



**FINDINGS OF FACT
And
CONCLUSIONS**

**SOUTHWEST RECONNECTION PROJECT
Highway 61/101 Flood Mitigation**

State Project No. 1009-24 and State Aid Project No. 010-661-002

**Prepared for:
Carver County**

September 2013



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FINDINGS OF FACT AND CONCLUSIONS

SOUTHWEST RECONNECTION PROJECT HIGHWAY 61/101 FLOOD MITIGATION

CHANHASSEN AND SHAKOPEEWOOD CARVER AND SCOTT COUNTIES, MINNESOTA

1.0 ADMINISTRATIVE BACKGROUND

Carver County is the Responsible Governmental Unit and project proposer for the Southwest Reconnection Project. An Environmental Assessment Worksheet (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 in order to determine if an Environmental Impact Statement (EIS) is indicated.

The EAW was filed with the Minnesota EQB and circulated for review and comments to the required EAW distribution list. A “Notice of Availability” was published in the EQB Monitor on May 27 2013. A press release was distributed to the Chaska Herald and Waconia Patriot. A notice was also published on the project web page at <http://www.dot.state.mn.us/metro/projects/hwy101river/index.html>. These notices provided a brief description of the project and information on where copies of the EAW were available, and invited the public to provide comments that would be used in determining the need for an EIS on the proposed project. A public open house meeting was also held on Wednesday, June 26, 2013, at the Chanhassen Library. The public meeting presented the preliminary layout and identified potential environmental impacts of the project. The EAW was made available for public review at the Chanhassen City Hall, Shakopee City Hall, Chanhassen Public Library, Carver County Public Works, Scott County Highway Department, and MnDOT Metro District Offices. Comments were received through Wednesday, July 3, 2013. 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 comments are provided in Appendix A. Additional information pertaining to the publication of the EAW and the public open house meeting is located in Appendix A.

2.0 PROJECT DESCRIPTION

The proposed Southwest Reconnection Project includes the construction of a new 4,226-foot long four-lane bridge over the Minnesota River floodplain area and will include roadway safety and capacity improvements to Carver County State Aid Highway 61 (also known as Flying Cloud Drive) from approximately 475 feet west of Bluff Creek Drive to approximately 350 feet east of the Highway 61/101 “Wye” intersection.

The project features pedestrian/bicycle trail improvements including a 10-foot off-road trail located on the southwest side of the proposed river/floodplain bridge. The trail corridor is proposed to cross under CSAH 61 (Flying Cloud Drive) in a shared bridge

crossing with Bluff Creek. An 8-foot off-road trail will extend east along the north side of CSAH 61 (Flying Cloud Drive) to the eastern project termini, which will connect to a future trail corridor in Hennepin County. The proposed trail will also extend west to Bluff Creek Drive where the trail will ultimately connect to the Minnesota River Valley LRT Trail.

Several drainage and water quality features are also proposed to collect, convey, and/or treat surface water runoff. These features include drainage ditches, grass swales, infiltration ponds, and wet detention ponds.

A complete description of the project was included in Section III.C.2 of the EA/EAW.

Corrections to the EAW or Project Changes Since the EAW was Published

Since the EAW was published, the following project items have changed or been updated:

- No substantial roadway design changes have occurred since the publication of the EA/EAW. A copy of the preliminary layout is presented in Appendix B.
- Additional Phase II archaeological investigations have been occurring throughout the study area. While no new sites have been identified, the extent of an existing site has been expanded. The findings and mitigation recommendations for the Phase III (data recovery) will be documented in a Memorandum of Agreement (MOA). It is anticipated that the stipulations of the MOA will be completed during the initial stages of construction.

3.0 DECISION REGARDING NEED FOR ENVIRONMENTAL IMPACT STATEMENT

Type, Extent, and Reversibility of Impacts

Carver County finds that the analysis completed for the EAW is adequate to determine whether the project has the potential for significant environmental effects. The EAW described the type and extent of impacts anticipated to result from the proposed project. This Findings of Fact and Conclusions (FOF&C) document provides clarifications and additional information since the EAW was published. Following are the findings regarding potential environmental impacts of the proposed project and the design features included to avoid, minimize, and mitigate these impacts:

Right-of-Way

Within the project area, the proposed improvements will require acquisition of approximately 1.68 acres of permanent right-of-way from four privately owned parcels. An additional 5.14 acres of temporary easements will be needed from eight parcels. No full acquisitions/relocations are proposed at this time.

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended and 49 CFR Part 24 provides that assistance be granted to persons, businesses, farms, and non-profit organizations that are displaced by public improvements, such as the Southwest Reconnection Project.

Fish, Wildlife, and Ecologically Sensitive Resources

A segment of the project area lies adjacent to two wildlife management areas; US Fish and Wildlife Service (FWS) MN Valley National Wildlife Refuge and the DNR Raquet Wildlife Management Area. The floodplain habitat found adjacent to the highway corridor primarily consists of forested wetlands and grasslands. The project proposes to bridge the floodplain area and in return remove the fill from the exiting highway thus providing a benefit to wildlife passage and the surrounding wetlands. The project also proposes to add water quality treatment features that will collect, convey, and treat surface water prior to discharging to receiving water bodies. Vegetation protection measures will also be applied and will be based on MnDOT Standard Specification for Construction 2572 (Protection and Restoration of Vegetation) and specific requests from the MNDNR.

Erosion and Sedimentation

Erosion and sedimentation of all exposed soils within the project corridor will be minimized by employing best management practices (BMPs) during construction. Ditches, dikes, silt fences, bale checks, sedimentation basins, and temporary seeding are some of the typical temporary erosion control measures that will be used during construction. Temporary and permanent erosion control plans will be identified in the final site grading and in construction plans for each stage of construction, as required by the NPDES permit. Erosion control measures will be in place and maintained throughout the entire construction period. Removal of erosion measures will not occur until all disturbed areas have been stabilized.

In addition, at the start of the project adequate practices to prevent sediment from entering Bluff Creek and the Minnesota River will be installed concurrently or within 24hrs of the start of the project. These practices will be maintained or improved as needed for the duration of the project. Erosion control practices defined in the Minnesota Pollution Control Agency's General Stormwater Permit for Construction Activity will be followed.

Water Quality/Storm Water Management

The proposed project will create approximately 4.0 acres of new impervious surface. The quality and quantity of the additional runoff will be controlled by new collection, conveyance and treatment features that will include drainage ditches, grass swales, infiltration ponds, and wet detention ponds. The ponds will be designed to treat runoff from the added impervious area and will be constructed consistent with the NPDES permit requirements. As a result of the proposed water quality treatment features and various best management practices on this proposed project, the water quality and quantity of the off-site drainage is expected to be improved to that of the existing condition.

