FINDINGS OF FACT
And
CONCLUSIONS

Hennepin County State Aid Highway 61/Flying Cloud Drive Reconstruction Project

State Project No. 027-661-048

Prepared by:
Hennepin County

In Cooperation with:
Carver County
City of Eden Prairie
City of Chanhassen

September 2014
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APPENDIX B

   Highway 61/Flying Cloud Drive Reconstruction Project – Preliminary Layout
1.0 ADMINISTRATIVE BACKGROUND

Hennepin County is the Responsible Governmental Unit and project proposer for the Highway 61/Flying Cloud Drive Reconstruction 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 Environmental Quality Board (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 26, 2014. A press release was distributed to the Hennepin County media distribution list. A notice was also published on the project web page at http://www.hennepin.us/residents/transportation/flying-cloud-dr. Web links to the project web page were also provided on the Eden Prairie City News page. 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. The EAW was made available for public review at the Eden Prairie City Hall, Chanhassen City Hall, Hennepin County Library-Eden Prairie Branch, Hennepin County Transportation Department, Carver County Library-Chanhassen Branch, and the Carver County Public Works Department. Comments were received through Wednesday, June 25, 2014. 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 project is a reconstruction of existing Hennepin County State Aid Highway (CSAH) 61 (also known as Flying Cloud Drive) from Highway 101 on the west to Charlson Road on the east. This section of Highway 61 was a turnback from the Minnesota Department of Transportation and was previously known as Highway 212.

The proposed reconstruction project includes converting 3.65 miles of the existing two-lane highway section to a three lane section with a shared center left turn lane. Right turn lanes and other safety improvements (lighting, skew corrections, etc.) are proposed at key intersections. The roadway will also be raised in several locations in order to raise the roadway above the 100-year flood elevation of the Minnesota River. One bridge structure is proposed in a location where poor (muck) soils exist and are cost prohibitive to remove the...
poor soils. Additionally single span bridge structure is also proposed to carry Highway 61/Flying Cloud Drive over Riley Creek.

A multi-use trail is proposed along the north side of the roadway that will connect to existing and planned trails at both the east and west ends of the project area. Stormwater runoff from new roadway and trail surfaces will be treated using infiltration and detention ponds or Best Management Practices (BMP’s). The proposed stormwater treatment strategies are in accordance with local, state, and federal standards. Project construction will require major grading and excavation and require permanent and temporary right-of-way easements in order to construct and maintain the roadway facility.

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 throughout the project area are planned to occur in September 2014. The expanded investigations have been requested by the U.S. Army Corps of Engineers (USACE) in conjunction with their Section 404 permit requirements that requires compliance with Section 106 of the National Historic Preservation Act. The investigations will include additional shovel testing and geomorphic subsurface testing. The findings and any required mitigation will be prepared in coordination with USACE and the Minnesota State Historic Preservation Officer (SHPO).

- A botanical (plant) survey was conducted in June 2014 for areas within the proposed construction limits. The purpose of the survey was to better identify rare native plant communities in the study area. The botanical survey found no rare native plant communities within the proposed construction limits. A copy of the botanical survey report is available for review upon request by contacting Jason Staebell, Hennepin County Project Manager at jason.staebell@hennepin.us or 612-596-0371.

- The Northern long-eared bat has been identified as a Candidate Species for listing on the federal Threatened and Endangered Species list. Hennepin County is considered to be within the distribution range of this species. At this time, no guidance has been distributed and the species has not been officially listed. Furthermore, there are no known hibernaculum (e.g. hibernating shelter areas) within the project area. However, the forested areas of the Minnesota River floodplain and bluff lands may provide foraging habitat for the Northern long-eared bat. Further coordination with the USFWS has occurred since the publication of the EAW and possible mitigation options (e.g. winter tree removal) has been discussed to ensure the proposed action does not jeopardize the continued existence of this species. Also, if the proposed project has not been completed by the time the listing becomes official and/or guidance is adopted, further coordination and formal Section 7 consultation with the USFWS may be necessary.
3.0 DECISION REGARDING NEED FOR ENVIRONMENTAL IMPACT STATEMENT

Type, Extent, and Reversibility of Impacts

Hennepin County finds that the analysis completed for the EAW and the additional analysis and coordination that has occurred since publication of 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 8.6 acres of permanent right-of-way (0.9 acres in Carver County and 7.7 acres in Hennepin County). An additional 15.9 acres of temporary easements will be needed (3.2 acres in Carver County and 13.7 acres in Hennepin County). No commercial or residential relocations are anticipated at this time.

