

Date: March 30, 2020
RE: Determination of Need for an Environmental Impact Statement (EIS)
Project: Trunk Highway (TH) 169/ TH 282/ County Road (CR) 9 Intersection Improvement Project
Location: City of Jordan

FINDINGS OF FACT:

1. The City of Jordan, in partnership with the Minnesota Department of Transportation (MnDOT) and Scott County, is proposing intersection and roadway improvements in the area of the TH 169, TH 282, and CR 9 intersection. The improvements include the construction of a new interchange, two bridges, access modifications, sidewalk, and a traffic signal in order to improve vehicle safety and mobility as well as pedestrian and bicycle connectivity.
2. The project falls within the mandatory Environmental Assessment Worksheet (EAW) category of Minnesota Rules part 4410.4300, Subp. 27- Wetlands and Public Waters (A) Project would impact one acre or more of Minnesota Department of Natural Resources Public Water Wetland.
3. Scott County is serving as the Responsible Government Unit (RGU) and the City of Jordan is the project proposer.
4. The EAW was prepared using the form approved by the Minnesota Environmental Quality Board (EQB) in accordance with Minnesota Rules Part 4410.1300; and
5. The EAW is incorporated by reference in this Record of Decision; and
6. The EAW was published in the EQB on February 3rd, 2020. A copy of the EAW was sent to all persons on the EQB Distribution List. Hard copies of the EAW were also available for public viewing at the Jordan Library in the City of Jordan and were made available upon request.
7. The 30-day public review and comment period opened on February 3rd, 2020 and ended on March 4th, 2020. Three written comments were received from the following agencies: Metropolitan Council, Minnesota Department of Natural Resources, and Minnesota Pollution Control Agency. No other comments were received. Responses to comments are attached. Based on comments received, additional information and/or clarification to the EAW have been provided in the following sections:
 - a. *Section 6 - Project Description, Part b* has been updated to include alternate options for crossing the Unnamed DNR Public Stream (identified as Perennial Stream A in the EAW).
 - b. *Section 9 - Land Use*
 - i. All references to the City of Jordan's 2040 Comprehensive Plan have been updated to reflect it has not been formally adopted.
 - ii. *Part 9a, Item ii* has been updated to include reference to the *Spring Lake Regional Trail Master Plan (September 2011)* and a description of planned Spring Lake Regional Trail which crosses the project limits.
 - iii. *Part 9a, Part iii* has been updated to include the Shoreland Overlay District for Perennial Stream A and reference to two Minnesota Biological Survey sites of biodiversity significance located within or near the project limits.
 - iv. *Part 9b* has been updated to state that the city and county are committed to coordinating the project footprint closely with the DNR to mitigate potential impacts to natural communities in the vicinity of the project.

- c. *Section 11 - Water Resources*
 - i. *Part 11b, Item ii* has been updated to provide further detail about the stormwater management plan, specifically that stormwater Best Management Practices are anticipated to be infiltration areas (to be verified as part of final design).
 - ii. *Part 11b, Item iv (2)*, has been updated to provide details about alternate options for crossing Perennial Stream A. Exhibits showing these options are included in Appendix J. The section documents the city and county commitment to coordinating impacts mitigation with the DNR during final design.
 - d. *Section 13 - Fish, Wildlife, Plant Communities, and Sensitive Ecological Resources (Rare Features)*. All parts have been revised per DNR comments. The city and county are committed to further coordination regarding these issues as documented in Appendix I.
 - e. *Section 16 - Air Quality, Part B* has been updated to include a qualitative assessment of Mobile Source Air Toxics.
8. A public open house was held on February 20, 2020 during the 30-day comment period. No comments were made at the open house. Notice of the public hearing was published in the Jordan Independent on February 6, 2020.

CONCLUSIONS

The project does not have the potential for significant environmental effects based upon the above findings and the evaluation of the following four criteria (per Minn. Rules, Parts 4410.1700 Subp. 7):

- Type, extent, and reversibility of environmental effects;
- Cumulative potential effects;
- Extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority;
- Extent to which environmental effects can be anticipated and controlled as a result of other environmental studies undertaken by public agencies or the project proposer, including other EISs.

The finding by Scott County is that the EAW is adequate and no Environmental Impact Statement (EIS) is required for the proposed Trunk Highway (TH) 169/ TH 282/ County Road (CR) 9 Intersection Improvement Project. The RGU makes a Negative Declaration and does not require the preparation of an EIS.

RESPONSE TO COMMENTS:

The following comments were received on the EAW. Consistent with state environmental review rules, written responses have been prepared for all substantive comments submitted during the 30-day EAW comment period and the comment letters are included in Appendix A.

1. MINNESOTA DEPARTMENT OF NATURAL RESOURCES (DNR):

COMMENT A: Pages 5, 6, Alternatives. Wetlands and floodplains were included in these considerations, but no other natural resource concerns were examined. The project

proposes to route a public stream through a 560-foot culvert, but no alternatives to this are discussed.

RESPONSE: The alternative analysis described in the EAW focused primarily on the overall interchange layout differences and what drove the decision for the selected interchange layout. Since none of the alternatives can avoid crossing of the creek channel, alternate crossings were not described at that time and were planned to be addressed during the permit process at such time the project is funded and programmed for design and construction. The 560-foot culvert was described as it represented the worst-case impact to the creek, with the assumption that minimization options would be further studied in the permit coordination and review process. The city and county recognize that this could have been more clearly stated in the EAW. Several options that are being considered for crossing the creek have been added into the EAW.

The wetlands within the project area, specifically Wetland 1, 2, and 6 are located adjacent to the unnamed DNR public stream, Perennial Stream A. Although not explicitly stated as an evaluation criterion in *TH 169/TH282/CR 9 Interchange Concept Study (November 2018)* on Pages 5 or 6, impacts to stream were grouped with wetland impacts as a measure for determining impacts to aquatic resources. The delineation of stream within these wetlands was completed in the summer of 2019. The EAW (Pages 17 and 18) documents that impacts to aquatic resources are unavoidable to accomplish the purpose of the project, specifically that the proposed roundabout on the north side of TH 169 is constrained by the presence of existing railroad, roadway infrastructure, and the surrounding topography.

The city and county have met with the DNR as recommended in the DNR comment letter. A number of stream crossing alternatives have been identified and there are opportunities to reduce the length of creek placed into culverts. The details about the alternate options are included in the updated *Section 11, Part b, Item iv (2)* of the EAW and are shown in Appendix J. The City will continue to coordinate this project with the DNR as funding for the project becomes available and to obtain the necessary permits. This commitment is included in Appendix I.

COMMENT B: Page 9, Land Use. The intersection is adjacent to a Minnesota Biological Survey (MBS) Site and DNR Natural Plant Community (NPC).

RESPONSE: Comment noted. The EAW acknowledges these mapped resources within Section 13 (Pages 24-31) and they are shown on Figure 7 (Page 46). They have also been identified in the updates to EAW *Section 9 Part a, Item iii and b*.

COMMENT C: Page 13, Impaired Waters. Sand Creek and the Unnamed Stream are both impaired watercourses. The planned increase in impervious surfaces will also increase the amount of road salt used in the project area. Chloride released into local lakes and streams does not break down, and instead accumulates in the environment, potentially reaching levels that are toxic to aquatic wildlife and plants. If the City of Jordan and Scott County are not already, consider participating in the Smart Salting Training offered through the Minnesota Pollution Control Agency. More information and resources can be found at this website. Many winter maintenance staff who have attended the Smart Salting training — both from cities and counties and from private companies — have used their knowledge to reduce salt use and save money for their organizations.

RESPONSE: The city and county will consider participating in the Smart Salting Training offered by MPCA and adjust their salting practices as practical without compromising public safety.

COMMENT D: Page 14, Wellhead Protection Area. We appreciate that the presence of the wellhead protection area is noted in the EAW. Care should be used in handling potential pollutants to protect the drinking water of the City of Jordan.