Wetlands

This project will have approximately 5.94 acres of wetland impacts. A wetland mitigation plan for replacement of the affected wetland areas will be developed consistent with the current WCA regulatory requirements. A wetland technical evaluation panel (TEP) meeting was held on July 23, 2013 to discuss the project and potential impacts to wetlands. At that meeting, the Board of Water and Soil Resources (BWSR) indicated that wetland impacts associated with the roadway improvements could be mitigated through the use of

BWSR wetland bank credits. Mitigation for other project improvements (pedestrian facilities, ponding areas, etc.) will be required to use another form of mitigation. The TEP discussed the possibility of using the removal of the existing land bridge material as on-site mitigation as this area is expected to return to natural floodplain habitat and wetlands.

Cumulative Potential Effects of Related or Reasonably Foreseeable Future Projects

The area surrounding the project is transitioning from rural to more densely urban/suburb development. The cities of Chanhassen and Shakopee have identified some future development opportunities in the surrounding area. However, as described on pages 44 through 48 in the EAW, there is a low potential for significant cumulative effects from the proposed project and other reasonably foreseeable future actions.

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 in Table 1.

Table 1 – Agency Approvals and Permits

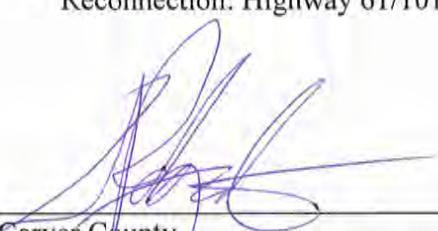
Unit of government	Type of application	Status
Federal		
U.S. Army Corps of Engineers	Section 404 Permit	To be applied for
	Section 10	To be applied for
U.S. Fish & Wildlife Service	Special Use Permit – Bluff Creek Realignment	To be applied for
State		
Minnesota Pollution Control Agency	National Pollutant Discharge Elimination System (NPDES) Construction Stormwater Permit	To be applied for
	401 Water Quality Certification	To be applied for
Department of Natural Resources	Public Waters Work Permit	To be applied for
	Water Appropriations Permit - Dewatering	To be applied for
	Utilities Crossing Permit (River)	To be applied for
	Land Transfer	Pending
Local		
Carver County	EAW Approval	Complete
	EIS Need Decision	Pending
City of Chanhassen	Wetland Conservation Act (WCA)	Pending
City of Shakopee	Wetland Conservation Act (WCA)	Pending
Lower Minnesota River Watershed District	Preliminary Layout/Water Quality Treatment Review	Pending

Extent to Which Environmental Effects can be Anticipated and Controlled as a Result of Other Environmental Studies

Carver County and the other project partners (MnDOT, Scott County, City of Chanhassen, and City of Shakopee) have extensive experience in roadway construction. Many similar projects have been designed and constructed throughout the area encompassed by these governmental agencies. All design and construction staff are very familiar with the project area. No problems are anticipated which the staff of these agencies have not encountered and successfully solved many times in similar projects in or near the project area. Carver County finds that the environmental effects of the project can be anticipated and controlled as a result of environmental review and experience on similar projects.

4.0 CONCLUSIONS

1. All requirements for environmental review of the proposed project have been met.
2. The EAW and the permit development processes related to the project have generated information which is adequate to determine whether the project has the potential for significant environmental effects.
3. Areas where potential environmental effects have been identified will be addressed during the final design of the project. 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 permit process.
4. Based on the criteria in Minnesota Rules part 4410.1700, the project does not have the potential for significant environmental effects.
5. An Environmental Impact Statement is not required for the proposed Southwest Reconnection: Highway 61/101 Flood Mitigation Project.



For Carver County

Public Works Director / County Engineer

Title

8/27/13

Date

APPENDIX A

EAW PUBLIC AND AGENCY COMMENTS & RESPONSES

EQB NOTICE OF AVAILABILITY

LOCAL MEDIA PRESS RELEASE

MNDOT PRESS RELEASE

Agency and Public Comments on the EA and Carver County's Responses

A total of five agency comments and three public comments were received from private citizens, business representatives, interest groups, agencies, and other government entities during the EAW comment period. Comments and responses to comments are listed below. Consistent with state environmental review rules, responses have been prepared for all substantive comments submitted during the comment period. Written responses have been provided for comments pertaining to analysis conducted for and documented in the EAW. Comment responses were not provided for comments of general opinions or statements of preference.

Comments and Responses

Copies of comments submitted by the following individuals and governmental agencies are included on the following pages.

- Comment Letter A: Scott County
- Comment Letter B: Minnesota Pollution Control Agency
- Comment Letter C: Twin Cities Metropolitan Council
- Comment Letter D: Minnesota Department of Transportation
- Comment Letter E: United States Department of Interior – Fish and Wildlife Service
- June 26, 2013 Public Meeting Written Comments
 - Steven Steack
 - Susan Cross
 - Gino Busiadard



SCOTT COUNTY COMMUNITY SERVICES DIVISION

PHYSICAL DEVELOPMENT • 600 COUNTRY TRAIL EAST • JORDAN, MN 55352-9339
(952) 496-8346 • Fax: (952) 496-8365 • www.co.scott.mn.us

LEZLIE A. VERMILLION
COMMUNITY SERVICES DIRECTOR

MITCHELL J. RASMUSSEN, P.E.
COUNTY ENGINEER

JAMES L. HENTGES
COUNTY SURVEYOR

July 3, 2013

Lyndon Robjent
Carver County Public Works Director
11360 Highway 212, Suite 1
Cologne, MN 55322

**Subject: Environmental Assessment Worksheet for Southwest Reconnection Project
Highway 61/101 Flood Mitigation**

Dear Mr. Robjent:

Scott County has reviewed the Environmental Assessment Worksheet (EAW) for the Southwest Reconnection Project. The proposed Project, located in the cities of Chanhassen and Shakopee Minnesota, will construct a new 4,226-foot long four-lane bridge over the Minnesota River floodplain area and will include roadway safety and capacity improvements to Carver County State Aid Highway 61 (also known as Flying Cloud Drive) from approximately 475 feet west of Bluff Creek Drive to approximately 350 feet east of the Highway 61/101 "Wye" intersection.

A1

Scott County is a partner agency with Carver County, the Minnesota Department of Transportation (Mn/DOT), and the cities of Chanhassen and Shakopee for this Project. Scott County delegated the RGU responsibility for the Scott County portion of this project to Carver County. Scott County recognizes the importance of local and regional mobility and the impacts that seasonal flooding of the Highway 101 MN River floodway crossing have on Scott and Carver County residents and businesses. We believe the impact of this Project will provide an environmental benefit to the Minnesota River Valley by removing the current roadbed and restoring the natural flow of floodwaters through this floodplain. Furthermore, we believe the impact of this Project will provide an economic benefit to the region. Based on the findings of the EAW, Scott County does not see the need for further environmental analysis.