The acquisition of property due to the proposed project will be conducted in accordance with the Uniform Relocation and Real Property Acquisition Act of 1970, as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987 and 49 Code of Federal Regulations, Part 24, and effective April 1989 (revised January 2005).

When acquisition of right of way occurs, minimum compensation for total acquisitions may be required. Hennepin County will be acquiring the needed right of way for the project. The completion of the right of way process will determine the final extent of property impacts.

Fish, Wildlife, and Ecologically Sensitive Resources

Portions of the landscape adjacent to the highway corridor remain undeveloped and consist of forested areas, wetlands, floodplain areas, and grasslands (including sensitive prairie remnants) that provide habitat for a variety of wildlife species. The US Fish and Wildlife Service (FWS) Minnesota Valley National Wildlife Refuge is located immediately south of the project corridor and in several areas fringe impacts have been identified. Hennepin County has met with USFWS staff on multiple occasions to discuss avoidance, minimization, and mitigation measures as it relates to the Refuge and ecologically sensitive resources in the project area.

Several items that may be included as part of an extensive mitigation package include re-vegetation of disturbed areas that will include the use of seed mixes that are comprised of native plant species. Also, possible harvesting seeds from existing prairie remnant areas has also been discussed and will be further investigated with the USFWS and the City of Eden Prairie, which both actively manage native prairies adjacent to the corridor. Water quality treatment features will also be included with the improved highway section to collect, convey, and treat surface water prior to discharging to receiving water bodies. Hennepin County has also been coordinating with resource agencies regarding wetland impacts and have been seeking additional avoidance and minimization strategies. Unavoidable impacts will be mitigated in accordance with permit requirements.
The existing Riley Creek box culvert crossing is proposed to be replaced with a single span bridge structure that will allow for a more natural flowing waterway channel. Additional stream bank stabilization may be required in areas where erosion is currently occurring. Lastly, the County has been in contact with the Minnesota Herpetological Society (MHS) regarding safety concerns when wildlife stray out onto the roadway. An inventory of animals killed along CSAH 61 was conducted this past summer (2014). The information gathered may help identify animal crossing concentration areas, which could be considered for having non-traditional culverts and other design refinements to reduce safety concerns associated with wildlife crossing the roadway.

These efforts and others are intended to minimize and mitigate potential impacts to fish, wildlife, and ecologically sensitive resources present in the study area.

**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 construction plans 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 Riley Creek and the Minnesota River will be installed in accordance with the permit requirements. 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/Stormwater Management**

The proposed project is expected to create approximately 8.8 acres of additional impervious surface. Approximately half of the additional impervious area is associated with the new trail along the north side of the roadway. The quality and quantity of the additional runoff will be controlled by new collection, conveyance and treatment features that will likely include drainage ditches, grass swales, infiltration ponds, and wet detention ponds. The proposed stormwater features were designed to manage runoff for the 100-year storm event as well as provide rate controls so discharge rates after the project is completed do not exceed the existing conditions.

The stormwater features will be designed to provide adequate treatment capacity, storage volume, and rate control to meet the National Pollutants Discharge Elimination System (NPDES), Lower Minnesota River Watershed District, Riley Purgatory Bluff Creek Watershed District, City of Chanhassen and City of Eden Prairie stormwater design standards. 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 11.11 acres of wetland impacts. A wetland mitigation plan for replacement of the affected wetland areas will be developed consistent with the current Wetland Conservation Act (WCA) regulatory requirements. Two wetland technical evaluation panel (TEP) meetings have been held to date to discuss the project and potential impacts to wetlands. The TEP discussed the possibility of mitigation for wetland impacts on current USFWS property (2.13 acres) being restored in another area owned by USFWS. Further coordination with the TEP and USFWS will occur during final design and permitting. Hennepin County is committed to mitigating wetland impacts in accordance with all local, state, and federal requirements.

