

JUNE 4, 2024

FINDINGS OF FACT AND CONCLUSIONS AND RECORD OF DECISION

SHAKOPEE GRAVEL REDEVELOPMENT

FOR: CITY OF SHAKOPEE



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ADMINISTRATIVE BACKGROUND

Pursuant to Minnesota Rule 4410.4300, the City of Shakopee prepared an Environmental Assessment Worksheet (EAW) for the proposed redevelopment of the Shakopee Gravel site (Project). This Record of Decision addresses the State of Minnesota environmental review requirements as established in Minnesota Rule 4410.1700. Rachel Development is the project proposer and City of Shakopee is the Responsible Governmental Unit (RGU).

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 for the initial EAW was published in the *EQB Monitor* on April 23, 2024. Notice of Availability was also published in the *Shakopee Valley News* on April 27, 2024. No public hearing was held.

The public comment period ended May 23, 2024. Comments were received from the Minnesota Department of Natural Resources (DNR), Minnesota Pollution Control Agency (MPCA), Scott County Transportation Services Division, Shakopee Mdewakanton Sioux Community (SMSC), and three Shakopee residents. All comments were considered in determining the potential for significant environmental impacts. Comments received and the City of Shakopee's responses to those comments are provided in **Appendix A**. Where applicable, updates to the EAW are provided in this document.

FINDINGS OF FACT AND CONCLUSIONS

As to the need for an Environmental Impact Statement (EIS) on this project and based on the record in this matter, including the EAW and comments received, the City of Shakopee makes the following Findings of Fact and Conclusions:

PROJECT DESCRIPTION

The proposed project includes a residential and mixed-use development on approximately 146 acres southwest of the intersection of Mystic Lake Dr. (County Highway 83) and 17th Ave E (County Highway 16), in Shakopee, Minnesota. This proposed development is located at the site of a sand and gravel pit and includes 223 single family homes, 98 attached townhomes, up to 534 apartment units, 174,300 square feet of mixed commercial uses, and approximately 24 acres of open space. Construction will also include a water treatment plant owned and operated by the Shakopee Public Utilities (SPU) Commission, stormwater infrastructure, internal roads, and utilities.

PROJECT HISTORY

- The project was subject to a mandatory EAW per Minnesota Rule 4410.4300 Subpart 19D, Residential development.
- The EAW was distributed to the EQB and to the EQB mailing list on April 23, 2024.
- Public notices containing information about the availability of the EAW for public review were published in the *Shakopee Valley News* on April 27, 2024.
- Hard copies of the EAW were provided for public review at Shakopee City Hall.
- A notice was published for the EAW in the April 23, 2024 *EQB Monitor*. The public comment period ended May 23, 2024. Comments were received from the DNR, MPCA, Scott County Transportation Services Division, SMSC, and three Shakopee residents. Copies of these comment letters are hereby incorporated for reference and included in **Appendix A**.

CRITERIA FOR DETERMINING THE POTENTIAL FOR SIGNIFICANT ENVIRONMENTAL EFFECTS.

Minnesota Rule 4410.1700, subp. 1, states “An EIS [Environmental Impact Statement] shall be ordered for projects that have the potential for significant environmental effects.” In deciding whether a project has the potential for significant environmental effects, the City of Shakopee must consider the four factors set out in Minnesota Rule 4410.1700, subp. 7. With respect to each of these factors, the City of Shakopee finds the following:

1. MINNESOTA RULE 4410.1700, SUBP. 7.A – TYPE, EXTENT, AND REVERSIBILITY OF ENVIRONMENTAL EFFECTS

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

Cover Types:

Cover Types	Existing/Before (acres)	After (acres)
Wetlands and shallow lakes (<2 meters deep)	0	0
Deep lakes (>2 meters deep)	0	0
Wooded/forest	0	0
Rivers/streams	0	0
Brush/Grassland	73.5	0
Cropland	0	0
Livestock rangeland/pastureland	0	0
Lawn/landscaping	0	65
Green infrastructure TOTAL (from table below*)	0	2
Impervious surface	1	72
Stormwater Pond (wet sedimentation basin)	1	9
Other (describe)	70.5	0
TOTAL	146	146

Zoning and Special Districts:

The City of Shakopee zones the project area as Agricultural Preservation (AG). The proposed use at the site is for single family residential, medium to high density residential and mixed commercial. While the proposed land use conforms with the general goals and vision outlined in the City's Comprehensive Plan, a greater density is proposed, and it also includes areas of mixed use/commercial development. Project development will require rezoning of the project area and approval of a Planned Unit Development.

Geology:

The site is currently utilized as a sand and gravel mine. Soil borings have been conducted onsite and confirmed that the backfill used to create the berms surrounding the site, as well as areas that were backfilled when mining in certain areas ceased was intermixed with organics and debris. This fill is not suitable for the proposed uses. The existing fill material within the area will need to be removed and replaced with an engineered fill suitable for construction of the proposed land uses.

Soil Disturbance:

There will be approximately 4 million cubic yards of excavation required on site. To accomplish this, the existing backfill from the site will be excavated, organics removed, and then the soils will be conditioned and recompactd onsite to make them suitable to support construction. Organic material that is not suitable for buildable areas is expected to remain onsite and used in non-buildable areas such green spaces or stormwater management areas. The only material that may be removed from the site would be contaminated soils, which are not expected. If found, those would be disposed of at facility licensed to receive contaminated materials.

During construction activities, a Stormwater Pollution Prevention Plan (SWPPP) will be implemented as part of the National Pollutant Discharge Elimination System (NPDES) permit requirements and will outline site-specific erosion control best management practices (BMPs).

Water Resources:

The project area contains stormwater BMPs that were excavated within upland to manage the stormwater within the gravel mine site. No natural wetlands exist within the project area; therefore, no direct impacts to wetlands are anticipated. Stormwater from the site will be treated prior to discharge from the site, so indirect impacts to wetlands are also not expected. Two calcareous fens are located within 5 miles of the project location. If water appropriation is proposed, the potential for impact to the fens will be completed during permit application review with the DNR.

Wastewater/Water Supply:

The project area is within the Shakopee Wellhead Protection area. The depth to groundwater on and near the site is expected to be 75-100 feet below land surface. There are six (6) wells located on the site. These wells will need to be sealed by a contractor licensed in Scott County and a Well and Boring Sealing Record filed with the Department of Health.

Wastewater from the site will discharge to the City of Shakopee sanitary sewer system and be conveyed to the Metropolitan Council Environmental Services (MCES) regional collection and treatment system. Wastewater will be treated at the Blue Lake Wastewater Treatment Plant (WWTP). Projected wastewater from the site is approximately 174,442 gpd (average flow) to 680,000 gpd (peak hourly flow). The Blue Lake WWTP has capacity to receive wastewater from the project.

Shakopee Public Utilities is proposing a water treatment plant (WTP) within the study area. Based on a capacity analysis of the downstream sanitary sewers between the site and the MCES Interceptor, and the projected wastewater flows above, the existing sewers in Mystic Lake Dr and crossing Hwy 169 can accommodate the proposed development and the SPU WTP with a backwash tank; however, the city should consider upsizing those sewers or

installing a new larger or steeper crossing south of 17th Avenue to provide additional residual capacity. Aside from the SPU WTP, wastewater from the site is anticipated to have typical residential and commercial strength and character, and pretreatment is not expected.

Water for the site will be supplied by the SPU water system which draws water from eighteen (18) groundwater wells in the Prairie du Chien-Jordan, Tunnel City-Wonewoc, and Mt. Simon-Hinckley aquifers. The projected water demand for the project is estimated at 214,000 gpd (average day demand) and 593,000 gpd (max day demand). The SPU water system has sufficient capacity to serve this project.

Stormwater/Water Quality:

The City of Shakopee regulates the stormwater requirements for the proposed development. City regulations are noted in the City's ordinances and the City's design criteria. The City regulates stormwater and requires all subdivisions to demonstrate how they will adequately manage surface or subsurface runoff of storm water and snow melt directed to natural drainageways. The design criteria, policies, and objectives shall be those described in the City's "Local Surface Water Management Plan". No existing ditch, stream, wetland, pond, drain or drainage canal shall be deepened, widened, filled, re-routed or filled without approval from the City Council. The proposed project's stormwater plan shall incorporate volume control, water quality control, and rate control as the basis for stormwater management and shall be in conformance with the City of Shakopee's Local Surface Water Management Plan, Design Criteria, and the most current requirements of the Minnesota Pollution Control Agency (MPCA) Municipal Separate Storm Sewer Systems (MS4) Permit, as applicable, meeting the more restrictive criteria.

The proposed project will result in approximately 72 acres of new impervious (see updated **Figure 12, Appendix B**). Storm sewers will collect and convey runoff to the central stormwater basin proposed for the project. Pre-treatment of residential runoff will be accomplished with sump manholes prior to discharge into the basins, and by the NURP cells within the basin. Pre-treatment of runoff from commercial and mixed-use areas will be accomplished with a constructed pre-treatment practice prior to connection to the public storm system and by the NURP cells. As the privately-owned lots within the mixed-use area are developed, each connection to the public storm system will need to include an additional pre-treatment step. This step must be sized according to Sizing Hydrodynamic Separators and Manholes (SHSAM) guidelines to remove at least 80% of total suspended solids.