RESPONSE: Comment noted. A project specific Stormwater Pollution Prevention Plan and regulated materials handling guidance will be required which will document measures to limit the potential for impacts to the Wellhead Protection Area. This commitment has been included in Appendix I.

COMMENT E: Page 15, Stormwater Design. This description of proposed stormwater management is unclear. Does the project propose using stormwater ponds to retain stormwater in order to settle out pollutants before discharging to surface waters, or does the project propose to use infiltration basins? The DNR encourages the City of Jordan and MNDOT to consider using any new stormwater ponds as a water source of the irrigation of nearby landscaping. The use of stormwater from constructed storm water facilities to reduce pollutant loadings, stormwater flow, or ground water use is exempt from the requirement for a DNR Water Appropriation Permit.

RESPONSE: At this stage of project development, specific types of stormwater management (e.g. infiltration, filtration, wet pond, etc.) have not been identified. The EAW acknowledges that, due to the anticipated net increase in impervious surface, a Phase II NPDES permit would be needed and that requirements of the Scott County WMO would be met. Three locations have been identified for runoff rate and volume control that are feasible for meeting these requirements. Based on preliminary soil boring results, infiltration basins are the preferred Best Management Practices (BMPs) for the project. This will be verified during final design. The information has been added into the EAW *Section 11, Part 11b*. Volume reduction measures will be considered, however, County and MnDOT road projects typically do not include any landscaping that requires long-term irrigation.

COMMENT F: Page 19, Other Surface Waters. The EAW has correctly identified that this project will impact public waters, two streams and a wetland. The project proposes three stream crossings, a bridge and two culverts, however the two existing culverts are already >120 feet long each, which is long enough to pose challenges to fish and wildlife. The fact that the project is proposing to route a public stream through a 560-foot long culvert is only mentioned once in the entire EAW document. It is also not identified on the project proposal figure in Appendix A. This is a significant design proposal and should be analyzed because of the potential for major impacts to natural resources. There should be extensive discussion of alternatives such as adding more bridges in the project area, or relocation of the stream rather than a 560 foot culvert. The following wildlife considerations and design elements should be discussed in the EAW (Also see the attached BMP's regarding wildlife and road crossings):

- **FISH PASSAGE:** Bridges, culverts and other crossings shall provide for game fish movement unless the structure is intended to impede rough fish movement, aquatic invasive species movement, or the stream has negligible fisheries value as determined by the Transportation Hydrologist or Area Hydrologist in consultation with the Area Fisheries Manager. Culvert and bridge openings will be designed and

constructed to span the bankfull channel width or slightly greater. Important factors in designing for fish passage include

- Design culverts to match the alignment and slope of the stream channel.
 - Design flow depths comparable to the natural channel depth (not over wide and too shallow). Multiple culverts may need to be offset to allow flow in only one culvert at normal/low flow conditions.
 - Mimic streambed habitat by providing a continuous roughness similar to the natural channel. Depending on conditions, streambed formation may be allowed to develop via sediment deposition or need to be created during culvert installation. Introducing a headcutting situation will not be allowed.
 - Rock Rapids or other structures that mimic natural conditions may be utilized to aid in fish passage.
 - Other factors may exist and could take precedence, such as unsuitable substrate, natural slope and background velocities, bedrock, flood control, 100-yr (1% chance) flood elevations, wetland/lake level control elevations, local ditch elevations, and other adjacent features. The Publication 'Minnesota Guidance for Stream Connectivity and Aquatic Organism Passage through Culverts' has been compiled by the University of Minnesota and can be utilized for meeting culvert design concerns.
- TERRESTRIAL SPECIES MOVEMENT: Structures shall not be detrimental to significant wildlife habitat. If the crossing is located at a significant wildlife travel corridor as determined by DNR Wildlife or Ecological & Water Resources staff, the crossing shall be designed to minimize concerns. Typically this is accomplished with the presence of a walkable surface (dry ground) at normal flow conditions. For bridges this is known as a 'Passage Bench', which is incorporated into bridge abutment riprap. On multiple culvert installations, outer culvert inverts can be set at an elevation higher than normal flow to allow terrestrial species use during non-flood conditions. A Passage Bench design is incorporated into MnDOT Standard sheet (Figure 5-397.309) and available at <http://www.dot.state.mn.us/bridge/pdf/cadd/files/bdetailspart2/BridgeDetailsManualPart-II-2019-06-12.pdf>. Also see 'Passage Bench Design' as well as other species protection measures in Chapter 1 of the collection of "Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-0001" http://www.dnr.state.mn.us/waters/watermgmt_section/pwpermits/gp_2004_0001_manual.html. The following should be taken into consideration when designing culverts for safe wildlife passage:
 - In descending order of preference structures recommended to facilitate animal under passage are: open-bottom arch culverts, box culverts, elliptical culverts and circular culverts.
 - Shorter length, larger diameter, and more light are design elements positively correlated with wildlife using culverts for safe passage. Some have gone as far as to recommend that extremely long or narrow culverts employ artificial lighting or periodic openings to allow light to enter.
 - In MN when there are Blanding's turtles within a project area we require that culverts be at least 36 inches in diameter and be elliptical or flat bottomed and that when they are providing stream crossing for a road that they be "oversized" meaning at least twice as wide as the normal width of open water along with being flat bottomed or elliptical.
 - Perched culverts prohibit almost all wildlife use and should be avoided.

RESPONSE: As stated in the response to Comment A, the city and county have met with the DNR as recommended in the DNR comment letter. A number of stream crossing options have been identified and there are opportunities to incorporate elements that allow for fish passage and terrestrial wildlife movement. The City will continue to coordinate this project with the DNR as funding for the project becomes available. This commitment has been added into Appendix I.

COMMENT G: Page 24, Fish, Wildlife, Plant Communities, and Sensitive Ecological Resources. Throughout the EAW the discussion of natural resources has repeatedly claimed that the land surrounding the project area is disturbed and of low quality making the presence of rare species unlikely. The project area borders a 227 acre MBS Site as well as a DNR NPC and contains two public watercourses, all of which could contain habitat for natural resources. These sites were described as ecologically significant in the November 27, 2019 NHIS Review letter. Unless surveys have been conducted, the proposer cannot make the claim that rare species are not present and that natural resources will not be impacted.

RESPONSE: The EAW describes the general setting of the project area (which includes land that is either currently disturbed (i.e. roadway or railroad infrastructure and commercial/residential development) or has been previously disturbed (i.e. agricultural operations) (Pages 24, 28-30). The EAW also identifies the existence of ecologically significant areas within the project area including RSEAs, NHIS data, Minnesota Sites of Biodiversity Significance (MSBS), and native plant communities (Pages 25-26). The reference to disturbance and quality were describing the areas within the construction limits of the project only, not the entire RSEA or areas beyond the construction limits. The city and county recognize that this could have been more clearly stated in the EAW and has revised *Section 13*. The city and county will continue to coordinate with the DNR on the project footprint and consider doing a survey to document potential rare species during final design that could be impacted by the proposed project. This commitment has been added to Appendix I.

COMMENT H: Page 28, part c. This section does not address the impact of long culverts on fish or wildlife. Long, narrow and/or dark culverts are known barriers to wildlife passage. Wildlife has been demonstrated to select over-road travel when presented with such culverts exacerbating wildlife road mortality and public/wildlife safety concerns. This section also does not discuss the fact that the project borders a public wetland, MBS Site, DNR NPC, and two public watercourses.

RESPONSE: The city and county met with the DNR to discuss impacts of long culverts on fish and/or wildlife. The DNR indicated that fish likely use the large DNR basin southwest of the intersection for spawning and would prefer for culverts to maintain fish passage. In addition, the, wildlife crossing design elements were discussed that would allow for safe terrestrial movement of species. These design considerations will be incorporated into the final design of the project to the extent practicable. The EAW has been updated to document the city and county commitment to meeting these design considerations.

COMMENT I: Page 28, State-listed Species. The EAW inaccurately states that the gopher snake is not a state-listed species. This species is state-listed as a species of special concern as was stated in the NHIS Review letter. For more information, visit the Rare Species Guide at <http://www.dnr.state.mn.us/rsg/index.html>

RESPONSE: Comment noted. The Gopher Snake should be noted as a state-listed species of special concern which has been corrected in the EAW.