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 Eden Prairie and Chanhassen have identified some future development opportunities in the surrounding area. These future land use changes will be regulated by local zoning and subdivision ordinances. Other infrastructure projects, including the Southwest Reconnection Project in Carver County and the realignment of Eden Prairie Road and Dell Road within Eden Prairie are anticipated and have been considered in the assessment of cumulative potential effects. As described on pages 61 through 68 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 processes. Permits and approvals that have been obtained or may be required prior to project construction include those listed in Table 1 on the following page.

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

Hennepin County has extensive experience in roadway construction. Many similar projects have been designed and constructed throughout the area encompassed by this governmental agency. All design and construction staff are very familiar with the project area. No problems are anticipated which the county staff have not encountered and successfully solved many times in similar projects in or near the project area. Hennepin 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.
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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 processes.

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 CSAH 61/Flying Cloud Drive Reconstruction Project.

For Hennepin County

[Signature]  9/26/14
Director, Transportation Department, and County Engineer  Date
APPENDIX A

EAW COMMENTS & RESPONSES

EQB NOTICE OF AVAILABILITY

LOCAL MEDIA PRESS RELEASE
Agency and Public Comments on the EA and Carver County’s Responses

A total of five agency comments were received during the EAW comment period. No comments from private citizens were received during the comment period. 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: Metropolitan Council
- Comment Letter B: Minnesota Department of Transportation
- Comment Letter C: United States Department of Interior – Fish & Wildlife Service
- Comment Letter D: Minnesota Department of Natural Resources
- Comment Letter E: Minnesota Pollution Control Agency
June 24, 2014

Jason Staebell, P.E.
Hennepin County Transportation Department, Design Division
1600 Prairie Drive
Medina, MN 55340-5421

RE: Environmental Assessment Worksheet for (CSAH) 61 Reconstruction between Charlson Rd. and Highway 101
Metropolitan Council Review File No. 21243-1
Metropolitan Council Districts 3 and 5

Dear Mr. Staebell:

The Metropolitan Council received an EA/EAW for the CSAH 61 Reconstruction between Charlson Road and Highway 101 on May 27, 2014. The proposed project will reconstruct 3.65 miles of CSAH 61 between Charlson Road in Eden Prairie, and Highway 101 in Chanhassen. The proposed project includes reconstructing the highway as a three lane section with right turn lanes at key intersections. A multi-use trail will also be added along the north side of the road.

Staff has reviewed the environmental assessment/environmental assessment worksheet (EA/EAW) for the above-named 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). Staff finds that the EAW is complete and accurate with respect to regional concerns and raises no major issues of consistency with Council policy. An EIS is not necessary for regional purposes.

The Council offers the following technical comments for your consideration.

Transportation (Russ Owen, 651-602-1724)

CSAH 61 is an “A” Minor arterial and the reconstruction of this roadway is consistent with the Transportation Policy Plan.

Regional Parks (Jan Youngquist, 651-602-1029)

The Metropolitan Council is in the process of developing its 2040 Regional Parks Policy Plan and is proposing a regional trail search corridor along CSAH 61 in the EAW project area. The 2040 Regional Parks Policy Plan is scheduled for adoption in January 2015. The EAW indicates that the project includes development of a trail on the north side of CSAH 61 and that construction is planned to begin in the fall of 2015. Council staff encourages Hennepin County to coordinate the final design of the trail with the Three Rivers Park District and Carver County Parks to ensure that the trail could meet regional trail standards, including a minimum trail width of 10 feet, in the event that a regional trail search corridor in this area is identified in the 2040 Regional Parks Policy Plan.

Item 11 – Fish, Wildlife, and Ecologically Sensitive Resources (Jim Larsen, 651-602-1139)

This proposed roadway improvement project is located along one of the most vibrant and varied ecosystems in the Metropolitan Area. While the primary reason for the project is to create a safer roadway for area commuters, it may have the unintended result of increasing the risks to area wildlife attempting to cross the corridor, due to the increase in roadway width and placement of retarding walls and curbing where none currently exist. Council staff commends the proposer’s planned incorporation of sloping, surmountable “SS24” curbing along the entire project corridor.