The project's stormwater management design will be coordinated with the City of Shakopee to ensure it meets standards for volume control, rate control, and water quality.

A SWPPP will be developed to ensure that erosion control measures will be provided as needed to prevent and/or contain erosion. Prior to any site disturbance, temporary sediment control practices will be installed on all down gradient perimeters.

Contamination/Hazardous Materials/Wastes:

A Phase I Environmental Site Assessment was completed for the site and found no recognized environmental conditions or controlled recognized environmental conditions within the project area. It is not anticipated that any existing contaminated or hazardous materials will be encountered during construction. There are existing structures on the property that will be removed during the initial phase of development. These structures will be inspected prior to demolition and any regulated materials will be disposed of properly. A

Notification of Intent to Perform Demolition form will be provided to the MPCA if asbestos is discovered, and it will be abated and disposed of per MPCA regulations.

During construction, solid waste and construction debris typical of a construction site may be produced. All waste and unused material will be the responsibility of the contractor and will be properly disposed of off-site and not allowed to be carried by runoff to a receiving channel or storm sewer system. Site perimeter controls will be in place to minimize the movement of construction debris off the site. Fuel trucks and any other hazardous materials will be locked when not in use to avoid vandalism. Degreasing and washing of construction equipment onsite are prohibited by the city's standard construction specifications. The potential for contamination is low and no toxic or hazardous materials will be present after construction.

Upon completion of construction, solid waste disposal will be contracted through existing local, licensed companies, who offer both residential and commercial disposal.

During operation, pesticides and herbicides typically used for lawn care may be used. Application of these chemicals would be per industry requirements; therefore, it is not expected that they would impact ground or surface waters.

Fish and Wildlife:

Given the disturbed nature of the existing project site, significant, permanent negative impacts to wildlife are not expected. Some temporary impacts to wildlife may occur during construction because of habitat removal. The project proposer will implement measures to avoid or minimize the introduction or spread of invasive plant species from project construction and operation. The project proposer will control the spread or introduction of invasive plant species in accordance with local and state invasive and noxious weed regulations, as appropriate. The developer will be required to follow the city's tree preservation regulations, as applicable to each type of development.

The DNR reviewed and provided comments on the project (MCE #2024-00221), including the recommendation of several measures to avoid or minimize impacts to species. The US Fish and Wildlife Service's Information for Planning and Consultation (IPaC) tool was also reviewed (**Appendix C**). The following measures will be taken to avoid, minimize, or mitigate potential adverse impacts to fish, wildlife, plant communities, ecosystems, and sensitive ecological resources:

- Avoid removal of trees and shrubs from May 1 – August 31, which encompasses both the northern long-eared bat roosting and pup rearing season (June 1 – August 15) and peak nesting season for birds protected by the Migratory Bird Treaty Act (May 1 to August 31).
- Perform surveys for northern long-eared bat and/or migratory bird nests if tree removal is necessary between May 1 – August 31.
- Incorporate pollinator species into landscaped planting areas (for permanent vegetation establishment).
- Plant native, weed-free plants in re-vegetated areas (for permanent vegetation establishment).
- Incorporate a rusty patched bumble bee habitat assessment into reclamation plans that determines if suitable summer or winter habitat is available within the project area and how potential for habitat will be addressed during the various phases of reclamation and redevelopment. Additional coordination with USFWS may be required depending upon the results of the assessment.
- Use wildlife-friendly erosion control blankets to avoid entanglement with

- wildlife.
- Invasive plant species will be controlled during site reclamation construction by inspecting and decontaminating equipment.

Historic Properties:

The project area has been disturbed by the current use as a gravel mine. Therefore, no cultural resources are expected to occur within the project area. Correspondence from the State Historic Preservation Office and SMSC also indicated that there are no known resources; however, the developer will coordinate with the SMSC Director of Cultural Resources prior to starting reclamation activities on the site to confirm that no culturally important features exist on or near the site that could be impacted by the project.

Visual

There are no scenic views or vistas within or near the project area. The development will result in increased lighting and noise associated with a typical mixed-use development. Lighting will be used in parking areas that aim to reduce glare and light pollution. Lighting plans will be reviewed by the city during the development plan reviews and will conform to city ordinance.

Air/GHG Emissions:

During construction, particulate emissions will temporarily increase due to generation of fugitive dust. Construction dust control is required to be in conformance with City ordinances and the NPDES Construction Stormwater permit. The developer anticipates using water to control dust during reclamation activities. The construction and operation of the proposed site development is not anticipated to involve processes that would generate odors. The City will address any concerns about odor, chemicals, and safety related to the water treatment plant during the water treatment plant design.

The project's predicted GHG emissions are estimated at 16,862 CO₂e (metric tons/year) over the life of the development (50 years) excluding the roadways. This project will work to implement any applicable state or local GHG measures as required. The City of Shakopee does not currently have GHG requirements or measures.

Noise:

Existing sources of noise include surrounding roadways, including Trunk Highway 169. Construction noise levels and types typical of construction equipment will occur because of this project. Construction noise will be limited to daytime hours consistent with the City of Shakopee's construction and noise ordinances. Construction equipment will be fitted with mufflers that would be maintained throughout the construction process. Overall, noise impacts are not anticipated.

Following construction, noise in the area will be typical of a suburban housing development and mixed-use commercial development. Additional traffic added to surrounding roadways is not expected to generate noise to a degree which would exceed noise standards or diminish quality of life for people living or working nearby. The City will address any concerns about noise related to the water treatment plant during the water treatment plant design.

Transportation:

The proposed project will generate additional traffic that will require improvements to the local transportation system. Based on the traffic analysis performed for the project, the following mitigation measures have been identified and will be reviewed during project development and incorporated, as appropriate, following coordination with local transportation agencies:

- A traffic signal at the 17th Avenue and Emblem Way/ north site driveway intersection.
- Provide a minimum of 2-lanes (i.e., a left- and a shared thru/right-turn lane) on both the north and south approaches of the 17th Avenue (CR 16) and Emblem Way / North Site Driveway intersection; providing dedicated left-, thru, and right-turn lanes on the north and south approaches would have additional benefits.
- Realign Emblem Way or the proposed development driveway to ensure north-south lane continuity.
- Locate internal roadways and driveways a minimum of 330 feet apart, including Philipp Avenue from 17th Avenue (CR 16); review internal intersections and provide appropriate internal traffic controls (i.e., stop signs) in collaboration with the City Engineer.
- Review truck maneuverability and loading / wayfinding procedures to limit potential internal circulation conflicts and locate signage / landscaping to avoid creating any sight distance issues.
- Provide multimodal facilities (i.e., sidewalk and / or trail) throughout the site with connectivity to existing adjacent facilities.

2. MINNESOTA RULE 4410.1700, SUBP. 7.B – CUMULATIVE POTENTIAL EFFECTS OF RELATED OR ANTICIPATED FUTURE PROJECTS

As a result of project phasing and additional regulatory oversight, the project will not cause any known or reasonably expected cumulative potential effects. Reasonably foreseeable developments in the surrounding area have been identified and are not anticipated to combine with the proposed project impacts to result in cumulative potential effects.

3. MINNESOTA RULE 4410.1700, SUBP. 7.C – THE EXTENT TO WHICH ENVIRONMENTAL EFFECTS ARE SUBJECT TO MITIGATION BY ONGOING PUBLIC REGULATORY AUTHORITY

a) The following permits or approvals will be required for the project:

Unit of Government	Type of Application	Status
Federal		
US Environmental Protection Agency	Sole Source Aquifer Project Review	Only applicable if project has federal financial assistance
State		
Pollution Control Agency	NPDES/SDS Construction Stormwater Permit	To be obtained
	Intent to Perform Demolition Notification	To be obtained
	Section 401 Certification	To be obtained, if necessary
	Sanitary Sewer Extension	To be obtained
Department of Health	Watermain Extension Plan Review	To be obtained
	Well and Boring Sealing Record	To be submitted
Department of Natural Resources	Water Appropriation (Construction Dewatering) Permit	To be obtained, if needed
Local		
City of Shakopee	TIF Hearing	To be obtained
	Commercial & Industrial Building Permit	To be obtained
	Residential Building Permit	To be obtained
	Sewer and Water Permit	To be obtained
	Grading Permit	To be obtained
	Preliminary Plat	To be obtained
	Final Plat	To be obtained
	Minor Subdivision	To be obtained
	Planned Unit Development	To be obtained
	Sign Permit	To be obtained
	Right of Way Permit	To be obtained
Scott County WMO	Plan Review	To be completed
Scott County	Right of Way Permit	To be obtained
	Access Permit	To be obtained

- b) The City of Shakopee finds that the potential impacts identified as part of the proposed Shakopee Gravel Redevelopment project can be addressed through the regulatory agencies as part of the permitting process.
4. MINNESOTA RULE 4410.1700, SUBP. 7.D – THE EXTENT TO WHICH ENVIRONMENTAL EFFECTS CAN BE ANTICIPATED AND CONTROLLED AS A RESULT OF OTHER AVAILABLE ENVIRONMENTAL STUDIES UNDERTAKEN BY PUBLIC AGENCIES OR THE PROJECT PROPOSER, INCLUDING OTHER EISs.