COMMENT J: Page 29. The NHIS Review letter stated that the Henslow's Sparrow and Loggerhead Shrike may be present in the area and require coordination with the DNR to avoid impacting these species during their breeding season. This is one example of several within the EAW where claims have been made regarding the potential impact to rare species that contradict the information provided in the NHIS Review letter. Information from the NHIS Review letter has been incorporated into the EAW on page 30 (section d) and in Table 10, but the EAW is inconsistent in how it applies these recommendations.

RESPONSE: The EAW identifies habitat for the Henslow's Sparrow and Loggerhead Shrike on Figure 8 (Page 46). The city is committed to considering mitigation measures outlined in the NHIS review letter including the removal of trees and shrubs outside the critical breeding/nesting season (Table 10 on Page 27). An update to Table 10 has been provided in the EAW which identifies the specific breeding seasons from these species. In accordance with the NHIS review letter, the city will coordinate with the DNR if it is determined that these mitigation measures cannot be accommodated.

COMMENT K: Page 29, RSEA, Sites of Biodiversity Significance, and Native Plant Communities. This section argues that the RSEA, MBS Site, and DNR NPC are disturbed and therefore not significant habitat based on the small area that was observed during a wetland delineation within the intersection ROW. Observation of disturbance is not a basis for the determination of the presence of rare species. Minnesota hosts a wide variety of disturbance dependent rare species which are also protected from take. A wetland delineation is not a plant survey and is not comprehensive enough to make a statement about the quality of the adjacent plant communities. Also, vegetation along roadways is more likely to be disturbed and cannot be used to characterize the species composition of the entire 227 acre site. The project has the potential to introduce invasive species, sediment, pollutants, and to make other impacts to this ecologically significant area. The Unnamed Stream flows directly through this area and would be greatly impacted by the proposed project. The NHIS Review letter recommended that a qualified surveyor determine whether any potential habitat for rare plant species exists within the project footprint.

RESPONSE: The city and county acknowledge that a wetland delineation survey is not a substitute for a rare plant survey. This reference has been removed from the EAW. In accordance with the NHIS review letter, the city will consider completing a botanical survey to determine if Louisiana Broomrape is located within the project footprint. During final design of the project, a SWPPP will be developed which incorporate recommendations made in the NHIS review letter for work near a MBS site and outline measures for mitigating the introduction of invasive species, sediments, and/or other pollutants that might affect sensitive ecological communities.

COMMENT L: Page 30, Invasive Species. Purple loosestrife (*Lythrum salicaria*) has been documented in the area, and measures should be taken to avoid spreading invasive species to the adjacent ecosystems. We recommend equipment be cleaned/inspected to inhibit the spread of Invasive species. Please see the attached fact sheet on cleaning and inspecting equipment.

RESPONSE: The city and county will incorporate recommendations from the "Equipment Cleaning to Minimize the Introduction and Spread of Invasive Species: Heavy Equipment used on Land" into project specifications and/or SWPPP when developed.

COMMENT M: Figure 4 incorrectly identifies the shoreland overlay district. The district would be the 300-ft corridor along both streams, but the figure only shows it occurring along Sand Creek, but all public water streams on the map are classified as "tributary". Per City code 154.284.

RESPONSE: Figure 4 and EAW Section 9a. iii. have been updated to include the shoreland overlay district for the unnamed public water stream. The city will also note the change in their ordinance.

COMMENT N: Figure 4 also uses the existing floodplain extent, but it may be better to use the preliminary floodplain, which is available through Scott County GIS or the FEMA flood map changes viewer, because those changes should be effective by the time the project proceeds.

RESPONSE: Figure 4 has been updated to include FEMA flood map revisions dated July 13, 2018.

COMMENT O: The EAW should explain how wildlife moves through this area and discuss any available collision information. Such information is available upon request from MnDOT biologists.

RESPONSE: The city and county have since coordinated with the MnDOT wildlife biologists. MnDOT indicated there have been four recorded deer fatalities near the intersection between 2006-2015 and two records of rare snake fatalities (one in 1997 and the other in 2002). MnDOT suggested that, to mitigate potential impacts to rare snakes, the project should consider reducing impacts to the adjacent mapped Native Plant Communities, reseed disturbed areas with native seed mixes (especially bunch grasses), adding wildlife fencing/barriers and crossings, and using wildlife friendly erosion control practices. The city and county are committed to incorporating these measures into construction to the extent practicable.

COMMENT P: When the project moves into final design, the City and County should contact the DNR as indicated in the NHIS Review letter. The NHIS is the most complete source of data on Minnesota's rare natural features and is continually updated as new information becomes available. As such, our general policy is that Natural Heritage reviews should not be considered valid if it has been more than one year since the date of the Natural Heritage letter.

RESPONSE: The city/county will update the NHIS review and reinstate coordination with the DNR when the project moves into final design.

COMMENT Q: Due to entanglement issues with small animals, use of erosion control blanket shall be limited to 'bio-netting' or 'natural netting' types, and specifically not products containing plastic mesh netting or other plastic components. These are Category 3N or 4N in the 2016 & 2018 MnDOT Standards Specifications for Construction. Also be aware that hydro-mulch products may contain small synthetic (plastic) fibers to aid in its matrix strength. These loose fibers could potentially re-suspend and make their way into Public Waters. As such, please review mulch products and do not allow any materials with synthetic (plastic) fiber additives in areas that drain to Public Waters.

RESPONSE: The city/county is committed to using DNR recommended erosion control measures.

COMMENT R: It is very important that effective erosion prevention and sediment control practices be implemented and maintained throughout the duration of this project. All precautions available should be taken during excavation, grading, water discharge activities, and vegetation establishment to control erosion, reduce site runoff, and prevent sedimentation/siltation of the streams and wetland.

RESPONSE: See response to Comment K.

2. MINNESOTA POLLUTION CONTROL AGENCY

COMMENT A: Water Resources (Item 11). In reference to Table 7 on Page 18, please note that the MPCA uses the definition of "Waters of the State" as defined in Minn. Stat. ch.115.01 subd 22. to determine what waters are regulated by the MPCA. This definition is broader than the definition of "Waters of the U.S." used by the U.S. Army Corps of Engineers (USACE). Incidental wetlands not regulated by the USACE or covered under the Wetland Conservation Act (WCA) are regulated by the MPCA and may require mitigation. When making an application for wetlands/surface water impacts for a proposed project, the applicant needs to include all impacts to all surface waters, even if those waters have been determined to be non-jurisdictional by the USACE or exempted by WCA. For further information about the 401 Water Quality Certification process, please contact Jim Brist at 651-757-2245 or Jim.Brist@state.mn.us.

RESPONSE: Comment noted. All impacts to wetlands/surface waters will be documented in appropriate permit applications when the project enters final design.

COMMENT B: Contamination/Hazardous Materials/Waste (Item 12). The EAW identified the presence of several properties near the Project area with actual or potential soil and/or groundwater contamination. State law requires that persons properly manage contaminated soil and water they uncover or disturb - even if they are not the party responsible for the contamination. Developers considering construction on or near contaminated properties should begin working early in their planning process with the MPCA's Brownfields Program to receive necessary technical assistance in managing contamination. For some properties, special construction might be needed to prevent the further spreading of the contamination and/or prevent vapors from entering buildings or utility corridors. Information regarding the Brownfields Program can be found at: <https://www.pca.state.mn.us/waste/brownfields>. If contamination is found, it must be reported immediately to the state duty officer at 651-649-5451 or 800-422-0798.

RESPONSE: The Modified Phase I ESA completed for the project documented potential contamination within the project area. During final design, the city/county will evaluate the need for future drilling investigation activities, including the collection and analysis of soil and groundwater samples, specifically where a High Potential for Contamination Site or Medium Potential for Contamination Site is both adjacent to or in close proximity to the TH 169/TH 282/CR 9 intersection, where significant amounts of fill materials would be excavated during

future construction, or where acquisition of contaminated (identified or potential) properties are planned. If during construction contaminated soils are encountered, the response would be handled consistent with MPCA requirements.

