

**City of Lake Elmo
RESPONSE TO COMMENTS, FINDINGS OF FACT,
AND RECORD OF DECISION
FOR THE
InWood
Environmental Assessment Worksheet (EAW)**

November 24, 2014

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City of Lake Elmo
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FOR THE
Inwood
Environmental Assessment Worksheet (EAW)

November 24, 2014

I. INTRODUCTION

The City of Lake Elmo is the Responsible Governmental Unit for this project. The Project Proposer is Hans Hagen Homes.

An Environmental Assessment Worksheet (EAW) has been prepared for this project in accordance with Minnesota Rules Chapter 4410. The project consists of a mix of single family homes, multi-family, and commercial land uses on 157 acres of property located in Lake Elmo. The EAW was developed to assess the impacts of the project to determine if an Environmental Impact Statement (EIS) is necessary. The EAW was filed with the Minnesota EQB and circulated for review and comments to the required EAW distribution list. A “Notice of Availability” was published in the EQB Monitor on September 29, 2014. A Notice of Availability was posted to the City of Lake Elmo’s website. This notice provided a brief description of the project and information on where copies of the EAW were available, and invited the public to provide comments that would be used in determining the need for an EIS for the proposed project. The EAW was made available for public review at Lake Elmo City Hall. The EAW public comment period concluded on October 29, 2014.

Written comments were received from various agencies on the distribution list during the EAW comment period. No formal written comments were received from the general public. All comments received during the EAW comment period were considered in determining the potential for significant environmental impacts. Comments received during the comment period, and responses to these comments, are provided below. Based upon the information in the record, which consists of the EAW for the proposed project, the comments received during the 30 day public comment period, the responses to the comments, and other supporting documents, the City of Lake Elmo makes a negative declaration on the need for an Environmental Impact Statement for InWood based on the following findings of fact and conclusions.

COMMENTS RECEIVED

Six agencies submitted written comments on the EAW, and all of the comments were dated or received prior to the comment period deadline. Copies of the comment letters are included at the end of this document. The following table lists the comment letters received:

Table 1.0. Comment Letters Received				
No.	Comment Letter Received From	Signatory	Abbreviation	Date
1	Minnesota Historical Society	Sarah J. Beimers		10-8-2014
2	Metropolitan Council	LisaBeth Barajas	MetCouncil	10-29-2014
3	South Washington Watershed District	John Loomis	SWWS	10-27-2014
4	Minnesota Department of Transportation	Karen Scheffing	MnDOT	10-9-2014
5	Washington County	Ann Pung-Terwedo		10-28-2014
6	Minnesota Department of Natural Resources	Brooke Haworth	DNR	10-27-2014

II. PROJECT INFORMATION

A. Project Description

Hans Hagen Homes and Inwood 10, LLC are proposing to construct a mixed use development consisting of commercial, multi-family, and single family homes on approximately 157 acres. The proposed land uses are consistent with the City's Comprehensive Plan. The detached single family neighborhood occupies approximately 90 acres and will include 278 single family lots. The multi-family will include an additional 458 units consisting of: 1) 176 rental townhomes, 2) 120 senior housing units, 3) 150 multifamily units, and 4) 12 townhomes. The commercial land uses will consist of approximately 73,000 square feet of office and retail uses.

Project development will convert approximately 157 acres of agricultural fields to a new mixed use neighborhood that includes streets, homes, retail goods and services, offices, lawns, landscaping, parkland, trails, and stormwater ponding. Public streets will serve the development including the construction of a minor collector roadway, which will be known as 5th Street.

The City's approved Comprehensive Land Use Plan provides for an additional 6,600 Residential Equivalent Connections (RECs) of regional sewer service by 2030. The subject property is guided for a mix of Urban High Density, Urban Low Density, and Commercial. Development of the subject property will be consistent with the total level of density guided by the Land Use Plan.

Development of the property will occur in multiple phases with the first phase expected to begin in 2014. Full build-out is anticipated in 2020; however, construction timing will ultimately depend upon market conditions.

Minnesota Rules Part 4410.1000 Subp 2. Mandatory EAW Categories. An EAW shall be prepared for any project that meets or exceeds the thresholds of any of the EAW categories listed in part 4410.4300 or any of the EIS categories listed in part 4410.4400.

The proposed Inwood exceeds this mandatory EAW threshold and will include 275 single-family units, and 264 multi-family units.

Site Description and Existing Conditions

The existing site conditions include the following Cover-types on the Property: Estimated Before and After Cover Types

Land Cover	Before (acres)	After (acres)
Wetlands	0.28	0.10
Deep water/streams	0.20	0.20
Wooded/forest	14.70	5.00
Brush/grassland	0.00	0.00
Cropland	142.80	0.00
Lawn/landscaping	0.00	52.00
Impervious surface	0.00	60.00

Land Cover	Before (acres)	After (acres)
Stormwater pond	0.00	7.70
Other	0.00	41.50
Totals	157	157

B. Changes in the Project Since the EAW was Published

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

1. The number of single family homes was reduced from 278 to 275 units.
2. The number of multi-family housing units was reduced from 458 to 264 units.
3. The amount of commercial increased from 73,000 to 90,870 square feet.

The change in the above land uses is a result of the City's desire to see less multi-family housing and more commercial. Specially, the multi-family housing in the northwest corner of the property was replaced with 33,000 square feet of commercial.

While there is a slight increase in the amount of commercial space, the reduction of 197 residential units off sets the potential for any significant environmental effects.

III. RESPONSE TO COMMENTS:

Minnesota Rules 4410.1600 states that the comments shall address the accuracy and completeness of the material contained in the EAW, potential impacts that may warrant further investigation before the project is commenced, and the need for an EIS on the proposed project. Comments that do not address these areas have been noted for the record, but are not necessarily addressed in the response. As part of the process in determining whether an EIS is needed, City of Lake Elmo must respond to all substantive comments received during the 30-day comment period (Minnesota Rules 4410.1700, Subp. 4 and 5).

The City received written comments from six governmental agencies. A copy of the comment letters is attached. No comments were received from the general public.

A response to the comments is provided below:

A. Minnesota Historical Society

The Historical Society found that there are no properties listed in the National or State Registers of Historic Places, and no known or suspected archaeological property in the area that will be affected by this project. The RGU agrees with this finding.

B. Metropolitan Council

The Metropolitan Council found the EAW to be complete and accurate, and finds no need to prepare an EIS. The RGU concurs.

The Metropolitan Council found that the EAW will have a positive impact on Metro Transit ridership, and recommended pedestrian facilities and connections be incorporated in the project to connect the neighborhood to adjacent employment and mass transit. The RGU concurs with these comments and will make sure the proposed project includes the appropriate pedestrian connections.

C. South Washington Watershed District (SWWD)

The SWWD found that the project does not have the potential for significant unmitigated environmental impacts and that an EIS is not necessary. The RGU concurs with the Watershed's findings.

SWWD recommends a north/south trail connection through the project as part of the District's Greenway Plan. The InWood neighborhood will have a north south trail located within a linear public park.

Regarding wetlands, the Watershed notes that the wetland delineation has been approved, but that no impacts or replacement plan has been approved. Since the publication of the

EAW, the Project Proposer has amended the development plan to avoid the wetland impacts. Accordingly, no wetland impacts are proposed at this time.

The Watershed indicated that the project needs to comply with SWWD standards and that additional treatment and/or on-site storage capacity may be necessary to prevent downstream flooding. InWood is designed to comply with the SWWD rules. The Project Proposer will need to submit for permit approval through the SWWD.

D. Minnesota Department of Transportation (MnDOT)

Traffic

MnDOT's comments correctly reflect that the InWood development would not cause problems at the I-94/Inwood ramps. MnDOT's comments further suggest that a traffic impact study should be done to look at the cumulative impacts of development occurring in Woodbury, Oakdale, and Lake Elmo. While this additional regional study may be desirable, it is beyond the scope of this EAW. The InWood neighborhood is not connected to any of the projects proposed in Oakdale, Woodbury, or Lake Elmo.

Minnesota Administrative Rules 4410.0220, Subp. 9c. defines a connected action as, "Two projects are "connected actions" if a responsible governmental unit determines they are related in any of the following ways:

- a. One project would directly induce the other;
- b. One project is a prerequisite for the other and the prerequisite project is not justified by itself; or
- c. Neither project is justified by itself."

InWood is not connected to any of the projects occurring elsewhere in Lake Elmo or in adjoining communities.

Development and redevelopment of surrounding parcels in adjacent communities may have cumulative impacts on local and regional transportation systems. These cumulative impacts have been thoughtfully contemplated and addressed in the City's Comprehensive Plan, including the Transportation element of the Plan. Moreover, the City's Transportation Plan was reviewed by the Metropolitan Council and was found to be consistent with regional plans.

