ITEM.

MINNESOTA RIVER GREENWAY - FORT SNELLING SEGMENT



DRAWN BY: KM
 DESIGNER: KM
 CHECKED BY: WB

NO.	BY	DATE	REVISIONS

PHONE: 952.912.2600
 10901 RED CIRCLE DRIVE,
 SUITE 300
 MINNETONKA, MN 55343
 www.sehinc.com

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DATE: XX/XX/2020 XXXXXXXXXXXX, PE Lic. No. XXXXX

MINNESOTA RIVER GREENWAY - FORT SNELLING SEGMENT

CONSTRUCTION PLAN AND PROFILE

SP 019-090-024	28
FILE NO. 155280	89

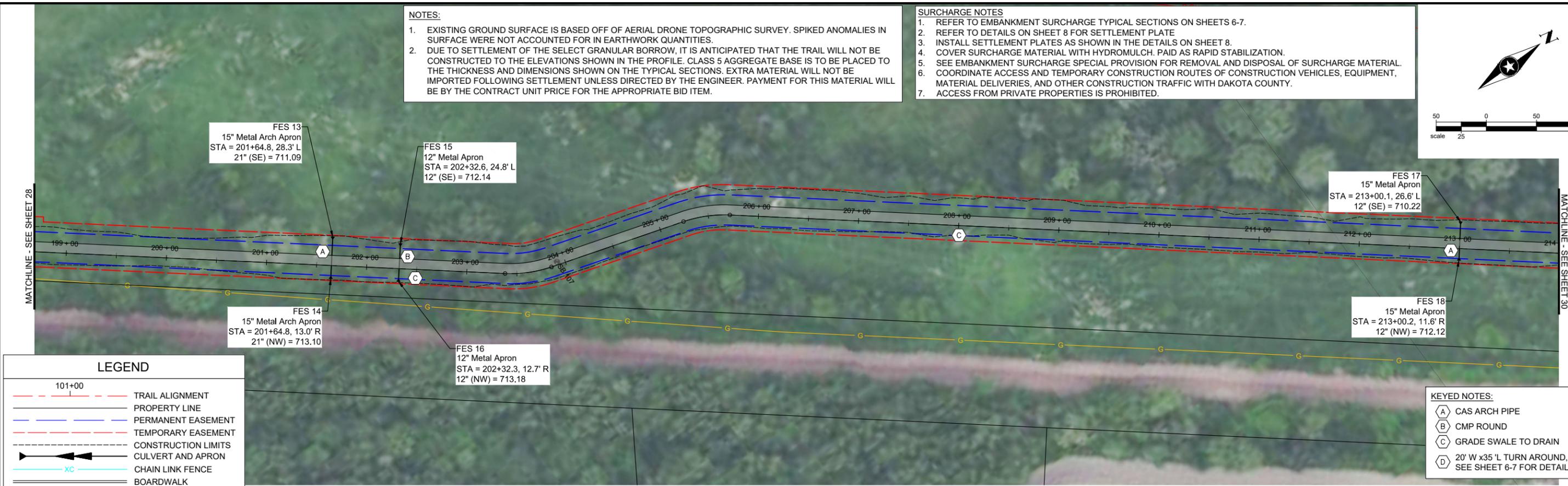
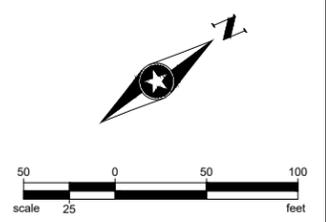
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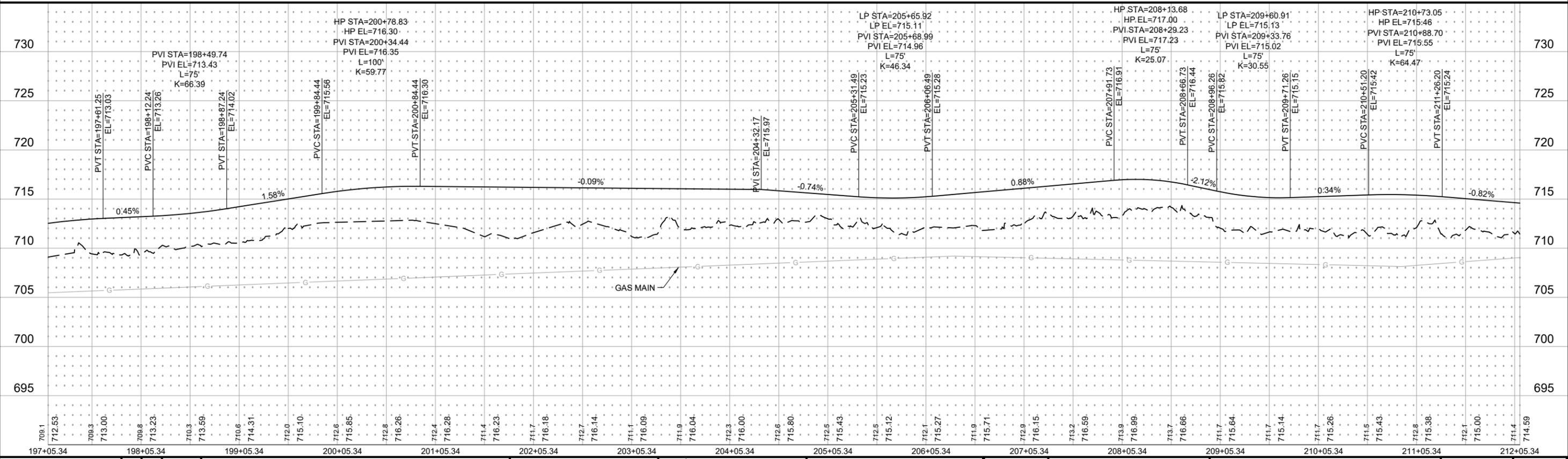
LEGEND

- 101+00 TRAIL ALIGNMENT
- PROPERTY LINE
- PERMANENT EASEMENT
- TEMPORARY EASEMENT
- CONSTRUCTION LIMITS
- CULVERT AND APRON
- XC CHAIN LINK FENCE
- BOARDWALK
- BITUMINOUS TRAIL
- W EXISTING WETLAND

KEYED NOTES:

- A CAS ARCH PIPE
- B CMP ROUND
- C GRADE SWALE TO DRAIN
- D 20' W x 35' L TURN AROUND, SEE SHEET 6-7 FOR DETAIL

MINNESOTA RIVER GREENWAY - FORT SNELLING SEGMENT



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 CHECKED BY: WB

NO.	BY	DATE	REVISIONS



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MINNESOTA RIVER GREENWAY - FORT SNELLING SEGMENT

CONSTRUCTION PLAN AND PROFILE

SP 019-090-024
 FILE NO. 155280
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MATCHLINE - SEE SHEET 33

MATCHLINE - SEE SHEET 31

FES 19
12" Metal Apron
STA = 216+15.0, 23.0' L
12" (SE) = 711.12

FES 21
12" Metal Apron
STA = 216+19.6, 23.1' L
12" (SE) = 711.07

FES 20
12" Metal Apron
STA = 216+15.1, 13.8' R
12" (NW) = 711.27

FES 22
12" Metal Apron
STA = 216+20.2, 14.0' R
12" (NW) = 711.30

FES 23
12" Metal Apron
STA = 220+32.3, 23.8' L
12" (E) = 712.97

FES 24
12" Metal Apron
STA = 220+32.7, 12.8' R
12" (W) = 713.91

FES 25
12" Metal Apron
STA = 227+74.2, 21.6' L
12" (SE) = 714.75

FES 26
12" Metal Apron
STA = 227+74.9, 12.6' R
12" (NW) = 715.81

LEGEND

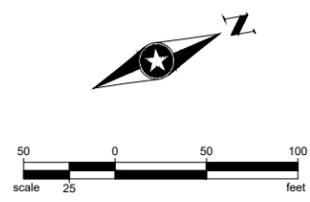
- 101+00
- TRAIL ALIGNMENT
- PROPERTY LINE
- TEMPORARY EASEMENT
- PERMANENT EASEMENT
- CONSTRUCTION LIMITS
- CULVERT AND APRON
- CHAIN LINK FENCE
- BOARDWALK
- BITUMINOUS TRAIL
- EXISTING WETLAND

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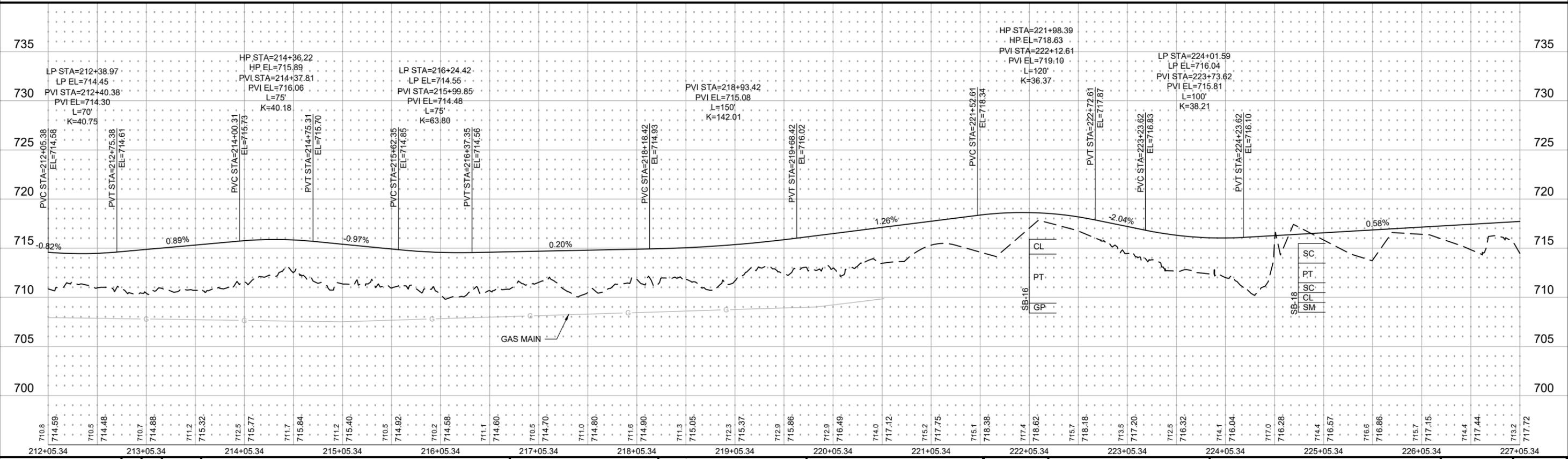
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- (D) 20' W x 35' L TURN AROUND, SEE SHEET 6-7 FOR DETAIL

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MINNESOTA RIVER GREENWAY - FORT SNELLING SEGMENT



DRAWN BY: KM
DESIGNER: KM
CHECKED BY: WB

NO.	BY	DATE	REVISIONS

Dakota COUNTY

SEH

PHONE: 952.912.2800
10901 RED CIRCLE DRIVE,
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DATE: XX/XX/2020

PRELIMINARY

MINNESOTA RIVER GREENWAY - FORT SNELLING SEGMENT

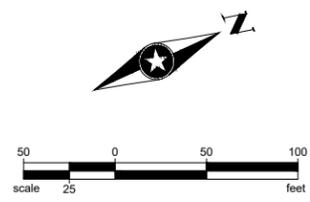
CONSTRUCTION PLAN AND PROFILE

SP 019-090-024
FILE NO. 155280
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LEGEND