RESPONSES:

A1  No response needed.
A2  No response needed.
A3  Hennepin County will contact both the Carver County Parks Department and Three Rivers Park District to discuss the alignment and design of the multi-use trail being proposed along the north side of the roadway.
A4  The proposed design includes surmountable curbing, which should reduce wildlife such as small animals from getting trapped on the roadway.
Hennepin County has been in contact with the US Fish & Wildlife Service, Minnesota Department of Natural Resources, and the Minnesota Herpetological Society as part of the early planning and design of the proposed improvements. The Herpetological Society has conducted field surveys to identify areas where wildlife currently cross the roadway. This information may be used to consider possible design refinements (non-traditional culvert/tunnels, fencing, etc.) to reduce safety concerns and wildlife mortality rates. Ongoing coordination with these agencies, and other, will occur during the final design and permitting phases of the project.
June 19, 2014

Jason Stoeckell
Hennepin County Transportation Department
Design Division
1600 Prairie Drive
Minneapolis, MN 55440-5421

SUBJECT: CSAH 61 (Flying Cloud Drive) Reconstruction
MnDOT Review # EAW14-006
MN 101 to Charleon Rd.
Chanhassen, Hennepin County
Control Section 1069

Dear Mr. Stoebell:

The Minnesota Department of Transportation (MnDOT) has reviewed the CSAH 61 (Flying Cloud Drive) Reconstruction as has the following comments:

State Aid:
This project is on roadway that has already been turned back to Hennepin County. Future review of the plan will be handled by MnDOT’s State Aid Section. For questions concerning this comment, please contact Julie Dressel (651-234-7780) in MnDOT Metro District’s State Aid Section.

Design:
Hennepin County should continue to coordinate work on the CSAH 61 Reconstruction with other projects in the area including the Minnesota River bridge and roundabout projects on the newly turned back section of TH 101.

For questions concerning this comment, please contact Nancy Jacobson (651-234-7647) in MnDOT Metro District’s Design Section.

Permits:
Any use of or work within or affecting MnDOT right of way requires a permit. Permit forms are available from MnDOT’s utility website at http://www.dot.state.mn.us/utility/. Please include one 11 x 17 plan set and one full size plan set with each permit application. Please direct any questions regarding permit requirements to Buck Craig (651-234-7911) of MnDOT’s Metro Permits Section.

Review Submittal Options:

RESPONSES:

B1 Ongoing project review and coordination with MnDOT State Aid staff will occur throughout the project development and construction phases.

B2 Hennepin County will continue to coordinate work on CSAH 61 with other projects located in the area including the Southwest Reconnection Project and others that may be proposed by Carver County and the surrounding municipalities.

B3 Hennepin County will acquire all permits needed (see Table 1 above) to construct the proposed improvements and provide required plan sheets as needed.
RESPONSES:

B4 Comments noted. All design plan submittals will be completed in accordance with MnDOT the State Aid guidelines and standards.
RESPONSES:

C1  No response needed.

C2  The most recent review and calculation of potential wetland impacts indicates further reduction from 12.03 to 11.11 acres of which approximately 2.13 acres are located on lands within the Minnesota Valley National Wildlife Refuge (MVNWR). Hennepin County has been coordinating with the US Fish & Wildlife Service on mitigation options. The final mitigation package will be in accordance with local, state, and federal wetland permit requirements and efforts will be made to acquire wetland credits from a bank site within the Minnesota River Valley.
Approximately 5.14 acres of Dray [sic] (Dry) Prairie Sand-Gravel subtype habitat (remnant short-grass prairie) will be impacted by this project. This habitat in this area has been identified as having high conservation value by both the Refuge and Minnesota Department of Natural Resources. Significant public resources have been invested in restoring and managing these habitats in and adjacent to the project corridor. It appears that few innovative design features have been used to attempt to reduce project impacts to these resources. The EAW does not indicate what, if any, considerations were given to expanded use of retaining walls or urban design features, for example, to reduce direct impact to prairie remnant communities impacted by the project. In addition, there is no evaluation of using site harvested seed for revegetation purposes. This approach would help ensure the ecological integrity of both the areas directly affected by the project as well as adjacent areas that will be indirectly affected. We recommend that more detail be provided to identify this habitat, the design modifications that have been incorporated to avoid and minimize project impacts to date, and any additional alternatives that may minimize or avoid this habitat (including possibility for exemptions of design standards proposed for this project).