COMMENT C: Noise (Item 17). The MPCA appreciates the noise study and examination of modeled potential noise on nearby receptors. The MPCA encourages the city of Jordan and the Minnesota Department of Transportation to continue considering walls HI and 11, as proposed for construction, throughout the development and planning process. For noise related questions, please contact Fawkes Steinwand at 651-757-2327 or Fawkes.Steinwand@state.mn.us.

RESPONSE: Comment noted. The city/county will continue to follow all applicable state and federal noise regulations as it pertains to the project.

COMMENT D: Air (Item 16) and Transportation (Item 18) Air Quality Conformity. The proposed Project is not in the 2040 Metro Council's approved Transportation Policy Plan (TPP) nor in any current Transportation Improvement Program. The Minneapolis-St. Paul area has completed the 20-year maintenance period in November 29, 2019. This marks 20 years from the effective date of redesignation of the area to attainment for the carbon monoxide (CO) National Ambient Air Quality Standard (NAAQS). The maintenance plan was not extended beyond the 20-year maintenance period, therefore, transportation conformity requirements for CO no longer apply for these areas.

It should also be noted that a portion of Ramsey County is a maintenance area for the coarse particulate matter (PM₁₀) NAAQS. However, the Project lies several miles outside of the PM₁₀ maintenance area boundary, therefore, PM₁₀ conformity determination is not required for the Project. The proposed Project is also unfunded at this time. Scott County has applied for some funding and if they are successful, the Project would have to be amended into the TPP.

RESPONSE: Comment noted. As funding becomes available, the city/county will submit applicable amendment materials for getting the project incorporated into the TPP.

COMMENT E: Traffic. A traffic forecasting, safety, and operation analysis memorandum was completed for the Project in 2018. The average Annual Daily traffic (AADT) identified on the roads within the Project area are approximately 21,000 to 21,500 vehicles per day (vpd) on Trunk Highway (TH) 169, 10,600 vpd on TH 282, and 6,000 to 7,900 vpd on County Road (CR) 9. This Project does not generate new traffic, however, future (2040) traffic forecasts for the roadways are anticipated to increase.

An intersection capacity analysis was performed at critical intersections within the study area to support interchange concept development and determine the most appropriate intersection control and geometric to accommodate existing and future traffic. The analysis showed that there are a high level of right-turn volumes from Creek Lane to northbound TH 169 during AM peak period. It also showed that several drivers are avoiding the signalized intersection at TH 169/TH 282/CR 9. In general, the intersections in the study area were found to have acceptable level of service (LOS) under existing conditions during the weekday AM and PM peak hours. Nevertheless, there were some turning movements that were experiencing unacceptable LOS and delay. Since a significant number of intersections are expected to operate below the acceptable LOS for design year (2040), No Action

conditions, improvements along the study corridor would be needed to provide acceptable LOS into the future.

Therefore, the purpose of the proposed Project is to improve safety and operational concerns throughout the TH 169/TH 282/CR 9 area by constructing this interchange at the existing at-grade intersection.

RESPONSE: Comment noted.

COMMENT F: NAAQS Criteria Pollutants. The EAW did not provide any detailed qualitative analysis of the NAAQS criteria pollutants including: Ozone, PM, sulfur dioxide (SO₂), nitrogen dioxide (NO₂), and lead. However, I do not anticipate this Project having a significant negative impact on these pollutants.

RESPONSE: Comment noted.

COMMENT G: CO Hot-Spot Analysis. A U.S. Environmental Protection Agency approved hot-spot screening methods were used to determine which intersections needed hot-spot analysis. The first criterion is to determine whether the total daily approach volume of the study area exceeds 82,300 AADT. All intersection AADTs for the Project corridor are well below this threshold. The second criterion compares the Project area to the locations of 10 intersections that the MPCA has identified as having the highest volumes in the Metro Area. If any of these 10 intersections were affected by the Project, then analysis would be required. The nearest of these intersections is over 10 miles away, at the intersection of TH 7 and CR 101 in Minnetonka; therefore, the second criterion is not met, and no hot-spot analysis is needed for the proposed Project.

RESPONSE: Comment noted.

COMMENT H: Mobile Source Air Toxics (MSAT). The proposed Project has projected design year (2040) traffic volumes under 140,000 AADT and does not meet the threshold for a quantitative MSAT evaluation and none was prepared. However, the Project meets the criteria for projects with lower potential MSAT effects. A qualitative evaluation of MSAT should have been performed for the Project to provide a basis for identifying and comparing the potential differences among MSAT emissions from various alternatives. However, it's likely the results of the MSAT analysis would have shown no appreciable difference in overall MSAT emissions among the various alternatives and a reduction in long-term emissions for air toxics related to the Project in the traffic study area. Please direct questions regarding air quality/transportation issues to Innocent Eyoh at 651-757-2347 or Innocent.Eyoh@state.mn.us.

RESPONSE: The city and county acknowledge that a qualitative analysis for MSAT should have been including in the EAW. This analysis has been incorporated into *Section 16, Part 2* of the EAW.

3. METROPOLITAN COUNCIL COMMENTS

COMMENT A: Regional Parks. A segment of the existing and planned Spring Lake Regional Trail is within the project area. The Spring Lake Regional Trail has a 2011 Metropolitan Council-approved master plan, available at: <https://www.scottcountymn.gov/DocumentCenterView/1356/Spring-Lake-Regional-Trail-PDF>.

On page 9 of the EAW, the text incorrectly states, "According to the City of Jordan 2040 Comprehensive Plan (Map 3-19: Existing Park and Recreation Areas) and the Scott County 2040 Comprehensive Plan (Existing Trail Inventory Map), there are no existing regional trail identified in the project limits." However, there are in fact both existing and planned segments of the Spring Lake Regional Trail in the project area. (See Map 4D in the master plan on pdf pg. 51.) This section of the EAW needs to be revised to acknowledge the presence of existing and planned segments of the Spring Lake Regional Trail.

RESPONSE: There are no existing portions of the Spring Lake Regional Trail within the project area; however, the city and county acknowledge the EAW should have included reference to the Spring Lake Regional Trail Master Plan (September 2011) and the planned alignment of the Spring Lake Regional Trail which crosses the project area. This has been revised in EAW *Section 9 Part a. ii* The project is compatible with the Spring Lake Regional Trail Plan by providing a grade-separated crossing of TH 169 through the TH 282/CR 9 intersection.

COMMENT B: Regional Parks. On page 4 of the EAW, the text states, "The improvements include the construction of a new interchange, two bridges, access modifications, sidewalk, and a traffic signal in order to improve vehicle safety and mobility as well as pedestrian and bicycle connectivity." Council staff recommend the City of Jordan and the Scott County Roads and Transportation Department coordinate with the Scott County Parks and Trails Department, the Regional Parks Implementing Agency, for the existing and planned Spring Lake Regional Trail, prior to the development of any new pedestrian and bicycle facilities in the project area.

RESPONSE: The city and county are committed to coordinating improvements with the Scott County Parks and Trails Department.

COMMENT C: Comprehensive Plan. The City of Jordan's 2040 Comprehensive Plan (Plan) is currently in the review process and scheduled for Metropolitan Council action. References to the 2040 Plan in the EAW do not reflect the draft nature of this Plan and, until authorized by the Council, are not referencing the current adopted local comprehensive plan as required by environmental review rules.

RESPONSE: Comment noted. The EAW has been updated to reflect the draft nature of the City of Jordan 2040 Comprehensive Plan.