- 101+00 TRAIL ALIGNMENT
- PROPERTY LINE
- TEMPORARY EASEMENT
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- CONSTRUCTION LIMITS
- CULVERT AND APRON
- CHAIN LINK FENCE
- BOARDWALK
- BITUMINOUS TRAIL
- EXISTING WETLAND



MATCHLINE - SEE SHEET 30

MATCHLINE - SEE SHEET 32

START BOARDWALK P00127-4
STA 236+24.67
SEE SHEET 52 FOR PLANS

END BOARDWALK P00127-4
STA 239+41.33
SEE SHEET 52 FOR PLANS

KEYED NOTES:

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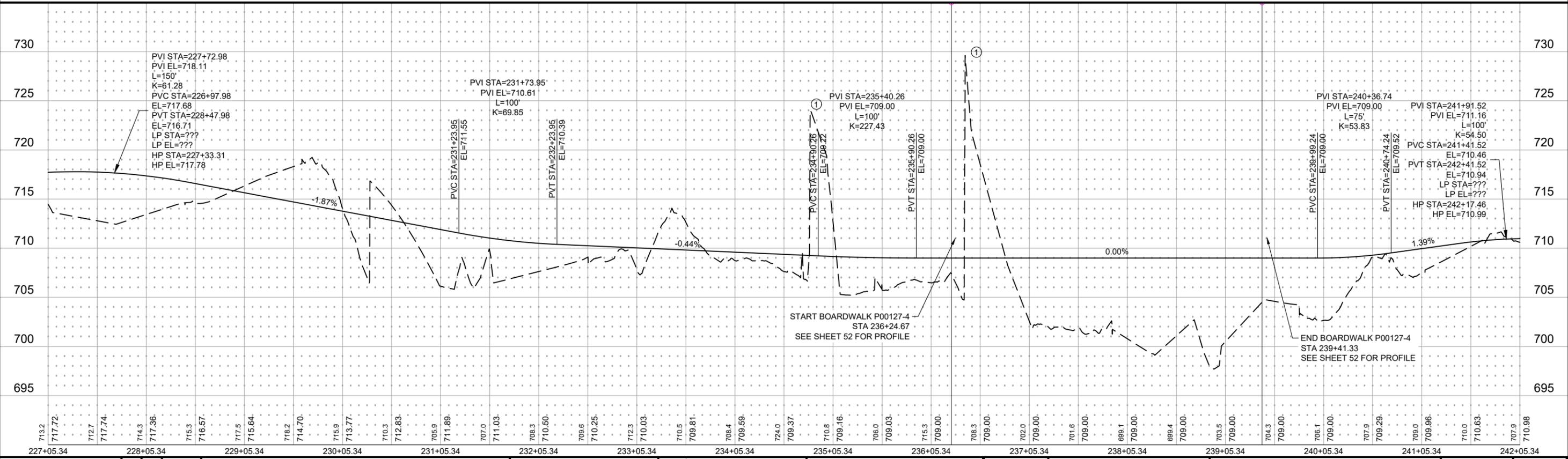
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MINNESOTA RIVER GREENWAY - FORT SNELLING SEGMENT



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CHECKED BY: WB

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PRELIMINARY

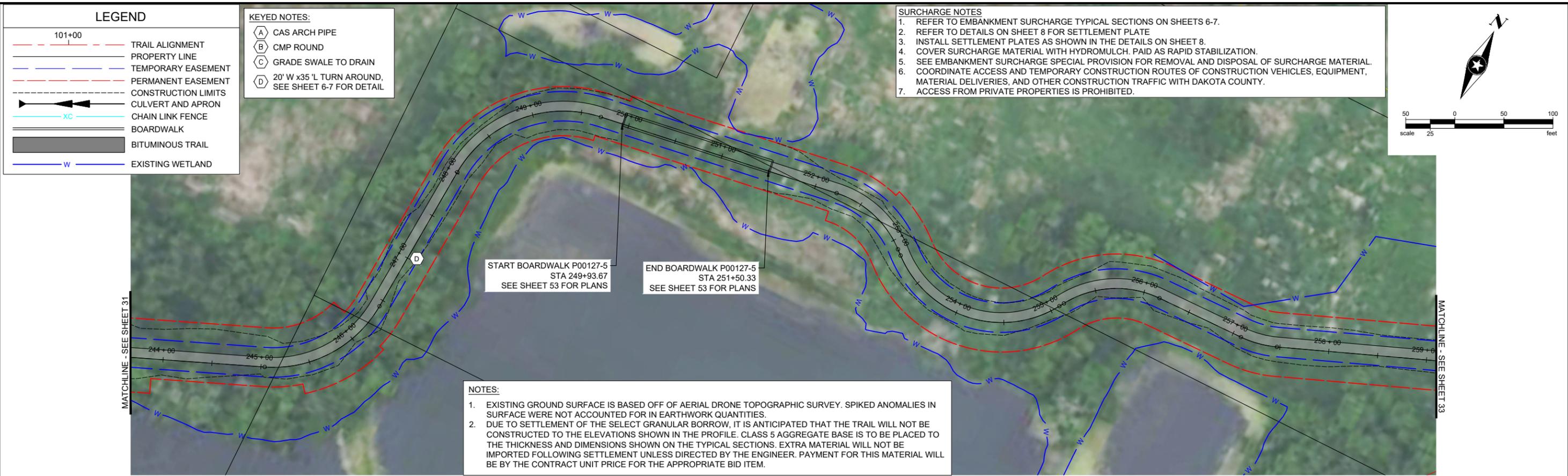
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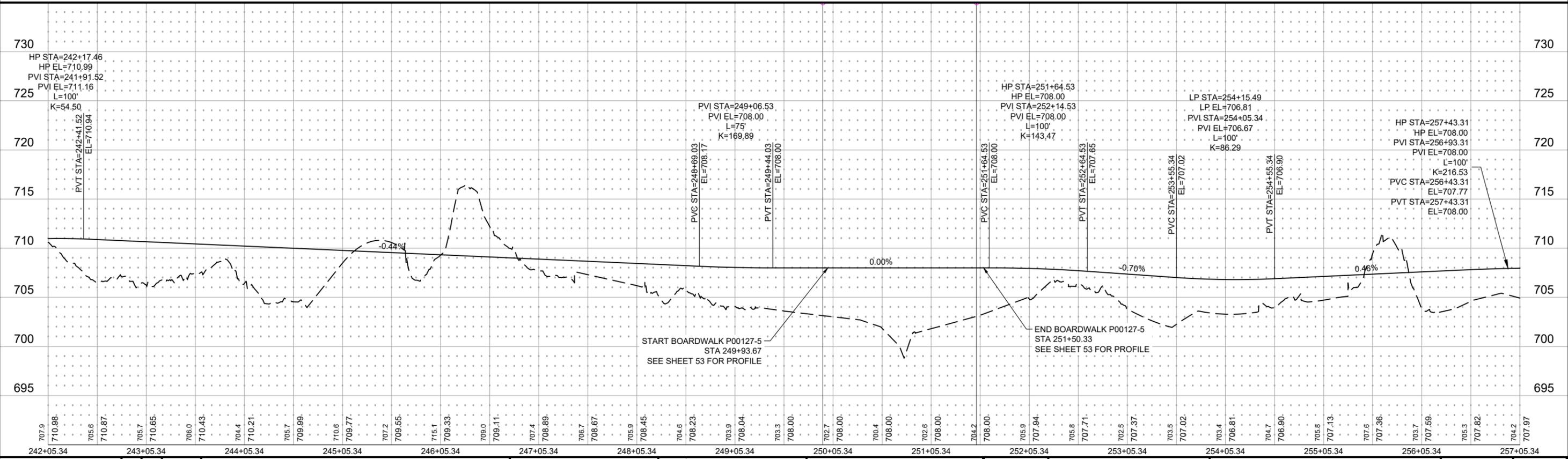
CONSTRUCTION PLAN AND PROFILE

SP 019-090-024
FILE NO. 155280
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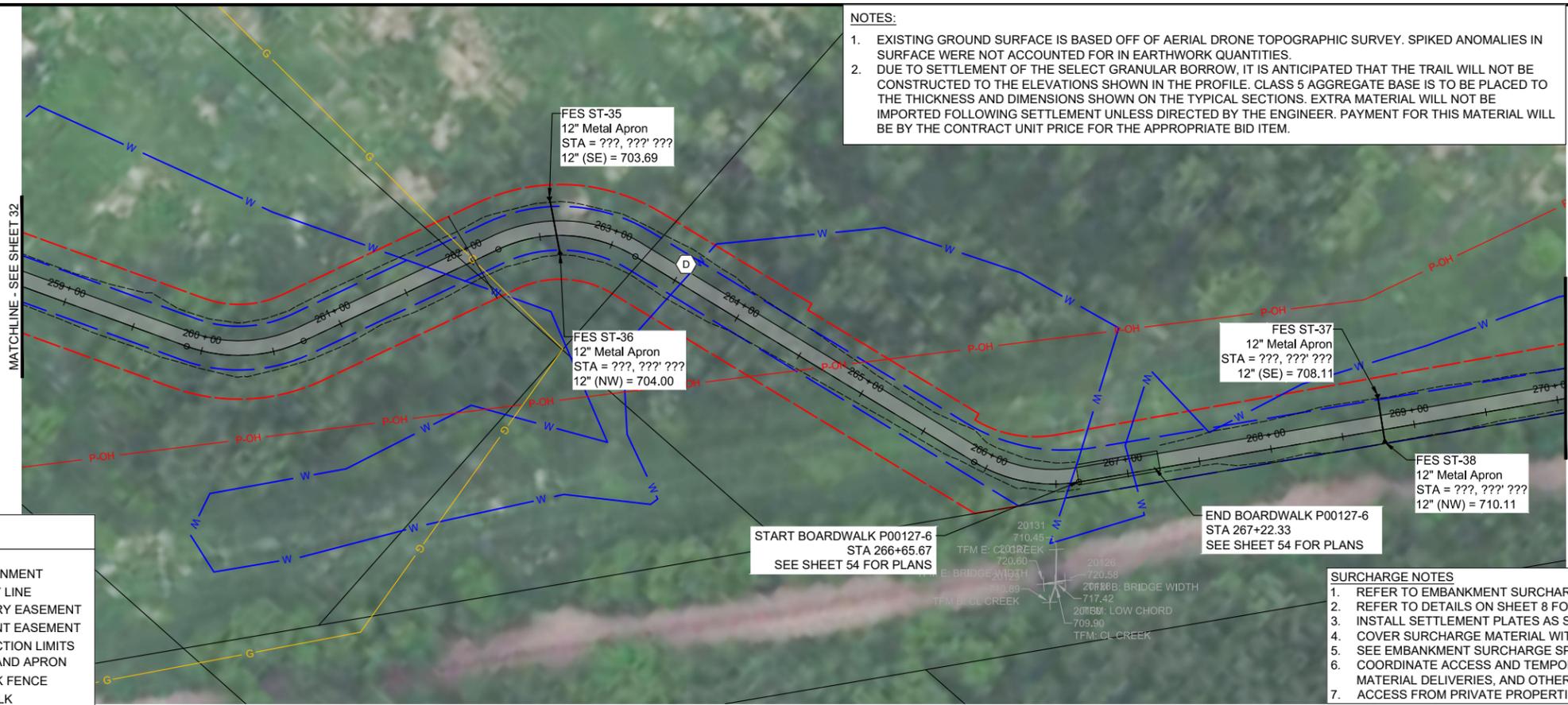
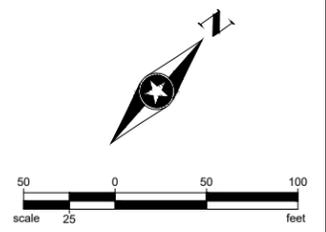
MINNESOTA RIVER GREENWAY - FORT SNELLING SEGMENT