Washington County, as a part of the Gateway Corridor Commission, is preparing a Draft Environmental Statement (DEIS) for a proposed transitway through the I-94 "Gateway Corridor" from St. Paul to the Oakdale/Lake Elmo Area, including a potential transit station on the north side of I-94. As stated by Washington County, this transitway and station will impact adjacent roadways. Lake Elmo, acting as the RGU for InWood, would recommend that Washington County work with MnDOT to look at the regional transportation issues impacting Oakdale and Woodbury as part of the DEIS for the Gateway Corridor.

Water Resources

MnDOT's comments note that the project site will ultimately drain through a culvert underneath I-94. MnDOT's policy is to not permit an increase in discharge through MnDOT's drainage system.

InWood is over 0.5 miles from the MnDOT culvert. The storm water and infiltration basins on the project site are designed so that there is no increase in the runoff rate from the site. In fact, there will be a substantial reduction of runoff rates from the preexisting conditions. Under a 2-year storm event, the runoff rate is reduced from 20.1 cfs to 3.3 cfs. The 10-year event is reduced from 75 cfs to 32 cfs, and under the 100-year storm event the rates are reduced from 255 cfs to 97 cfs.

E. Washington County

Washington County found that the InWood EAW is consistent with the City's Comprehensive Plan, and will assist the County in implementing portions of its Comprehensive Plan. Accordingly, Washington County found no need for an EIS.

Permits

The Project Proposer will need to obtain permits for work in the County's right-of-way.

Water Resources

The County does not allow an increase of storm water runoff into the County's drainage system. As proposed, the InWood Development would not increase the rate or volume of runoff into County road side ditches.

Noise

Washington County commented that adjacent roads may produce noise in excess of MnPCA noise standards. The County further states that they will not provide noise mitigation measures and that the Project Proposer should consider providing for noise mitigation on the property.

The proposed single family homes in InWood would be over 400 feet from CSAH 13/Inwood Avenue, and would be separated by both berms future commercial buildings. As such, no noise impacts are anticipated from CSAH 13.

The traffic on CSAH 10 (10th Street) is significantly less than CSAH 13. CSAH 10 is expected to have a daily traffic volume of 11,050 by the year 2030, which is less than one half the traffic proposed for CSAH 13th. While traffic noise from CSAH 10 is not expected to cause significant environmental impacts, the Project Proposer is proposing increased

setbacks and berming along CSAH 10. Single family homes would be approximately 140 feet from CSAH 10. An earthen berm that is 6-10 feet high will separate the homes from CSAH 10. Landscaping will be placed on top of the berm. With the increased setbacks, berm, and landscaping, no significant environmental impacts are anticipated as a result of noise.

Transportation

Washington County agrees with the findings of the Traffic Impact Study.

The RGU agrees with the comments provided by Washington County regarding transportation improvements. The InWood project as planned will incorporate the necessary improvements recommended by Washington County.

The RGU further agrees to work with Washington County and the City of Oakdale to prepare a Memorandum of Understanding (MOU) for access management along CSAH 13 and CSAH 10.

Washington County also recommended that the RGU consider the need for pedestrian and bicycle facilities to serve the neighborhood. A regional trail currently exist along CSAH 13. InWood will include trails and sidewalks to serve the need of residents of Lake Elmo. A major east/west trail will be constructed along 5th street. A north/south trail will be constructed through the neighborhood within a linear park system. Additional trails and sidewalks will provide connection within and through the neighborhood. See trail and sidewalk plan below.



F. Minnesota Department of Natural Resources (DNR)

Permits

The DNR correctly noted that they EAW stated in two locations that a Water Appropriation Permit is required, and requested that one of the citations be deleted as only one permit is necessary. The RGU agrees.

Surface Waters

The DNR notes that the City's shoreland ordinance is not yet approved by the DNR and that the DNR will be responsible to approve the portions of the PUD within the shoreland district.

The DNR's PUD standards assume PUDs are being used to increase density. The InWood PUD does not request any increase in density above what is allowed under the City's Comprehensive Plan. Furthermore, none of the property within the InWood PUD falls within the Shoreland Tier Dimensions. Areas of the project that fall within the Shoreland District will need to comply with applicable Shoreland requirements.

Site Runoff

The DNR has requested copies of the stormwater model and calculations. The project proposer has sent a copy to the DNR.

The DNR requested more detail on, "what considerations have been taken by the developer to include best management practices within the project design that increase infiltration and reduce the amount of rainfall this is converted to run off prior to reaching the storm water ponds."

InWood incorporates infiltration basins to reduce runoff entering the storm pond system. Most all of the residential streets incorporate rain gardens/infiltration basins to capture runoff from the streets, driveways, and front yard areas. The storm water and infiltration basins on the project site are designed to reduce the runoff rates from the preexisting conditions. Under a 2-year storm event, the runoff rate is reduced from 20.1 cfs to 3.3 cfs. The 10-year event is reduced from 75 cfs to 32 cfs, and under the 100-year storm event the rates are reduced from 255 cfs to 97 cfs.

Water Resources, Surface Water, and Other Surface Waters

The DNR requested additional information on what specific measures will be taken to reduce direct runoff and impact into the unnamed public watercourse.

The project will not involve the physical or hydrologic alteration of the unnamed creek. Runoff from impervious surfaces will not go directly into the unnamed creek. All runoff is captured in storm water improvements or infiltration areas and directed to a storm water pond, prior to discharging into the unnamed creek.

The project incorporates both infiltration and storm water treatment ponds necessary to protect the unnamed creek. The construction of these improvements is subject to the review and approval of the applicable permitting authorities.

Rare Species

At the time the EAW was prepared, the Project Proposer had not yet received a Natural Heritage letter from the DNR. After preparation of the EAW, a Natural Heritage review letter was received from the DNR and was also attached to the DNR's comment letter.

The DNR Natural Heritage review states that Blanding's turtles, a state-listed threatened species, have been reported from the vicinity of the proposed project, although no records or documented siting of the Blanding's turtles has been identified on the project site.

The project site does not contain suitable habitat for the Blanding's turtles for the following reasons:

1. Almost all of the upland acreage has been actively tilled and planted for crop production for many years.
2. Very little of the property has any type of natural vegetative cover that will be impacted as a result of development
3. If suitable habitat for the Blanding's turtles was present, it has been diminished or eliminated by ongoing agricultural use of the property.
4. The existing wetland basins are farmed wetlands with ephemeral hydrology that are currently planted with crops. The wetlands would typically lack inundation from July through March.
5. The wetland basins are poor habitat because they are surrounded with tilled uplands on the all sides, and heavily travelled roads directly to the north and west. There are no hydrological connections to nearby wetlands that are not interrupted by tilled fields or roads.
6. The unnamed creek in the southwest corner is generally dry, and any flows in the creek will be unaffected by the project allowing for continued wildlife movement.

Minimization Measures

The DNR recommends a number of measures to minimize adverse impacts to wildlife. These measures include:

1. Keeping ditches and ponds aware from busy roadways. *Response:* The location of ponds is dictated by the natural topography of the site, because ponds need to be located in the low areas in order to appropriately direct storm water runoff. As proposed, the large main pond is over 950 feet from Inwood, and the smaller southern pond is over 500 feet from Inwood. An infiltration basin is approximately 150 feet from Inwood Avenue.
2. Use of surmountable curbs. *Response:* The project makes use of surmountable curbs.
3. Wildlife-friendly erosion control products. *Response.* Erosion control measures will consist of erosion control fencing where necessary, as well as sedimentation logs which have been shown to be more wildlife friendly. Where netting is required, the Project Proposer will use a rectangular-shaped mesh. Most importantly, the Project Proposer will quickly establish vegetative cover after disturbance and remove the erosion control.

4. Recommending using native plants. *Response:* The individual lots within the neighborhood will be privately owned. While the homeowners association will maintain the yard areas, each individual homeowner will select landscaping for their yard. Native plants will be encouraged by the Project Proposer.

Cumulative Potential Effects

The DNR requested that the responses discuss the cumulative potential effect to Armstrong Lake and the unnamed public stream.

A small portion of the property lies within the shoreland overlay district of Armstrong Lake. None of the property drains toward Armstrong Lake. The InWood property is on the opposite side of a divided 4-lane highway from Armstrong Lake, and is separated by a commercial/office development. As such, any development on the subject property will not impact Armstrong Lake. The RGU is not aware of any other projects near Armstrong Lake that would have cumulative potential effects.

The unnamed creek has been ditched and impacted by past agricultural use of the property, as well as chloride from the adjacent County Highway that drains into this stream. As is the case with Armstrong Lake, the RGU is not aware of any additional projects in the vicinity that would drain or otherwise impact the unnamed creek. As such, no cumulative potential effects are anticipated.