RESPONSES:

C3 The design of the reconstructed CSAH 61 has incorporated several design modifications to minimize potential impacts throughout the study area including remnant prairie areas. The design features included to minimize impacts are as follows:

- typical 3-lane section as opposed to a 4-lane section;
- use of 8'-foot outside shoulders rather than 10'-foot;
- urban design (with curb and gutter for stormwater collection and treatment) rather than a wider rural section with vegetated drainage ditches on both sides of the roadway (a narrow ditch along the north side of the highway will be included to capture runoff from the upland/bluff areas);
- installation of guardrail along the outside shoulder for much of the eastbound lanes, which allows for steeper slopes (1:2 versus 1:4) and reduced clear zones;
- inclusion of twelve new retaining walls that will reduce slope impacts on the river bluff lands.

While minor adjustments to the design will continue through the final design process, which may provide the opportunity to slightly reduce the impacts even more, Hennepin County has determined that no additional
design options that could substantially reduce potential impacts are reasonable without compromising design safety requirements.

As part of the final design plans, a complete turf establishment plan will be developed. Seed mixes that are comprised of native species vegetation will be used for revegetating areas adjacent to the USFWS property and all remnant prairie areas. Further discussions with USFWS have occurred about the possibility of using “site harvested seeds.” Additional coordination with USFWS and possibly the City of Eden Prairie, which manages a remnant prairie area adjacent to the corridor will need to occur to determine if and when seed harvesting could occur.

C4 Hennepin County understands there have been past erosion problems within the project area. As a result, the County will implement temporary (construction) and permanent erosion control best management practices to ensure sensitive natural resources are not further impacted by soil erosion.

C5 Since publication of the EAW, the County has conducted a botanical survey in order to identify rare plant communities that could be impacted by the proposed project. Onsite field investigations were completed for the area within the proposed construction limits. The results of the field survey where that there are no state- or Federally-listed vascular plant species were found in the project area, including state special concern and tracked species. Therefore, it can be concluded that the proposed project will not impact any endangered, threatened, or special concern species.

C6 Hennepin County will coordinate with the USFWS regarding proposed construction activities that may occur within 660 feet of any bald eagles nest. If project improvements occur within the buffer distance a disturbance permit may be required, and if so, would be obtained by Hennepin County. The construction contract specifications would outline any construction stipulations identified in the permit for minimizing impacts to the eagles nest.

C7 The Northern long-eared bat (NLEB) has been identified as a Candidate Species for listing on the federal Threatened and Endangered Species list. Hennepin County is considered to be within the distribution range of this species. At this time, no guidance has been distributed nor has the species been officially listed. A review of the project area determined there are no known hibernaculum (e.g. hibernating shelter areas) within the construction limits. However, the forested areas of the Minnesota River floodplain and bluff lands may provide foraging habitat for the NLEB. Further coordination with the USFWS has occurred since the publication of the EAW and possible mitigation options (e.g. surveys to determine if the NLEB is present or winter tree removal) have been discussed to ensure the proposed project does not jeopardize the continued existence of the NLEB.

C8 Hennepin County has completed the above referenced field surveys and determined the project improvements do not pose potentially significant environmental harm.
RESPONSES:

C9  Several social, economic, and environmental studies have been conducted as part of the State EAW process that followed the federal NEPA requirements (e.g., Section 106, Section 7/Endangered Species Act of 1973). Hennepin County is eager to assist USFWS with their environmental review and evaluation and will provide any and all available information in order to assist in an expeditious review.

Sincerely,

Gerry Shimel
Supervisory Wildlife Refuge Specialist
June 25, 2014
Transmitted via Electronic Mail

Jason Staebell, Project Manager
Hennepin County Transportation Department
1600 Prairie Drive
Medina, MN 55340

Dear Mr. Staebell,

The Minnesota Department of Natural Resources (DNR) has reviewed the EAW for the CSAH 61/Flying Cloud Drive Reconstruction project. We offer the following comments for your consideration.

D1 The preliminary layout (see Appendix B) depicts the proposed stormwater features. A wet detention pond located at the far west end of the project area will receive roadway runoff from the CSAH 61 Reconnection Project as well as the Southwest Reconnection project that includes transportation improvements to Highway 101 and County Road 61 in Carver County. The two filtration basins are placed along the corridor to maximize stormwater collection and treatment. One feature is located north of CSAH 61 near the long bridge structure in the western half the study area and a second filtration basin is located on the south side of the roadway just west of Spring Road. These features have been designed (surface area size and depth) in accordance with local and state water quality standards.