A2

Sincerely,

Mitchell J. Rasmussen
Scott County Engineer

C: Lisa Freese, Transportation Program Director, Physical Development
Project File, CP 101-13

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RESPONSES:

A1 No response needed.

A2 No response needed.

Comment Letter B: Minnesota Pollution Control Agency (page 1 of 2)



Minnesota Pollution Control Agency

520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300
800-657-3864 | 651-282-5332 TTY | www.pca.state.mn.us | Equal Opportunity Employer

June 25, 2013

Mr. Lyndon Robjent
Carver County Public Works
11360 Highway 212, Suite 1
Cologne, MN 55322

Re: Southwest Reconnection Project – Highway 61/101 Flood Mitigation Project Environmental Assessment Worksheet

Dear Mr. Robjent:

Thank you for the opportunity to review and comment on the Environmental Assessment Worksheet (EAW) for the Southwest Reconnection Project – Highway 61/101 Flood Mitigation project (Project) located in Carver County, Minnesota. The Project consists of construction of a new four-lane bridge over the Minnesota River floodplain area. Regarding matters for which the Minnesota Pollution Control Agency (MPCA) has regulatory responsibility and other interests, the MPCA staff has the following comments for your consideration.

B1

Description (Item 6)

- It is not clear in the EAW whether material will be dredged from the Minnesota River for the Project. If so, a permit may be needed since this location is within the MPCA dredge permitting area. MPCA staff recommends you follow the guidance provided at <http://www.pca.state.mn.us/publications/wq-gen2-01.pdf>. If more than 3,000 cubic yards of material is dredged/removed, a State Disposal System permit for the management of dredged materials is likely required. More information regarding a permit can be found at <http://www.pca.state.mn.us/water/dredgedmaterials.html>. For further information regarding dredged materials, please contact Emily Schnick at 651-757-2699.
- As noted in the EAW, the Project is located near the Seminary Fen Scientific and Natural Area (SNA). Owners and operators of construction activity that discharge stormwater from a point on the Project that is within one mile of an SNA, and flows to that SNA, must meet the terms and conditions of Minnesota's National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) General Stormwater Permit for Construction Activity, including the best management practices C.1, C.2, C.3, and C.4 found in Appendix A of the permit.

B2

B3

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

B4

RESPONSES:

B1 No response needed.

B2 No dredge material will be removed from within the Minnesota River Channel. As stated in the EAW (page 6 – Construction Methods), the existing causeway or land bridge will be removed from the floodplain to an elevation of approximately 700-feet above mean sea level, which is 11-14 feet below the elevation of the existing road.

B3 All regulations and associated best management practices included in the approved NPDES permit will be followed.

B4 Carver County and/or the selected contractor will secure all required permits and comply with the permit conditions.

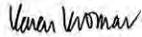
Comment Letter B: Minnesota Pollution Control Agency (page 2 of 2)

Mr. Lyndon Robjent
Page 2
June 25, 2013

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 at 651-757-2508.

B4 (continued)

Sincerely,



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

KK:bt

cc: Craig Affeldt, MPCA, St. Paul
Doug Wetzstein, MPCA, St. Paul
Emily Schnick, MPCA, St. Paul

RESPONSES:

B4 See response on previous page.



June 26, 2013

Lyndon Robjent, P.E.
Carver County Public Works Director
11360 Highway 212, Suite 1
Cologne, MN 55322

RECEIVED
JUL 01 2013
CARVER COUNTY PUBLIC WORKS

RE: Environmental Assessment Worksheet (EAW) Southwest Reconnection project-Hwy. 61/101
Flood Mitigation Project
Metropolitan Council District 4, Gary Van Eyll
Review File No. 21130-1

Dear Mr. Robjent:

Metropolitan Council staff has reviewed the environmental assessment worksheet (EAW) for this project to determine its adequacy and accuracy in addressing regional concerns, potential impacts that warrant further investigation, and the need for an environmental impact statement (EIS).

The project includes construction of a new four-lane bridge over the Minnesota River floodplain area and will include roadway safety and capacity improvements along CH 61/Flying Cloud Drive.

C1

The Council staff finds that an EIS is not necessary for regional purposes. However, Council staff offers the following technical comments which should be addressed:

Item 11 – Fish, Wildlife, and Ecologically Sensitive Resources (Jim Larsen, 651-602-1159)

The proposed project would reconstruct portions of CSAH 61 and Highway 101 that are adjacent to the Minnesota River floodplain – an area dominated by wetlands. Council staff recommends, consistent with MnDNR impact-minimization guidance, that project specifications be revised to require utilization of sloping, surmountable curbing along the project’s CSAH 61 and Highway 101 bridge approaches. We suggest use of Minnesota Department of Transportation Curb and Gutter Design No. S524 or similar design profile. The use of standard, near-vertical B424 curbing as currently proposed can be expected to result in nearly full mortality of the area’s turtle population by entrapping them within the roadway as they move out of the floodplain and attempt to cross the roadway to reach potential upland nesting areas. The simple change to a more gently sloping curb will reduce their mortality risk without negative impacts to storm water flow, driver and pedestrian safety, or maintenance activities.

C2

Item 17 – Water Quality – Surface Water Runoff (Jim Larsen, 651-602-1159)

The National Weather Service’s Hydrometeorological Design Studies Center has released new precipitation frequency estimates for many of the Midwestern states, including Minnesota, in a publication termed the *NOAA Atlas 14 Point Precipitation Frequency Estimates* (see http://www.dnr.state.mn.us/climate/noaa_atlas_14.html and http://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=mn). The new estimates result in generally higher projected rainfall events for the average 50- and 100-year recurrence intervals. The text on page 29 of the EAW indicates that a 5.4” rainfall was utilized for the 50-year event and a 6.0” rainfall for the 100-year event. The new *Atlas 14* precipitation frequency data estimates indicate that those two rainfall events should now be estimated to be approximately 6.3” and 7.4”, respectively. These new data

C3

www.metrocouncil.org

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RESPONSES:

- C1 No response needed.
- C2 It has been determined that the proposed curb for the majority of the project area will be a surmountable design (S524). However, the design standards associated with roundabouts require a standard curb and a B424 curb design will be used in these isolated areas.
- C3 The new precipitation frequency data (Atlas 14) has been utilized through the preliminary design phase and will continue to be incorporated in the hydraulic system design.

Comment Letter C: Metropolitan Council (page 2 of 2)

Lyndon Robjent, P.E.
Carver County Public Works Director
June 26, 2013
Page 2

should be utilized in the calculation of runoff to properly size the proposed project's stormwater conveyance and treatment facilities..