The City finds:

1. The proposed project includes various measures to reduce adverse impacts to the environment and existing natural resources.
2. The project is subject to local, regional, state, and federal requirements.
3. The developer will secure all necessary permits and will adhere to all requirements of the permits.
4. Considering the results of environmental review and permitting processes for similar projects, the City of Shakopee finds that the environmental effects of the project can be adequately anticipated, controlled, and mitigated.

CONCLUSIONS

The Shakopee Gravel Redevelopment EAW and comments received have generated information adequate to determine that the proposed project does not have the potential for significant environmental effects.

The EAW has identified areas where the potential for environmental effects exist, but appropriate mitigation measures can be incorporated into the project plans and the required approvals and permits to mitigate these effects will be obtained. If the project cannot be approved by regulating agencies as currently conceptualized, the applicant may need to revise the plan to meet regulatory requirements. The project will comply with all local, county, and federal review agency requirements.

Based on the criteria established in Minnesota Rule 4410.1700, and the Findings of Fact and Conclusions, the project does not have the potential for significant environmental effects to trigger the need for an Environmental Impact Statement (EIS). Therefore, an EIS is not required for the Shakopee Gravel Redevelopment project. City Council concurrence by Resolution No. R2024-092, declaring a negative need for an Environmental Impact Statement, is included in **Appendix D**.

Pursuant to Minnesota Rules Part 4410.1700, Subpart 5, a copy of this RGU Record of Decision is being provided, within 5 days, to all persons on the MEQB Distribution List, to persons commenting and to persons who requested a copy. This Record of Decision will also be made available at the City of Shakopee.

AGENCY COMMENTS AND CITY OF SHAKOPEE RESPONSES

A 30-day comment period for the Shakopee Gravel Redevelopment EAW ended on May 23, 2024. The comments obtained through the EAW process can inform the permitting process and future steps for

projects like this one. Comments were received from the Minnesota DNR, MPCA, Scott County Transportation Services Division, SMSC, and three Shakopee residents. Responses are provided to comments related to the environmental review and analysis of the project. These letters and responses are provided in **Appendix A**.

Appendix A

Agency Comments and Responses

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

Transmitted by Email

May 23, 2024

Michael Kerski
Director of Planning and Development
City of Shakopee
485 Gorman Street
Shakopee, MN 55379

Dear Michael Kerski,

Thank you for the opportunity to review the Shakopee Gravel Redevelopment Environmental Assessment Worksheet (EAW) located in Scott County. The DNR respectfully submits the following comments for your consideration:

1. Page 7, Project Description. This section indicates that the project area will sit empty for approximately a year (or up to six years for later phases) post reclamation in order to allow for the settling of the backfill. It would be helpful if the reclamation plan was included with the EAW in order to better understand project conditions and vegetation management, since the site could be colonized by wildlife, including the federally-endangered Rusty Patched Bumble Bee (RPBB), during this time. The project area overlaps with a *High Potential Zone* for RPBB, and therefore, the timing of ground disturbance should be coordinated with the U.S. Fish and Wildlife Service (USFWS) to avoid any impacts to this species after reclamation. Please see DNR Natural Heritage letter (MCE# 2024-00221) for more information.
2. Page 9, Project Description. This section states that there are no future stages of this project planned, however, the new water treatment plant appears to be a connected project. How will that project address any potential environmental review needs?
3. Page 25, Geology. This section states that backfilled soil will need to settle for anywhere from 3-18 months. How will the project area be vegetated during this time? Will the site be managed for invasive species?
4. Page 26, Soils and Topography. How will the developer process the 4 million cubic yards of soil that will be excavated at the site in order to remove organic material? How much organic material is anticipated to be removed, and how will it be disposed of?
5. Page 31, Groundwater. Because the site is located within the Shakopee Wellhead Protection area, potential pollutants need to be handled with care in order to protect the drinking water of the city. This is especially relevant during significant excavation activities.

6. Page 35, Stormwater. This section discusses existing conditions and proposed conditions post-development, but should also discuss how stormwater will be managed during active construction as well as post-reclamation while backfill is settling and during project phasing. It will be important to manage dust, erosion, and invasive species over this potentially multi-year stage of the project.
7. Page 35, Stormwater. The proposed conditions section states that overflow stormwater will be directed to an, “infiltration chamber.” Should this instead be a filtration chamber? Given the extensive disturbance and compaction of the site, soil infiltration is unlikely to be feasible within the project area.
8. Page 35, Stormwater. The DNR recommends that the proposer consider utilizing stormwater for landscape irrigation. The re-use of stormwater for irrigation will reduce the volume of stormwater and stormwater pollution flowing downstream of the site. In addition, the use of stormwater for irrigating landscaping will conserve valuable groundwater.
9. Page 35, Stormwater. The significant increase in impervious surfaces will also increase the amount of road salt used in the project area. Chloride released into groundwater as well as local lakes and streams does not break down, and instead accumulates in the environment, potentially reaching levels that are toxic to aquatic wildlife and plants. Consider promoting local business and city participation in the Smart Salting Training offered through the Minnesota Pollution Control Agency. There are a variety of classes available for road applicators, sidewalk applicators, and property managers. More information and resources can be found at this [website](#). Many winter maintenance staff who have attended the Smart Salting training — both from cities and counties and from private companies — have used their knowledge to reduce salt use and save money for their organizations.

We encourage the City of Shakopee to consider requiring that developments with a significant area of impervious surfaces develop a chloride management plan that outlines what BMP's and strategies will be used to reduce chloride use within the project area and include this plan within Operations and Maintenance Agreements that are tied to the property. We also encourage cities and counties to consider how they may participate in the [Statewide Chloride Management Plan](#) and provide public outreach to reduce the overuse of chloride. Here are some [educational resources](#) for residents as well as a [sample ordinance](#) regarding chloride use.

10. Page 35, Stormwater. Because the project area overlaps a *High Potential Zone* for the federally-endangered, RPBB, we encourage the development to use weed-free, [native seed mixes](#) in landscaping and stormwater features to the greatest extent possible in order to provide pollinator and wildlife habitat. Native plants are also more drought-tolerant and require less irrigation and soil inputs.
11. Page 36, Figure 12: Stormwater Overview. Figure 12 indicates that there will be 114.4 acres of impervious surface post-construction, while Table 4: Cover Types shows that there will be 72 acres of impervious surfaces post-construction. Please clarify this discrepancy.
12. Page 39, Water Appropriation. A DNR Water Appropriation Permit is required if the water pumped exceeds 10,000 gallons in a day, or one million gallons in one year. The DNR General Permit for Temporary Appropriation, with its lower permit application fee and reduced time for

review, may be used for the dewatering if the dewatering volume is less than 50 million gallons and the time of the appropriation is less than 1 year.

13. Page 39, Water Appropriation. Two calcareous fens are located within 5 miles of the project location. Proposed water appropriations may need to be examined for the potential to impact the calcareous fen, which could result in a longer review period for a DNR Water Appropriation Permit Application.
14. Page 46, Rare Features. The RPBB habitat assessment should also include the habitat that will be created post-reclamation and the potential impacts to RPBB that colonize the site prior to the start of construction for each development phase.
15. Page 47, Dust. Given the level of disturbance within the project area, the excavation of 4 million cubic yards of soil, the processing of the soil to remove organic matter, extensive backfilling activities, and the length of time the site will sit prior to construction, fugitive dust is likely to be a significant challenge. It will be important that the site is effectively stabilized using non-invasive vegetation, and managed for invasive species. We do not recommend that products containing chloride be used for dust suppression.
16. Appendix B. This section should include coordination with USFWS through IPaC.

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

Sincerely,

A handwritten signature in black ink, reading "Melissa Collins", is displayed on a light blue rectangular background.

Melissa Collins

Regional Environmental Assessment Ecologist | Ecological and Water Resources

Minnesota Department of Natural Resources

1200 Warner Road

St. Paul, MN 55106

Phone: 651-259-5755

Email: melissa.collins@state.mn.us

CC: David Stradtman, Rachel Development

Equal Opportunity Employer

May 22, 2024

Michael Kerski
Director of Planning and Development, City of Shakopee
485 Gorman Street
Shakopee, MN 55379
mkerski@shakopeemn.gov

RE: Shakopee Gravel Redevelopment – Environmental Assessment Worksheet

Dear: Michael Kerski

Thank you for the opportunity to review and comment on the Environmental Assessment Worksheet (EAW) for the Shakopee Gravel Redevelopment project (Project) located in Shakopee, Scott County, Minnesota. The Project consists of a residential and mixed-use development is proposed on approximately 146 acres southwest of the intersection of Mystic Lake Drive (County Highway 83) and 17th Avenue East (County Highway 16), in Shakopee, Minnesota. This proposed development is located at the site of a sand and gravel pit and includes 223 single family homes, 98 attached townhomes, up to 534 apartment units, 174,300 square feet of mixed commercial uses, and approximately 24 acres of open space. Construction will also include a water treatment plant owned and operated by the Shakopee Public Utilities Commission, stormwater infrastructure, internal roads, and utilities. 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.