D2 Hennepin County is aware of the native plant communities (NPC) classification and has provided all wetland delineation information, including wetland data sheets for the MNDNR’s additional review to determine if any wetland impacts will occur within NPC wetlands with conservation status. Hennepin County will continue to coordinate with the wetland technical evaluation panel to obtain all required wetland permits.

D3 Preliminary drainage plans considered hydrologic connectivity across the reconstructed highway. Final design plans, including design elements such as ditch sections, culvert size, and ponding locations are being completed and efforts are being made to maximize hydrologic connectivity.
RESPONSES:

**D4** Preliminary bridge plans are being developed that will allow for wildlife passage under the highway. The County has been working with the Riley Purgatory Bluff Creek Watershed District and the Metropolitan Council, which has a water level monitoring station at this site, on the preliminary bridge designs. The MNDNR recommendations will be considered and the level of potential disturbance will be better determined once the bridge design plans become more advanced. Hennepin County will be obtaining a public waters work permit and watershed permit for the improvements associated with Riley Creek.

**D5** Since publication of the EAW, the County has conducted a botanical survey in order to identify rare plant communities that could be impacted by the proposed project. Onsite field investigations were completed for the area within the proposed construction limits. The results of the field survey where that there are no state- or Federally-listed vascular plant species were found in the project area, including state special concern and...
tracked species. Therefore, it can be concluded that the proposed project will not impact any endangered, threatened, or special concern species.

D6 The Minnesota Herpetological Society has conducted field surveys along the corridor to identify areas where wildlife currently cross the roadway. This information may be used to consider possible design refinements (non-traditional culvert/tunnels, fencing, etc.) to reduce safety concerns and wildlife mortality rates. Ongoing coordination with these agencies, and other, will occur during the final design and permitting phases of the project.

D7 Hennepin County plans to host a pre-bid meeting with interested contractors. Information such as the wildlife friendly erosion control material factsheet will be presented at the meeting and required as part of the construction contract.
Winter construction is often recommended in wetland areas when frozen conditions minimize adverse impacts to sensitive soils and vegetation. However, removal of muck soils and wetland fill in winter can adversely impact reptiles and amphibians during hibernation. Coordination with DNR nongame wildlife staff is encouraged to determine the best season for this type of work to minimize herpetofauna mortality.

It should be noted that the three stormwater features described in Item 11.b.ii. will likely attract wildlife that may increase road mortality in the vicinity of these features. This is a concern for both human safety and wildlife. We recommend a discussion of potential actions such as road sign placement, reduction of highway speeds, and incorporation of wildlife underpasses in roadway design. The DNR Nongame Wildlife program can provide guidance and information regarding design features.

Thank you for the opportunity to review this document. As project designs are further refined, we encourage project proposers to continue to coordinate with DNR staff regarding impacts to the natural resources discussed. Please feel free to contact me if you have questions regarding these comments.

Sincerely,

Brooke Haworth

Brooke Haworth
Environmental Assessment Ecologist, Central Region
MnDNR Division of Ecological and Water Resources
1200 Warner Road, St. Paul, MN 55106
Phone: 651-259-5755
Email: Brooke.haworth@state.mn.us

MN DNR reference: ERDB 20140234

RESPONSES:

D8 Further coordination with the MNDNR nongame wildlife staff will occur during final design and as part of developing a construction staging plan.

D9 The final design will identify roadway signage, culvert/underpass locations and specification, etc. Design staff will take into consideration the location of stormwater features and whether additional design elements need to be added to ensure safety conditions are not compromised along the highway.
June 25, 2014

Mr. Jason Staebell, Project Manager
Hennepin County Transportation Department
1600 Prairie Drive
Medina, MN 55340

Re: Hennepin County State Aid Highway 61/Flying Cloud Drive Reconstruction Project Environmental Assessment Worksheet

Dear Mr. Staebell:

Thank you for the opportunity to review and comment on the Environmental Assessment Worksheet (EAW) for the Hennepin County State Aid Highway 61/Flying Cloud Drive Reconstruction Project (Project) located in Carver and Hennepin Counties, in Minnesota. 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.