CONSTRUCTION PLAN AND PROFILE

SP 019-090-024
 FILE NO. 155280
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89

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LEGEND

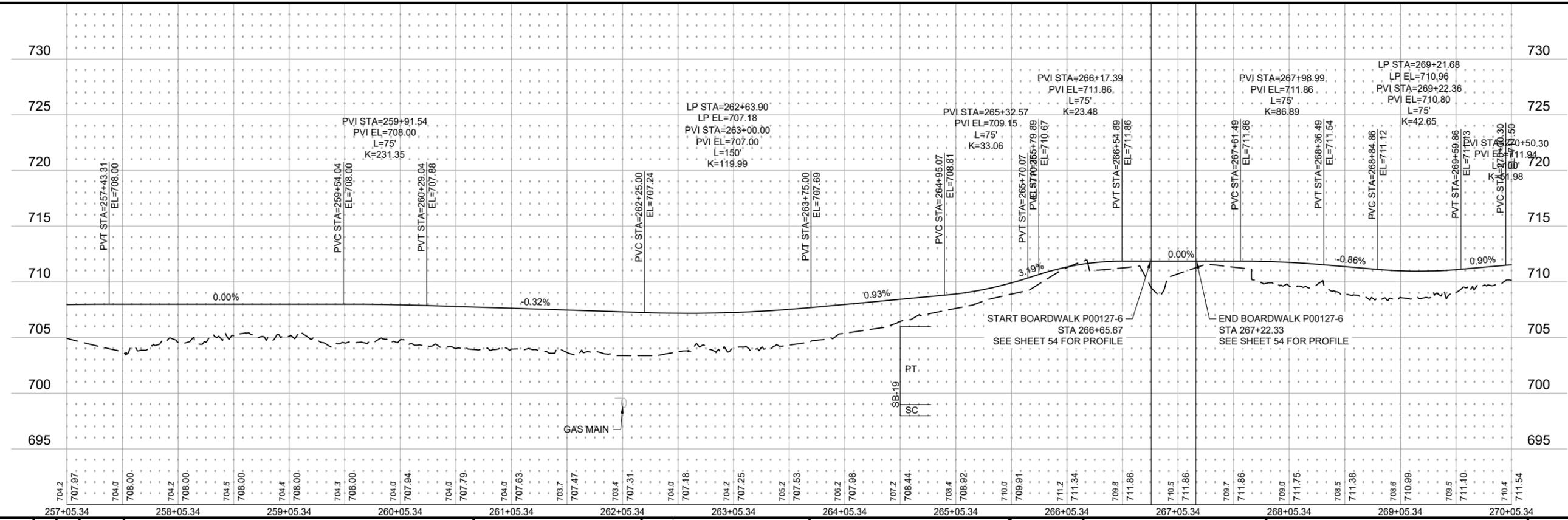
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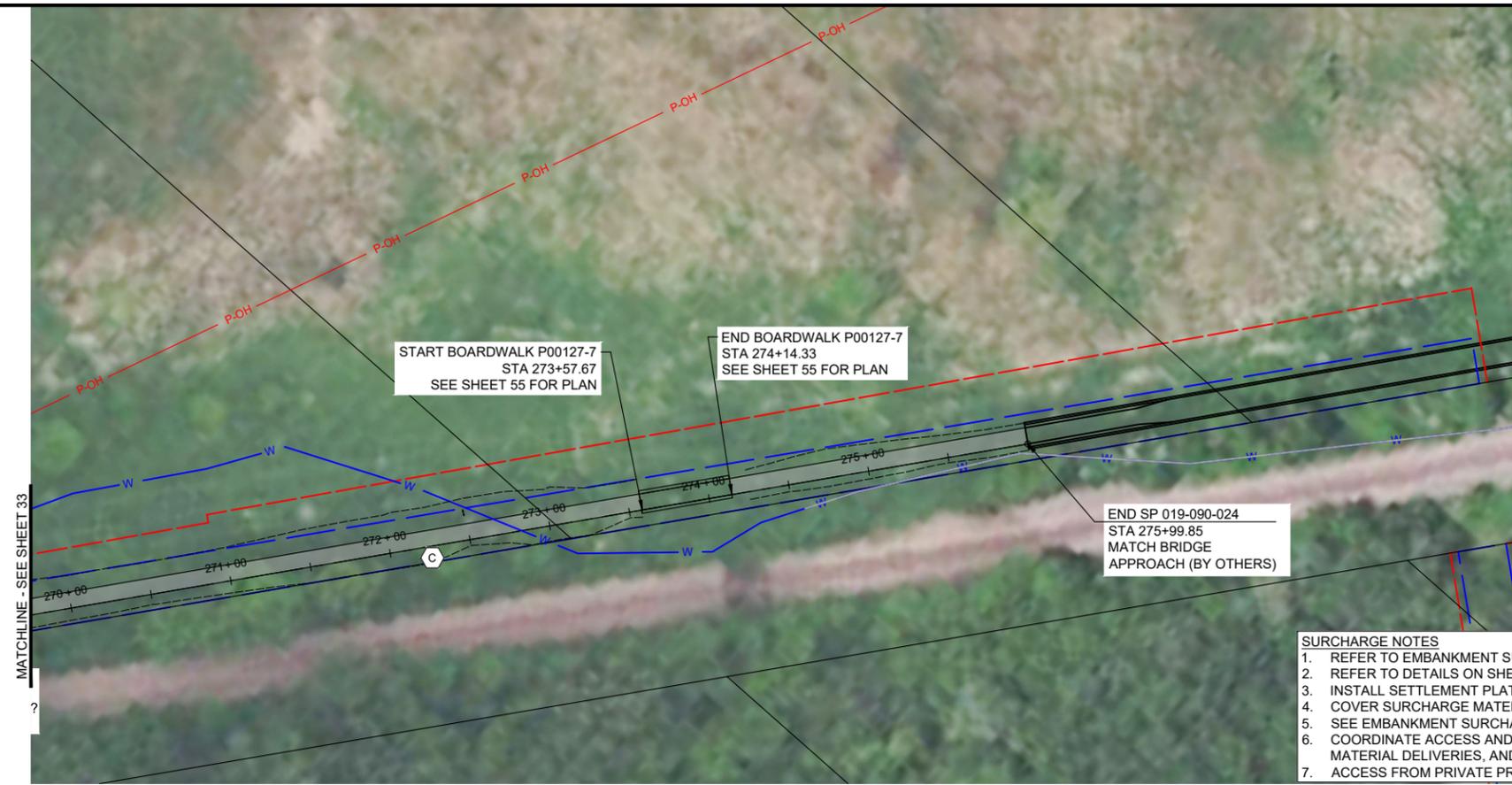
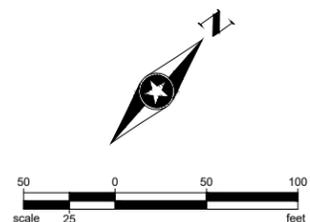
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MINNESOTA RIVER GREENWAY - FORT SNELLING SEGMENT

CONSTRUCTION PLAN AND PROFILE

SP 019-090-024 **33**

FILE NO. 155280 **89**



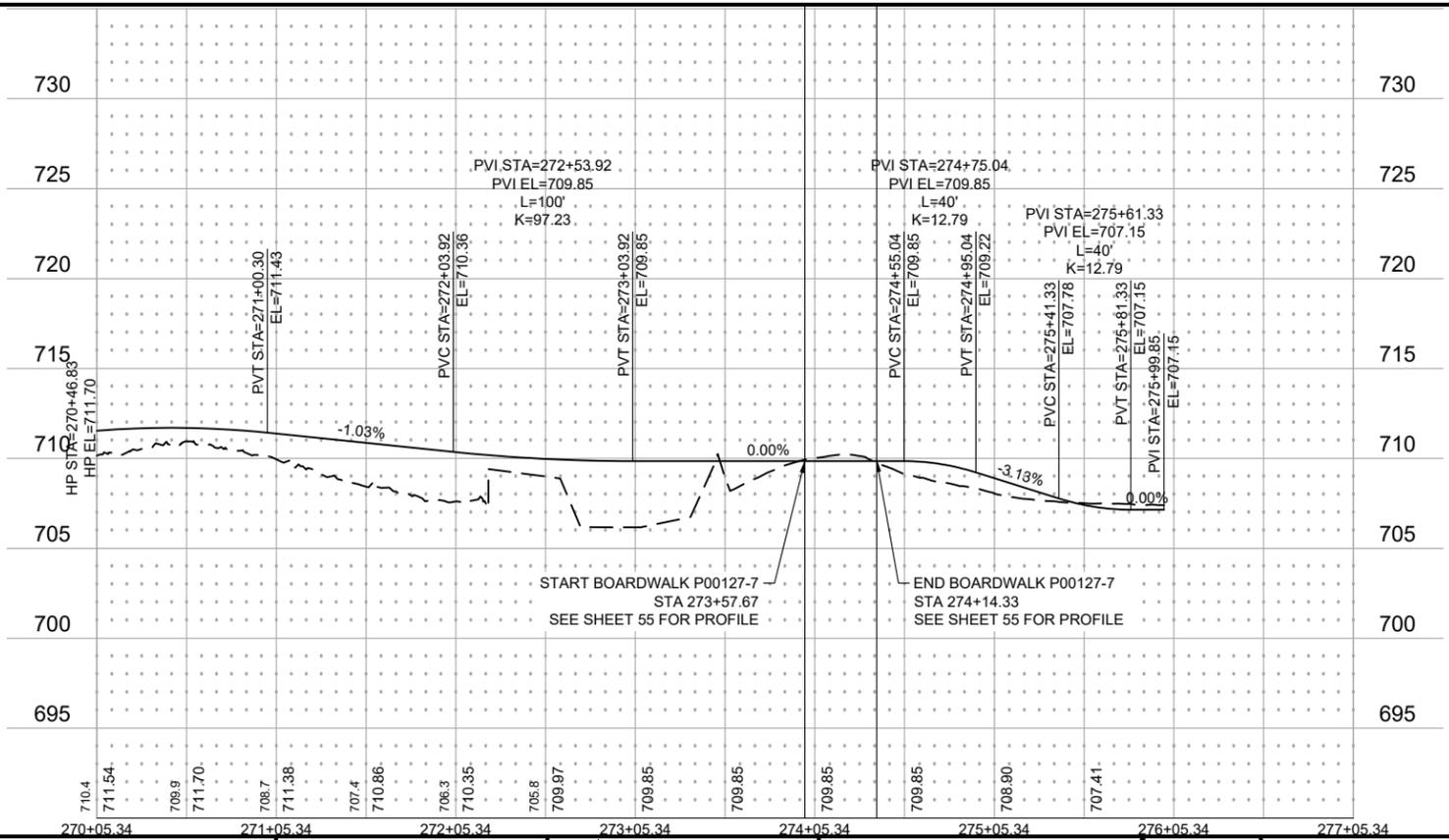
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 DESIGNER: KM
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NO.	BY	DATE	REVISIONS