401 Certification

Section 7. Cover Types, indicates that there are no wetland impacts before or after development. Also, Section 8. Permits and Approvals Required, does not include the Federal, Section 404 individual standard permit, hence no MPCA Section 401-certification is required as well. However, if this should change and the Clean Water Act Section 404 permit is needed, then the State of Minnesota Section 401 Water Quality certification will also be needed. The applicant will then be required to complete the 401-program Antidegradation Assessment [process] to acquire a 401-water quality certification with conditions, have a possible waiver issued, or for a rare denial without prejudice issued.

Watershed

The plan mentions that this area will create a heat island. Additional efforts could help mitigate the heat island by reducing impervious area, create space for trees, create space for native grasses, and create space for more green space. The permit and approval table; Scott County is listed but the Scott Watershed Management Organization (SWMO) is not listed. Please add to list and check in with them.

Michael Kerski

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May 22, 2024

We appreciate the opportunity to review this Project. 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 actions 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 Chris.Green@state.mn.us or by telephone at 507-476-4258.

Sincerely,

Chris Green

This document has been electronically signed.

Chris Green
Project Manager
Environmental Review Unit
Resource Management and Assistance Division

CG:rs

cc: Dan Card, MPCA
Kirsten Dieterman, MPCA
Aaron Hinz, MPCA
William Wilde, MPCA
Kirsten Barta, MPCA
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SCOTT COUNTY TRANSPORTATION SERVICES DIVISION

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LISA J. FREESE
Transportation Services Director

ANTHONY J. WINIECKI, P.E.
County Engineer

May 23, 2024

Michael Kerski
Community Development Director
City of Shakopee
485 Gorman St.
Shakopee, MN 55379

SUBJECT: Shakopee Gravel Redevelopment EAW
County Highway 16 and 83

Dear Michael,

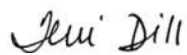
We have reviewed the Environmental Assessment Worksheet (EAW) for the Shakopee Gravel Redevelopment dated April 16, 2024, including the Traffic Study conducted by TC2, and have the following comments:

- The County Highway (CH) 16 (17th Ave/Emblem Way) access shall provide three lanes at the approach, including a dedicated left, thru, and a right-turn lane. Additional right of way dedication shall be included on the plat to accommodate the three lanes and right of way sight triangles.
- We agree that post-development traffic operations will require a traffic signal at the CH 16 and Emblem Way intersection. This signal shall be fully funded by the development. Provide signal warrant analysis for anticipated timing of signal installation based on phased development, including the percentage of site developed threshold.
- Development access at CH 83 shall be constructed as a ¾ intersection with the proposed development. Thrush Street will remain as a full access intersection. Future intersection control to be determined.
- We recommend providing an internal local street to connect the single-family residential to the commercial area, allowing internal connectivity within the proposed development.
- A future traffic signal may be needed at the CH 16 and Kinlock Way/Dean Lakes Trail intersection due to additional area development traffic.

- A minimum of 75 feet of right of way dedication from county highway centerline is required for CH 16 and CH 83.
- All infrastructure improvements, including future upgrades, constructed on the County Highway System will be the funding responsibility of the developer. Approved plans and permits from the County will be required prior to installation of any improvements.

Thank you for the opportunity to review and comment on the EAW. If you have questions or need further information, please contact me at tdill@co.scott.mn.us or 962-496-8839.

Sincerely,

A handwritten signature in black ink that reads "Terri Dill". The script is cursive and fluid.

Terri Dill
Principal Planner – Transportation



Shakopee Mdewakanton Sioux Community

2330 SIOUX TRAIL NW • PRIOR LAKE, MINNESOTA 55372
TRIBAL OFFICE: 952.445.8900 • FAX: 952.233.4256

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Cole W. Miller
Chairman

Natasha K. Hacker
Vice-Chairwoman

Ashley J. Cornforth
Secretary/Treasurer

May 22, 2024

City of Shakopee
Mr. Michael Kerski
Director of Planning and Development
485 Gorman Street,
Shakopee, MN, 55379

Re: City of Shakopee Gravel Redevelopment EAW

Dear Mr. Kerski;

The Shakopee Mdewakanton Sioux Community (SMSC), pursuant to the Shakopee Gravel Redevelopment Environmental Assessment Worksheet (EAW) dated April 16, 2024, submits this response. The SMSC provides these comments with the understanding that both the City of Shakopee and the SMSC's long range plans are subject to modification, and that the SMSC's comments should not be construed as an agreement or consent, and that proper permits and approvals would still be required.

I. 4. Project Magnitude: (Page 10)

EAW: The project magnitude as itemized in Figure 4 section C, proposes a total of 223 single-family residential units, 98 attached townhomes, between 422-534 apartment units, and 174,300 sf of commercial building area within this proposed mixed-use redevelopment.

SMSC Comment: The adjacent SMSC prairie areas to the east are being restored and preserved. This includes habitat for the SMSC Bison herd. The SMSC would request that additional efforts be made to reduce the construction impacts on those adjacent natural areas, specifically to reduce blowing trash from construction activities, etc.

II. 19. Transportation

EAW: Mitigation measures recommended to improve operations in or near the project area includes:

- A traffic signal at the 17th Avenue and Emblem Way/ north site driveway intersection.

RE: City of Shakopee Gravel Redevelopment EAW
May 22, 2024

- Provide a minimum of 2-lanes (i.e., a left- and a shared thru/right-turn lane) on both the north and south approaches of the 17th Avenue (CR 16) and Emblem Way / North Site Driveway intersection; providing dedicated left-, thru, and right-turn lanes on the north and south approaches would have additional benefits.
- Realign Emblem Way or the proposed development driveway to ensure north-south lane continuity.
- Locate internal roadways and driveways a minimum of 330 feet apart, including Philipp Avenue from 17th Avenue (CR 16); review internal intersections and provide appropriate internal traffic controls (i.e., stop signs) in collaboration with the City Engineer.
- Review truck maneuverability and loading / wayfinding procedures to limit potential internal circulation conflicts and locate signage / landscaping to avoid creating any sight distance issues.
- Provide multimodal facilities (i.e., sidewalk and / or trail) throughout the site with connectivity to existing adjacent facilities.

SMSC Comment: The SMSC would support the above efforts to mitigate traffic impacts to the area.

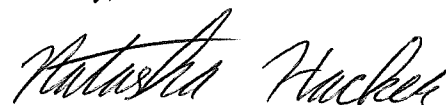
III. Historic properties (Archaeological/cultural):

EAW: The project area has been disturbed by the current use as a gravel mine. Therefore, no cultural resources are expected to occur within the project area. Correspondence from SHPO indicates there are no known historic or cultural resources on the site (Appendix B).

SMSC Comments: The SMSC concurs with SHPO that there are no known or recorded historic sites within the property boundaries, however the SMSC recommends the City consult with the SMSC Director of Cultural Resources for confirmation that no culturally important features exist on or near the site that could be affected by the proposed redevelopment.

Thank you for considering the SMSC's comments to the City of Shakopee Gravel Redevelopment EAW. We look forward to our governments continuing to work together to pursue a shared community vision. Should you have any questions or concerns, please reach out to SMSC staff.