IV. FINDINGS OF FACT

1. On August 12, 2014, the project proposers presented a Concept Plan to the City of Lake Elmo for the Inwood mixed use development.
2. The City of Lake Elmo City Council authorized the EAW submittal to the Environmental Quality Board (EQB) on August 19, 2014.
3. On September 29, 2014 the City of Lake Elmo published the EAW in the EQB Monitor.
4. The EAW is incorporated by reference in the Record of Decision.
5. As indicated in the EAW, the proposed InWood development is proposed on approximately 157 acres of primarily agricultural land in the southwestern portion of Lake Elmo. The project is proposing 275 single-family lots, 264 multi-family units, and 90,870 square feet of commercial space in Washington County, City of Lake Elmo, Minnesota.
6. The EAW was filed with the EQB and notice for its availability for public review and comment was published in the EQB monitor on September 29, 2013. A copy of the EAW was sent to all persons on the EQB Distribution list and to persons who requested a copy. The EAW was also made available at Lake Elmo City Hall and on the City of Lake Elmo's website.
7. The 30-day public review and comment period for the EAW began on September 30, 2014, and ended on October 29, 2014.
8. During the 30-day review and comment period, the City of Lake Elmo received 6 written comments on the EAW. Comments were received from: Minnesota Historical Society, Metropolitan Council, South Washington Watershed District, Minnesota Department of Transportation, Washington County, and the Minnesota Department of Natural Resources.

V. DECISION REGARDING NEED FOR ENVIRONMENTAL IMPACT STATEMENT

Criteria for Determining Whether the Project has the Potential for Significant Environmental Effects

Minnesota Rules 4410.1700 Subp. 1 states “An EIS 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, Minnesota Rules 4410.1700 Subp. 7 indicates that the City of Lake Elmo must consider the following factors:

Criteria A: The type, extent, and reversibility of environmental effects;

Criteria B: The cumulative potential effects of related or anticipated future projects;

Criteria C: The extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority; and,

Criteria 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 EIS's.

A. Type and Extent of Impacts

The City of Lake Elmo finds that the EAW is adequate to determine whether the project has the potential for significant environmental effects. The EAW described the type and extent of impacts anticipated from the proposed project. This report provides clarifications and additional information since the EAW was published. The EAW and this report also identify mitigative measures that will be incorporated into the final design of the project, or will be coordinated with local and state agencies during the permitting process.

B. Cumulative Potential Effects of Related or Anticipated Future Projects

The RGU is not aware for any related or future projects that would have the potential for cumulative impacts. Existing and planned projects are and will be consistent with the City of Lake Elmo's Comprehensive Plan. These projects, whether public or private, are subject to permitting in accordance with local, state, and federal requirements, including wetland mitigation and stormwater management requirements. As discussed in the EAW, the cumulative potential effect of related or anticipated future development has been considered and the proposed project has low potential for cumulative impacts to the resources directly or indirectly affected by the project.

C. Extent to Which the Environmental Effects are Subject to Mitigation by

Ongoing Public Regulatory Authority

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

Permits and Approvals Required

Unit of Government	Type of Application	Status
City of Lake Elmo	Concept Plan Approval	Completed
City of Lake Elmo	Preliminary Plat Approval	To be applied for
City of Lake Elmo	Final Plat Approval	To be applied for
City of Lake Elmo	EAW Negative Declaration	To be applied for
City of Lake Elmo	Grading Permit	To be applied for
City of Lake Elmo	Building Permit	To be applied for
City of Lake Elmo	Municipal Water Connection Permit	To be applied for
City of Lake Elmo	Sanitary Sewer Connection Permit	To be applied for
City of Lake Elmo	Rezoning	To be applied for (if needed)
City of Lake Elmo	Wetland Delineation Confirmation	Applied for
City of Lake Elmo	Wetland Conservation Act No-Loss Determination	Applied for
Washington County	Right-of-Way Permit	To be applied for
Washington County	Access Permit	To be applied for
Washington County	Obstruction Permit	To be applied for (if needed)
Washington County	Transportation Permit	To be applied for (if needed)
Metropolitan Council	Sanitary Sewer Connection Permit	To be applied for
Minnesota Department of Health	Water Main Extension Approval	To be applied for
Minnesota DNR Division of Waters	Water Appropriation Permit	To be applied for (if needed)
Minnesota Pollution Control Agency	NPDES / SDS	To be applied for
Minnesota Pollution Control Agency	Sanitary Sewer Extension Approval	To be applied for
U. S. Army Corps of Engineers	Section 404/Letter of No Jurisdiction	Applied for
MN DNR Division of Waters	Water Appropriation Permit(s)	To be applied for if needed
MN Pollution Control Agency	NPDES/SDS General Permit	Covered under general permit; submit NOI prior to construction.

Note: All required permits and approvals will be obtained. Any necessary permits or approvals that are not listed in the table above were not intentionally omitted.

The potential environmental effects associated with this project are not significant and will be mitigated in compliance with applicable rules, regulations, and permit requirements. The City of Lake Elmo therefore finds that the potential environmental effects of the project are “subject to mitigation by ongoing public regulatory authority” (Minnesota Rules 4410.1700 Subp. 7.D.).

D. 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 Environmental Impact Statements.

The final factor the City must consider is the “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, or of EIS’s previously prepared on similar projects” (Minnesota Rules 4410.1700 Subp. 7 (D)). The City’s findings are set forth below.

The proposed project is reasonably similar to other residential development projects located in City of Lake Elmo and in surrounding communities. Other projects of similar scope, accompanied by similar land use, natural resources, surface water, traffic studies, and associated mitigation, have, in general, successfully mitigated potential environmental impacts.

The EAW, in conjunction with this document, contains or references the known studies that provide information or guidance regarding environmental effects that can be anticipated and controlled. No EIS that addresses a similarly sized project is known to be available in City of Lake Elmo or the surrounding area.

In light of the results of environmental review and permitting processes for similar projects, City of Lake Elmo finds that the environmental effects of the project can be adequately anticipated and controlled. Based on the original EAW, comments received from agencies and individuals, the responses to comments, and the criteria above, City of Lake Elmo finds that the Savona Project does not have the potential for significant environmental effects and does not require the preparation of an EIS.

RECORD OF DECISION

Based on the EAW, the Response to Comments, and the Findings of Fact, City of Lake Elmo as the RGU for this environmental review, concludes the following:

The EAW was prepared, published, and distributed in compliance with Minnesota Statutes, Chapter 116D, to implement the environmental review procedures established by the Minnesota Environmental Policy Act and Minnesota Rules Parts 4410.1000 to 4410.1700 (1997).

The EAW, combined with the supplemental information contained in the Response to Comments and Findings of Fact, satisfactorily addressed and responded to all of the issues raised and comments received for which existing information could have been reasonably obtained, and further investigation is therefore not required.

Based on the criteria established in Minnesota Rules Part 4410.1700, the project does not have the potential for significant environmental effects.

An EIS is not required for the InWood Project.

The City of Lake Elmo Council adopts a "Negative Declaration".

**STATE OF MINNESOTA
COUNTY OF WASHINGTON
CITY OF LAKE ELMO**

Resolution No. 2014-93

**A RESOLUTION APPROVING THE INWOOD PROJECT ENVIRONMENTAL
ASSESSMENT WORKSHEET (EAW) AND FINDING NO NEED FOR AN
ENVIRONMENTAL IMPACT STATEMENT (EIS)**

WHEREAS, the City of Lake Elmo is a municipal corporation organized and existing under the laws of the State of Minnesota; and

WHEREAS, under Minnesota Rules Part 4410.1100 Subp 6. (EAW Decision) the City of Lake Elmo ordered the preparation of an EAW for the InWood PUD Mixed-Use Development Project.

WHEREAS, on August 19, 2014, an EAW was completed for the InWood Project, which will be located on approximately 157 acres of primarily agricultural land in the southwestern portion of Lake Elmo. The project is proposing 275 single-family lots, 264 multi-family units, and 90,870 square feet of commercial space; and

WHEREAS, beginning on September 8, 2014, copies of the EAW were distributed to all persons and agencies on the official Environmental Quality Board (EQB) mailing list and other interested parties; and

WHEREAS, on September 29, 2014, the EAW was publicly noticed in the EQB Monitor, commencing the 30-day public comment period; and

WHEREAS, the 30-day comment period ended on October 29, 2014 at 4:30 p.m., and

WHEREAS, the City of Lake Elmo accepted and responded to all written comments received.

NOW, THEREFORE, based on the testimony elicited and information received, the City Council makes the following:

FINDINGS

- 1) The EAW was prepared, published, and distributed in compliance with the procedures of the Minnesota Environmental Policy Act and Minnesota Rules, Parts 4410.1000 to 4410.1700 (1997).