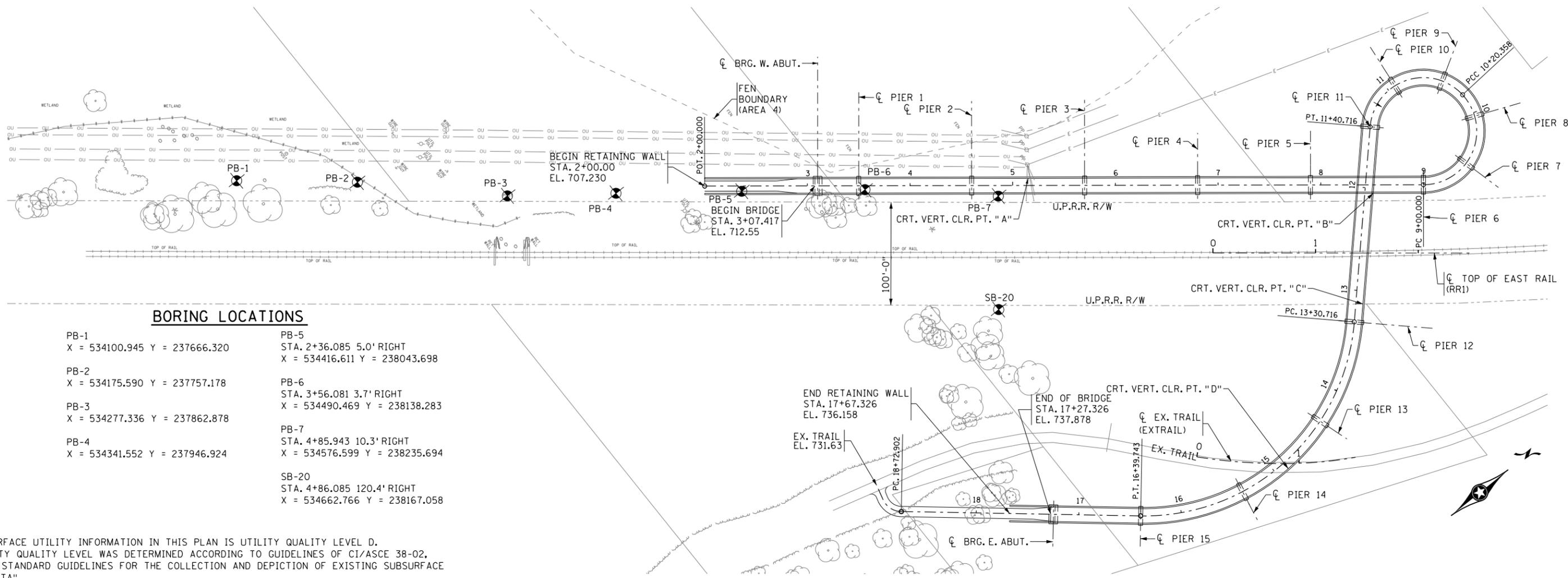
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CONSTRUCTION PLAN AND PROFILE

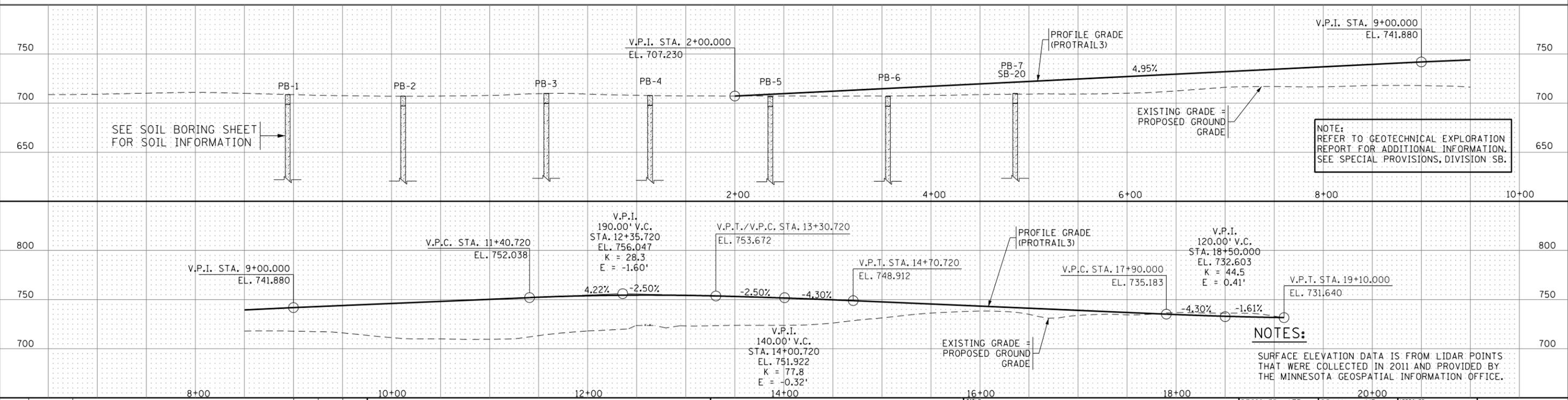
SP 019-090-024
 FILE NO. 155280
34
89



BORING LOCATIONS

PB-1 X = 534100.945 Y = 237666.320	PB-5 STA. 2+36.085 5.0' RIGHT X = 534416.611 Y = 238043.698
PB-2 X = 534175.590 Y = 237757.178	PB-6 STA. 3+56.081 3.7' RIGHT X = 534490.469 Y = 238138.283
PB-3 X = 534277.336 Y = 237862.878	PB-7 STA. 4+85.943 10.3' RIGHT X = 534576.599 Y = 238235.694
PB-4 X = 534341.552 Y = 237946.924	SB-20 STA. 4+86.085 120.4' RIGHT X = 534662.766 Y = 238167.058

THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY QUALITY LEVEL D. THIS UTILITY QUALITY LEVEL WAS DETERMINED ACCORDING TO GUIDELINES OF CI/ASCE 38-02, ENTITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA".



NOTE: REFER TO GEOTECHNICAL EXPLORATION REPORT FOR ADDITIONAL INFORMATION. SEE SPECIAL PROVISIONS, DIVISION SB.

NOTES: SURFACE ELEVATION DATA IS FROM LIDAR POINTS THAT WERE COLLECTED IN 2011 AND PROVIDED BY THE MINNESOTA GEOSPATIAL INFORMATION OFFICE.

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DESIGNED	DATE	REVISION DESCRIPTION	DR.	CHK.	APP'D.



7533 SUNWOOD DRIVE N.W.
 RAMSEY, MINNESOTA 55303
 Phone: (763) 433-2851
 Email: Ramsey@bolton-menk.com
 www.bolton-menk.com

BRIDGE SURVEY PLAN AND PROFILE

DESIGNED	ATP	DRAWN	JMR	APPROVED

XXXXXXXXXX BRIDGE
 SHEET NO. 8 OF 22 SHEETS

BRIDGE NO. XXXXX

Appendix B

EQB Notice of Availability

Dakota County News Release

Sun Thisweek (On-line Edition) News Release

The *EQB Monitor*

520 Lafayette Road North, Saint Paul, MN 55155 - www.eqb.state.mn.us
EQB.Monitor@state.mn.us - (651)-757-2873

Publication Date: June 8, 2021
Volume 45, Number 23

Publication Schedule: Tuesdays at 12:00 PM
Submission Deadline: [View 2021 Schedule](#)
Use the [EQB Monitor Submission Form](#)

The *EQB Monitor* is a weekly publication announcing environmental review documents, public comment periods and other actions of the Environmental Quality Board. For more information on environmental review, please visit the [EQB website](#). You can find active projects in your community on the [Environmental Review Projects Interactive Map](#).



Check the [EQB Monitor Schedule](#) and [EQB calendar](#) for more details on *Monitor* deadlines and Board Meetings. Meeting minutes, agendas and additional notices are also posted on the [EQB Website](#).

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- [Environmental Assessment Worksheets](#)
- [Environmental Impact Statement Need Decisions](#)
- [Federal Environmental Assessment](#)

EQB Announcements

Become a part of the EQB Team

The Minnesota Environmental Quality Board (EQB) is seeking a highly-motivated candidate for an Environmental Review Program Administrator position. The position is responsible for analyzing environmental review issues, developing staff recommendations, providing technical assistance, and liaising with EQB member agencies and external groups. The successful candidate works well independently in a fast paced environment, has experience understanding regulatory requirements and the ability to communicate complex topics to a wide variety of audiences. The EQB is made up of the heads of nine state agencies and eight members of the public that have responsibility for oversight of the State's Environmental Review Program. To learn more about this opportunity and to apply, visit: <https://mn.gov/mmb/careers/searchfor-jobs/> (enter Job ID 46163).



Pollinator Week Kick-off Media Event Wednesday, June 16, 2:00 p.m. | Spring Lake Park Reserve, Dakota County

The Environmental Quality Board will kick off Pollinator Week at Spring Lake Park Reserve with a media event on June 16 at 2:00 p.m. Pollinator Week (June 21-27, 2021) is an annual event celebrated internationally in support of pollinator protection.

At the event, state leaders will give remarks highlighting interagency pollinator work directed under [Executive Order 19-28](#). Following the remarks, attendees will have the opportunity to participate in a bumble bee survey led by Dakota County Parks. Representatives of Dakota County Parks will also be on hand to share information about the park and their pollinator efforts.

[Spring Lake Park Reserve](#) is located about 25 minutes south of St. Paul and overlooks the Mississippi River. The event will be outdoors and will follow COVID-19 protocols. Members of the public are welcome to attend. For more information, contact Faith Krogstad at faith.krogstad@state.mn.us.

Environmental Assessment Worksheets

Twelvemile Dairy

Comment Deadline: July 8, 2021

Project Description: Riverview, LLP proposes to build a 12,000 animal unit Jersey dairy feedlot in Section 32 of Dollymount Township in Traverse County. Cows will be housed in a cross-ventilated, total confinement, free-stall barn. Clay-lined basins with impermeable covers will collect and store manure and wastewater. Liquid manure will be transferred to area farmers for use as fertilizer on cropland.

Link to Document: <https://www.pca.state.mn.us/regulations/projects-under-mpca-review>

Location of Document: Pollution Control Agency
Location Address: 520 Lafayette Rd N, St. Paul, MN 55155

RGU: Pollution Control Agency
RGU Contact: Jenna Ness, 651-757-2276, jenna.ness@state.mn.us

Dakota County – Minnesota River Greenway, Fort Snelling State Park Segment Project

Comment Deadline: July 8, 2021

Project Description: Dakota County, in partnership with the Minnesota Department of Natural Resources, is proposing to construct approximately 3.7 miles of the Minnesota River Greenway, from the existing trailhead near the Trunk Highway 77 (Cedar Avenue) Bridge in Burnsville to the existing trailhead at CSAH 26 (Lone Oak Road) in Eagan. The proposed trail corridor is primarily located in Eagan within an unimproved area of Fort Snelling State Park, south of the Minnesota River and within the Minnesota River floodplain. The trail will consist of a 10-foot wide paved surface with two-foot vegetated shoulders. Portions of the trail will be located on raised boardwalks. A new pedestrian bridge over the Union Pacific Railroad track will be constructed. As the RGU, Dakota County has prepared an EAW for the proposed project. Comments will be accepted through July 8th, 2021 and should be submitted to Josh Kinney, Dakota County Project Manager.