C3 (continued)

If you have questions about these comments, please contact Ann Braden, Principal Reviewer, at 651-602-1705.

C4

Sincerely,



Lisa Barajas
Manager, Local Planning Assistance

cc: Gary Van Eyll, Metropolitan Council District 4
Tod Sherman, Development Reviews Coordinator,
Angela Torres, Sector Representative
Raya Esmacili, Reviews Coordinator

RESPONSES:

C3 See response on previous page.

C4 No response needed.



Minnesota Department of Transportation
Metropolitan District
Waters Edge Building
1500 County Road B2 West
Roseville, MN 55113

June 26, 2013

Mr. Lyndon Robjent
Carver County Public Works
11360 Highway 212, Suite 1
Cologne, MN 55322

RECEIVED
JUN 28 2013
CARVER COUNTY PUBLIC WORKS

SUBJECT: Southwest Reconnection Project
Mn/DOT Review # EAW13-007
CSAH 61/Flying Cloud Dr. to Minnesota River
Chanhassen and Shakopee, Carver and Scott County
Control Section 1009

Dear Mr. Robjent:

Thank you for the opportunity to review the Southwest Reconnection Project EAW. Since MnDOT has been working in partnership with Carver County on this project and has reviewed the layout, ICE Report, and technical memorandum, our current comments are minimal. MnDOT has reviewed the EAW and has the following comment:

D1

Water Resources:

Page 29 of the EAW states that the water quality volume is 1/2". The current construction permit says that it should be 1" for projects draining to special or impaired waters; 1/2" of which should be infiltrated/reduced. Please revise in order to be consistent with the construction permit.

D2

For questions concerning this comment, please contact Hailu Shekur (651-234-7521) in MnDOT Metro District's Water Resources Section.

Review Submittal Options:

Mn/DOT's goal is to complete the review of plans within 30 days. Submittals sent in electronically can usually be turned around faster. There are four submittal options. Please submit either:

1. One (1) electronic pdf. version of the plans. Mn/DOT can accept the plans via e-mail at metrodevreviews.dot@state.mn.us provided that each separate e-mail is under 20 megabytes.
2. Three (3) sets of full size plans. Although submitting seven sets of full size plans will expedite the review process. Plans can be sent to:

D3

RESPONSES:

D1 No response needed.

D2 Storm water runoff from the project discharges to the impaired Minnesota River and will be subject to the 1-inch water quality volume criteria. A portion of the project discharges to Bluff Creek, but below the portion that is designated as impaired. The preliminary design has incorporated treatment practices that meet the 1-inch water quality volume criteria for the project as a whole.

D3 The plan submittals will be in accordance with one of the options presented. Further coordination during final design will determine the preferred option.

Mn/DOT – Metro District Planning Section
Development Reviews Coordinator
1500 West County Road B-2
Roseville, MN 55113

D3 (continued)

3. One (1) compact disk.
4. Plans can also be submitted to Mn/DOT's External FTP Site. Please send files to: <ftp://ftp2.dot.state.mn.us/pub/incoming/MetroWatersEdge/Planning>. Internet Explorer doesn't work using ftp so please use an FTP Client or your Windows Explorer (My Computer). Also, please send a note to metrodevreviews.dot@state.mn.us indicating that the plans have been submitted on the FTP site.

If you have any questions concerning this review please feel free to contact me at (651) 234-7794.

Sincerely,



Tod Sherman
Planning Supervisor

Copy sent via E-Mail:

Buck Craig, Permits
Nancy Jacobson, Design
Hailu Shekur, Water Resources
Dale Matti, Right-of-Way
Diane Langenbach, Area Engineer
David Sheen, Traffic
Sheila Kauppi, Area Manager
Pete Wasko, Noise and Air
Cyrus Knutson, Jurisdictional Turnbacks
Lyndon Robjent, Scott County, lrobjent@co.carver.mn.us
Ann Braden, Metropolitan Council

RESPONSES:

D3 See response on previous page.



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Twin Cities Field Office
4101 American Blvd. E.
Bloomington, Minnesota 55425-1665

July 18, 2013

Lyndon Robjent
Carver County Public Works
11360 Highway 212, Suite 1
Cologne, Minnesota 55322-8016

Re: Southwest Reconnection Project Environmental Assessment Worksheet
Carver and Scott County, Minnesota
FWS TAILS #32410-2011-CPA-0037

Dear Mr. Robjent:

Thank you for the opportunity to comment on the Southwest Reconnection Project -- Highway 61/101 Flood Mitigation Project Environmental Assessment Worksheet (EAW). We would also like to thank you for the two-week extension that was granted on July 5 so that we could incorporate comments from other offices.

E1

The proposed project is located adjacent to the Upgrala Unit of the Minnesota Valley National Wildlife Refuge (Refuge) along Sections 35 and 36 of Township 116 North, Range 23 West in Carver County, and along Section 1 of Township 115 North, Range 23 West in Scott County.

While this project has avoided direct impacts to the Refuge, one of our main concerns is how this project will relate to future projects that may not be able to avoid Refuge impacts. More specifically, proposed expansion of CSAH 61/Flying Cloud Drive from Highway 101 to Charlson Road (Flying Cloud to Charlson) to a three-lane as currently designed, would push local impacts entirely onto the Refuge.

E2

In previous correspondence, you stated that Flying Cloud to Charlson has independent utility and does not necessitate inclusion under this EAW. Nonetheless, our office is still concerned about future impacts to sensitive Refuge property and asks if the project outlined in this EAW can be completed in a way that would alleviate or avoid future impacts to Federal and State Property. In addition to this overlying question, we provide the following comments and recommendations.

Page 11. First paragraph states that Trunk Highway 41 in Chaska is often forced to close. This paragraph is confusing given that Highway 101 is the current focus under the Project Need and that flooding differs very little between the two river crossings despite the 5.2-foot elevation difference. Trunk Highway 41 has experienced the same closures as Highway 101 and although closures may be perceived as "often" in recent years, it should be pointed out that at times, 19-24

E3

RESPONSES:

E1 No response needed.

E2 The needs/problems being addressed by the Southwest Reconnection Project and the CSAH 61 project are separate and independent. Therefore, the CSAH 61 project (being proposed to address existing as well as future capacity issues) is independent from and not connected to the proposed Highway 101 project (which is proposed to address flood-related road closure issues). [See also response to E4 below re: existing capacity issues at CSAH 61.]

E3 Comment noted. The more recent history of highway closures due to flooding of the Minnesota River (6 times over the past 10 years) is the issue that was intended to be highlighted in the Project Needs section.