COMMENT D: Wildlife Impact Minimization. The Project corridor is near wetlands and natural habitat areas along both sides of the roadway corridor. The transition of the existing "rural expressway to a controlled-access freeway" will involve addition of medians and potentially curbing at various locations in the Project, introducing new and increased impediments to wildlife mobility along the corridor. Council staff recommends that Project specifications require the utilization of surmountable curbing (Minnesota Department of Transportation Curb and Gutter Design No. Type D or S curbs) for all proposed project roadway medians and curbing. These gently sloping curb designs will significantly reduce the anticipated high mortality risk of small animals (e.g., turtles) from becoming trapped within the roadway by curbing while crossing the roadway, without negatively impacting stormwater runoff flow or the safety of those utilizing the roadway or adjacent trail system. Specification and use of these types of curbing is consistent with Department of Natural Resources (MDNR) recommended guidance for actions to avoid and minimize impacts to both the state-

protected Blanding's turtles and other more common species. An additional recommendation would be the installation of entrenched fencing (with j-hooks at each end) in the vicinity of wetlands and stream crossings to help keep turtles off the roadway.

RESPONSE: The city and county will be coordinating elements that allow for terrestrial wildlife movement with the DNR as design of the project progresses.

COMMENT E: Regionally Significant Ecological Area Impact Minimization. The western portion of the Project site has been mapped as supporting vegetative habitat characterized as "Outstanding" (the highest level) in quality by the Council's Natural Resources Inventory/Assessment (NRI/A). The Council and MDNR staff, in concert with the University of Minnesota, jointly prepared the NRI/A database for the seven-county area in 2004-2005, which Council staff continues to utilize. The data set is identified in the Council's geographic information system as Regionally Significant Ecological Areas (RSEA). The largest of the three planned stormwater runoff treatment basins sited west of the proposed roundabout is located within an area mapped as supporting vegetation characterized as 'Outstanding' RSEA quality, as well as supporting potentially suitable brush/grassland habitat for the Henlow's Sparrow and Loggerhead Shrike - as indicated by EAW Figure 8.

Locating the stormwater management basin in the RSEA area would be inconsistent with Council Thrive MSP 2040 Stewardship and Natural Resources Protection policy direction. Thrive directs staff to work with local and regional partners to conserve, restore, and protect the region's remaining vital natural resources by adopting local land uses and planning strategies for protecting NRI/A-RSEA resources and avoiding or minimizing development impacts. Council staff recommends avoiding impacts to the identified RSEA lands in this area by relocating the planned stormwater basin to land of similar apparent low development capacity immediately across CR 9 to the northeast, between the Unnamed Stream and Union Pacific Railroad corridor which is indicated as having a lower probability of supporting similar high quality natural resource habitat.

RESPONSE: According to the RSEA data acquired from the DNR, the RSEA within the project corridor has an ecological score of "1," indicating the location "meets the minimum requirements for regional significance" and/or "given a score of moderate biodiversity significance by the Minnesota County Biological Survey." According to this data, there is no RSEA within the project area mapped as "outstanding" or receiving an ecological score of "3." This information has been added into *Section 13, Part a* of the EAW. That being said, the city and county acknowledge the presence of natural communities within or near the project area and are committed to working with the DNR to mitigate potential impacts to these locations. In accordance with the NHIS review letter, the City will consider completing a botanical survey during final design to determine if rare species are located within the project footprint and make changes to the stormwater management plan as necessary. During final design of the project, a SWPPP will be developed which incorporate recommendations made in the NHIS review letter for work near a MBS site and outline measures for mitigating the introduction of invasive species, sediments, and/or other pollutants that might affect sensitive ecological communities.

APPENDIX A

DNR Page 1

From: Collins, Melissa (DNR) <Melissa.Collins@state.mn.us>
Sent: Wednesday, March 04, 2020 2:11 PM
To: Jenson, Craig <CJenson@co.scott.mn.us>
Subject: [External]TH 169/TH 282/CR 9 Intersection Improvement Project EAW - DNR Comments

Craig,

The DNR has reviewed the TH 169 / TH 282 / CR 9 Intersection Improvement Project EAW. **Please note that we do not consider this EAW to be complete without further discussion of the issues raised below, especially the plan to route a public water stream through a 560 foot long culvert.** This mandatory EAW was triggered by MN Rule 4410.4300, Subp. 27, *Wetlands and Public Waters* and should more comprehensively address these concerns. We would like to offer the following comments:

- A** 1. Pages 5, 6, Alternatives. Wetlands and floodplains were included in these considerations, but no other natural resource concerns were examined. The project proposes to route a public stream through a 560 foot culvert, but no alternatives to this are discussed.
- B** 2. Page 9, Land Use. The intersection is adjacent to a Minnesota Biological Survey (MBS) Site and DNR Natural Plant Community (NPC).
- C** 3. Page 13, Impaired Waters. Sand Creek and the Unnamed Stream are both impaired watercourses. The planned increase in impervious surfaces will also increase the amount of road salt used in the project area. Chloride released into local lakes and streams does not break down, and instead accumulates in the environment, potentially reaching levels that are toxic to aquatic wildlife and plants. If the City of Jordan and Scott County are not already, consider participating in the Smart Salting Training offered through the Minnesota Pollution Control Agency. More information and resources can be found at this [website](#). Many winter maintenance staff who have attended the Smart Salting training — both from cities and counties and from private companies — have used their knowledge to reduce salt use and save money for their organizations.
- D** 4. Page 14, Wellhead Protection Area. We appreciate that the presence of the wellhead protection area is noted in the EAW. Care should be used in handling potential pollutants to protect the drinking water of the City of Jordan.
- E** 5. Page 15, Stormwater Design. This description of proposed stormwater management is unclear. Does the project propose using stormwater ponds to retain stormwater in order to settle out pollutants before discharging to surface waters, or does the project propose to use infiltration basins? The DNR encourages the City of Jordan and MNDOT to consider using any new stormwater ponds as a water source of the irrigation of nearby landscaping. The use of stormwater from constructed storm water facilities to reduce pollutant loadings, stormwater flow, or ground water use is exempt from the requirement for a DNR Water Appropriation Permit.
- F** 6. Page 19, Other Surface Waters. The EAW has correctly identified that this project will impact public waters, two streams and a wetland. The project proposes three stream crossings, a bridge and two culverts, however the two existing culverts are already >120 feet long each, which is long enough to

F
(cont.)

pose challenges to fish and wildlife. **The fact that the project is proposing to route a public stream through a 560 foot long culvert is only mentioned once in the entire EAW document.** It is also not identified on the project proposal figure in Appendix A. This is a significant design proposal and should be analyzed because of the potential for major impacts to natural resources. There should be extensive discussion of alternatives such as adding more bridges in the project area, or relocation of the stream rather than a 560 foot culvert. The following wildlife considerations and design elements should be discussed in the EAW (Also see the attached BMP's regarding wildlife and road crossings):

- a. **FISH PASSAGE:** Bridges, culverts and other crossings shall provide for game fish movement unless the structure is intended to impede rough fish movement, aquatic invasive species movement, or the stream has negligible fisheries value as determined by the Transportation Hydrologist or Area Hydrologist in consultation with the Area Fisheries Manager. Culvert and bridge openings will be designed and constructed to span the bankfull channel width or slightly greater. Important factors in designing for fish passage include:
 - Design culverts to match the alignment and slope of the stream channel.
 - Design flow depths comparable to the natural channel depth (not over wide and too shallow). Multiple culverts may need to be offset to allow flow in only one culvert at normal/low flow conditions.
 - Mimic streambed habitat by providing a continuous roughness similar to the natural channel. Depending on conditions, streambed formation may be allowed to develop via sediment deposition or need to be created during culvert installation. Introducing a headcutting situation will not be allowed.
 - Rock Rapids or other structures that mimic natural conditions may be utilized to aid in fish passage.
 - Other factors may exist and could take precedence, such as unsuitable substrate, natural slope and background velocities, bedrock, flood control, 100-yr (1% chance) flood elevations, wetland/lake level control elevations, local ditch elevations, and other adjacent features. The Publication '[Minnesota Guidance for Stream Connectivity and Aquatic Organism Passage through Culverts](#)' has been compiled by the University of Minnesota and can be utilized for meeting culvert design concerns.
- b. **TERRESTRIAL SPECIES MOVEMENT:** Structures shall not be detrimental to significant wildlife habitat. If the crossing is located at a significant wildlife travel corridor as determined by DNR Wildlife or Ecological & Water Resources staff, the crossing shall be designed to minimize concerns. Typically this is accomplished with the presence of a walkable surface (dry ground) at normal flow conditions. For bridges this is known as a 'Passage Bench', which is incorporated into bridge abutment riprap. On multiple culvert installations, outer culvert inverts can be set at an elevation higher than normal flow to allow terrestrial species use during non-flood conditions. A Passage Bench design is incorporated into MnDOT Standard sheet (Figure 5-397.309) and available at http://www.dot.state.mn.us/bridge/pdf/cadd/files/bdetailspart2/BridgeDetailsManualPart-II_2019-06-12.pdf. Also see 'Passage Bench Design' as well as other species protection measures in Chapter 1 of the collection of "Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-0001" http://www.dnr.state.mn.us/waters/watermgmt_section/pwpermits/gp_2004_0001_manual.html. The following should be taken into consideration when designing culverts for safe wildlife passage:
 - In descending order of preference structures recommended to facilitate animal under

DNR Page 3

F
(cont.)

passage are: open-bottom arch culverts, box culverts, elliptical culverts and circular culverts.