Sincerely,

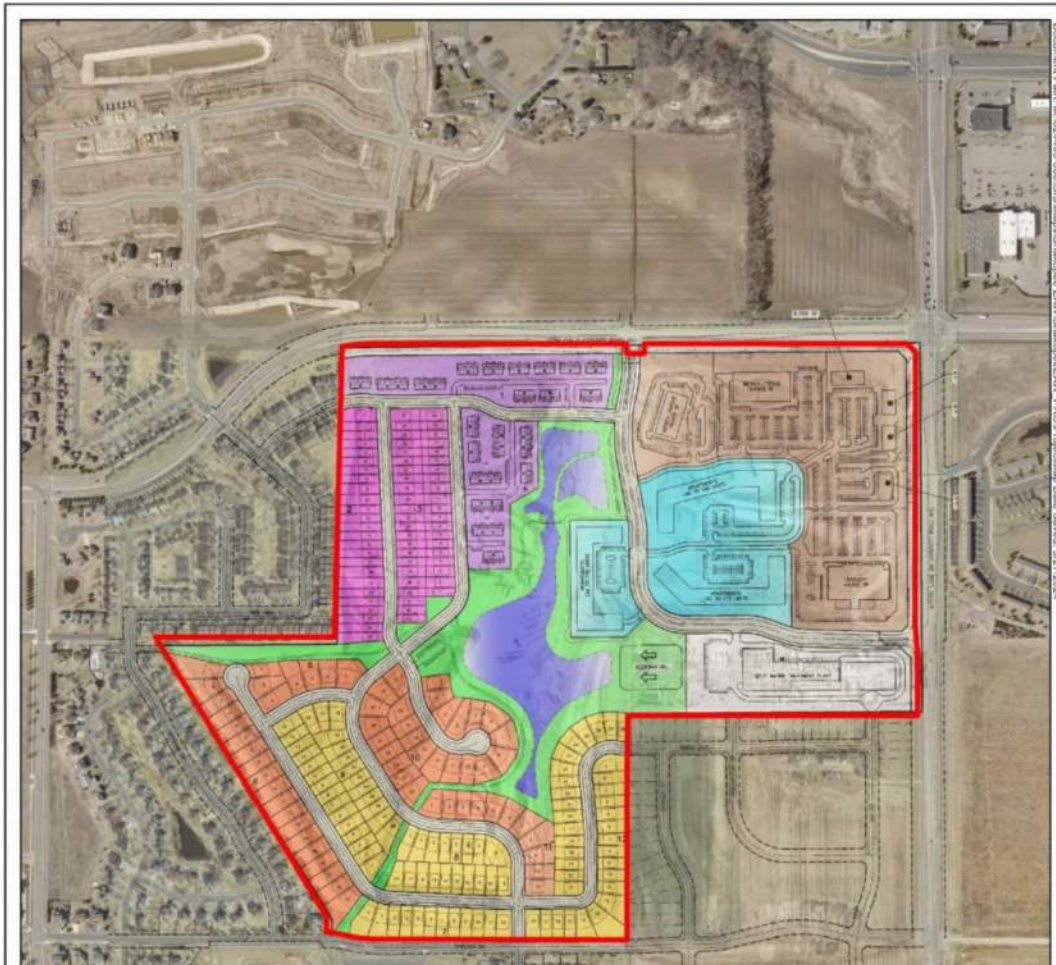


Natasha K. Hacker
Vice-Chairwoman

Dear Mr. Michael Kerski,

I am writing to express my concerns regarding the Environmental Assessment Worksheet (EAW) for the city of Shakopee. I have recently purchased a lot to build my home on Wren street, which appears to be very close to the designed spot of the water treatment center (as indicated by figure 4).

Figure 4: Proposed Project Concept



I have concerns regarding this designated location as my research shows that those who live near a water treatment plant experience headaches, nausea, irritability, and tiredness. Had I known that this was the plan prior to my purchase, I would not have purchased my lot with MI homes. I chose the city of Shakopee to build my home as I believe that it would be a safe and healthy environment to raise my children. I fear that living so close to this water treatment center would impact the health of the residents, especially the children who would play outside nearby.

In another plan “The Legislation for Shakopee Gravel Pit” (found here: https://www.lrl.mn.gov/archive/minutes/senate/2022/Subproperty/20220420/subproperty_20220420_TIF-Legislation-Shakopee-Gravel-Flyer.pdf) shows a different concept for the land use. While this plan doesn’t show a water treatment center, would it be possible to have the water treatment center in the northeast location? This would then minimize the impact of the water treatment center’s effect on the residents’ health while still being included in the local area.



I believe that by moving the water treatment center to the northeast location of the plan, we would be able to still utilize the purpose of the water treatment center while not having it impact the health of the residents.

Thank you for listening to my concerns!
Best,
Karen

Alison Harwood

From: Michael Kerski <MKerski@shakopeemn.gov>
Sent: Thursday, May 23, 2024 6:10 PM
To: Alison Harwood; Amanda Schwabe
Subject: Fwd: Comments on Environmental Assessment Worksheet

EXTERNAL EMAIL

Get [Outlook for iOS](#)

From: anthony Le <anthony.wunpae@gmail.com>
Sent: Thursday, May 23, 2024 5:44 PM
To: Michael Kerski <MKerski@shakopeemn.gov>
Subject: Comments on Environmental Assessment Worksheet

Hello Mr. Michael Kerski,

I am writing to express my concerns regarding adding a water treatment center so close to residential property. I recently purchase my home on Wren street which will be a block away from the designated spot of the center. I myself have respiratory conditions and worry that this center may increase my sensitivity. I've also done my research and see that it can also cause headaches and nausea. I plan on raising my family in this area for years to come and worry about how this would affect my children. Would it be possible to find another spot for the water treatment center as no land has been dug up yet and if it can moved to an area with less residents- I believe this would greatly benefit the community and protect the health of generations to come.

Thank you for listening to my concerns. Please let me know if you have any questions.

Best,
Anthony

Mr. Michael Kerski
Director of Planning and Development
485 Gorman Street
Shakopee, MN 55379

Mr. Kerski,

We have been residents of Wyndam Drive for over 10 years. Our property borders the western edge of the gravel pit. We have two concerns about the proposed development regarding stormwater and tree removal/root damage.

Stormwater

In June of 2014 there were three large storms over a two week period. After the second, all stormwater ponds in the area were at capacity. When the third storm came there was nowhere left for the water to go. The ponds overflowed, flooding streets and neighborhoods. The backyards on the east side of Wyndam Drive were flooded with water all the way up to the back of the houses. Several houses had their basements flooded. Others, including us, quickly put up sandbags along the back of their houses to prevent the water from coming in.

In response, the city of Shakopee created an emergency overflow and additional ponding area in the southwest corner of the gravel pit property (see link below). Water still pools in the lower parts of the backyards during heavy rains, but since this was implemented there have been no significant instances of flooding.

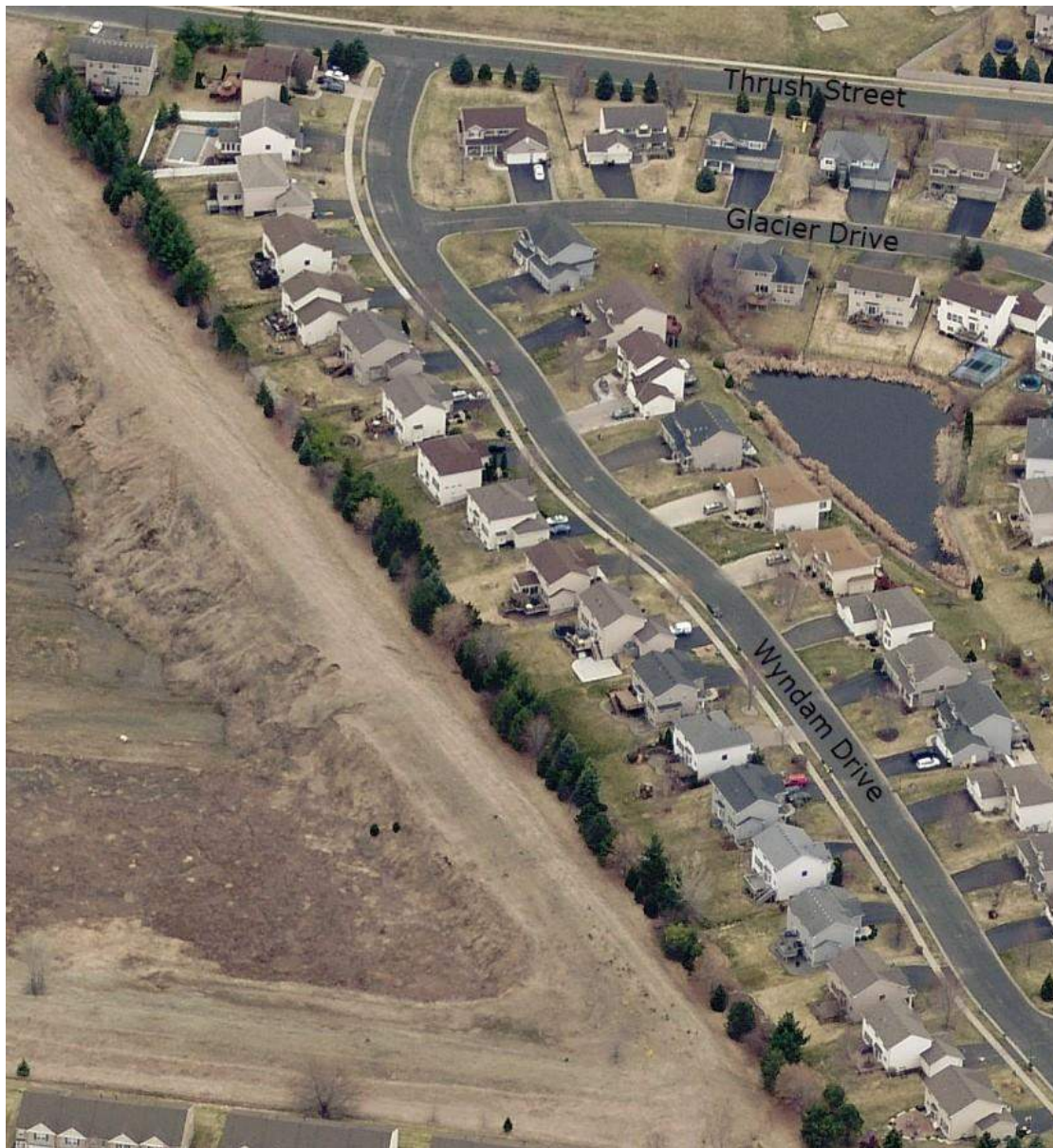
<https://www.shakopeemn.gov/living-here/my-street/street-infrastructure-projects/flood-mitigation>

We would like to ensure the new development is considering this emergency overflow area, either preserving it or creating an alternative path for water to flow that would prevent flooding. Also, please make certain the new development is graded in such a way that does not send additional water onto the Wyndam Drive properties.