<p>years have passed without any closures. In fact, in the 81-year record, the crossing has closed 10 times (or every 8.1 years).</p>	<p>E3 (continued)</p>
<p>Page 11. Table 3 shows a 13 percent increase in average Annual Daily Traffic (AADT) Volumes forecasted in 2034 for the No-build and Project Build for Flying Cloud Drive East of Highway 101. Modeling shows that completion of this project will impact future projects that are of concern to the Refuge. If these figures are being presented to address project benefits, then cumulative impacts should be considered for Flying Cloud to Charlson (which would fall under Flying Cloud Drive East of Highway 101 AADT). If negative impacts are not being considered, then potential benefits for AADT should also not be considered. These comments should also be reflected in Hwy 101 North of Flying Cloud Drive, Flying Cloud Drive west of Hwy 101 and Flying Cloud Drive West of Bluff Creek figures.</p>	<p>E4</p>
<p>Page 17. Second to last paragraph states that access to all (stormwater/water quality) ponds will be provided for maintenance purposes. It should be noted that this may require an easement from USFWS.</p>	<p>E5</p>
<p>Page 18. First paragraph states “Re-vegetation with the project area will try to control invasive species. The contractor will be required to control the eleven state listed noxious weeds.” Please include any proposed revegetation plan and suggested species mix to be used. Will the revegetation plan regarding operation and maintenance provisions address noxious weeds & other species not desired within natural areas (i.e. refuges & WMAs)?</p>	<p>E6</p>
<p>Page 23. First paragraph states “Wetland impacts for this project will be mitigated by using wetland bank credits from a bank site as close to the project area as feasible.” Please consider rewording this sentence to say, “Mitigation for wetland impacts relating to this project will first be considered onsite and in-kind because the wetlands being eliminated support the resource values of the adjacent National Wildlife Refuge and State Wildlife Management Area. If suitable mitigation sites are not available, then this project will be mitigated by using wetland bank credits from a bank site as close to the project area as feasible.”</p>	<p>E7</p>
<p>Page 29. This brief discussion does not identify how many acres of impervious surface, subjected to receiving roadway pollutants, will discharge stormwater directly to the floodplain habitats. Information disseminated at coordination meeting indicates about 700 feet of runoff from the bridge would discharge directly to floodplain wetlands and other habitats.</p>	<p>E8</p>
<p>Page 32. Similar to page 11 comments. If Flying Cloud Drive East of Highway 101, and related projects are not considered future stages of development, then increased AADT volumes should not be used as project benefits.</p>	<p>E9</p>
<p>Page 38. Second to last paragraph indicate that a detailed noise analysis is not needed for this project because it is subject to statutory exemptions from the noise standards found in Minn. Stat. §116.07. We would like to note that this exemption applies, provided that all reasonably available noise mitigation measures are employed to abate noise. The MPCA letter in appendix B also states that noise standards are excluded because there are no sensitive receptors along this segment. We would appreciate an explanation of “sensitive receptors,” along with rationale</p>	<p>E10</p>

RESPONSES:

- E3 See response on previous page.
- E4 Table 3 under EAW Item 6 – Project Description (page 11 of the Southwest Reconnection Project EAW), indicates that the segment of Flying Cloud Drive (CSAH 61) east of Highway 101 has a 2034 traffic forecast of approximately 16,300 trips per day for the No-Build condition. Under the 2034 Build condition, the forecast traffic volume increases to approximately 17,600 trips. As discussed in the Project Purpose and Need section of the EAW, a two-lane roadway begins to experience noticeable safety and operational problems once traffic volumes exceed 10,500-12,000 daily trips. The segment of Flying Cloud Drive (CSAH 61) east of Highway 101 already exceeds this threshold and warrants capacity improvements regardless of the proposed river crossing improvements. The mobility benefits associated with the Southwest Reconnection Project are not intended to justify the needs to other infrastructure improvements in the surrounding area. All foreseeable projects (infrastructure or development related) will establish independent needs and will be required to conduct the appropriate level of environmental review.

- E5** Access easements are not anticipated from the USFWS in order to maintain stormwater/water quality pond areas. If it is determined that access via the roadway right-of-way is not sufficient an easement request would be made to USFWS.
- E6** Complete revegetation plans will be incorporated into the final design and have not been completed at this time. However, BWSR seed mixes that are comprised of native species vegetation will be used for revegetating areas adjacent to the USFWS property.
- E7** A wetland technical evaluation panel (TEP) meeting was held on July 23, 2013 to discuss the project and potential impacts to wetlands. At that meeting, the Board of Water and Soil Resources (BWSR) indicated that wetland impacts associated with the roadway improvements could be mitigated through the use of BWSR wetland bank credits. Mitigation for other project improvements (pedestrian facilities, ponding areas, etc.) will be required to use another form of mitigation. The TEP discussed the possibility of using the removal of the existing land bridge material as on-site mitigation as this area is expected to return to natural floodplain habitat and wetlands.
- E8** The bridge design has been modified to allow for all stormwater runoff from the improvements to be collected and conveyed to stormwater ponding areas.
- E9** Similar to Response E4, the traffic benefits associated with the Southwest Reconnection Project are not intended to justify the needs to other infrastructure and/or land development improvements in the area. Traffic volume increases along CSAH 61 (Flying Cloud Drive) are expected to occur over time with or without the Southwest Reconnection Project improvements as indicated by the 2034 No-Build condition shown in Table 3 of the EAW. Furthermore, all foreseeable projects will be required to establish independent needs.
- E10** Under Minnesota Rule 7030.0050 (Noise Area Classification), the Refuge is classified in Noise Area Classification 4 (undeveloped and unused land area). Under Minnesota Rule 7030.004 (Noise Standards) subpart 2, noise standards are not applied to areas classified in Noise Area Classification 4.

explaining why the Refuge would not be considered as such. Finally, we would appreciate more clarity respecting whether Minn. Stat §116.07 applies to areas of no sensitive receptors. | **E10 (continued)**

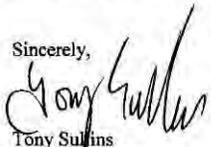
Page 44. Paragraph four states “The cumulative potential effects analysis is limited to those resources, ecosystems, and human communities directly affected by the proposed project, i.e. wetlands, storm quality and quantity, floodplain, and cultural resources.” This approach seems to ignore indirect effects, which are a principle component of a cumulative effects analysis. Please include any indirect effects that are anticipated to occur as the result of this project. | **E11**

Page 44. Paragraph five uses the year 2030 as the temporal horizon for assessing future cumulative impacts. We believe that the temporal horizon for assessing future cumulative impacts should be the same year used for calculating project traffic volumes and project benefits. | **E12**

Page 46. Paragraphs three and four suggest that there will be no substantial cumulative impacts because any wetland impacts will be mitigated for. This rationale does not take into account that this EAW proposes to mitigate for wetland impacts off-site. Cumulative impacts should take into account impacts to the local resources as well as acknowledge that wetland replacement of any kind often does not provide the same value or functionality as the wetland lost. | **E13**

Page 46. Paragraphs five and six refer back to stormwater quality and quantity details mentioned in item 17. This section should be expanded to adequately discuss the existing conditions and impacts from other actions. Total suspended solids (TSS) and chloride are listed under item 17 as a primary stormwater pollutant. These pollutants are also a source of concern for the Refuge as the Minnesota River Valley is known to already have elevated chloride levels that are generally attributed to road salt. This should be addressed in the cumulative effects discussion. | **E14**

Thank you for the opportunity to provide comments on this proposed project. Feel free to contact Fish and Wildlife Biologist Andrew Horton at 612-725-3548 (ext. 2208) if further assistance is needed.