- Shorter length, larger diameter, and more light are design elements positively correlated with wildlife using culverts for safe passage. Some have gone as far as to recommend that extremely long or narrow culverts employ artificial lighting or periodic openings to allow light to enter.
- In MN when there are Blanding's turtles within a project area we require that culverts be at least 36 inches in diameter and be elliptical or flat bottomed and that when they are providing stream crossing for a road that they be "oversized" meaning at least twice as wide as the normal width of open water along with being flat bottomed or elliptical.
- Perched culverts prohibit almost all wildlife use and should be avoided.

G

7. Page 24, Fish, Wildlife, Plant Communities, and Sensitive Ecological Resources. Throughout the EAW the discussion of natural resources has repeatedly claimed that the land surrounding the project area is disturbed and of low quality making the presence of rare species unlikely. The project area borders a 227 acre MBS Site as well as a DNR NPC and contains two public watercourses, all of which could contain habitat for natural resources. These sites were described as ecologically significant in the November 27, 2019 NHIS Review letter. Unless surveys have been conducted, the proposer cannot make the claim that rare species are not present and that natural resources will not be impacted.

H

8. Page 28, part c. This section does not address the impact of long culverts on fish or wildlife. Long, narrow and/or dark culverts are known barriers to wildlife passage. Wildlife has been demonstrated to select over-road travel when presented with such culverts exacerbating wildlife road mortality and public/wildlife safety concerns. This section also does not discuss the fact that the project borders a public wetland, MBS Site, DNR NPC, and two public watercourses.

I

9. Page 28, State-listed Species. The EAW inaccurately states that the gopher snake is not a state-listed species. This species is state-listed as a species of special concern as was stated in the NHIS Review letter. For more information, visit the Rare Species Guide at <http://www.dnr.state.mn.us/rsg/index.html>.

J

10. Page 29, The NHIS Review letter stated that the Henslow's Sparrow and Loggerhead Shrike may be present in the area and require coordination with the DNR to avoid impacting these species during their breeding season. This is one example of several within the EAW where claims have been made regarding the potential impact to rare species that contradict the information provided in the NHIS Review letter. Information from the NHIS Review letter has been incorporated into the EAW on page 30 (section d) and in Table 10, but the EAW is inconsistent in how it applies these recommendations.

K

11. Page 29, REA, Sites of Biodiversity Significance, and Native Plant Communities. This section argues that the RSEA, MBS Site, and DNR NPC are disturbed and therefore not significant habitat based on the small area that was observed during a wetland delineation within the intersection ROW. Observation of disturbance is not a basis for the determination of the presence of rare species. Minnesota hosts a wide variety of disturbance dependent rare species which are also protected from take. A wetland delineation is not a plant survey and is not comprehensive enough to make a statement about the quality of the adjacent plant communities. Also, vegetation along roadways is more likely to be disturbed and cannot be used to characterize the species composition of the entire 227 acre site. The project has the potential to introduce invasive species, sediment, pollutants, and to make other impacts to this ecologically significant area. The Unnamed Stream flows directly through this area and would be greatly impacted by the proposed project. The NHIS Review letter recommended that a qualified surveyor determine whether any potential habitat for rare plant species exists within the project footprint.

L

12. Page 30, Invasive Species. Purple loosestrife (*Lythrum salicaria*) has been documented in the area, and

DNR Page 4

L
(cont.)

measures should be taken to avoid spreading invasive species to the adjacent Ecosystems. We recommend equipment be cleaned/inspected to inhibit the spread of Invasive species. Please see the attached fact sheet on cleaning and inspecting equipment.

M

13. Figure 4 incorrectly identifies the shoreland overlay district. The district would be the 300-ft corridor along both streams, but the figure only shows it occurring along Sand Creek, but all public water streams on the map are classified as "tributary". Per City code 154.284.

N

14. Figure 4 also uses the existing floodplain extent, but it may be better to use the preliminary floodplain, which is available through Scott County GIS or the FEMA flood map changes viewer, because those changes should be effective by the time the project proceeds.

O

15. The EAW should explain how wildlife moves through this area and discuss any available collision information. Such information is available upon request from MnDOT biologists.

P

16. When the project moves into final design, the City and County should contact the DNR as indicated in the NHIS Review letter. The NHIS is the most complete source of data on Minnesota's rare natural features and is continually updated as new information becomes available. As such, our general policy is that Natural Heritage reviews should not be considered valid if it has been more than one year since the date of the Natural Heritage letter.

Q

17. Due to entanglement issues with small animals, use of erosion control blanket shall be limited to 'bio-netting' or 'natural netting' types, and specifically not products containing plastic mesh netting or other plastic components. These are Category 3N or 4N in the 2016 & 2018 MnDOT Standards Specifications for Construction. Also be aware that hydro-mulch products may contain small synthetic (plastic) fibers to aid in its matrix strength. These loose fibers could potentially re-suspend and make their way into Public Waters. As such, please review mulch products and do not allow any materials with synthetic (plastic) fiber additives in areas that drain to Public Waters.

R

18. It is very important that effective erosion prevention and sediment control practices be implemented and maintained throughout the duration of this project. All precautions available should be taken during excavation, grading, water discharge activities, and vegetation establishment to control erosion, reduce site runoff, and prevent sedimentation/siltation of the streams and wetland.

Please let me know if you have any questions.

Thank you,

Melissa Collins

Regional Environmental Assessment Ecologist | Ecological and Water Resources

Pronouns: She/her

Minnesota Department of Natural Resources

1200 Warner Road

St. Paul, MN 55106

Phone: 651-259-5755

Email: melissa.collins@state.mn.us

mndnr.gov

 **DEPARTMENT OF
NATURAL RESOURCES**



MPCA Page 1



520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300
800-657-3864 | Use your preferred relay service | info.pca@state.mn.us | Equal Opportunity Employer

March 2, 2020

Craig Jenson
Transportation Planner Manager
Scott County
600 County Trail East
Jordan, MN 55352

Re: TH 169/TH 282/CR 9 Intersection Improvement Project Environmental Assessment Worksheet

Dear Craig Jenson:

Thank you for the opportunity to review and comment on the Environmental Assessment Worksheet (EAW) for the TH 169/TH 282/CR 9 Intersection Improvement project (Project) in the city of Jordan, Scott County, Minnesota. The Project consists of various intersection and roadway improvements. Regarding matters for which the Minnesota Pollution Control Agency (MPCA) has regulatory responsibility or other interests, the MPCA staff has the following comments for your consideration.