Link to Document: [Dakota County – Minnesota River Greenway, Fort Snelling State Park Segment Project EAW](#)

Location of Document: Dakota County, Capital Projects Management Department
Location Address: Administration Center, 1590 Highway 55 Hastings, MN 55033

RGU: Dakota County
RGU Contact: Josh Kinney, 952-891-7016, Josh.Kinney@co.dakota.mn.us

Pilgrim Point Shores Residential Development Project

Comment Deadline: July 8, 2021

Project Description: Pilgrim Point Shores is a combined lot and block/PUD residential subdivision located on approximately 35.5 acres on the east shore of Lake Ida in Douglas County. Initial activities will include roadway construction, public sanitary sewer installation, and construction of permanent stormwater management facilities, followed by individual lot construction. No public water supply is available—private wells will be used. Twenty-eight riparian lots, four non-riparian lots, and fourteen single-family townhome lots will be developed.

Link to Document: www.co.douglas.mn.us/news

Location of Document: Douglas County Land & Resource Management

Location Address: 305 8 Ave W, Alexandria, MN 56308

RGU: Douglas County

RGU Contact: David Rush, 320-762-3863, daveru@co.douglas.mn.us

Environmental Impact Statement Need Decisions

The noted responsible governmental units have determined the following projects do not require preparation of Environmental Impact Statements (EISs).

Owatonna Wastewater Treatment Plant Expansion

Decision: Negative, May 27, 2021

Link to Documents: <https://www.pca.state.mn.us/regulations/projects-under-mpca-review>

Location of Document: Pollution Control Agency

Location Address: 520 Lafayette Rd N, St. Paul, MN 55155

RGU: Pollution Control Agency

RGU Contact: Kim Grosenheider, 651-757-2170, kim.grosenheider@state.mn.us

Minnesota State Veterans Cemetery – Redwood Falls

Decision: Negative, May 28, 2021

Link to Documents: No link provided. See RGU contact information below.

Location of Documents: Marshall-Lyon County Library

Location Address: 201 C Street, Marshall, MN 56258

RGU: Minnesota Department of Veterans Affairs

RGU Contact: David Swantek, 651-332-0946, david.swantek@state.mn.us

Federal Environmental Assessment

Hybrid Trunk Highway 13: Savage to Burnsville and Dakota Avenue Improvements

Comment Deadline: July 8, 2021

Project Description: The Minnesota Department of Transportation (MnDOT), in cooperation with the Federal Highway Administration (FHWA), is providing notice of the Hybrid Environmental Assessment for the Trunk Highway (TH) 13 corridor improvements between Dakota Avenue in Savage and Nicollet Avenue in Burnsville, and reconstruction of the Dakota Avenue intersection. The Hybrid Environmental Assessment provides a hybrid approach to document the environmental review for TH 13 corridor and the funded improvements near the Dakota Avenue intersection. The social, economic, and environmental impacts were analyzed and evaluated for the entire length of the TH 13 corridor, and then separately for the improvements at TH 13 and Dakota Avenue. The Dakota Avenue intersection improvements is the first programmed project in this corridor and is scheduled to be constructed in 2022.

Link to Document: <http://www.dot.state.mn.us/metro/projects/hwy13savageburnsville/>

Locations of Document: Savage City Hall; Burnsville City Hall; Scott County Public Library
Location Addresses: 6000 McColl Drive, Savage; 100 Civic Center Pkwy, Burnsville; 13090 Alabama Ave, Savage

Public Meeting Date: June 28, 2021

Public Meeting Time: 5:30 p.m.

Public Meeting Time: McColl Pond Environmental Learning and Event Center

First Public Meeting Address: 13550 Dakota Ave S, Savage, MN 55378

RGU: Department of Transportation

RGU Contact: Carolyn Adamson, 651-440-4219, carolyn.adamson@state.mn.us

Links to environmental review documents were provided by the RGU. In the event that the link does not work, you may contact the RGU directly to request either a paper or electronic copy of the documents. If you are not able to connect with the RGU, please email EQB staff at Env.Review@state.mn.us, call 651.757.2873, or visit our [website](#).

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Dakota County greenway project available for review

6/4/2021

Dakota County is planning to build a 3.7-mile section of the Minnesota River Greenway in Fort Snelling State Park, and the public can review environmental impacts of the project.

The county will partner with the Minnesota Department of Natural Resources on the new greenway section from the trailhead near Cedar Avenue in Burnsville to the trailhead at Lone Oak Road in Eagan. The proposed trail is primarily located in Eagan within an unimproved area of Fort Snelling, south of the Minnesota River.

The trail will consist of a 10-foot-wide paved surface with shoulders. Portions of the trail, located in the Minnesota River floodplain, will be a raised boardwalk. A new pedestrian bridge over the Union Pacific Railroad track will be built.

An Environmental Assessment Worksheet, which describes the project and its impacts, is available for public review and comment June 8–July 8, 2021. View the document on the [Minnesota River Greenway page](#).

Submit written comments through July 8 to John Mertens at Dakota County, 1590 Hwy. 55, Hastings MN 55033, or by email at john.mertens@co.dakota.mn.us

Dakota County greenway project available for review

Jun 12, 2021

Dakota County is planning to build a 3.7-mile section of the Minnesota River Greenway in Fort Snelling State Park, and the public can review environmental impacts of the project.

The county will partner with the Minnesota Department of Natural Resources on the new greenway section from the trailhead near Cedar Avenue in Burnsville to the trailhead at Lone Oak Road in Eagan. The proposed trail is primarily located in Eagan within in an unimproved area of Fort Snelling, south of the Minnesota River.

The trail will consist of a 10-foot-wide paved surface with shoulders. Portions of the trail, located in the Minnesota River floodplain, will be a raised boardwalk. A new pedestrian bridge over the Union Pacific Railroad track will be built.

An Environmental Assessment Worksheet, which describes the project and its impacts, is available for public review and comment until July 8. View the document at www.dakotacounty.us, search minnesota river greenway.

Submit written comments through July 8 to John Mertens at Dakota County, 1590 Hwy. 55, Hastings MN 55033, or by email at john.mertens@co.dakota.mn.us.

Appendix C

Agency Comments Received and Responses

- Comment Letter A – Minnesota State Historic Preservation Office (MnSHPO)
- Comment Letter B – Lower Minnesota River Watershed District (LMRWD)
- Comment Letter C – Metropolitan Council
- Comment Letter D – Minnesota Department of Natural Resources (MnDNR)
- Comment Letter E – Minnesota Pollution Control Agency (MPCA)

Comment Letter A – Minnesota State Historic Preservation Office (Page 1 of 1)



A1

A2

Comment A1 Response: Comment noted.

Comment A2 Response: Comment noted.



Technical Memorandum

To: Linda Loomis, Administrator
Lower Minnesota River Watershed District

From: Kaci Fisher, Environmental Specialist
Katy Thompson, PE, CFM

Date: July 7, 2021

Re: Minnesota River Greenway, Fort Snelling State Park Segment Project
Environmental Assessment Worksheet Review

Dakota County is proposing to construct a new paved trail between two existing trailheads within Fort Snelling State Park (Figure 1). The existing trailheads are located at the Trunk Highway 77 (Cedar Avenue) Bridge in the City of Burnsville and at County Highway 26 (Lone Oak Road) in the City of Eagan. The trail is proposed to be 3.7 miles long and 10-feet wide with two-foot vegetated shoulders. Sections of the trail will include raised boardwalks over wetlands as well as pedestrian bridges over a trout stream and the Union Pacific Railroad track.

On June 8, 2021, Dakota County published the Environmental Assessment Worksheet (EAW) for the Minnesota River Greenway in Fort Snelling State Park (Project) for a 30-day public comment review. The trail is within the Lower Minnesota River Watershed District (LMRWD or District). Young Environmental Consulting Group, LLC (Young Environmental), as the District's technical consultants, reviewed the EAW for potential applicable District rules.

The Project is located within the High Value Resource Areas (HVRA) Overlay District and the Minnesota River floodway, and the proposed trail crosses Kennaley's Creek, a State-designated trout stream. The Project is not within the Steep Slopes Overlay District. The Project appears to trigger *Rule B – Erosion and Sediment Control* and *Rule C – Floodplain and Drainage Alteration* and potentially *Rule D – Stormwater Management*. The Project is within Minnesota Department of Natural Resources (DNR)-owned property and is subject to LMRWD permitting review, regardless of the city

Comment Letter B – Lower Minnesota River Watershed District (Page 2 of 5)

Page 2 of 4

municipal local government unit (LGU) permit status. A project summary and comments on the EAW are provided below. The project was previously reviewed in 2020 as part of the Wetland Conservation Act Notice of Application process and presented at the September 16, 2020 board meeting. At that time the project review was limited to the proposed pedestrian bridge at the Minnesota River Greenway Trailhead in Eagan.

Project Summary

<u>Project Name:</u>	Minnesota River Greenway, Fort Snelling State Park Segment Project
<u>Purpose:</u>	Pedestrian trail construction
<u>Project Size:</u>	15.15 acres
<u>Location:</u>	Fort Snelling State Park, Dakota County
<u>Applicable LMRWD Rules:</u>	Rule B—Erosion and Sediment Control Rule C—Floodplain and Drainage Alteration Rule D—Stormwater Management (potentially)
<u>Recommended Board Action:</u>	No action; information only

Comments on the EAW

Rule B—Erosion and Sediment Control

The LMRWD regulates land-disturbing activities that affect one acre or more outside of the special overlay districts or affect 5,000 square feet within the HVRA. The proposed trail has a total project area of 15.15 acres. The Project will be required to obtain a District permit for erosion and sediment control.

B1

Rule C – Floodplain and Drainage Alteration

The proposed Project appears to be entirely within the floodway of the Minnesota River, as seen on the Flood Insurance Rate Map, panel 27037C0080E, effective December 2, 2011. The Project will be required to obtain a District permit for floodplain and drainage alteration under Rule C. To meet the minimum requirements of Rule C, the DNR must quantify the amount of fill to be placed within the floodplain and provide the amount in the LMRWD individual project permit application. If fill, or other obstructions such as bridges, are to be constructed in the floodplain, the DNR must also provide a no-rise certification demonstrating no increase in 100-year water surface elevations would occur due to the project.

B2

Additionally, the EAW mentions that 10 to 13 culverts will be constructed with the trail to

B3

Comment B1 Response: Comment noted.

Comment B2 Response: Comment noted.

Comment B3 Response: Comment noted.

Comment Letter B – Lower Minnesota River Watershed District (Page 3 of 5)

Page 3 of 4

perpetuate existing drainage paths. Rule C also regulates the alteration of hydrology, including the construction of culverts and the impoundment of water. The permit application will need to provide the hydraulic calculations to ensure that drainage alterations will not occur.