Trees

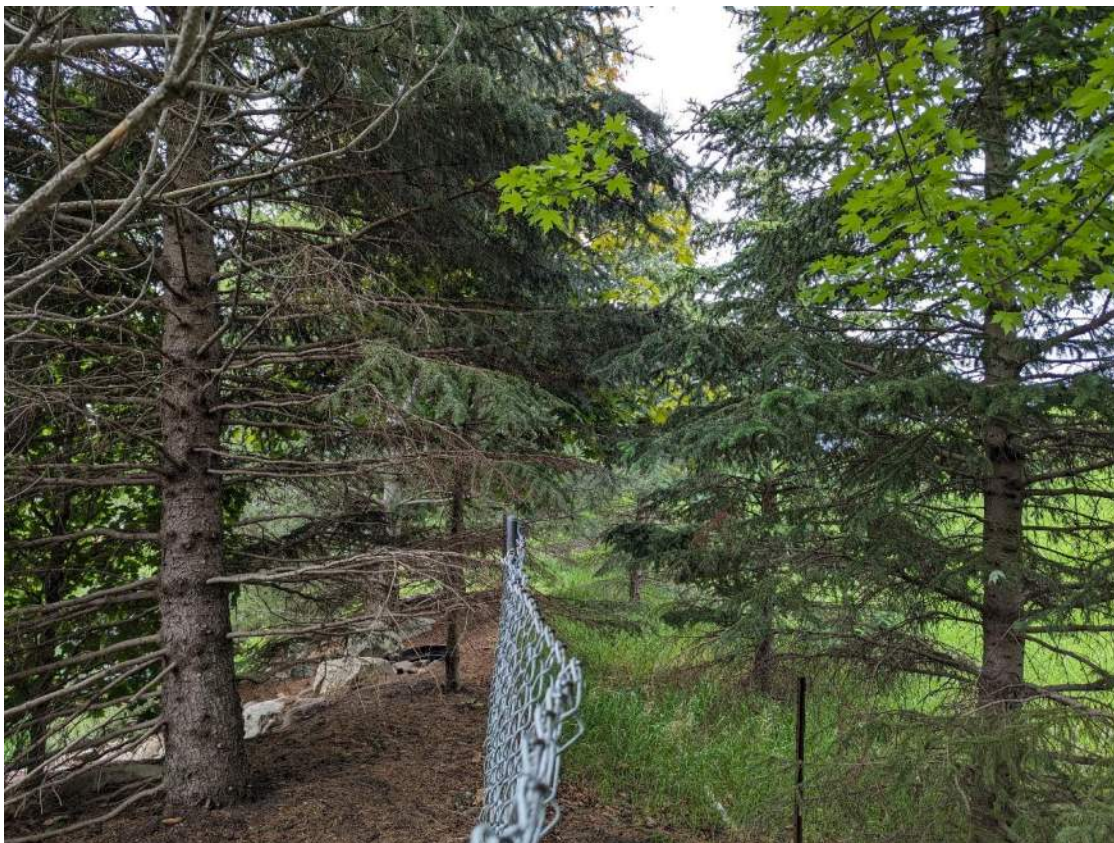
There are two rows of large trees along the property line divided by a fence. One row is on the homeowners' side and the other on the gravel pit side. The trees on the gravel pit side are approximately 5-10 feet from the fence and were planted approximately 20 years ago when the neighborhood was developed. The Environmental Assessment Worksheet (EAW) indicates that 100% of trees on the site are to be removed. Shakopee's Tree

Preservation Ordinance standards for site development indicate that 60% of trees are permitted for removal.



Most trees on the homeowner's side of the property line are within 3-10 feet of the fence and are also approximately 20 years old. Shakopee's Tree Preservation Ordinance defines the Critical Root Zone (CRZ) to be a radius of 1.5 feet per inch of diameter of the tree trunk at 4.5 feet off the ground. The largest tree on our property has a 14.5 inch diameter and is located 3 feet from the fence. The CRZ for this tree would be approximately 22 feet and would extend 19 feet into the gravel pit property. There are other similarly

located trees of the same size on homeowner's properties all along Wyndam Drive. The tree preservation ordinance states that there shall be no construction activity within in the CRZ of significant trees (trunk diameter greater than 6 inches) of adjacent properties.



We request consideration to require the trees along the western border of the gravel pit property to be preserved. We believe the trees being located on what will be the back of residential yards will not require removal to construct new homes. To the benefit of the developer, mature trees add value to property. The increased privacy could also add appeal to potential buyers of new homes.

We also request that the city ensures the developer will be following the Shakopee Tree Preservation Ordinance by creating a tree preservation plan and observing the critical root zone areas of adjacent properties.

Sincerely,

Brian and Christine Kale
1825 Wyndam Drive



SHAKOPEE GRAVEL EAW - COMMENT RESPONSE MATRIX

Agency	Comments	Response
MN Department of Natural Resources	Project Description	
	This section indicates that the project area will sit empty for approximately a year (or up to six years for later phases) post reclamation in order to allow for the settling of the backfill. It would be helpful if the reclamation plan was included with the EAW in order to better understand project conditions and vegetation management, since the site could be colonized by wildlife, including the federally-endangered Rusty Patched Bumble Bee (RPBB), during this time. The project area overlaps with a High Potential Zone for RPBB, and therefore, the timing of ground disturbance should be coordinated with the U.S. Fish and Wildlife Service (USFWS) to avoid any impacts to this species after reclamation. Please see DNR Natural Heritage letter (MCE# 2024-00221) for more information.	The reclamation plan will include a section outlining vegetation management. Disturbed areas will be temporarily seeded with a cover crop or other temporary seeding that does not contain pollinator species. This vegetation will not provide foraging habitat to the bee. During the reclamation process, excavation and compaction is not anticipated to be completed during winter months, which will avoid disturbance if overwintering bees are present in the area.
	This section states that there are no future stages of this project planned, however, the new water treatment plant appears to be a connected project. How will that project address any potential environmental review needs?	The EAW included evaluation of the water treatment plant.
	Geology	
	This section states that backfilled soil will need to settle for anywhere from 3-18 months. How will the project area be vegetated during this time? Will the site be managed for invasive species?	Temporary vegetation and normal erosion control BMPs will be established on disturbed areas that will be left to settle. Vegetation will be maintained to control invasive species by spraying or mowing.
	Soils and Topography	
	How will the developer process the 4 million cubic yards of soil that will be excavated at the site in order to remove organic material? How much organic material is anticipated to be removed, and how will it be disposed of?	Organic material that is not suitable for buildable areas is not expected to be removed from the site. These materials will be used in non-buildable areas such green spaces or stormwater management areas. The only material that may be removed from the site would be contaminated soils, which are not expected. If found, those would be disposed of at facility licensed to receive contaminated materials.
	Groundwater	
	Because the site is located within the Shakopee Wellhead Protection area, potential pollutants need to be handled with care in order to protect the drinking water of the city. This is especially relevant during significant excavation activities.	Comment noted. Appropriate BMPs will be in place during site reclamation and construction activities to protect the groundwater resources.
	Stormwater	
	This section discusses existing conditions and proposed conditions post-development, but should also discuss how stormwater will be managed during active construction as well as post-reclamation while backfill is settling and during project phasing. It will be important to manage dust, erosion, and invasive species over this potentially multi-year stage of the project.	During active construction, temporary BMPs such as silt fences, sediment basins, and erosion control blankets will be used to minimize sediment runoff. The use of water trucks and dust suppressants (primarily water) will also be implemented to manage and reduce dust emissions from construction activities. A SWPPP will be developed and implemented. In post-reclamation backfill areas, settling will be monitored and grading will be adjusted as necessary to prevent water accumulation and ensure proper drainage. Erosion control measures will be kept until vegetation is established and the site is stabilized. Each phase of the project will include specific stormwater management plans tailored to the activities and conditions of that phase. Regular assessments will be conducted to adapt and refine stormwater management practices as needed throughout the project's lifecycle.
	The proposed conditions section states that overflow stormwater will be directed to an, "infiltration chamber." Should this instead be a filtration chamber? Given the extensive disturbance and compaction of the site, soil infiltration is unlikely to be feasible within the project area.	The proposed condition is being designed as an infiltration chamber.
	The DNR recommends that the proposer consider utilizing stormwater for landscape irrigation. The re-use of stormwater for irrigation will reduce the volume of stormwater and stormwater pollution flowing downstream of the site. In addition, the use of stormwater for irrigating landscaping will conserve valuable groundwater.	Comment noted. Opportunities to re-use stormwater will be evaluated during project design.
	The significant increase in impervious surfaces will also increase the amount of road salt used in the project area. Chloride released into groundwater as well as local lakes and streams does not break down, and instead accumulates in the environment, potentially reaching levels that are toxic to aquatic wildlife and plants. Consider promoting local business and city participation in the Smart Salting Training offered through the Minnesota Pollution Control Agency. There are a variety of classes available for road applicators, sidewalk applicators, and property managers. More information and resources can be found at this website. Many winter maintenance staff who have attended the Smart Salting training — both from cities and counties and from private companies — have used their knowledge to reduce salt use and save money for their organizations. We encourage the City of Shakopee to consider requiring that developments with a significant area of impervious surfaces develop a chloride management plan that outlines what BMP's and strategies will be used to reduce chloride use within the project area and include this plan within Operations and Maintenance Agreements that are tied to the property. We also encourage cities and counties to consider how they may participate in the Statewide Chloride Management Plan and provide public outreach to reduce the overuse of chloride. Here are some educational resources for residents as well as a sample ordinance regarding chloride use.	Comment noted. The city will explore the resources available to reduce chloride use.
	Because the project area overlaps a High Potential Zone for the federally-endangered, RPBB, we encourage the development to use weed-free, native seed mixes in landscaping and stormwater features to the greatest extent possible in order to provide pollinator and wildlife habitat. Native plants are also more drought-tolerant and require less irrigation and soil inputs.	The project proposes to plant native, weed-free, seed mixes to permanently revegetate disturbed areas where practicable.
	Figure 12 indicates that there will be 114.4 acres of impervious surface post-construction, while Table 4: Cover Types shows that there will be 72 acres of impervious surfaces post-construction. Please clarify this discrepancy.	72 acres is the net new impervious. Figure 12 has been updated and is attached to the findings of fact.
	Water Appropriation	
	A DNR Water Appropriation Permit is required if the water pumped exceeds 10,000 gallons in a day, or one million gallons in one year. The DNR General review, may be used for the dewatering if the dewatering volume is less than 50 million gallons and the time of the appropriation is less than 1 year. Permit for Temporary Appropriation, with its lower permit application fee and reduced time for review.	The Permit table noted that a DNR Water Appropriation Permit will be obtained, if needed.