Water Resources (Item 11)

A

In reference to Table 7 on Page 18, please note that the MPCA uses the definition of "Waters of the State" as defined in Minn. Stat. ch.115.01 subd 22. to determine what waters are regulated by the MPCA. This definition is broader than the definition of "Waters of the U.S." used by the U.S. Army Corps of Engineers (USACE). Incidental wetlands not regulated by the USACE or covered under the Wetland Conservation Act (WCA) are regulated by the MPCA and may require mitigation. When making an application for wetlands/surface water impacts for a proposed project, the applicant needs to include all impacts to all surface waters, even if those waters have been determined to be non-jurisdictional by the USACE or exempted by WCA. For further information about the 401 Water Quality Certification process, please contact Jim Brist at 651-757-2245 or Jim.Brist@state.mn.us.

Contamination/Hazardous Materials/Waste (Item 12)

B

The EAW identified the presence of several properties near the Project area with actual or potential soil and/or groundwater contamination. State law requires that persons properly manage contaminated soil and water they uncover or disturb - even if they are not the party responsible for the contamination. Developers considering construction on or near contaminated properties should begin working early in their planning process with the MPCA's Brownfields Program to receive necessary technical assistance in managing contamination. For some properties, special construction might be needed to prevent the further spreading of the contamination and/or prevent vapors from entering buildings or utility corridors. Information regarding the Brownfields Program can be found at: <https://www.pca.state.mn.us/waste/brownfields>. If contamination is found, it must be reported immediately to the state duty officer at 651-649-5451 or 800-422-0798.

Noise (Item 17)

C

The MPCA appreciates the noise study and examination of modeled potential noise on nearby receptors. The MPCA encourages the city of Jordan and the Minnesota Department of Transportation to continue considering walls H1 and I1, as proposed for construction, throughout the development and planning process. For noise related questions, please contact Fawkes Steinwand at 651-757-2327 or Fawkes.Steinwand@state.mn.us.

MPCA Page 2

Craig Jenson
Page 2
March 2, 2020

Air (Item 16) and Transportation (Item 18)

Air Quality Conformity

The proposed Project is not in the 2040 Metro Council's approved Transportation Policy Plan (TPP) nor in any current Transportation Improvement Program. The Minneapolis-St. Paul area has completed the 20-year maintenance period in November 29, 2019. This marks 20 years from the effective date of redesignation of the area to attainment for the carbon monoxide (CO) National Ambient Air Quality Standard (NAAQS). The maintenance plan was not extended beyond the 20-year maintenance period, therefore, transportation conformity requirements for CO no longer apply for these areas.

D

It should also be noted that a portion of Ramsey County is a maintenance area for the coarse particulate matter (PM₁₀) NAAQS. However, the Project lies several miles outside of the PM₁₀ maintenance area boundary, therefore, PM₁₀ conformity determination is not required for the Project. The proposed Project is also unfunded at this time. Scott County has applied for some funding and if they are successful, the Project would have to be amended into the TPP.

Traffic

A traffic forecasting, safety, and operation analysis memorandum was completed for the Project in 2018. The average Annual Daily traffic (AADT) identified on the roads within the Project area are approximately 21,000 to 21,500 vehicles per day (vpd) on Trunk Highway (TH) 169, 10,600 vpd on TH 282, and 6,000 to 7,900 vpd on County Road (CR) 9. This Project does not generate new traffic, however, future (2040) traffic forecasts for the roadways are anticipated to increase.

E

An intersection capacity analysis was performed at critical intersections within the study area to support interchange concept development and determine the most appropriate intersection control and geometric to accommodate existing and future traffic. The analysis showed that there are a high level of right-turn volumes from Creek Lane to northbound TH 169 during AM peak period. It also showed that several drivers are avoiding the signalized intersection at TH 169/TH 282/CR 9. In general, the intersections in the study area were found to have acceptable level of service (LOS) under existing conditions during the weekday AM and PM peak hours. Nevertheless, there were some turning movements that were experiencing unacceptable LOS and delay. Since a significant number of intersections are expected to operate below the acceptable LOS for design year (2040), No Action conditions, improvements along the study corridor would be needed to provide acceptable LOS into the future.

Therefore, the purpose of the proposed Project is to improve safety and operational concerns throughout the TH 169/TH 282/CR 9 area by constructing this interchange at the existing at-grade intersection.

NAAQS Criteria Pollutants

F

The EAW did not provide any detailed qualitative analysis of the NAAQS criteria pollutants including: Ozone, PM, sulfur dioxide (SO₂), nitrogen dioxide (NO₂), and lead. However, I do not anticipate this Project having a significant negative impact on these pollutants.

CO Hot-Spot Analysis

G

A U.S. Environmental Protection Agency approved hot-spot screening methods were used to determine which intersections needed hot-spot analysis. The first criterion is to determine whether the total daily approach volume of the study area exceeds 82,300 AADT. All intersection AADTs for the Project corridor are well below this threshold. The second criterion compares the Project area to the locations of 10

MPCA Page 3

Craig Jenson
Page 3
March 2, 2020

G
(cont.) | intersections that the MPCA has identified as having the highest volumes in the Metro Area. If any of these 10 intersections were affected by the Project, then analysis would be required. The nearest of these intersections is over 10 miles away, at the intersection of TH 7 and CR 101 in Minnetonka; therefore, the second criterion is not met, and no hot-spot analysis is needed for the proposed Project.

H | **Mobile Source Air Toxics (MSAT)**
The proposed Project has projected design year (2040) traffic volumes under 140,000 AADT and does not meet the threshold for a quantitative MSAT evaluation and none was prepared. However, the Project meets the criteria for projects with lower potential MSAT effects. A qualitative evaluation of MSAT should have been performed for the Project to provide a basis for identifying and comparing the potential differences among MSAT emissions from various alternatives. However, it's likely the results of the MSAT analysis would have shown no appreciable difference in overall MSAT emissions among the various alternatives and a reduction in long-term emissions for air toxics related to the Project in the traffic study area. Please direct questions regarding air quality/transportation issues to Innocent Eyoh at 651-757-2347 or innocent.Eyoh@state.mn.us.

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

Sincerely,



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

KK:bt

cc: Dan Card, MPCA, St. Paul
Jim Brist, MPCA, St. Paul
Fawkes Steinwand, MPCA, St. Paul
Innocent Eyoh, MPCA, St. Paul

MET COUNCIL Page 1

March 4, 2020

Craig Jenson
Transportation Planning Manager
Scott County
600 County Trail East
Jordan, MN 55352

**RE: Scott County TH 169/TH 282/CR 9 Intersection Improvement Project
Environmental Assessment Worksheet (EA/EAW)**
Metropolitan Council Review No. 22414-1
Metropolitan Council District 4, Deb Barber

Dear Mr. Jenson:

The Metropolitan Council received the Draft EAW for the TH 169/TH 282/CR 9 Improvement project on January 31, 2020. The proposed project improvements include the construction of a new interchange, two bridges, access modifications, sidewalk, and a traffic signal in order to improve vehicle safety and mobility as well as pedestrian and bicycle connectivity.

Council staff has conducted a review of this EAW to determine its adequacy and accuracy in addressing regional concerns and the potential for significant environmental impact. Staff have concluded that the EAW is complete and an EIS is not necessary. However, one area of the EAW needs to be corrected to accurately reflect regional trails in and around the project area, as detailed below.

Regional Parks – Colin Kelly (651-602-1361)

A segment of the existing and planned Spring Lake Regional Trail is within the project area. The Spring Lake Regional Trail has a 2011 Metropolitan Council-approved master plan, available at: <https://www.scottcountymn.gov/DocumentCenter/View/1356/Spring-Lake-Regional-Trail-PDF>.

A On page 9 of the EAW, the text incorrectly states, "According to the City of Jordan 2040 Comprehensive Plan (Map 3-19: Existing Park and Recreation Areas) and the Scott County 2040 Comprehensive Plan (Existing Trail Inventory Map), there are no existing regional trail identified in the project limits." However, there are in fact both *existing* and *planned* segments of the Spring Lake Regional Trail in the project area. (See Map 4D in the master plan on pdf pg. 51.) This section of the EAW needs to be revised to acknowledge the presence of existing and planned segments of the Spring Lake Regional Trail.