The Project proposes to cross a State-designated trout stream, Kennaley's Creek, which is within the District's HVRA, where no crossing currently exists. The construction of a new crossing on a trout stream will need to demonstrate that no adverse impacts to the trout fishery would occur due to the project, including, at a minimum, maintaining the existing hydraulic conveyance of the channel and providing adequate fish passage. The EAW also states that the trail crosses Black Dog Creek. However, due to the construction of Cedar Avenue, the DNR public streams alignment is incorrect, because Black Dog Creek no longer crosses under Cedar Avenue and instead overflows from Black Dog Lake to the Minnesota River. The stream labeled in the EAW as Black Dog Creek is its former channel. Given the presence of trout streams, confusion over the location and names of the trout streams, and the presence of the nearby Nicols Meadow calcareous fen complex, we request that the DNR Fisheries Unit also review the proposed project to ensure no harm comes to these rare resources from the trail construction.

Rule D—Stormwater Management

The LMRWD requires stormwater management for projects that create one or more acres of new impervious surface outside of special overlay districts or 10,000 square feet or more of new impervious surface within the HVRA Overlay District. A portion of the project is located in the latter. However, there is an exception in the LMRWD Rules (Section 4.3.c) for trails that do not exceed 10 feet in width and are bordered down-gradient by a pervious area extending at least half the trail width. The Project proposes a 10-foot trail with a two-foot vegetated shoulder. An additional three feet of pervious surface may be needed on each trail side to meet the exception requirements.

Additionally, the Project proposes to construct new pedestrian bridge crossings that will be 12-feet in width and not subject to the Section 4.3.c exception clause. The permit application should include the area of trail sections not meeting Rule D, Section 4.3.c and if those areas are within the HVRA Overlay District.

Recommendations

No Board action is required at this time; however, the Project will require a permit from the LMRWD before beginning construction. This memo will also be submitted to Dakota County as part of the EAW comment period with the following initial feedback:

- Dakota County must obtain an LMRWD Individual Project Permit before the start of construction activities for the applicable rules. Based on the location within the

B3

B4

B5

B6

B7

B8

Comment B4 Response: The proposed trail alignment will cross Kennaley's Creek, a public water crossing and designated trout stream, via an existing 60-foot long single span steel beam pedestrian bridge (BR01600). The bridge is under the ownership of the MnDNR. The project will increase the width of the existing bridge deck with a new timber deck from nine feet wide to 12 feet wide and replace the railing with a new 54-inch high timber railing with curb meeting current geometric requirements. The supporting beams and abutments will be unchanged. No work is planned in the waterway channel.

Comment B5 Response: Dakota County will coordinate with the MnDNR Fisheries Unit during the final design phase of the river bottom trail project and the rail crossing bridge project.

Comment B6 Response: Comment noted.

Comment B7 Response: Comment noted.

Comment B8 Response: Comment noted.

Comment Letter B – Lower Minnesota River Watershed District (Page 4 of 5)

Page 4 of 4

District's special overlay districts and the overall amount of land disturbance, the proposed Project appears to trigger Rules B and C and potentially D.

- As presented, the applicant will need to provide documentation that the proposed floodway fill will not cause an increase in water surface elevations (i.e., no-rise certification).
- The applicant will need to provide documentation that the proposed Project will not alter the existing drainage patterns (i.e., culvert calculations).
- The Project is proposed in the District's HVRA Overlay District. The applicant will need to demonstrate that the trails meet Rule D's exception under 4.3.c. For areas that do not meet the exception, the new impervious area(s) will need to be provided for portions of the trail within and outside the HVRA to determine if Rule D applies.
- We request the DNR Fisheries Unit review the Project to provide clarification on the stream names and designations as well as to provide any design requirements or better management practices for the proposed crossing locations to reduce the impact of the proposed bridge and culvert crossings on these State-designated trout streams (Black Dog Creek and Kennaley's Creek).

Attachment:

- Figure 1: Minnesota River Greenway Trail Project Location

B8

B9

B10

B11

B12

Comment B8 Response: Comment noted.

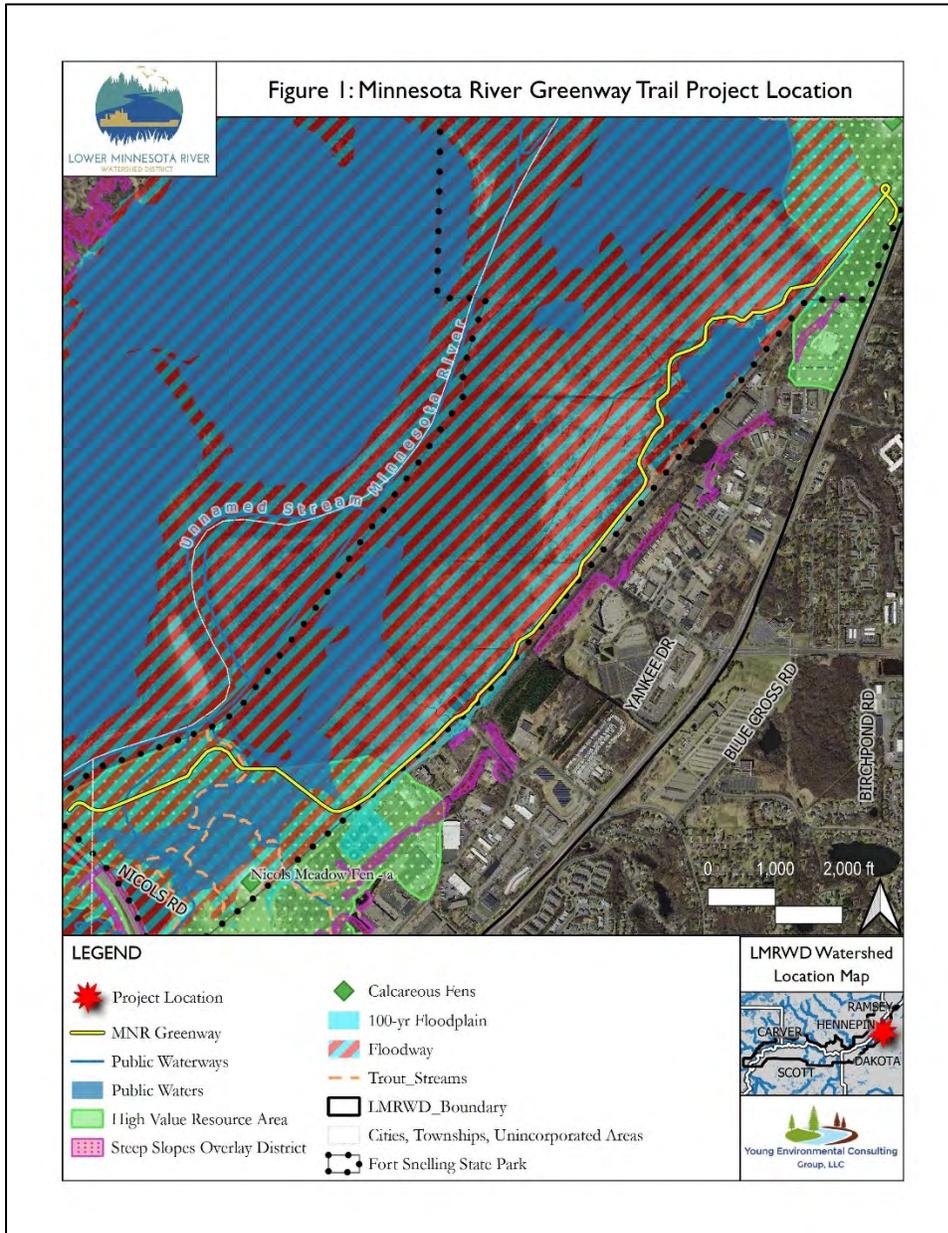
Comment B9 Response: Comment noted.

Comment B10 Response: Comment noted.

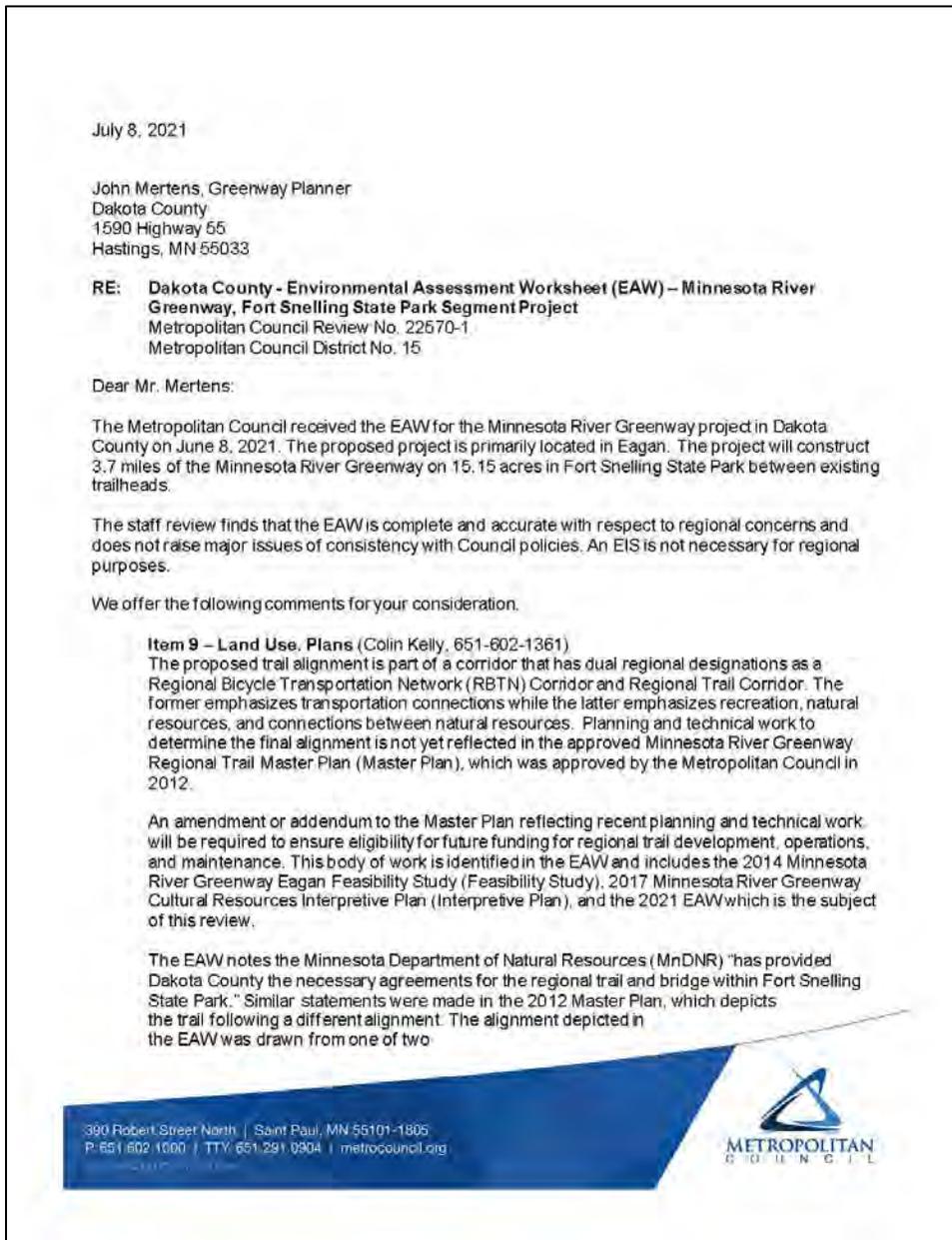
Comment B11 Response: Comment noted.