- 2) The EAW, combined with the supplemental information contained in the Response to Comments, satisfactorily addressed all the issues raised and comments received for which existing information could have been reasonably obtained, and further investigation is therefore not required.
- 3) Based on the criteria established in Minnesota Rules Part 4410.1700, the project does not have the potential for significant environmental effects.
- 4) City of Lake Elmo makes a "Negative Declaration" on the need for an EIS.
- 5) The City of Lake Elmo City Council adopts a "Negative Declaration".
- 6) An EIS is not required, and
- 7) The City of Lake Elmo shall maintain a Record of Decision, including the Response to Comments on the EAW, and will notify in writing, within five days, all persons on the EAW distribution list, all persons who commented in writing during the 30-day comment period, and any other person upon written request. City of Lake Elmo will also send notice of this decision to the project proposer and the EQB.

Passed and duly adopted on this 2nd day of December, 2013 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Adam Bell, City Clerk

(SEAL)

The motion for the adoption of the foregoing resolution was duly seconded by member

_____ and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against same:

Whereupon said resolution was declared duly passed and adopted.

Comment

Letters

Received

STATE HISTORIC PRESERVATION OFFICE

October 8, 2014

Mr. Kyle Klatt, Planning Director
City of Lake Elmo
3800 Laverne Ave N
Lake Elmo, MN 55042

RE: EAW – InWood - Lake Elmo
Lake Elmo, Washington County
SHPO Number: 2014-3024

Dear Mr. Klatt:

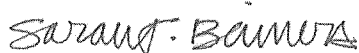
Thank you for the opportunity to review and comment on the above project. It has been reviewed pursuant to the responsibilities given the Minnesota Historical Society by the Minnesota Historic Sites Act and the Minnesota Field Archaeology Act.

Based on our review of the project information, we conclude that there are **no properties** listed in the National or State Registers of Historic Places, and no known or suspected archaeological properties in the area that will be affected by this project.

Please note that this comment letter does not address the requirements of Section 106 of the National Historic Preservation Act of 1966 and 36CFR800, Procedures of the Advisory Council on Historic Preservation for the protection of historic properties. If this project is considered for federal assistance, or requires a federal permit or license, it should be submitted to our office by the responsible federal agency.

Please contact our Compliance Section at (651) 259-3455 if you have any questions regarding our review of this project.

Sincerely,

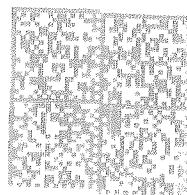


Sarah J. Beimers, Manager
Government Programs and Compliance



Minnesota Historical Society, 345 Kellogg Boulevard West, Saint Paul, Minnesota 55102

SECRET



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Mailed From: 55102
US POSTAGE

Mr. Kyle Klatt, Planning Director
City of Lake Elmo
3800 Laverne Ave N
Lake Elmo, MN 55042

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October 29, 2014

Kyle Klatt, Planning Director
City of Lake Elmo
3800 Laverne Avenue N
Lake Elmo, MN 55042

RE: City of Lake Elmo Environmental Assessment Worksheet (EAW) – InWood
Metropolitan Council Review File No. 21284-1
Metropolitan Council District 12

Dear Mr. Klatt:

The Metropolitan Council received an EAW for the proposed InWood development on September 18, 2014. The InWood project is a proposed 157-acre development that will include 278 single family homes, 458 multi-family homes, and approximately 73,000 square feet of office and retail uses. The proposed project is located in the southeast quadrant of 10th Street North and Inwood Avenue North.

The staff review finds the EAW is complete and accurate with respect to regional concerns and raises no major issues of consistency with Council policies. An EIS is not necessary for regional purposes.

Staff offer the following advisory comments for your consideration.

Transit and Station Area Planning

Metro Transit Route 375 offers the nearest transit service ½ mile from the proposed single and multi-family development. Route 375 provides peak-only express service between the Guardian Angels Park & Ride and downtown Minneapolis. The proposed development will likely have a positive impact on ridership given the current transit investment in this area and the proposed number of multi-family units near the current park-and-ride.

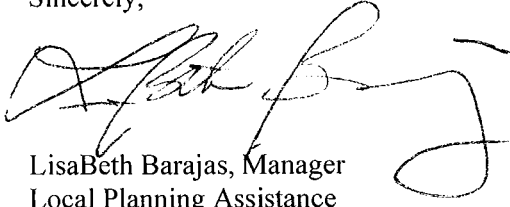
The EAW also notes that the multi-family units of the development will be located along the southern edge of the property, which is adjacent to the existing office park. In addition, the proposed commercial land uses are on the west side of the property adjacent to Inwood Avenue. These concentrations of the development are closest to the proposed Inwood Avenue Station of the Gateway Corridor, albeit on the outer edges of the proposed station area. Based on the materials in the EAW, it appears that high density portions in the south have roughly a gross density of 15 units per acre.

It is unclear in the EAW materials whether the development proposes any connections to the existing sidewalk facilities on the west side of Inwood Avenue. As discussed in the Council's Draft Transportation Policy Plan, pedestrian orientation and connections are vital to the success of a transit station. We recommend that the City and the developer consider the future pedestrian environment in this area given the proximity to the proposed station to the southwest, since the traditional land uses in this area have not been conducive to pedestrian activity. Pedestrian facilities and connections should be considered both within the development site itself, and at the 9th Street/Inwood Avenue, 5th Street/Inwood Avenue and, possibly, the Eagle Point Blvd/Inwood Avenue intersections.

Kyle Klatt, Planning Director
October 29, 2014
Page 2

This concludes the Council's review of the EAW. The Council will take no formal action on the EAW. If you have any questions or need further information, please do not hesitate to contact me at 651-602-1895.

Sincerely,

A handwritten signature in black ink, appearing to read 'LisaBeth Barajas', with a large, stylized flourish at the end.

LisaBeth Barajas, Manager
Local Planning Assistance

CC: Crystal Sheppeck, MHFA
Tod Sherman, Development Reviews Coordinator, MnDOT - Metro Division
Harry Melander, Metropolitan Council District 12
Raya Esmaeili, Reviews Coordinator

N:\CommDev\LPA\Communities\Lake Elmo\Letters\Lake Elmo 2014 EAW InWood 21284-1.docx



October 27, 2014

via email

Mr. Kyle Klatt
City of Lake Elmo
3800 Laverne Ave North
Lake Elmo, MN 55042

RE: InWood-Hans Hagen Homes EAW

Dear Mr. Klatt:

SWWD has reviewed the InWood EAW published September 29, 2014. We believe that the project does not have the potential for significant unmitigated environmental impact and that an EIS is not necessary. We do however, offer the following comments for clarification:

Land Use: SWWDs Greenway Plan identifies the subject parcel as a key link in the SWWD greenway connecting Lake Elmo Regional Park to Cottage Grove Ravine Regional Park. We strongly encourage the City and developer to incorporate a North/South greenway and trail corridor through the proposed development.

Water Resources: The EAW indicates wetland impacts. SWWD is the WCA LGU for wetlands on site. To date, only a wetland boundary decision has been approved by SWWD. No wetland impacts or replacement plan have been approved by SWWD.

Stormwater: SWWD standards require the developer to maintain existing runoff rates for the 2, 10, and 100 year Atlas 14 events. And, while SWWD does not prohibit increases in runoff volume, we will review the project for potential downstream impacts at its I94 and Wilmes Lake regional assessment locations. SWWD may require additional treatment and/or on-site storage capacity to prevent downstream flooding.

Cumulative Effects: The proposed development is tributary to SWWDs northern watershed (NWS). Along with ongoing and planned development throughout the NWS, the proposed InWood development will result in increases in stormwater runoff beyond the capacity of existing regional storage. Because the NWS does not currently have a controlled overflow, that increase in runoff results in risk of residential flooding in the City of Cottage Grove. SWWD is currently in the process of constructing an overflow for the NWS. To ensure that the overflow system functions as designed, SWWD will enforce strict compliance with its stormwater management development standards.

If you have questions or need additional information, please contact me at 651-714-3714 or jloomis@ci.woodbury.mn.us.

Sincerely,
South Washington Watershed District

A handwritten signature in black ink, appearing to read 'John Loomis', with a long horizontal flourish extending to the right.

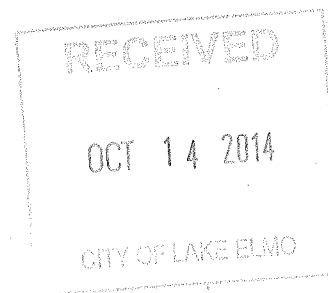
John Loomis
Water Resource Program Manager



Minnesota Department of Transportation

Metropolitan District

Waters Edge Building
1500 County Road B2 West
Roseville, MN 55113



October 9, 2014

Kyle Klatt
Planning Director, City of Lake Elmo
3800 Laverne Avenue N.
Lake Elmo, MN 55042
kklatt@lakeelmo.org

SUBJECT: InWood EAW14-010
North of I-94, East of Inwood Ave. N.
Lake Elmo, Washington County
Control Section 8282

Dear Mr. Klatt:

Thank you for the opportunity to review the InWood EAW. MnDOT has reviewed the EAW and has the following comments:

Traffic

The Traffic Impact Study (TIS) that was conducted suggests no problems at our ramps in 2019. MnDOT Metro Traffic strongly recommends looking at a 20 year forecast when evaluating future impacts. There is significant development potential for Lake Elmo/ Woodbury/ Oakdale in the area around the I-94 ramps at Radio/ Inwood and the I-694 ramps at 10th St N. All of the future development has the potential to adversely affect freeway ramps operations when taken as a whole. We recommend including these impacts in a TIS and identifying potential mitigation.