Sincerely,

Tony Sullivan
Field Supervisor

cc: Jeanne Holler, Minnesota Valley NWR Deputy Manager
Gerry Shimek, Minnesota Valley NWR, Biological Program Supervisor

RESPONSES:

- E10** See response on previous page.
- E11** Indirect effects are defined by the Council on Environmental Quality (CEQ) as those “caused by the action and occur later in time or farther removed in distance, but are still reasonably foreseeable”. The primary purpose and need for the improvements associated with the Southwest Reconnection Project is to relieve adverse impacts on the regional transportation system that result from flooding along the Minnesota River. Other safety and capacity improvements along this segment of Highway 61/101 are being made as a result of existing conditions. Since the transportation infrastructure currently exists in the area, the proposed action is not expected to induce future development and/or population growth, which are often the most common indirect effects of project involving new or relocated transportation infrastructure.
- E12** The 2030 planning horizon was selected to correspond with local comprehensive plans that were completed in 2010 and have an unofficial twenty year planning horizon. Based on long range planning estimates, Carver County does not believe there are any identifiable changes to the potential cumulative effects analysis for the four year difference between 2030 and 2034.
- E13** As indicated in Response E7, based on agency discussions at the TEP meeting the wetland impacts associated with the roadway improvements can be mitigated through the use of BWSR wetland bank credits. Furthermore, the TEP discussed the possibility of using the removal of the existing land bridge material as on-site mitigation as this area is expected to return to natural floodplain habitat and wetlands.
- E14** The Southwest Reconnection Project will comply with all applicable local and state water quality permit requirements and is expected to improve water quality over existing conditions since limited treatment systems exist in the project area. All foreseeable projects will also need to obtain and comply with water standards and as a result no cumulative adverse water quality impacts are anticipated.

COMMENT SHEET

**Highways 101 / 61
Southwest Reconnection Project
Open House
Wednesday, June 26th, 2013**

Name: Steven Steack
Address: St Louis Park
Phone: _____
Email: bicyclingelephant@yahoo.com

Comments: I like the trail along the bridge.
I am glad you have a trail bridge under Hwy 61
to avoid going through the area about.
I hope you extend the trail north eventually to
connect with the existing Three Rivers trail

PC1

Please return this completed form to the Comment Box.

You may also submit your comments via mail (address on back) or via e-mail to
lrobjnt@co.carver.mn.us

RESPONSES:

PC1 The pedestrian/bicycle amenities added to the project to will enhance the use and safety for all users of the facility. Carver County and the City of Chanhassen hope to continue to expand their trail systems and a connection to the Three Rivers Trail is an option that will be studied in the future.

COMMENT SHEET

**Highways 101 / 61
Southwest Reconnection Project
Open House
Wednesday, June 26th, 2013**

Name: Gino Bunnaro
Address: _____
Phone: _____
Email: _____

Comments: Finally
Thank you

PC2

Please return this completed form to the Comment Box.

You may also submit your comments via mail (address on back) or via e-mail to lrobjent@co.carver.mn.us

RESPONSES:

PC2 No response needed.

COMMENT SHEET

**Highways 101 / 61
Southwest Reconnection Project
Open House
Wednesday, June 26th, 2013**

Name: Susan Cross
Address: 627 E 6th St Chaska
Phone: _____
Email: _____

Comments: Happy finally occurring

PC3

Please return this completed form to the Comment Box.

You may also submit your comments via mail (address on back) or via e-mail to
lrobjnt@co.carver.mn.us

RESPONSES:

PC3 No response needed.

Project Title: Lake Shady Dam Removal and Zumbro River Restoration, Olmsted County, MN

Project Description: Olmsted County proposes to remove the Lake Shady Dam in Oronoco. The dam will be removed; a grade control structure created and the lake bed east of TH 52 will be restored as parkland and a natural stream. The channel west of TH 52 will be restored as two wildlife preserve areas.

RGU: Olmsted County

Project Contact: Terry Lee
Water Resources Coordinator
2122 Campus Drive SE, Ste 200
Rochester, MN 55904
Phone: 507-328-7070
Fax: 507-328-7090
E-mail: lee.terr@co.olmsted.mn.us

Project Title: Southwest Reconnection Project: Highway 61/101 Flood Mitigation, Carver County

Project Description: Carver County, in cooperation with MnDOT, Scott County, and the cities of Chanhassen and Shakopee, is proposing the construction of a new 4,226-foot long four-lane bridge over the Minnesota River floodplain area and will include roadway safety and capacity improvements to Carver County State Aid Highway 61 (also known as Flying Cloud Drive) from approximately 475 feet west of Bluff Creek Drive to approximately 350 feet east of the Highway 61/101 "Wye" intersection. The total length of improvements along Highway 101 and Flying Cloud Drive is approximately 4,860 feet and 3,660-feet, respectively.

The comment period will begin on **May 27, 2013** and will extend through **July 3, 2013**. Written comments can be submitted to the contact person listed below.

Copies of the EAW are available for public review at the following locations and on the project website at <http://www.dot.state.mn.us/metro/projects/hwy101river/index.html>

- Carver County Public Works, 11360 Highway 212, Cologne MN
- City of Chanhassen, Public Works, 7700 Market Blvd, Chanhassen MN
- Scott County, Transportation Dept., 600 Country Trail East, Jordan MN
- City of Shakopee, Public Works, 400 Gorman Street, Shakopee MN

Public Open House Meeting: An open house meeting for the project will be held on Wednesday, June 26, 2013, starting at 4:00 p.m. at the Chanhassen Library located at 7711 Kerber Blvd, Chanhassen MN. The open house meeting will provide an overview of the proposed project and will afford the public an opportunity to review potential social, economic, and environmental effects of the project and to submit written comments.