SHAKOPEE GRAVEL EAW - COMMENT RESPONSE MATRIX

Agency	Comments	Response
	Two calcareous fens are located within 5 miles of the project location. Proposed water appropriations may need to be examined for the potential to impact the calcareous fen, which could result in a longer review period for a DNR Water Appropriation Permit Application.	Comment noted.
	Rare Features The RPBB habitat assessment should also include the habitat that will be created post-reclamation and the potential impacts to RPBB that colonize the site prior to the start of construction for each development phase.	Comment noted. The RPBB habitat assesment will include information regarding each development phase of the project.
	Dust Given the level of disturbance within the project area, the excavation of 4 million cubic yards of soil, the processing of the soil to remove organic matter, extensive backfilling activities, and the length of time the site will sit prior to construction, fugitive dust is likely to be a significant challenge. It will be important that the site is effectively stabilized using non-invasive vegetation, and managed for invasive species. We do not recommend that products containing chloride be used for dust suppression.	Comment noted. The applicant plans to utilize water for dust suppression.
	Appendix B This section should include coordination with USFWS through IPaC.	the IPaC report is attached.
MN Pollution Control Agency	401 Certification Section 7. Cover Types, indicates that there are no wetland impacts before or after development. Also, Section 8. Permits and Approvals Required, does not include the Federal, Section 404 individual standard permit, hence no MPCA Section 401-certification is required as well. However, if this should change and the Clean Water Act Section 404 permit is needed, then the State of Minnesota Section 401 Water Quality certification will also be needed. The applicant will then be required to complete the 401-programAntidegradation Assessment [process] to acquire a 401-water quality certification with conditions, have a possible waiver issued, or for a rare denial without prejudice issued.	Comment noted.
	Watershed The plan mentions that this area will create a heat island. Additional efforts could help mitigate the heat island by reducing impervious area, create space for trees, create space for native grasses, and create space for more green space. The permit and approval table; Scott County is listed but the Scott Watershed Management Organization (SWMO) is not listed. Please add to list and check in with them.	The final phase of redevelopment will include green space and landscape plantings that include trees and native plantings. Scott County WMO does not provide approvals for development but will provide review and comment during the design review for the site.
Scott County Transportation Services Division	The County Highway (CH) 16 (17th Ave/Emblem Way) access shall provide three lanes at the approach, including a dedicated left, thru, and a right-turn lane. Additional right of way dedication shall be included on the plat to accommodate the three lanes and right of way sight triangles.	Comment noted.
	We agree that post-development traffic operations will require a traffic signal at the CH 16 and Emblem Way intersection. This signal shall be fully funded by the development. Provide signal warrant analysis for anticipated timing of signal installation based on phased development, including the percentage of site developed threshold.	The funding and implementation timeline of the traffic signal at the CH 16 and Emblem Way intersection will be agreed upon by area agencies and the project team. It is anticipated that the signal will be warranted under various development scenarios, including once the adjacent developments north of CH 16 (17th Avenue) are constructed, which will also benefit from the future signal. The timeline for meeting a signal warrant is dependent on which land uses are developed first (i.e., residential versus commercial), their location within the overall development, and access to adjacent roadways. Thus, since the development is anticipated to begin construction upon approval and assumed to be fully completed by year 2030, installation of the traffic signal should be completed as soon as possible in anticipation of the proposed development.