The recommendation of new signals for the development will create/ add to existing signal corridors. It is suggested that discussions take place between Washington County and MnDOT to develop a plan regarding coordinating these corridors (both Radio/ Inwood and 10th St N). For questions concerning these comments, please contact Kaare Festvog (651-234-7814) in MnDOT Metro District's Traffic Engineering Section.

Water Resources

There is significant future development planned for this area. Currently, MnDOT is also reviewing a drainage permit for Boulder Ponds housing development, which is located just southeast of the project. Both projects ultimately discharge to the same MnDOT 72" storm sewer pipe that crosses underneath Trunk Highway I-94. MnDOT's policy is that the offsite runoff coming to MnDOT drainage system and/or right-of-way will not increase as a result of the proposed project. This is quantified as a "no increase in discharge" criteria for the 2-year, 10-year and 100-year storm events. A MnDOT drainage permit will be required. Please see attached drainage permit review checklist for required submittal information with the application. In addition, the submitted information must include consideration of the project impact to flood levels within the TH94 right of way. Depending on the proposed outlet situation, increased runoff

volume has the potential to adversely affect flood levels at TH94. For this reason, additional information and modeling might be requested to show that the impact to 100 year flood levels within MnDOT right of way is minimal.

The permittee must also meet the requirements of South Washington Watershed District rules.

If you have any questions regarding these comments please direct them to Jodi Hreha at 651-234-7533 or jodi.hreha@state.mn.us.

Review Submittal Options:

MnDOT's goal is to complete the review of plans within 30 days. Submittals sent electronically can usually be turned around faster. There are four submittal options:

1. One (1) electronic pdf version of the plans. MnDOT accept plans at metrodevreviews.dot@state.mn.us provided that each e-mail is less than 20 megabytes.
2. Three (3) sets of full size plans. Although submitting seven sets of full size plans will expedite the review process. Send plans to:

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

3. One (1) compact disk.
4. Plans can also be submitted to MnDOT's External FTP Site at:
<ftp://ftp2.dot.state.mn.us/pub/incoming/MetroWatersEdge/Planning>. Internet Explorer may not work using FTP so use an FTP Client or your Windows Explorer (My Computer). Notify metrodevreviews.dot@state.mn.us indicating the plans have been submitted on the FTP site.

If you have any questions concerning this review, please contact me at 651-234-7784.

Sincerely,



Karen Scheffing
MnDOT Principal Planner

Copy sent via E-Mail:

Buck Craig, Permits
Nancy Jacobson, Design
Bryce Fossand, Water Resources
Tiffany Kautz, Right-of-Way
Ryan Coddington, Area Engineer
Karre Festvog, Traffic
Russ Owens, Metropolitan Council



Public Works Department

Donald J. Theisen, P.E.
Director

Wayne H. Sandberg, P.E.
Deputy Director/County Engineer

October 28, 2014

Kyle Klatt
Community Development Director
City of Lake Elmo
3600 Laverne Avenue North
Lake Elmo, Mn 55042

Re: Washington County Comments on Environmental Assessment Worksheet (EAW) for the Inwood Development Project in the City of Lake Elmo

Dear Mr. Klatt,

Thank you for the opportunity for Washington County to submit comments on the City of Lake Elmo's Environmental Assessment Worksheet (EAW) for Inwood in Section 33, City of Lake Elmo, dated September 5, 2014. The Inwood Project, located north of Interstate 94 at CSAH 13/Inwood Avenue and 10th Street/CSAH 10, includes 278 single family lots, 458 multi-family uses including 176 rental townhomes, 120 senior housing units, 150 multifamily units and 12 townhomes. The commercial land uses will consist of approximately 73,000 square feet of office and retail uses.

Washington County supports the City of Lake Elmo efforts to allow for the expansion of urban services (MUSA) for development of a variety of single family and multifamily residential developments as well as commercial and office uses on the site.

The county has prepared the following comments in the context of the Washington County, the Washington County Comprehensive Plan 2030 and the Public Works Department transportation responsibilities to ensure the health, safety and welfare of county residents, ensure environmental compliance, and minimize environmental impacts:

Section 8. Permits and approvals required

Any work in the county right-of-way as it relates to the development including grading for the installation of culverts, installation of water and sewer services, turn lane modifications, road improvements, trails, Americans with Disability Act ramp improvements will require a right-of-way permit.

The county agrees that an access permit will be required for access to the site at the proposed locations since this is a change and intensification of land uses on the site.

Section 9. Land Use

From a land use perspective, intensifying the uses at this site is appropriate to complement the office, commercial and residential development along CSAH 13/Inwood Avenue south of the project and to the west in the City of Oakdale. It is also located near other campus office uses in this area of Lake Elmo adjacent communities and the East Metro Area.

The development implements the land use goals of the Washington County Comprehensive Plan 2030, Land Use Goal to design the land use plan to support economic development by the following policies:

- *Locate commercial and industrial growth where urban services are available; continue to prohibit commercial and industrial land use in unsewered areas.*
- *Promote commercial and industrial development in planned clusters such as business parks and mixed-use developments.*
- *Support land use patterns that efficiently connect housing, jobs, transportation, transit, and retail and commercial centers.*

The development also implements the transportation goals of the Washington County Comprehensive Plan 2030, to develop and maintain a roadway system that accommodates the safe and efficient movement of people and goods. Strategies in the plan include the following:

- *Increased Jobs and Housing Concentrations:*
 - *Transportation investments and land development along major transportation corridors will be coordinated to intensify job centers, increase transportation links between job centers and medium-to-high density residential developments, and improve the jobs/housing connections with policies that include:*
 - *Plan for, design, and construct roadways to accommodate existing and future traffic growth.*
 - *Use effective transportation planning to accommodate existing and planned land uses, while preserving natural, cultural, and historic resources.*
 - *Develop a collaborative process with local municipalities to identify fiscally responsible system improvements that are consistent with county priorities and meet the needs of municipalities.*
 - *Coordinate with other agencies to promote a well balanced transportation system.*
 - *Coordinate with communities and provide feedback on development and redevelopment proposals.*

Section 11. Water Resources

Although the county has not reviewed a stormwater plan to date, the developer, city or watershed district must submit the drainage report and calculations for review of any downstream impacts to the county drainage system. Along with the drainage calculations, written conclusions that the volume and rate of stormwater run-off into any county right-of way will not increase as part of the project.

Section 17. Noise

Washington County's policy is to assist local governments in promoting compatibility between land use and highways. Residential uses located adjacent to highways often result in complaints about traffic noise. Traffic noise from this highway could exceed noise standards established by the Minnesota Pollution Control Agency (MPCA), the U.S. Department of Housing and Urban Development, and the U.S. Department of Transportation. Minnesota Rule 7030.0030 states that municipalities are responsible for taking all reasonable measures to prevent land use activities listed in the MPCA's Noise Area Classification (NAC) where the establishment of the land use would result in violations of established noise standards. Minnesota Statute 116.07, Subpart 2a exempts County Roads and County State Aid Highways from noise thresholds.

County policy regarding development adjacent to existing highways prohibits the expenditure of highway funds for noise mitigation measures in such areas. The developer should assess the noise situation and take any action outside of County right of way deemed necessary to minimize the impact of any highway noise.

Section 18. Transportation

The County agrees with the purpose of the study to determine if improvements are needed to nearby intersections that may be impacted by traffic from the built out development. The objectives of the study included the following:

- Document how the study intersections currently operate.
- Forecast the amount of traffic expected to be generated by the proposed development.
- Determine how the study intersections will operate in the year 2019 with no development traffic.
- Determine how the study intersections will operate in the year 2019 with development traffic.
- Determine how the surrounding roadways will operate in the year 2030 with development traffic added.
- Recommend improvements, if needed.

There is also agreement with the study intersections surrounding the site which included the following:

- CSAH 13 & I-94 Southern Ramp
- CSAH 13 & I-94 Northern Ramp
- CSAH 13 & Hudson Boulevard
- CSAH 13 & Eagle Point Road
- CSAH 13 & 5th Street Access Road
- CSAH 13 & 9th Street
- CSAH 13 & CSAH 10
- CSAH 10 & Western Site Access Road
- CSAH 10 & Eastern Site Access Road
- Eagle Point Road & Site Access Road

As documented in the TIS report dated July 8, 2014, the county agrees with the following conclusions in regard to the proposed Inwood Development with the introduction of new commercial, office and residential uses.