RGU: Carver County

Contact Person: Lyndon Robjent
Carver County Public Works Director
11360 Highway 212, Suite 1
Cologne, MN 55322
E-mail: lrobjent@co.carver.mn.us

Southwest Reconnection Project Press Release

FOR IMMEDIATE USE – May 17, 2013

Southwest Reconnection Project - Highway 61/101 Improvements

CHANHASSEN, MN – Carver County, in cooperation with MnDOT, the cities of Chanhassen and Shakopee and Scott County, has initiated a transportation improvement project that will consider improvements to Highway 101 across the Minnesota River floodplain area and along County Highway 61 (Flying Cloud Drive).

As part of the planning and design phase of the project, an Environmental Assessment Worksheet (EAW) has been prepared and published for public and agency review and comment. The EAW identifies the project purpose and need, alternatives considered, and identifies potential social, economic, and environmental effects. The EAW is available for review at the following locations:

- Carver County Public Works, 11360 Highway 212, Cologne MN 55322
- City of Chanhassen, Public Works Dept., 7700 Market Blvd., Chanhassen, MN 55317
- Scott County Transportation Department, 600 Country Trail East, Jordan MN 55352
- City of Shakopee, Public Works Department, 400 Gorman Street, Shakopee MN 55379
- Chanhassen Public Library, 7711 Kerber Blvd., Chanhassen MN 55317
- Project Website: www.dot.state.mn.us/metro/projects/hwy101river/index.html

The EAW can be made available in alternative formats to individuals with disabilities by calling the Minnesota Relay Service at 800-627-3529 or 651-296-9930 TTY. The deadline for submitting comments is Wednesday, July 3, 2013. All comments should be directed to:

Lyndon Robjent – Carver County Public Works Director
11360 Highway 212, Suite 1
Cologne, MN 55322
lyndon.robjent@co.carver.state.mn.us

To afford an opportunity for all interested persons, agencies and groups to comment on the project, a public meeting will be held on Wednesday, June 26, 2013 at the Chanhassen Library (7711 Kerber Blvd., Chanhassen, MN) from 4:00 – 6:00 pm.



Minnesota Department of Transportation

Metro District
1500 County Road B2 West
Roseville, MN 55113

News Release

June 5, 2013

Contact: Kirsten Klein
Office: 651-234-7506

For Immediate Release

Open house for Highway 101/61 project scheduled for June 26

ROSEVILLE, Minn. – Area residents and business owners are invited to attend an open house to learn about the Southwest Reconnection Project affecting the Highway 101 River Crossing and the County Road 61/Flying Cloud Drive corridor.

The open house will be held Wednesday, June 26 from 4 to 6 p.m. at the Chanhassen Public Library, 7711 Kerber Boulevard in Chanhassen.

Open house attendees will be able to learn the details of the project, view project layouts and ask questions of MnDOT and other project partners. Information also will be available about the cultural resources investigation, which is being conducted in compliance with the federal Section 106 process.

The Environmental Assessment Worksheet (EAW) for this project was recently published, and is available on the project website. Written comments will be received at the Open House and through July 3, 2013.

For more information about these projects or to sign up for email updates visit:
<http://www.dot.state.mn.us/metro/projects/hwy101river/index.html>

To request an ASL or foreign language interpreter, call 651-366-4720. To request other reasonable accommodations, call 651-366-4718; the Minnesota Relay service toll-free at 1-800-627-3529) TTY, Voice or ASCII) or 711, or email your request to adarequest.dot@state.mn.us.

For real-time travel information anywhere in Minnesota visit www.511mn.org or dial 5-1-1.

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An Equal Opportunity Employer