SHAKOPEE GRAVEL EAW - COMMENT RESPONSE MATRIX

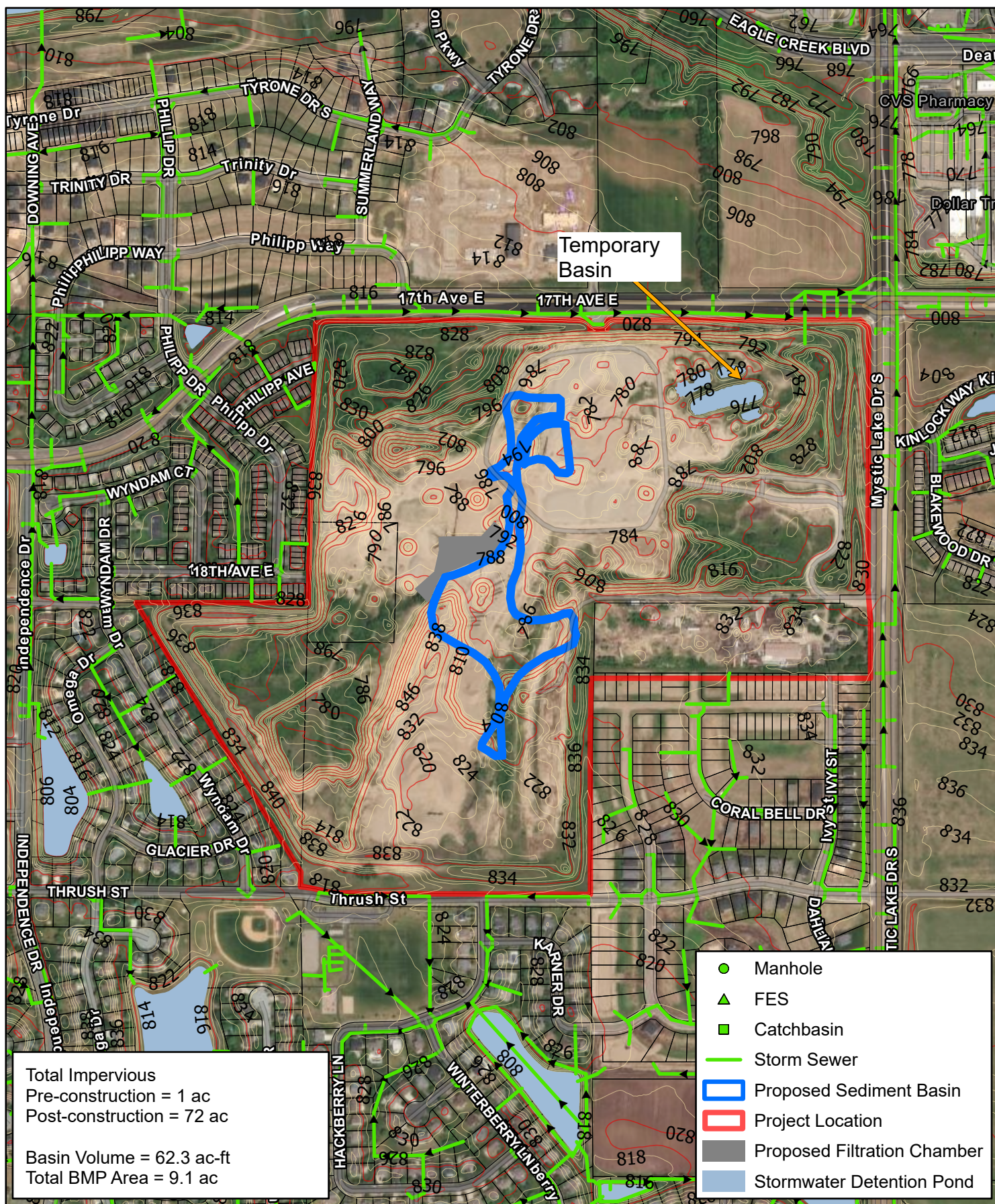
Agency	Comments	Response
	Development access at CH 83 shall be constructed as a ½ intersection with the proposed development. Thrush Street will remain as a full access intersection. Future intersection control to be determined.	Comment noted.
	We recommend providing an internal local street to connect the single-family residential to the commercial area, allowing internal connectivity within the proposed development.	The City and project team will review this recommendation for further consideration.
	A future traffic signal may be needed at the CH 16 and Kinlock Way/Dean Lakes Trail intersection due to additional area development traffic.	The traffic study did not identify a need as part of this study, but intersection volumes and crash history should continue to be monitored to determine if / when a traffic control modification is needed.
	A minimum of 75 feet of right of way dedication from county highway centerline is required for CH 16 and CH 83.	Comment noted.
	All infrastructure improvements, including future upgrades, constructed on the County Highway System will be the funding responsibility of the developer. Approved plans and permits from the County will be required prior to installation of any improvements.	Comment noted.
Shakopee Mdewakanton Sioux Community	Project Magnitude	
	The adjacent SMSC prairie areas to the east are being restored and preserved. This includes habitat for the SMSC bison herd. The SMSC would request that additional efforts be made to reduce the construction impacts on those adjacent natural areas, specifically to reduce blowing trash from construction activities, etc.	Comment noted.
	Transportation	
	The SMSC would support the efforts to mitigate traffic impacts to the area.	Comment noted.
	Historic Properties (archaeological/cultural)	
	The SMSC concurs with SHPO that there are no known or recorded historic sites within the property boundaries, however the SMSC recommends the City consult with the SMSC Director of Cultural Resources for confirmation that no culturally important features exist on or near the site that could be affected by the proposed redevelopment.	The City will require the developer to coordinate with the SMSC Director of Cultural Resources prior to development.
Shakopee Resident (Wren Street)	I have concerns regarding this designated location [of the water treatment plant] as my research shows that those who live near a water treatment plant experience headaches, nausea, irritability, and tiredness. Had I known that this was the plan prior to my purchase, I would not have purchased my lot with MI homes. I chose the city of Shakopee to build my home as I believe that it would be a safe and healthy environment to raise my children. I fear that living so close to this water treatment center would impact the health of the residents, especially the children who would play outside nearby. In another plan "The Legislation for Shakopee Gravel Pit" (found here: https://www.lrl.mn.gov/archive/minutes/senate/2022/Subproperty/20220420/subproperty_20220420_TIF-Legislation-Shakopee-Gravel-Flyer.pdf) shows a different concept for the land use. While this plan doesn't show a water treatment center, would it be possible to have the water treatment center in the northeast location? This would then minimize the impact of the water treatment center's effect on the residents' health while still being included in the local area. I believe that by moving the water treatment center to the northeast location of the plan, we would be able to still utilize the purpose of the water treatment center while not having it impact the health of the residents.	The City will address any concerns about noise, odor, chemicals, traffic, safety, and security related to the water treatment plant during the water treatment plant design.
Shakopee Resident (Wren Street)	I am writing to express my concerns regarding adding a water treatment center so close to residential property. I recently purchase my home on Wren street which will be a block away from the designated spot of the center. I myself have respiratory conditions and worry that this center may increase my sensitivity. I've also done my research and see that it can also cause headaches and nausea. I plan on raising my family in this area for years to come and worry about how this would affect my children. Would it be possible to find another spot for the water treatment center as no land has been dug up yet and if it can moved to an area with less residents - I believe this would greatly benefit the community and protect the health of generations to come. Thank you for listening to my concerns. Please let me know if you have any questions.	The City will address any concerns about noise, odor, chemicals, traffic, safety, and security related to the water treatment plant during the water treatment plant design.
Shakopee Resident (1825 Wyndam Drive)	In June of 2014 there were three large storms over a two week period. After the second, all stormwater ponds in the area were at capacity. When the third storm came there was nowhere left for the water to go. The ponds overflowed, flooding streets and neighborhoods. The backyards on the east side of Wyndam Drive were flooded with water all the way up to the back of the houses. Several houses had their basements flooded. Others, including us, quickly put up sandbags along the back of their houses to prevent the water from coming in. In response, the city of Shakopee created an emergency overflow and additional ponding area in the southwest corner of the gravel pit property (see link below). Water still pools in the lower parts of the backyards during heavy rains, but since this was implemented there have been no significant instances of flooding. https://www.shakopeemn.gov/living-here/my-street/street-infrastructure-projects/flood-mitigation We would like to ensure the new development is considering this emergency overflow area, either preserving it or creating an alternative path for water to flow that would prevent flooding. Also, please make certain the new development is graded in such a way that does not send additional water onto the Wyndam Drive properties.	Comment noted, the proposed retention pond and underground chamber are designed to handle a 100-year storm event, thereby containing stormwater effectively and preventing additional flooding. The grading in the proposed development will not send any additional water to Wyndam Drive. An alternative path for water flow will be incorporated to ensure continued flood protection for the neighborhood.

SHAKOPEE GRAVEL EAW - COMMENT RESPONSE MATRIX

Agency	Comments	Response
	There are two rows of large trees along the property line divided by a fence. One row is on the homeowners' side and the other on the gravel pit side. The trees on the gravel pit side are approximately 5-10 feet from the fence and were planted approximately 20 years ago when the neighborhood was developed. The Environmental Assessment Worksheet (EAW) indicates that 100% of trees on the site are to be removed. Shakopee's Tree Preservation Ordinance standards for site development indicate that 60% of trees are permitted for removal. Most trees on the homeowner's side of the property line are within 3-10 feet of the fence and are also approximately 20 years old. Shakopee's Tree Preservation Ordinance defines the Critical Root Zone (CRZ) to be a radius of 1.5 feet per inch of diameter of the tree trunk at 4.5 feet off the ground. The largest tree on our property has a 14.5 inch diameter and is located 3 feet from the fence. The CRZ for this tree would be approximately 22 feet and would extend 19 feet into the gravel pit property. There are other similarly located trees of the same size on homeowner's properties all along Wyndam Drive. The tree preservation ordinance states that there shall be no construction activity within in the CRZ of significant trees (trunk diameter greater than 6 inches) of adjacent properties. We request consideration to require the trees along the western border of the gravel pit property to be preserved. We believe the trees being located on what will be the back of residential yards will not require removal to construct new homes. To the benefit of the developer, mature trees add value to property. The increased privacy could also add appeal to potential buyers of new homes. We also request that the city ensures the developer will be following the Shakopee Tree Preservation Ordinance by creating a tree preservation plan and observing the critical root zone areas of adjacent properties.	The developer will be required to follow the Tree Preservation Regulations (City Code 151.113) as applicable for each type of development.

Appendix B

Updated Figure 12



Stormwater Overview

Shakopee Gravel EAW
 Shakopee, MN



0 600
 Feet
 1 inch = 600 feet



Appendix C

USFWS IPaC Report



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Minnesota-Wisconsin Ecological Services Field Office
3815 American Blvd East
Bloomington, MN 55425-1659
Phone: (952) 858-0793



In Reply Refer To:
Project Code: 2024-0057156
Project Name: Shakopee Gravel Redevelopment

March 03, 2024

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed, and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through IPaC by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological

evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at: <https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts, see [Migratory Bird Permit | What We Do | U.S. Fish & Wildlife Service \(fws.gov\)](#).

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures, see <https://www.fws.gov/library/collections/threats-birds>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/partner/council-conservation-migratory-birds>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Minnesota-Wisconsin Ecological Services Field Office

3815 American Blvd East

Bloomington, MN 55425-1659

(952) 858-0793

PROJECT SUMMARY

Project Code: 2024-0057156

Project Name: Shakopee Gravel Redevelopment

Project Type: Mixed-Use Construction

Project Description: Redevelopment of a gravel mine into residential housing, retail, commercial, and a water treatment plant.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@44.77201035,-93.47659733736225,14z>



Counties: Scott County, Minnesota

ENDANGERED SPECIES ACT SPECIES

There is a total of 5 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

MAMMALS

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Endangered
Tricolored Bat <i>Perimyotis subflavus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10515	Proposed Endangered

BIRDS

NAME	STATUS
Whooping Crane <i>Grus americana</i> Population: U.S.A. (AL, AR, CO, FL, GA, ID, IL, IN, IA, KY, LA, MI, MN, MS, MO, NC, NM, OH, SC, TN, UT, VA, WI, WV, western half of WY) No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/758	Experimental Population, Non- Essential

INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate
Rusty Patched Bumble Bee <i>Bombus affinis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9383 General project design guidelines: https://ipac.ecosphere.fws.gov/project/VQTZ2ZHORBFELEDG5J7WOPJFTI/documents/generated/5967.pdf	Endangered

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

IPAC USER CONTACT INFORMATION

Agency: WSB
Name: Hayden Garza
Address: 2700 La Frontera Blvd
Address Line 2: Suite 110
City: Round Rock
State: TX
Zip: 78681
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Appendix D

Resolution No. R2024-092