Comment B12 Response: Dakota County will coordinate with the MnDNR Fisheries Unit during the final design phase of the river bottom trail project and the rail crossing bridge project.

Comment Letter B – Lower Minnesota River Watershed District (Page 5 of 5)



Comment Letter C – Metropolitan Council (Page 1 of 3)



C1

C2

Comment C1 Response: Comment noted.

Comment C2 Response: Dakota County will work with Metropolitan Council staff to prepare and submit a focused Minnesota River Greenway Master Plan Amendment (Plan Amendment).

Comment Letter C – Metropolitan Council (Page 2 of 3)

recommended alignments in the 2014 Feasibility Study. Because the amount of Fort Snelling State Park land to be used for the regional trail corridor has changed, particularly on the southwestern end of the alignment, the needed use, operations and maintenance agreements have likely also changed.

The 2012 Master Plan had noted that "the greenway is part of the Minnesota Valley State Trail being planned by the MnDNR and could be designated a state trail." The EAW presents this project – particularly the "River Bottom Trail" Project – as a regional trail alignment, which suggests that a different classification has been determined.

In authorizing or passing through funds to regional park implementing agencies for regional park or regional trail projects, it is critical that those funds be spent on regional park or trail land that is owned by regional park implementing agencies, or where there are appropriate use agreements in place between implementing agencies and any other parties that are documented with the Council.

Council staff request that Dakota County prepare and submit a focused Minnesota River Greenway Master Plan Amendment (Plan Amendment) to the Council relying upon planning and technical work that has occurred subsequent to the adopted Master Plan. The Plan Amendment should include (but is not limited to) the following:

- Rationale for selecting the chosen alignment
- How members of the public and other key stakeholders were involved in the selection of the alignment and/or development of the Interpretive Plan
- Documentation of the decision related to regional (vs. state) trail classification
- Latest use, operations, and maintenance agreements with MnDNR

Council staff will support Dakota County staff on scoping the requested Plan Amendment and to provide technical assistance throughout its development.

Item 11 – Water Resources

(Joe Mulcahy, 651-602-1104; Roger Janzig, roger.janzig@metc.state.mn.us)

The proposed trail crosses Metropolitan Council Environmental Services (MCES) facilities in three locations. Two locations are within public right-of-way and do not require any additional permitting to complete the work. A third location includes a crossing of the Seneca Wastewater Treatment Plant (WWTP) Outfall, which is a critical component of the treatment plant. The Seneca WWTP Outfall is an 84-inch Reinforced Concrete Pipe (RCP) that was constructed in 1971 and is located within a dedicated easement. Access to this easement requires an Encroachment Agreement, which Dakota County is in the process of obtaining. MCES staff will continue to work with the County to complete the Encroachment Agreement process, coordinate work activities, and to ensure that the project and its related construction activities do not adversely impact this critical asset.

To obtain an Encroachment Agreement Application and to further assess potential impacts to our Interceptor System or Wastewater Treatment Plant, contact Tim Wedin, Interceptor Engineering Assistant Manager (651-602-4571) at Metropolitan Council Environmental Services; and prior to initiating any project, preliminary plans should be sent for review.

C2

C3

Comment C3 Response: Dakota County will continue to work with MCES staff to complete the Encroachment Agreement process, coordinate work activities, and to ensure that the project and its related construction activities do not adversely impact this critical asset.

Comment Letter C – Metropolitan Council (Page 3 of 3)

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 Colin Kelly, Principal Reviewer, at 651-602-1361 or via email at colin.kelly@metc.state.mn.us.

Sincerely,



Angela R. Torres, AICP, Manager
Local Planning Assistance

CC: Kurt Chatfield, Dakota County
Tod Sherman, Development Reviews Coordinator, MnDOT - Metro Division
Philip Sterner, Metropolitan Council District 15
Colin Kelly, Principal Reviewer
Patrick Boylan, Sector Representative
Steve Elmer, Metropolitan Transportation Services
Reviews Coordinator

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Comment Letter D – Minnesota Department of Natural Resources (Page 1 of 4)



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

Transmitted by Email

July 8, 2021

John Mertens
Dakota County Project Manager
1590 Highway 55
Hastings, MN 55033

Dear John Mertens,

Thank you for the opportunity to review the Dakota County – Minnesota River Greenway, Fort Snelling State Park Segment Project EAW. The DNR appreciates how Dakota County has engaged with us throughout the development of this project in order to protect these sensitive natural resources within the project area while providing greater access to the public. We respectfully submit the following comments for your consideration:

1. Pages 5 and 41, Environmental Commitments for the Proposed Combined Action. Please update DNR staff contact information and report any sightings of Blanding's turtles to DNR Regional Nongame Specialist, Erica Hoaglund (Erica.Hoaglund@state.mn.us; 651-259-5772).
2. Page 6, Environmental Commitments for the Proposed Combined Action. Given that calcareous fens are natural systems, their occurrence on the landscape cannot always be precisely mapped. They may not have a clear or static boundary and frequently occur among other wetland types within a wetland complex or mosaic. Maps showing calcareous fen "boundaries" or "extents" are necessary for practical identification purposes, but should not be interpreted as depicting discrete community boundaries, which can fluctuate on the landscape. Calcareous fens typically transition from a stable, diagnostic hydrology regime in the core of the fen community, to more variable hydrological regimes in surrounding seepage meadows (less consistent groundwater discharge), and sometimes to cattail marshes or floodplains (more frequent inundation). For regulatory purposes, the DNR has long considered the boundary of calcareous fens to be the boundary of the wetland complex in which the fen is located. As proposed, DNR is concerned about indirect impacts to the fen, though we don't believe major changes to the design will be needed. Rather, the potential indirect impacts should be

D1

D2

Comment D1 Response: Comment noted.

Comment D2 Response: Comment noted.

Comment Letter D – Minnesota Department of Natural Resources (Page 2 of 4)

mitigated and/or minimized through development of a Calcareous Fen Management Plan that identifies measures that will be taken during construction.	D2
3. Page 8, Construction Methods, it is possible that a DNR Water Appropriation Permit could be required for the diversion of streams during the placing of the culverts for the trail.	D3
4. Pages 10 – 11, Agency Permits and Approvals. Table 1 and Table 2 should include a Calcareous Fen Management Plan .	D4
5. Pages 10 – 11, Agency Permits and Approvals. In addition to review by Union Pacific Railroad, consultation with DNR Parks and Trails will be required to identify an appropriate temporary crossing location for the Rail Crossing Bridge Project.	D5
6. Page 14, Compatibility with Land Use. Has an effort been made to connect this trail to the Cedar Grove Transit Station? It would be desirable for the park & ride to serve people that would want to park and ride their bikes.	D6
7. Page 15, Geology, Soils and Topography/Land Forms. We appreciate that Dakota County has provided DNR with the geotechnical report for the project. All these concerns and additional details will need to be expanded upon in a Calcareous Fen Management Plan. Please coordinate with DNR Wetlands Program Coordinator, Jennie Skancke (Jennie.Skancke@state.mn.us ; 651-259-5721), on the development of this plan.	D7
8. Page 18, Public Waters. This section of the EAW states that Nicols Lake and Quarry Lake were identified as Wetlands 1 and 2 in the wetland delineation. Following DNR review, it has been determined wetlands 1 and 2 in the wetland delineation are outside of the DNR Public Water Wetlands boundaries and should be regulated under the Wetland Conservation Act. The boardwalk crossings of Kennaley's Creek and Nicols Lake will require DNR Public Water Works Permits.	D8
9. Page 20, Groundwater. Please expand with explanation about upwelling and calcareous fens. Unique and rare nature of the groundwater upwelling in this area.	D9
10. Page 22, Stormwater. The southernmost portion of the trail will cross both Kennaley's Creek and Black Dog Creek, both of which are DNR designated trout streams. Great care must be taken to avoid sedimentation in these streams. If at all possible, stormwater should not be routed to these streams.	D10
11. Page 22, Stormwater. Stormwater is especially destructive to calcareous fens. All stormwater must be routed away from calcareous fens.	D11
12. Page 23, Water Appropriation. In many areas adjacent to Highway 13, there is a clay layer that acts as a confining bed for the ground water in the bedrock in the area. The groundwater in the	D12

Comment D3 Response: Comment noted.

Comment D4 Response: A Calcareous Fen Management Plan has been added to each project's list of required permits and approvals.

Comment D5 Response: Comment noted.

Comment D6 Response: In November 2017, the Dakota County Regional Railroad Authority, the City of Eagan and the Statewide Health Improvement Partnership completed the Cedar Avenue Transitway Station Area Plan which outlines a range of future station area investments at the Cedar Grove Transit Station intended to improve mobility to and from the station, enhance the transit user experience, and facilitate transit supportive redevelopment near the

station. Constructing a multi-use trail connection to the Minnesota River Valley Trails is identified as a possible future improvement in the station area plan.

Comment D7 Response: Dakota County will coordinate with the MnDNR Wetlands Program Coordinator, Jennie Skancke, on the development of the project's Calcareous Fen Management Plan.

Comment D8 Response: Comment noted.

Comment D9 Response: Please see Section 3.2 of this Findings document.

Comment D10 Response: Comment noted.

Comment D11 Response: Comment noted.

Comment D12 Response: Comment noted.

Comment Letter D – Minnesota Department of Natural Resources (Page 3 of 4)

area is often artesian with high pressure that is difficult to control. Great care should be taken in drilling near Highway 13 and a well driller should be on call to assist in an emergency sealing of the bore hole if this is needed.

13. Page 26, Proposed Water Crossings. This section states that 10 to 13 culverts will be required for the projects ranging in diameter from 12 to 27 inches. This is not consistent with the required avoidance measure for Blanding's turtles listed on page 5, "Culverts need to be 36 inches or greater in diameter, at least twice as wide as the normal width of open water and have an elliptical or flat-bottom."

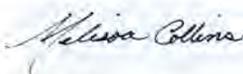
14. Page 26, Anticipated Impacts. Will temporary bridges or other water crossings be needed during the construction phase (Kennaley's Creek, Quarry Lake outlets, and other unnamed drainages)? If so, those crossing locations and methods should be described as part of the EAW. We request that poly/timber mats be used when working on saturated soil in order to avoid compaction.

15. Page 26, Potential Environmental Hazards. If it becomes necessary to conduct pollution remediation by pumping and treating ground water, then a DNR Water Appropriation Permit will be required for the appropriation if the volume exceeds 10,000 gallons per day, or one million gallons per year.

16. Page 44, Dust Control. The appropriation of water from the Minnesota River or nearby lakes in volumes that exceed 10,000 gallons per day, or one million gallons per year, will need approval under a DNR Water Appropriation Permit. Please note that the DNR will not allow appropriation from Kennaly's Creek Trout Stream or Black Dog Creek Trout Stream. We also request that products containing chloride not be used for dust control in this sensitive area.

Thank you again for allowing us to comment and collaborate on this project. 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
1200 Warner Road
St. Paul, MN 55106
Phone: 651-259-5755
Email: melissa.collins@state.mn.us

D12

D13

D14

D15

D16

Comment D13 Response: As stated in EAW Item 11.b.iv.b on page 26, the trail will require installation of culverts as it crosses a few forced low areas that drain to the Minnesota River. These smaller drainage structures are not located in a defined drainage channel and will be used to equalize flow and to provide hydrologic connectivity between the two sides of the trail, so that effects on the pre-construction hydrology, including water levels and hydroperiod, are minimized to the extent possible. Dakota County will continue to coordinate with the MnDNR during the final design phase of the river bottom trail project and the rail crossing bridge project.