The traffic impacts of the proposed development on the study intersections were analyzed in the 2019 build-out conditions. The County is in agreement with principal findings which are:

- All study intersections will operate acceptably through the 2019 build-out condition except the CSAH 13/Eagle Point Boulevard and CSAH 13/5th Street intersections.
- The CSAH 13/5th Street intersection will likely need a signal before the development is fully built and occupied and should be monitored as construction occurs to determine when a signal should be installed.
- The CSAH 13/5th Street intersection should be built with an exclusive southbound left turn lane, a northbound right turn lane, a westbound left turn lane and a westbound right turn lane.
- The traffic signal at the CSAH 13/5th Street intersection as well as alternate routes should allow the CSAH 13/Eagle Point Boulevard intersection to operate acceptably. The County will monitor the intersection, however, in case the traffic balancing does not occur and a traffic signal is needed at the intersection, the intersection will be placed on the County's Intersection Control Ranking System priority list to be funded through the County Capital Improvement Planning process. Any improvements to this intersection will be completed under the County's Cost Participation Policy.
- The site access at CSAH 13/9th Street should be constructed such that vehicles exiting the site can only make right turns.
- The site access at CSAH 10/Western Site Access should be built as a $\frac{3}{4}$ intersection with vehicles exiting the development only able to make right turns.

- The Eastern Site Access on CSAH 10 can be built as a full movement intersection.

Washington County in coordination with the City of Lake Elmo and the City of Oakdale will prepare a Memorandum of Understanding (MOU) for access management along CSAH 13 (Inwood Avenue) and CSAH 10 (10th Street) to provide direction on future access to this development project as well as other developments in the area.

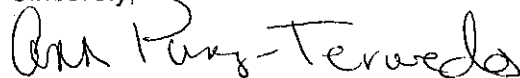
Washington County, as a part of the Gateway Corridor Commission, is preparing a Draft Environmental Statement (DEIS) for a proposed transitway through the I-94 "Gateway Corridor" from St Paul to the Oakdale/ Lake Elmo area. One of the potential transit stations would be south of the project area near County Road 13 on the north side of I-94. The ability of the transit alternative to mitigate any of the project impacts to adjacent roadways will be dependent on a number of factors that have yet to be determined including the distance of the project area from the station location chosen, the level of bicycle, pedestrian and feeder bus connections linking the station to the project area the presence of transit supportive uses within the project area.

There should be additional detail provided on the mitigation measures identified on the effect of the proposed development on the need for pedestrian and bicycle facilities. CSAH 10 (10th Street) is identified as a Planned County Trail in the Washington County Comprehensive Plan 2040, Planned Trail System.

If the comments in this letter are addressed in the EAW, the county does not feel the need for the preparation of an Environmental Impact Statement for the planned project; however, future studies, environmental documentation, and mitigation measures will need to be addressed as development occurs in the area.

If you have any questions or comments to the responses on the Inwood EAW, please contact me at Ann.pung-terwedo@co.washington.mn.us.

Sincerely,



Ann Pung-Terwedo
Senior Planner

c: Wayne Sandberg, County Engineer
Jan Lucke, Transit and Planning Manager

Minnesota Department of Natural Resources

Division of Ecological and Water Resources
1200 Warner Road
Saint Paul, MN 55106-6793



October 27, 2014

Transmitted via Electronic Mail

Mr. Kyle Klatt, Planning Director
3800 Laverne Avenue North
Lake Elmo, MN 55042

Mr. Klatt,

The Minnesota Department of Natural Resources (DNR) has reviewed the EAW for Inwood-Lake Elmo, and offers the following comments for your review.

Item 8. Permits and approvals required:

This table lists DNR Water Appropriation Permit two times. Please remove the second entry or replace Water Appropriation Permit with Public Waters Permit under one of the entries. There are two categories of DNR public waters permits that could be applied for if needed.

Item 11.i. Water resources. Description of Surface water:

Because the City of Lake Elmo's shoreland ordinance is not approved by DNR at this time and the City does not include all of the state's PUD standards in its shoreland PUD provision, (for example, tiers for weighting density are not included), DNR will be required to approve PUDs that are within the City's shoreland district until the City's shoreland ordinance is approved by DNR.

Item 11.ii. Water resources. Stormwater. Post-development Site Runoff:

- Has a stormwater model or stormwater calculations for the site post-construction been completed? If so, please include results in the narrative to provide justification for the statement that only extreme conditions such as those occurring in connection with 50- or 100-year storm events will result in measurable increases in runoff volume and associated pollutant transport. The 2-, 5-, and 10-year storm events are more frequent and are also impacted by increases in impervious surface.
- Please discuss in more specific detail what considerations have been taken by the developer to include best management practices within the project design (post-construction) that increase infiltration and reduce the amount of rainfall that is converted to runoff prior to it reaching the stormwater ponds included in the project area.

mndnr.gov

An Equal Opportunity Employer

DNR Information: 651-296-6157

1-888-646-6367

651-296-5484

1-800-657-3929

- Please quantify how much the open space areas will reduce runoff.

Item 11.iv. Water resources. Surface waters. a. Wetlands and b. Other surface waters:

- Please further describe what specific measures will be taken to reduce direct runoff into the unnamed public watercourse (07010205-745).
- List specific project design elements that have been added to the project to reduce impacts to the unnamed stream.

Item 13. Fish, wildlife, plant communities, and rare features:

This section of the EAW does not sufficiently discuss the treatment of wildlife and rare species resources impacted by this project.

b. Rare species:

The Natural Heritage Information Survey (NHIS) response letter is attached to these comments. As stated in the letter, the Blanding's turtle (*Emydoidea blandingii*), a state-listed threatened species, has been documented in the vicinity of the proposed project. The EAW should discuss potential impacts to this rare turtle and identify any measures (e.g., fact sheet recommendations) that will be implemented to avoid or minimize disturbance.

d. Minimization measures:

This project site is located less than one mile from Lake Elmo Regional Park Reserve, a 2100 acre area that provides varied habitats for multiple animal species. We recommend the following activities to minimize adverse impacts to wildlife associated with the periphery of this large landscape feature:

- Avoid creating wetlands, ditches, and water retention ponds near busy roadways. These aquatic habitats may attract wildlife, but then act as a population sink by increasing mortality rates as a result of more frequent road crossings. This is especially important in areas where Blanding's Turtles may occur.
- We recommend the use of surmountable curbs, and wildlife-friendly stormwater drains.
- We recommend the use of wildlife-friendly erosion control products. Traditional erosion control mesh is known to cause injury and may be fatal to wildlife, particularly reptiles and amphibians. Please see attached factsheet.
- We recommend the use of native plants in green space development; native wildlife is best adapted to native plants. Native flowering plants and grasses serve the additional function of providing food and habitat for butterflies and other native pollinators.

Item 19. Cumulative potential effects:

- Please discuss cumulative potential effects to both Armstrong Lake and the unnamed public stream.
- Is the concept plan included with the EAW the most current concept plan? If not, please include the most recent concept plan.

We appreciate the opportunity to review this document. If you have any questions regarding these comments, please feel free to contact me.

Sincerely,

Brooke Haworth

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

ERDB 20150027

Attachments: NHIS review; Blanding's Turtle Factsheet; Wildlife-friendly Erosion Control



Minnesota Department of Natural Resources

Division of Ecological and Water Resources, Box 25

500 Lafayette Road

St. Paul, Minnesota 55155-4025

Phone: (651) 259-5109 E-mail: lisa.joyal@state.mn.us

August 29, 2014

Correspondence # ERDB 20150027

Mr. John Rask
Hans Hagen Homes
941 NE Hillwind Road, Suite 300
Fridley, MN 55432

RE: Natural Heritage Review of the proposed Inwood Creek Mixed-Use Development,
T29N R21W Section 33, Washington County

Dear Mr. Rask,

As requested, the Minnesota Natural Heritage Information System has been queried to determine if any rare species or other significant natural features are known to occur within an approximate one-mile radius of the proposed project. Based on this query, rare features have been documented within the search area (please visit the Rare Species Guide at <http://www.dnr.state.mn.us/rsg/index.html> for more information on the biology, habitat use, and conservation measures of these rare species). Please note that the following **rare features may be adversely affected** by the proposed project:

- Blanding's turtles (*Emydoidea blandingii*), a state-listed threatened species, have been reported from the vicinity of the proposed project. Although we have no records from directly within the project site, turtles may use the site if it contains suitable habitat. Blanding's turtles use upland areas up to and over a mile distant from wetlands, as well as wetlands. Uplands are used for nesting, basking, periods of dormancy, and traveling between wetlands. Because of the tendency to travel long distances over land, Blanding's turtles regularly travel across roads and are therefore susceptible to collisions with vehicles. Any added mortality can be detrimental to populations of Blanding's turtles, as these turtles have a low reproduction rate that depends upon a high survival rate to maintain population levels. Other factors believed to contribute to the decline of this species include wetland drainage and degradation, and the development of upland habitat.