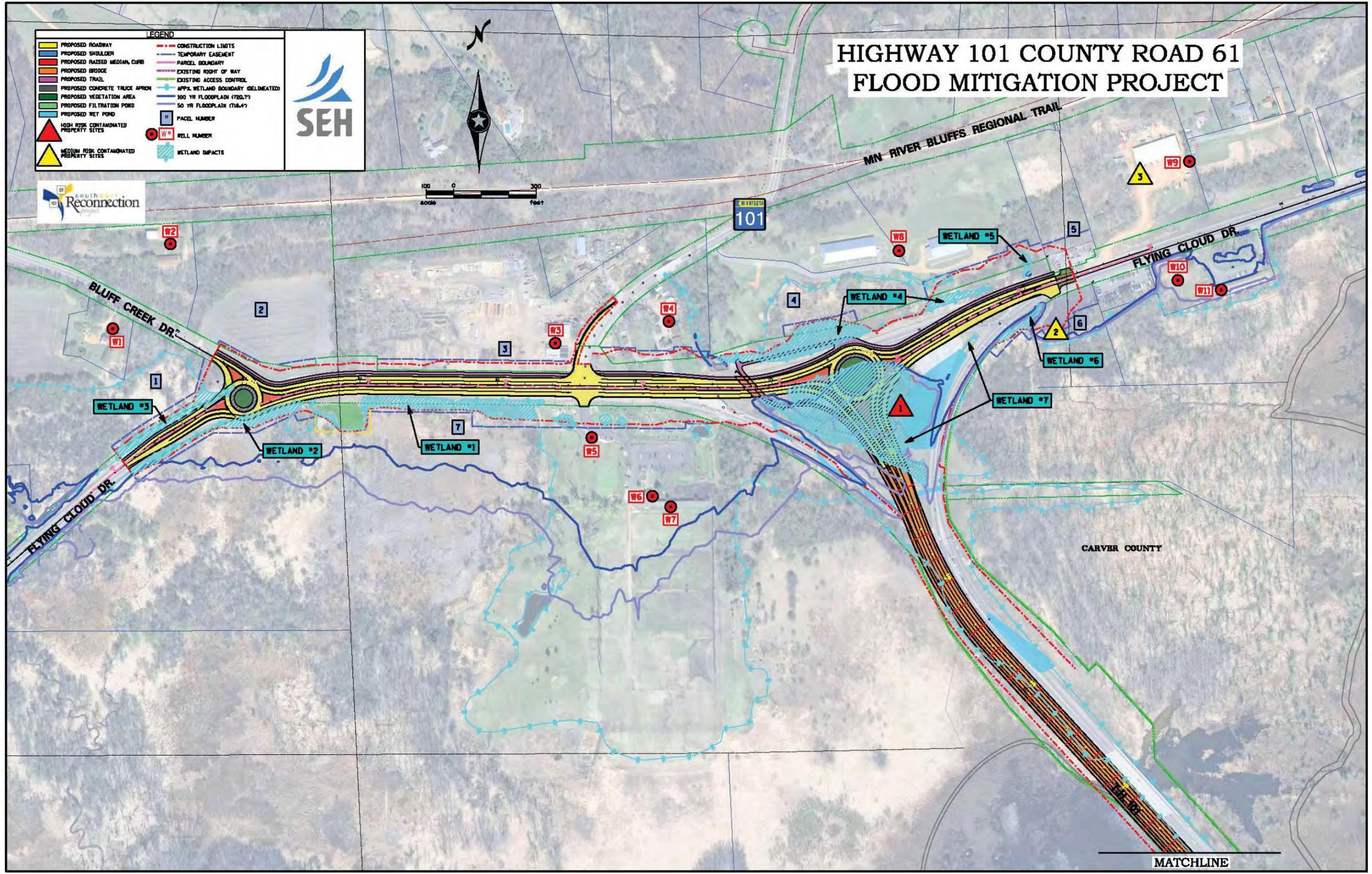
APPENDIX B

SOUTHWEST RECONNECTION PROJECT – PRELIMINARY LAYOUT

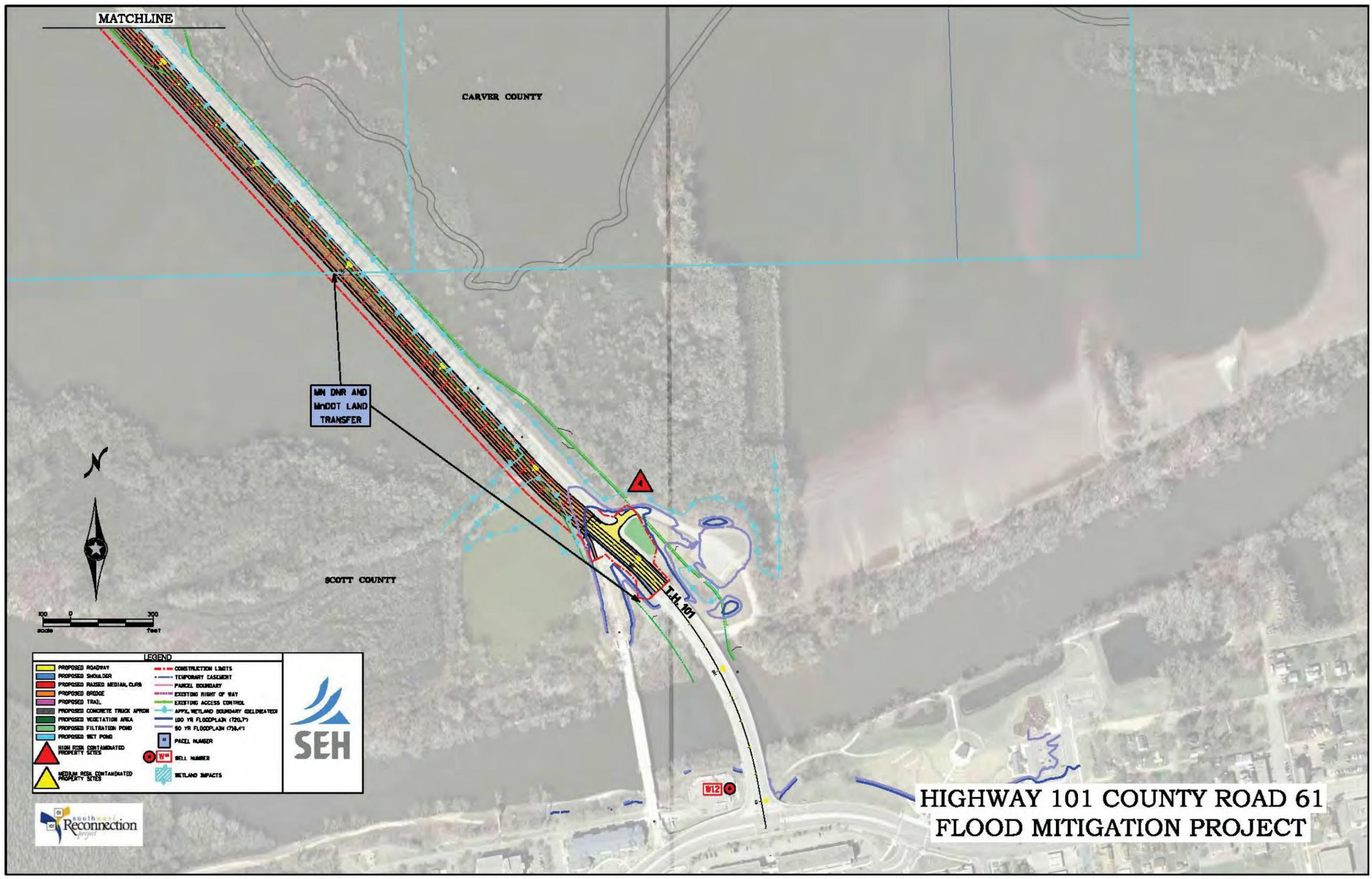
HIGHWAY 101 COUNTY ROAD 61 FLOOD MITIGATION PROJECT

LEGEND

	PROPOSED ROADWAY		CONSTRUCTION LIMITS
	PROPOSED SHOULDER		TEMPORARY EASEMENT
	PROPOSED RAISED MEDIAN CURB		PARCEL BOUNDARY
	PROPOSED BRIDGE		EXISTING RIGHT OF WAY
	PROPOSED TRAIL		EXISTING ACCESS CONTROL
	PROPOSED CONCRETE TRUCK APRON		APPL. WETLAND BOUNDARY DELINEATED
	PROPOSED VEGETATION AREA		100 YR FLOODPLAIN (1% A/F)
	PROPOSED FILTRATION POND		50 YR FLOODPLAIN (1% A/F)
	PROPOSED WET POND		PACEL NUMBER
	HIGH RISK CONTAMINATED PROPERTY SITES		WELL NUMBER
	MEDIUM RISK CONTAMINATED PROPERTY SITES		WETLAND IMPACTS



MATCHLINE



MATCHLINE

CARVER COUNTY

MN DNR AND
MnDOT LAND
TRANSFER

SCOTT COUNTY

Highway 101

**HIGHWAY 101 COUNTY ROAD 61
FLOOD MITIGATION PROJECT**



LEGEND	
	PROPOSED ROADWAY
	PROPOSED SHOULDER
	PROPOSED RAISED MEDIAN CURB
	PROPOSED BRIDGE
	PROPOSED TRAIL
	PROPOSED CONCRETE TRUCK APRON
	PROPOSED VEGETATION AREA
	PROPOSED FILTRATION POND
	PROPOSED WET POND
	HIGH RISK CONTAMINATED PROPERTY SITES
	MEDIUM RISK CONTAMINATED PROPERTY SITES
	CONSTRUCTION LIMITS
	TEMPORARY EASEMENT
	PARCEL BOUNDARY
	EXISTING RIGHT OF WAY
	EXISTING ACCESS CONTROL
	APPL. WETLAND BOUNDARY (DELETED)
	100 YR FLOODPLAIN (726.7')
	50 YR FLOODPLAIN (736.4')
	PARCEL NUMBER
	WELL NUMBER
	WETLAND IMPACTS