B On page 4 of the EAW, the text states, "The improvements include the construction of a new interchange, two bridges, access modifications, sidewalk, and a traffic signal in order to improve vehicle safety and mobility as well as pedestrian and bicycle connectivity." Council staff recommend the City of Jordan and the Scott County Roads and Transportation Department coordinate with the Scott County Parks and Trails Department, the Regional Parks Implementing Agency, for the existing and planned Spring Lake Regional Trail, prior to the development of any new pedestrian and bicycle facilities in the project area.

MET COUNCIL Page 2

Craig Jenson, Scott County
March 4, 2020
Page 2

We also offer the following comments for your consideration.

- C** **Comprehensive Plan – Raya Esmaeili (651-602-1616)**
The City of Jordan's 2040 Comprehensive Plan (Plan) is currently in the review process and scheduled for Metropolitan Council action. References to the 2040 Plan in the EAW do not reflect the draft nature of this Plan and, until authorized by the Council, are not referencing the current adopted local comprehensive plan as required by environmental review rules.

Item 13.d. – Fish, Wildlife, Plant Communities, and Sensitive Ecological Resources (rare features) – Identification of measures to be taken to avoid, minimize, or mitigate adverse effects to wildlife – Jim Larsen (651-602-1159)

- D** **Wildlife Impact Minimization**
The Project corridor is near wetlands and natural habitat areas along both sides of the roadway corridor. The transition of the existing "rural expressway to a controlled-access freeway" will involve addition of medians and potentially curbing at various locations in the Project, introducing new and increased impediments to wildlife mobility along the corridor. Council staff recommends that Project specifications require the utilization of surmountable curbing (Minnesota Department of Transportation Curb and Gutter Design No. Type D or S curbs) for all proposed project roadway medians and curbing. These gently sloping curb designs will significantly reduce the anticipated high mortality risk of small animals (e.g., turtles) from becoming trapped within the roadway by curbing while crossing the roadway, without negatively impacting stormwater runoff flow or the safety of those utilizing the roadway or adjacent trail system. Specification and use of these types of curbing is consistent with Department of Natural Resources (MDNR) recommended guidance for actions to avoid and minimize impacts to both the state-protected Blanding's turtles and other more common species. An additional recommendation would be the installation of entrenched fencing (with j-hooks at each end) in the vicinity of wetlands and stream crossings to help keep turtles off the roadway.

- E** **Regionally Significant Ecological Area Impact Minimization**
The western portion of the Project site has been mapped as supporting vegetative habitat characterized as "Outstanding" (the highest level) in quality by the Council's Natural Resources Inventory/Assessment (NRI/A). The Council and MDNR staff, in concert with the University of Minnesota, jointly prepared the NRI/A database for the seven-county area in 2004-2005, which Council staff continues to utilize. The data set is identified in the Council's geographic information system as Regionally Significant Ecological Areas (RSEA). The largest of the three planned stormwater runoff treatment basins sited west of the proposed roundabout is located within an area mapped as supporting vegetation characterized as 'Outstanding' RSEA quality, as well as supporting potentially suitable brush/grassland habitat for the Henlow's Sparrow and Loggerhead Shrike – as indicated by EAW Figure 8.

Locating the stormwater management basin in the RSEA area would be inconsistent with Council *Thrive MSP 2040* Stewardship and Natural Resources Protection policy direction. Thrive directs staff to work with local and regional partners to conserve, restore, and protect the region's remaining vital natural resources by adopting local land uses and planning strategies for protecting NRI/A-RSEA resources and avoiding or minimizing development impacts. Council staff recommends avoiding impacts to the identified RSEA lands in this area by relocating the planned stormwater basin to land of similar apparent low development capacity immediately across CR 9 to the northeast, between the Unnamed Stream and Union Pacific Railroad corridor which is indicated as having a lower probability of supporting similar high quality natural resource habitat.

MET COUNCIL Page 3

Craig Jenson, Scott County
March 4, 2020
Page 3

The Council will not take formal action on the EAW at this time. If you have any questions or need further information, please contact Russ Owen, Principal Reviewer, at 651-602-1724.

Sincerely,



Angela R. Torres, AICP, Manager
Local Planning Assistance

CC: Tod Sherman, Development Reviews Coordinator, MnDOT - Metro Division
Russ Owen, Principal Reviewer, Metropolitan Council
Raya Esmaeili, Reviews Coordinator

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APPENDIX B

February 3, 2020 EQB Monitor Notice

Project Title: TH 169/TH 282/CR 9 Intersection Improvement Project

Comment Deadline: March 4, 2020

Project Description: The City of Jordan, in partnership with the Minnesota Department of Transportation (MnDOT) and Scott County, is proposing intersection and roadway improvements in the area of the TH 169, TH 282, and CR 9 intersection. The improvements include the construction of a new interchange, two bridges, access modifications, sidewalk, and a traffic signal in order to improve vehicle safety and mobility as well as pedestrian and bicycle connectivity. The project is not currently funded; however, the City of Jordan, Scott County, and MnDOT plan to advance this project when funding becomes available.

The EAW will be available in hard copy at the following location: Jordan Library – 275 Creek Lane S, Jordan, MN 55352.

Link to Document: <https://www.scottcountymn.gov/1913/TH-169TH-282CR-9-Interchange-Preliminary>

Responsible Governmental Unit (RGU): Scott County

RGU Contact Person:

Craig Jenson, Transportation Planner Manager
600 County Trail East
Jordan, Minnesota 55352
952-496-8329
Cjenson@co.scott.mn.us

Affidavit of Publication – Southwest News Media

**Affidavit of Publication
Southwest News Media**

State of Minnesota)
)SS.
County of Scott)

NOTICE
TRUNK HIGHWAY (TH) 169/TH 282/COUNTY ROAD (CR) 9 INTERSECTION IMPROVEMENTS PROJECT ENVIRONMENTAL ASSESSMENT WORKSHEET (EAW)
The City of Jordan has prepared an Environmental Assessment Worksheet for the TH 169/TH 282/CR 9 Intersection Improvements project and is seeking public input.
The proposed project improvements include the construction of a new interchange, two bridges, access modifications, sidewalk, and a traffic signal in order to improve vehicle safety and mobility as well as pedestrian and bicycle connectivity. The project is not currently funded; however, the City of Jordan, Scott County, and MnDOT plan to advance this project when funding becomes available.
The EAW can be accessed electronically on the project website at <https://clients.boltonmenk.com/jordanengineering/us169-hwy282-cr9interchange/>. It will also be available in hard copy at the Jordan Library (375 Creek Lane S, Jordan, MN 55352).
Written comments on the EAW will be accepted through March 4, 2020 and should be directed to:
Craig Jensen
Transportation Planner
Manager
500 County Trail East
Jordan, MN 55352
cjensen@co.scott.mn.us
(Published in the Jordan Independent on Thursday, February 6, 2020, No. 1453)

Laurie A. Hartmann, being duly sworn, on oath says that she is the General Manager of the newspapers known as the Shakopee Valley News, Jordan Independent, Prior Lake American and Savage Pacer, and has full knowledge of the facts herein stated as follows:

(A) These newspapers have complied with the requirements constituting qualification as a legal newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed public notice that is attached to this Affidavit and identified as No. 1453 was published on the date or dates and in the newspaper stated in the attached Notice and said Notice is hereby incorporated as part of this Affidavit. Said notice was cut from the columns of the newspaper specified. Printed below is a copy of the lower case alphabet from A to Z, both inclusive, and is hereby acknowledged as being the kind and size of type used in the composition and publication of the Notice:

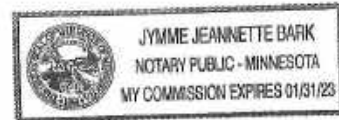
abcdefghijklmnopqrstuvwxyz

By: Laurie A. Hartmann
Laurie A. Hartmann

Subscribed and sworn before me on

this 6th day of February, 2020

Jymme Jeannette Bark
Notary Public



RATE INFORMATION

Lowest classified rate paid by commercial users for comparable space.... \$31.20 per column inch
Maximum rate allowed by law for the above matter..... \$31.20 per column inch
Rate actually charged for the above matter..... \$14.03 per column inch