For your information, I have attached a Blanding's turtle fact sheet that describes the habitat use and life history of this species. The fact sheet also provides two lists of recommendations for avoiding and minimizing impacts to this rare turtle. **Please refer to the first list of recommendations for your project.** There are specific recommendations regarding roads, utilities, landscaping, and sediment and erosion control (see enclosed fact sheet regarding plastic mesh netting) that may pertain to this project. If greater protection for turtles is desired, the second list of additional recommendations can also be implemented.

The attached flyer should be given to all contractors working in the area. If Blanding's turtles are encountered on site, please remember that state law and rules prohibit the destruction of threatened or endangered species, except under certain prescribed conditions. If turtles are in imminent danger they should be moved by hand out of harm's way, otherwise they should be left undisturbed.

- The Environmental Assessment Worksheet should clearly discuss potential impacts to Blanding's turtles and identify any measures (e.g., fact sheet recommendations) that will be implemented to avoid, minimize, or mitigate disturbance.
- Please include a copy of this letter in any DNR license or permit application.

The Natural Heritage Information System (NHIS), a collection of databases that contains information about Minnesota's rare natural features, is maintained by the Division of Ecological and Water Resources, Department of Natural Resources. The NHIS is continually updated as new information becomes available, and is the most complete source of data on Minnesota's rare or otherwise significant species, native plant communities, and other natural features. However, the NHIS is not an exhaustive inventory and thus does not represent all of the occurrences of rare features within the state. Therefore, ecologically significant features for which we have no records may exist within the project area. **If additional information becomes available regarding rare features in the vicinity of the project, further review may be necessary.**

For environmental review purposes, this Natural Heritage Review is valid for one year; it is only valid for the project location (noted above) and the project description provided on the NHIS Data Request Form. Please contact me if project details change or for an updated review if construction has not occurred within one year.

The Natural Heritage Review does not constitute review or approval by the Department of Natural Resources as a whole. Instead, it identifies issues regarding known occurrences of rare features and potential effects to these rare features. To determine whether there are other natural resource concerns associated with the proposed project, please contact your DNR Regional Environmental Assessment Ecologist (contact information available at http://www.dnr.state.mn.us/eco/ereview/erp_regioncontacts.html). Please be aware that additional site assessments or review may be required.

Thank you for consulting us on this matter, and for your interest in preserving Minnesota's rare natural resources. An invoice will be mailed to you under separate cover.

Sincerely,



Lisa Joyal
Endangered Species Review Coordinator

enc. Blanding's Turtle Fact Sheet and Flyer
Wildlife Friendly Erosion Control

cc: Brooke Haworth
Erica Hoaglund

CAUTION



BLANDING'S TURTLES MAY BE ENCOUNTERED IN THIS AREA

The unique and rare Blanding's turtle has been found in this area. Blanding's turtles are state-listed as Threatened and are protected under Minnesota Statute 84.095, Protection of Threatened and Endangered Species. Please be careful of turtles on roads and in construction sites. For additional information on turtles, or to report a Blanding's turtle sighting, contact the DNR Nongame Specialist nearest you: Bemidji (218-308-2641); Grand Rapids (218-327-4518); New Ulm (507-359-6033); Rochester (507-280-5070); or St. Paul (651-259-5764).

DESCRIPTION: The Blanding's turtle is a medium to large turtle (5 to 10 inches) with a black or dark blue, dome-shaped shell with muted yellow spots and bars. The bottom of the shell is hinged across the front third, enabling the turtle to pull the front edge of the lower shell firmly against the top shell to provide additional protection when threatened. The head, legs, and tail are dark brown or blue-gray with small dots of light brown or yellow. A distinctive field mark is the bright yellow chin and neck.

**BLANDING'S TURTLES DO NOT MAKE GOOD PETS
IT IS ILLEGAL TO KEEP THIS THREATENED SPECIES IN CAPTIVITY**

Endangered, Threatened, and Special Concern Species of Minnesota

Blanding's Turtle
(*Emydoidea blandingii*)

Minnesota Status: Threatened
Federal Status: none

State Rank¹: S2
Global Rank¹: G4

HABITAT USE

Blanding's turtles need both wetland and upland habitats to complete their life cycle. The types of wetlands used include ponds, marshes, shrub swamps, bogs, and ditches and streams with slow-moving water. In Minnesota, Blanding's turtles are primarily marsh and pond inhabitants. Calm, shallow water bodies (Type 1-3 wetlands) with mud bottoms and abundant aquatic vegetation (e.g., cattails, water lilies) are preferred, and extensive marshes bordering rivers provide excellent habitat. Small temporary wetlands (those that dry up in the late summer or fall) are frequently used in spring and summer -- these fishless pools are amphibian and invertebrate breeding habitat, which provides an important food source for Blanding's turtles. Also, the warmer water of these shallower areas probably aids in the development of eggs within the female turtle. Nesting occurs in open (grassy or brushy) sandy uplands, often some distance from water bodies. Frequently, nesting occurs in traditional nesting grounds on undeveloped land. Blanding's turtles have also been known to nest successfully on residential property (especially in low density housing situations), and to utilize disturbed areas such as farm fields, gardens, under power lines, and road shoulders (especially of dirt roads). Although Blanding's turtles may travel through woodlots during their seasonal movements, shady areas (including forests and lawns with shade trees) are not used for nesting. Wetlands with deeper water are needed in times of drought, and during the winter. Blanding's turtles overwinter in the muddy bottoms of deeper marshes and ponds, or other water bodies where they are protected from freezing.

LIFE HISTORY

Individuals emerge from overwintering and begin basking in late March or early April on warm, sunny days. The increase in body temperature which occurs during basking is necessary for egg development within the female turtle. Nesting in Minnesota typically occurs during June, and females are most active in late afternoon and at dusk. Nesting can occur as much as a mile from wetlands. The nest is dug by the female in an open sandy area and 6-15 eggs are laid. The female turtle returns to the marsh within 24 hours of laying eggs. After a development period of approximately two months, hatchlings leave the nest from mid-August through early-October. Nesting females and hatchlings are often at risk of being killed while crossing roads between wetlands and nesting areas. In addition to movements associated with nesting, all ages and both sexes move between wetlands from April through November. These movements peak in June and July and again in September and October as turtles move to and from overwintering sites. In late autumn (typically November), Blanding's turtles bury themselves in the substrate (the mud at the bottom) of deeper wetlands to overwinter.

IMPACTS / THREATS / CAUSES OF DECLINE

- loss of wetland habitat through drainage or flooding (converting wetlands into ponds or lakes)
- loss of upland habitat through development or conversion to agriculture
- human disturbance, including collection for the pet trade* and road kills during seasonal movements
- increase in predator populations (skunks, raccoons, etc.) which prey on nests and young

*It is illegal to possess this threatened species.

RECOMMENDATIONS FOR AVOIDING AND MINIMIZING IMPACTS

These recommendations apply to typical construction projects and general land use within Blanding's turtle habitat, and are provided to help local governments, developers, contractors, and homeowners minimize or avoid detrimental impacts to Blanding's turtle populations. **List 1** describes minimum measures which we recommend to prevent harm to Blanding's turtles during construction or other work within Blanding's turtle habitat. **List 2** contains recommendations which offer even greater protection for Blanding's turtles populations; this list should be used *in addition to the first list* in areas which are known to be of state-wide importance to Blanding's turtles (contact the DNR's Natural Heritage and Nongame Research Program if you wish to determine if your project or home is in one of these areas), or in any other area where greater protection for Blanding's turtles is desired.