Comment D14 Response: Temporary water crossings will be required to facilitate boardwalk construction. These crossings will consist of 1.5-inch clean rock embankments or causeways built parallel to the proposed boardwalks. Construction equipment for the boardwalk

construction will work off of these embankments. This gradation of rock will allow slack water to percolate through the embankment. Concentrated flows at drainage ways will be accommodated by temporary culverts penetrating the embankment. When boardwalk construction is complete, the embankment and temporary culverts will be removed, and construction traffic will use the completed boardwalks. Poly/timber mats will be required when working on saturated soils.

Comment D15 Response: Comment noted.

Comment D16 Response: Comment noted.

Comment Letter D – Minnesota Department of Natural Resources (Page 4 of 4)

CC: Jennie Skancke (DNR), Taylor Huinker (DNR), Anton Benson (DNR)

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Comment Letter E – Minnesota Pollution Control Agency (Page 1 of 3)



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July 2, 2021

Josh Kinney
Dakota County Project Manager
1590 Highway 55
Hastings MN 55033

RE: Dakota County – Minnesota River Greenway, Fort Snelling State Park Segment Project
Environmental Assessment Worksheet

Dear Josh Kinney:

Thank you for the opportunity to review and comment on the Environmental Assessment Worksheet (EAW) for the Dakota County – Minnesota River Greenway, Fort Snelling State Park Segment project (Project) in the cities of Eagan and Burnsville, Dakota County, Minnesota. The Project consists of construction of a multi-use recreational trail in Fort Snelling State Park. Regarding matters for which the Minnesota Pollution Control Agency (MPCA) has regulatory responsibility or other interests, the MPCA staff has the following comments for your consideration.

Water Resources (Item 11)

Wetlands

Section 8, Permits and Approvals Required, Table 1 (Rive Bottom Trail Project) and Table 2 (Rail Crossing Bridge Project) both include the U.S. Army Corps of Engineers (USACE) Section 404 permit and hence both tables must also include the MPCA 401 Water Quality Certification. The EAW indicates 1.07 acres of permanent wetland impacts during Project construction. However, these wetland impacts may change upon detailed Project engineering. In addition, any permanently impacted wetlands must be mitigated at a replacement ratio acceptable to all agencies that regulate surface waters for the State of Minnesota.

Please note that 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.

E1

E2

Comment E1 Response: Comment noted.

Comment E2 Response: Comment noted.

Comment Letter E – Minnesota Pollution Control Agency (Page 2 of 3)

Josh Kinney
Page 2
July 2, 2021

Also, please keep in mind that 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. "Waters of the state" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof. 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. For further information about the 401 Water Quality Certification process, please contact Bill Wilde at 651-757-2825 or william.wilde@state.mn.us.

Stormwater

- This 15.15 acre trail project appears to be part of a larger Common Plan of Development as defined in the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) General Construction Stormwater permit. If the entire Project (past, current and future) results in 50 or more disturbed acres, the Stormwater Pollution Prevention Plan (SWPPP) for each phase requires review by the MPCA before permit issuance due to proximity to special and impaired waters.
- The Project has the ability to discharge to the both impaired and special waters, including trout streams and a calcareous fen. The EAW acknowledges some additional Best management practices (BMPs) required during construction. In addition, the SWPPP for the Project must include additional or redundant (double) BMPs to minimize all potential water quality or environmental impacts to the special waters and maintenance of 100 ft. buffers to these waters. An encroachment to these buffers requires full documentation for circumstances resulting in the need and include restoration activities.
- Stormwater management must not increase the temperature of runoff to trout streams and volume reduction via infiltration or other method to reduce runoff is required. To achieve this, the Minnesota Department of Natural Resources is strongly encouraged to consider using *pervious* asphalt and boardwalks with slot openings to reduce impervious surface runoff over and near these and other waters. Infiltration via vegetated swales, bioinfiltration areas should also be considered to the greatest extent possible. Please direct questions regarding CSW Permit requirements to Roberta Getman at 507-206-2629 or roberta.getman@state.mn.us.

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.

E3

E4

E5

E6

Comment E3 Response: Comment noted.

Comment E4 Response: Dakota County will coordinate with the MPCA during the final design phase of the river bottom trail project and the rail crossing bridge project.

Comment E5 Response: These redundant BMP's are called for in the erosion control plan.

Comment E6 Response: Boardwalks will consist of planks with up to a ¼-inch gap. Infiltration is infeasible on site, but drainage will be directed to vegetated swales.

Comment Letter E – Minnesota Pollution Control Agency (Page 3 of 3)

Josh Kinney
Page 3
July 2, 2021

Sincerely,

Karen Kromar

This document has been electronically signed.

Karen Kromar
Project Manager
Environmental Review Unit
Resource Management and Assistance Division

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

KK/BW/RG:vs

Appendix D

Public Comments Received and Responses

- Public Comment A – John Billman
- Public Comment B – Judith Morin
- Public Comment C – Stephen Yates
- Public Comment D – Dean Eisfelder
- Public Comment E – Mike Luke

Public Comment A – John Billman (Page 1 of 1)

From: John Billman <john.billman@gmail.com>
Sent: Sunday, June 20, 2021 11:38 AM
To: Mertens, John <JOHN.MERTENS@CO.DAKOTA.MN.US>
Subject: MN Greenway Environmental Assessment

John,

I liked what I saw in the assessment. It is far more detailed than I could appreciate, but I really look forward to seeing this come to fruition! As a biker who lives in NE Burnsville, I very much look forward to having that connection to the trailhead at Lone Oak Rd in Eagan.

Best wishes!

John

A1

Comment A1 Response: Thank you for your comment on the Minnesota River Greenway project. Dakota County and our project partners have spent a substantial amount of effort to design a trail connection that provides a safe and quality user experience while minimizing impacts to this unique area.

Public Comment B – Judith Morin (Page 1 of 1)

From: Judith Morin <jamor_661@yahoo.com>
Sent: Sunday, June 20, 2021 11:50 AM
To: Mertens, John <JOHN.MERTENS@CO.DAKOTA.MN.US>
Subject: MN River Greenway Project

Though paved trails are nice, Minnesota has been going at lightning speed creating paved, 10' wide walkways all over for public use. I am very concerned that this type of excessive convenience is adding to the danger we presently face with a warming planet. Paved areas hold the earth's heat and we are doing too much of this unnecessarily, and our future is in jeopardy. Please reconsider your plans in order to mitigate the damage.

Thank you.

Judith Morin
Burnsville

B1

Comment B1 Response: Thank you for your comment on the Minnesota River Greenway project. Dakota County and our project partners have spent a substantial amount of effort to design a trail connection that provides a safe and quality user experience while minimizing environmental impacts. We believe that this trail may enable more people to use bicycles instead of cars to access recreation opportunities and work destinations along the Minnesota River.

Public Comment C – Stephen Yates (Page 1 of 1)

From: Stephen Yates <syates0149@prodigy.net>
Sent: Sunday, June 20, 2021 1:53 PM
To: Mertens, John <JOHN.MERTENS@CO.DAKOTA.MN.US>
Subject: Greenway Trail Expansion

Dear Mr Mertens

This expansion is just what my wife and I have been hoping for. We live in the North River Hills area off Hwy 13. We bike a lot and since retiring and her purchase of an ebike last year, we've increased our biking and try to do as much as possible riding from home.

Really enjoy the newer bike trail that goes by the Black Dog power plant and we've added the new 35W bridge bike lane and the partially completed paved path running from the bottom of Lyndale along the north side of the river to our regular routes.

However, my wife refuses to bike along Hwy 13 from Silver Bell to Lone Oak Rd because of the traffic. So when we want to ride the bike trail to Lilydale or across the Mendota Bridge to Ft Snelling and Minnehaha, I have to load up the bikes and drive to the overlook parking lot beyond Lone Dak.

This addition will solve this problem.

Can't wait to see its completion.

Also looking for Hennepin Cty to get their act together and finish the paved trail from Lyndale all the way to the nature center. Now that would be a great loop ride!!

Regards

Stephen Yates

Sent from my iPhone

C1

Comment C1 Response: Thank you for your comment on the Minnesota River Greenway project. We are also excited about the many potential loop opportunities within the Minnesota River Valley and will continue to coordinate with our neighboring agencies.

Public Comment D – Dean Eisfelder (Page 1 of 1)

From: CenturyLink Customer <s_eisfelder@q.com>
Sent: Sunday, June 20, 2021 11:17 AM
To: Mertens, John <JOHN.MERTENS@CO.DAKOTA.MN.US>
Subject: Minnesota Greenway Trail

Your new trail sounds very interesting. The article in the paper caught my attention because it reminded me of a hike that I used to take back in the early 60's when I was a Boy Scout. I lived near the corner of 34th Ave and 56th Street in Minneapolis. From that location we would follow a route that took us south toward the area that was once part of the Rich Acres golf course. From there we followed Cedar Av past Met Stadium to the hill that began near the intersection of the Old Shakopee Road and Cedar. We would walk down the hill and cross the bridge over Long Meadow Swamp and then continue to the swing bridge that took us across the Minnesota River. Then we would continue following Cedar Ave until we came to the town of Nicols.

We usually stopped for lunch at that point and then continued our hike by following the CNW railroad tracks northward all the way to the Mendota Bridge. From that point we would climb up the hill under the bridge until we got to the top. Then we would walk across the Mendota Bridge and follow Highway 55 to the intersection with 58th Street. From that point it was just another 6 or 8 blocks back to our starting point.

I made that hike at least three times. It was probably dangerous to walk on the tracks and at least once we had to stand aside to let a train pass. What can I say, we were Boy Scouts and going on a long hike was an adventure.

Dean Eisfelder

D1

Comment D1 Response: Thank you for your comment and story about your experience in the Minnesota River Valley. If the project as proposed moves forward you and many more will be able to enjoy a similar experience for years to come.

Public Comment E – Mike Luke (Page 1 of 1)

From: Mike Luke <luke12nord@sbs@hotmail.com>
Sent: Tuesday, July 06, 2021 11:10 AM
To: Mertens, John <JOHN.MERTENS@CO.DAKOTA.MN.US>
Subject: Comments on Minnesota river greenway

I don't mind adding a paved bike trail as long as they leave in place the unpaved/turf 7 mile long meadow loop that goes through Ft Snelling mountain bike trails on the south side of the river. I run and mountain bike on that trail for long weekend workouts. Not short weekday ones. It is a destination trail and I like the soft surface wilderness experience. There are enough paved bike trails but closer to the core city it's harder to find soft trail surfaces.

From looking at the map it looks like it is about 1/4 mile east and connects with big river trail.
Thanks

Mike Luke

E1

Comment E1 Response: Thank you for your comment on the Minnesota River Greenway project. For the most part, this trail will be independent of the existing soft surface trail that follows closer to the river northeast of the Trunk Highway 77 (Cedar Avenue) pedestrian bridge. The proposed project would close a substantial gap in the paved trail system completing a connection between Big Rivers Trail/St. Paul and the Interstate 35W Bridge in Burnsville.