Please be aware that Riley Creek is listed on the MPCA Inventory of Impaired Waters located on the MPCA website at http://www.pca.state.mn.us/water/stormwater/impaired.html. We recommend you utilize the MPCA Special Waters and Impaired Waters Search mapping tool to identify special or impaired waters located near proposed projects. The mapping tool is located on the MPCA website at: http://pca-poi2.pca.state.mn.us/CSW/index.html. Riley Creek is listed as impaired for turbidity. The impairment will dictate additional increased stormwater treatment during construction and require additional increased permanent treatment post construction. These requirements will be included in the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Construction Stormwater Permit. The project proposer should determine that compliance with these increased stormwater water quality treatments can be achieved on the project site or elsewhere. Information regarding the MPCA’s Construction Stormwater Program can be found on the MPCA’s website at http://www.pca.state.mn.us/water/stormwater/permits.html. Questions regarding Construction Stormwater Permit requirements should be directed to Roberta Getman at 507-206-2629.

We appreciate the opportunity to review this project. Please provide your specific responses to our comments and the 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

RESPONSES:

E1 No response needed.

E2 EAW Question 11.b.ii., discusses the existing and proposed water quality conditions for receiving waterbodies, including Riley Creek. Hennepin County has coordinated with the Riley-Purgatory Bluff Creek Watershed District to ensure proper stormwater treatment strategies provide adequate treatment capacity, storage volume, and rate control per the watersheds requirements. A NPDES/SDS permit will be obtained prior to any construction activities occurring on the project.

E3 No response needed.
Comment Letter E: Minnesota Pollution Control Agency (page 2 of 2)

Mr. Jason Staebell, Project Manager  
Page 2  
June 25, 2014

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 651-757-2482.

Sincerely,

Kevin Kain  
Planner Principal  
Environmental Review Unit  
Resource Management and Assistance Division

cc: Craig Affeldt, MPCA, St. Paul  
Jim Brist, MPCA staff  
Roberta Getman, MPCA staff

RESPONSES:

E3 See response on previous page.
A copy of the Environmental Assessment Worksheet will be posted on the Minnesota Pollution Control Agency website, at the following: http://www.pca.state.mn.us/news/eaw/index.html. Written comments on the EAW should be submitted to Patrice Jensen. A copy of the EAW may also be obtained by contacting Beth Tegdesch at 651-757-2100.

In addition to the Environmental Assessment Worksheet (EAW), the Minnesota Pollution Control Agency’s draft National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Permit will also be available for public comment beginning May 27, 2014. The contact person for the NPDES/SDS Permit is Mel Milan at 507-206-2647.

**RGU:** Minnesota Pollution Control Agency

**Contact Person:** Patrice Jensen  
Planner Principal  
Minnesota Pollution Control Agency  
520 Lafayette Rd N  
St. Paul, MN 55155  
Patrice.jensen@state.mn.us

**Project Title:** Northcross Business Park

**Project Description:** Development of approximately 36 acres in Brooklyn Park into three industrial/commercial buildings and a four story or greater office or hotel. The site is located at the southeast intersection of Hwy 169 and 610 with site access via Winnetka Ave. The property is compatibly zoned as a Business Park / Highway overlay and is fallow agricultural land presently. An underground petroleum pipeline will be realigned as part of the site development.

**RGU:** City of Brooklyn Park

**Contact Person:** Todd A. Larson, Senior Planner  
5200 85th Ave N  
Brooklyn Park, MN 55443  
763-493-8069  
todd.larson@brooklynpark.org

**Project Title:** Hennepin CSAH 61/Flying Cloud Dr. Reconstruction Project

**Project Description:** Hennepin County, in cooperation with MnDOT, Carver County, and the cities of Chanhassen and Eden Prairie, is proposing the reconstruction of approximately 3.65 miles of County State Aid Highway (CSAH) 61/Flying Cloud Drive. The project extends from Charison Road in Eden Prairie to the Highway 101 “Wye” intersection in Chanhassen. The County proposes to reconstruct the highway as a three lane section with right turn lanes at key intersection. A multi-use trail will also be added along the north side of the road. Construction of the proposed improvements is planned to begin in 2015.