List 1. Recommendations for all areas inhabited by Blanding's turtles.	List 2. Additional recommendations for areas known to be of state-wide importance to Blanding's turtles.
GENERAL	
A flyer with an illustration of a Blanding's turtle should be given to all contractors working in the area. Homeowners should also be informed of the presence of Blanding's turtles in the area.	Turtle crossing signs can be installed adjacent to road-crossing areas used by Blanding's turtles to increase public awareness and reduce road kills.
Turtles which are in imminent danger should be moved, by hand, out of harms way. Turtles which are not in imminent danger should be left undisturbed.	Workers in the area should be aware that Blanding's turtles nest in June, generally after 4pm, and should be advised to minimize disturbance if turtles are seen.
If a Blanding's turtle nests in your yard, do not disturb the nest.	If you would like to provide more protection for a Blanding's turtle nest on your property, see "Protecting Blanding's Turtle Nests" on page 3 of this fact sheet.
Silt fencing should be set up to keep turtles out of construction areas. It is <u>critical</u> that silt fencing be removed after the area has been revegetated.	Construction in potential nesting areas should be limited to the period between September 15 and June 1 (this is the time when activity of adults and hatchlings in upland areas is at a minimum).
WETLANDS	
Small, vegetated temporary wetlands (Types 2 & 3) should not be dredged, deepened, filled, or converted to storm water retention basins (these wetlands provide important habitat during spring and summer).	Shallow portions of wetlands should not be disturbed during prime basking time (mid morning to mid- afternoon in May and June). A wide buffer should be left along the shore to minimize human activity near wetlands (basking Blanding's turtles are more easily disturbed than other turtle species).
Wetlands should be protected from pollution; use of fertilizers and pesticides should be avoided, and run-off from lawns and streets should be controlled. Erosion should be prevented to keep sediment from reaching wetlands and lakes.	Wetlands should be protected from road, lawn, and other chemical run-off by a vegetated buffer strip at least 50' wide. This area should be left unmowed and in a natural condition.
ROADS	
Roads should be kept to minimum standards on widths and lanes (this reduces road kills by slowing traffic and reducing the distance turtles need to cross).	Tunnels should be considered in areas with concentrations of turtle crossings (more than 10 turtles per year per 100 meters of road), and in areas of lower density if the level of road use would make a safe crossing impossible for turtles. Contact your DNR Regional Nongame Specialist for further information on wildlife tunnels.
Roads should be ditched, not curbed or below grade. If curbs must be used, 4 inch high curbs at a 3:1 slope are preferred (Blanding's turtles have great difficulty climbing traditional curbs; curbs and below grade roads trap turtles on the road and can cause road kills).	Roads should be ditched, not curbed or below grade.

ROADS cont.	
Culverts between wetland areas, or between wetland areas and nesting areas, should be 36 inches or greater in diameter, and elliptical or flat-bottomed.	Road placement should avoid separating wetlands from adjacent upland nesting sites, or these roads should be fenced to prevent turtles from attempting to cross them (contact your DNR Nongame Specialist for details).
Wetland crossings should be bridged, or include raised roadways with culverts which are 36 in or greater in diameter and flat-bottomed or elliptical (raised roadways discourage turtles from leaving the wetland to bask on roads).	Road placement should avoid bisecting wetlands, or these roads should be fenced to prevent turtles from attempting to cross them (contact your DNR Nongame Specialist for details). This is especially important for roads with more than 2 lanes.
Culverts under roads crossing streams should be oversized (at least twice as wide as the normal width of open water) and flat-bottomed or elliptical.	Roads crossing streams should be bridged.
UTILITIES	
Utility access and maintenance roads should be kept to a minimum (this reduces road-kill potential).	
Because trenches can trap turtles, trenches should be checked for turtles prior to being backfilled and the sites should be returned to original grade.	
LANDSCAPING AND VEGETATION MANAGEMENT	
Terrain should be left with as much natural contour as possible.	As much natural landscape as possible should be preserved (installation of sod or wood chips, paving, and planting of trees within nesting habitat can make that habitat unusable to nesting Blanding's turtles).
Graded areas should be revegetated with native grasses and forbs (some non-natives form dense patches through which it is difficult for turtles to travel).	Open space should include some areas at higher elevations for nesting. These areas should be retained in native vegetation, and should be connected to wetlands by a wide corridor of native vegetation.
Vegetation management in infrequently mowed areas -- such as in ditches, along utility access roads, and under power lines -- should be done mechanically (chemicals should not be used). Work should occur fall through spring (after October 1 st and before June 1 st).	Ditches and utility access roads should not be mowed or managed through use of chemicals. If vegetation management is required, it should be done mechanically, as infrequently as possible, and fall through spring (mowing can kill turtles present during mowing, and makes it easier for predators to locate turtles crossing roads).

Protecting Blanding's Turtle Nests: Most predation on turtle nests occurs within 48 hours after the eggs are laid. After this time, the scent is gone from the nest and it is more difficult for predators to locate the nest. Nests more than a week old probably do not need additional protection, unless they are in a particularly vulnerable spot, such as a yard where pets may disturb the nest. Turtle nests can be protected from predators and other disturbance by covering them with a piece of wire fencing (such as chicken wire), secured to the ground with stakes or rocks. The piece of fencing should measure at least 2 ft. x 2 ft., and should be of medium sized mesh (openings should be about 2 in. x 2 in.). It is **very important** that the fencing be **removed before August 1st** so the young turtles can escape from the nest when they hatch!

REFERENCES

- ¹Association for Biodiversity Information. "Heritage Status: Global, National, and Subnational Conservation Status Ranks." NatureServe. Version 1.3 (9 April 2001). <http://www.natureserve.org/ranking.htm> (15 April 2001).
- Coffin, B., and L. Pfannmuller. 1988. Minnesota's Endangered Flora and Fauna. University of Minnesota Press, Minneapolis, 473 pp.

REFERENCES (cont.)

- Moriarty, J. J., and M. Linck. 1994. Suggested guidelines for projects occurring in Blanding's turtle habitat. Unpublished report to the Minnesota DNR. 8 pp.
- Oldfield, B., and J. J. Moriarty. 1994. Amphibians and Reptiles Native to Minnesota. University of Minnesota Press, Minneapolis, 237 pp.
- Sajwaj, T. D., and J. W. Lang. 2000. Thermal ecology of Blanding's turtle in central Minnesota. *Chelonian Conservation and Biology* 3(4):626-636.

Wildlife-friendly Erosion Control

Wildlife entanglement in, and death from, plastic netting and other man-made plastic materials has been documented in birds (Johnson, 1990; Fuller-Perrine and Tobin, 1993), fish (Johnson, 1990), mammals (Derraik, 2002), and reptiles (Barton and Kinkead, 2005; Kapfer and Paloski, 2011). Unfortunately, the use of these materials for erosion control continues in many cases, often without consideration for wildlife impact. This plastic netting is frequently used for erosion control during construction and landscape projects and can negatively impact terrestrial and aquatic wildlife populations as well as snag in maintenance machinery, resulting in costly repairs and delays. However, erosion-control materials that are wildlife friendly do exist and are sold by several large companies. Below are a few key considerations before starting a project.

Know Your Options

- Remember to consult with local natural resource agencies (DNR, USFWS, etc.) before starting a project. They can help you identify sensitive areas and rare species.
- When erosion control is necessary, select products with biodegradable netting (natural fiber, biodegradable polyesters, etc.).
- DO NOT use products that require UV-light to biodegrade (also called “photodegradable”) as they do not biodegrade properly when shaded by vegetation.
- Use netting with rectangular-shaped mesh (not square mesh).
- Use netting with flexible (non-welded) mesh.



Know the Landscape

- It is especially important to use wildlife-friendly erosion control around:
 - Areas with threatened or endangered species.
 - Wetlands, rivers, lakes, and other watercourses.
 - Habitat-transition zones (prairie – woodland edges, rocky outcrop – woodland edges, steep rocky slopes, etc.).
- Use erosion mesh wisely; not all areas with disturbed ground necessitate its use. Do not use plastic mesh unless it is specifically required. Other erosion-control options exist (open weave textile (OWT), rolled erosion control products (RECPs) with woven, natural fiber netting).



Protect Wildlife

- Avoid photodegradable erosion-control materials where possible.
- Use only biodegradable materials (typically made from natural fibers), preferably those that will biodegrade under a variety of conditions.
- The cost of erosion-control material that is wildlife friendly is often comparable to conventional plastic netting.



Plains Gartersnake trapped and killed by welded-plastic square erosion-control mesh placed along a newly installed cement culvert in southern Minnesota. ©MN DNR, Carol Hall

Literature Referenced

Barton, C. and K. Kinkead. 2005. Do erosion control and snakes mesh? Soil and Water Conservation Society 60:33A-35A.

Derraik, J.G.B. 2002. The pollution of the marine environment by plastic debris: a review. Marine Pollution Bulletin 44:842-852.

Fuller-Perrine, L.D., and M.E. Tobin. 1993. A method for applying and removing bird-exclusion netting in commercial vineyards. Wildlife Society Bulletin 21:47-51.

Johnson, S.W. 1990. Distribution, abundance, and source of entanglement debris and other plastics on Alaskan beaches, 1982-1988. Proceedings of the Second International Conference on Marine Debris 331-348.

Kapfer, J.M., and R.A. Paloski. 2011. On the threat to snakes of mesh deployed for erosion control and wildlife exclusion. Herpetological Conservation and Biology 6:1-9.



A small vole that was strangled and killed by plastic erosion-control material with welded and square mesh. Photo taken in southern Minnesota and provided courtesy of Tom Jessen.