The comment period will begin on May 26, 2014 and will extend through June 25, 2014. 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.hennepin.us/residents/transportation/flying-cloud-dr
EQB Monitor Notice

- Hennepin County Transportation Department, 1600 Prairie Drive, Medina MN
- Hennepin County Library – Eden Prairie Branch, 565 Prairie Center Drive, Eden Prairie MN
- Eden Prairie Public Works Department, City Center, 8080 Mitchell Road, Eden Prairie MN
- Carver County Library – Chanhassen Branch, 7711 Kerber Boulevard, Chanhassen MN
- Carver County Public Works, 11360 Highway 212, Cologne MN
- City of Chanhassen, Public Works, 7700 Market Blvd, Chanhassen MN

RGU: Hennepin County

Contact Person: Jason Staebell
Hennepin County Transportation Department
1600 Prairie Dr
Medina, MN 55430
jason.staebell@hennepin.us

EAW Need Decisions

The noted responsible governmental unit has made a decision regarding the need for and EAW in response to a citizen’s petition.

- Lions Park Project, City of Kasson (denied)

EIS Need Decisions

The noted responsible governmental unit has determined the following project does not require preparation of an EIS. The dates given are, respectively, the date of the determination and the date the EAW notice was published in the EQB Monitor.

- City of Coon Rapids and Blaine, MnDOT and FHWA, CSAH 51 Transportation Improvements, May 14, 2014 (November 25, 2013)
- City of Plymouth, Vicksburg Lane Reconstruction and Expansion Project, May 13, 2014 (March 31, 2014)
- Blackhoof Township Carlton County, Elim Creek Restoration, May 20, 2014 (February 7, 2014)

AUAR Update Adopted

Project Title: Essby Site AUAR Update

Project Description: The City of North Branch has prepared an Update to the AUAR for the ESSBY Site (Formerly the North Branch Development Area). The 393-acre area is currently partially developed and this study updates the 2004 AUAR and 2009 AUAR Update, which evaluated potential environmental impacts for redevelopment. The area is located south of 410th Street, east of Interstate 35 (I-35), west of CSAH 30, and north of Aztec Trail near the north central portion of the City.
Hennepin County seeks public comments on Flying Cloud Drive (County Road 61) reconstruction project

Hennepin County sent this bulletin at 09/27/2014 03:56 PM CDT

Having trouble viewing this email? View it as a Web page.

For release: May 27, 2014

Contacts:
Jason Stadall; Transportation, 612-696-0371
Kevin Remmelkamp; Public Affairs, 612-348-8536

News release
Hennepin County seeks public comments on Flying Cloud Drive

Hennepin County is working with MnDOT, the cities of Eden Prairie and Chanhassen, and Carver County on a project to improve County Road 61/Flying Cloud Drive from Charlson Road in Eden Prairie to the triangular intersection at Flying Cloud Drive and Highway 101 in Chanhassen.

This project requires an environmental assessment worksheet that is available for public review and comment. The worksheet identifies the project purpose and need, alternatives considered, and identifies potential social, economic, and environmental effects. The document is available for review on the project website or at the following locations:

- Hennepin County Transportation Department, 1800 Prairie Drive, Medina
- Hennepin County Library – Eden Prairie Branch, 666 Prairie Center Drive, Eden Prairie
- Eden Prairie Public Works Department, City Center, 6060 Mitchell Road, Eden Prairie
- Carver County Library – Chanhassen Branch, 7711 Kerber Boulevard, Chanhassen
- Carver County Public Works, 11360 Highway 212, Cologne

http://content.govdelivery.com/accounts/MNHENNE/bulletins/6a63c2 7/8/2014
Hennepin County seeks public comments on Flying Cloud Drive (County Road 61) reconstruction... Page 2 of 2

- City of Chanhassen, Public Works, 7700 Market Blvd, Chanhassen

Comments must be submitted by Wednesday, June 25, 2014, to Jason Staebell via U.S. mail or email:

Jason Staebell
Hennepin County Transportation Department, Design Division
1600 Prairie Drive
Medina, MN 55340-5421
jason.staebell@hennepin.us

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.

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Look for more news on the Hennepin County website at www.hennepin.us/news.
