



Inver Grove Heights Environmental Advisory Commission

Thursday, June 26, 2025 at 7:00 PM

8150 Barbara Avenue, Inver Grove Heights, MN 55077

AGENDA

NOTICE TO RESIDENTS: Individuals may submit written public comments in advance of the meeting by emailing comments to Rebecca Kiernan (rkiernan@ighmn.gov). Comments received prior to 4:00 p.m. on Thursday, June 26, 2025, will be provided to the Commissioners at or before the June 26, 2025 meeting.

1. **Call to Order**
2. **Oath of Office**
3. **Roll Call**
4. **Election of Officers**
 - A. Election of 2025 Environmental Advisory Commission Chair.
5. **Consent Agenda**
 - A. Minutes of the May 22, 2025, Environmental Advisory Commission Meeting.
6. **Regular Business**
 - A. Veteran's Memorial Greenway Wetand Replacement - Southern Lakes Park Area
7. **Public Comment**

Public comment provides an opportunity for the public to address the Commission on items that are not on the agenda. Comments will be limited to three (3) minutes per person.
8. **Commission and Staff Comments**
9. **Adjourn**

This document is available upon a three (3) business day request in alternate formats such as braille, large print, audio recording, etc. Please contact Rebecca Kiernan, City Clerk, at 651.450.2513 or rkiernan@ighmn.gov.

**ENVIRONMENTAL ADVISORY COMMISSION MINUTES
CITY OF INVER GROVE HEIGHTS**

City Council Chambers - 8150 Barbara Avenue
Thursday, May 22, 2025 - 7:00 p.m.

1. CALL TO ORDER

Chair Goodman called the Environmental Advisory Commission Meeting to order at 7:00 p.m.

The Pledge of Allegiance was recited.

2. ROLL CALL

Commissioners Present: Sara Goodman (Chair)
Marjorie Savage
Tracie Killion
Nick Ruiz
Jon Wallerick
Kevin Sethre
Patti Mikulski

Commissioners Absent: Ted Trenzeluk - *excused*
Nichole Boehmke - *excused*

Staff Present: Stacy Bodsberg, Community Development Specialist
Paul Merchlewicz, City Engineer
Nicole Portugal, Senior Engineering Technician

3. CONSENT AGENDA

A. Minutes of the April 24, 2025, Environmental Advisory Commission Meeting.

Motion by Sethre, Second by Savage, to Approve Minutes as Submitted.

Ayes: 7

Nays: 0 Motion carried.

4. REGULAR BUSINESS

A. Annual Local Stormwater Pollution Prevention Plan Presentation.

Program Management Supervisor Joe Barten with the Dakota County Soil & Water Conservation District (DCSWCD) and Lower Mississippi River Watershed Management Organization (LMRWMO) presented on the Local Storm Water Pollution Prevention Plan (SWPPP) to provide background information on Minimum Control Measures (MCMs) and Best Management Practices (BMPs), gather citizen input on the SWPPP, and meet the requirements of the Municipal Separate Storm Sewer Systems (MS4) permit.

• **Why Storm Water Matters**

- Urbanization and development create more compacted surfaces and more impervious surfaces, which cause increased runoff
- As this runoff enters the storm water system, it picks up oil, chemicals, nutrients, sediment, litter, heavy metals, disease-causing organisms (collectively: gunk)
- Gunk leads to turbidity and nutrient impairment of water resources

- Managing storm water is necessary for maintaining a clean, safe drinking water supply; desirable recreation areas; and natural ecological functioning.
- **History of Local Storm Water Pollution Prevention Plan (SWPPP) and National Pollutant Discharge Elimination System (NPDES)**
 - The Industrial Revolution and increased agricultural production led to increased pollution and erosion impacts
 - The severity of these issues led to federal Clean Water Act in 1972
 - The Clean Water Act helped reduce large discharges/point-source issues
 - The Environmental Protection Agency (EPA) created guidelines and a system for regulating pollution -- National Pollutant Discharge Elimination System (NPDES)
 - The EPA gives states the authority to enforce pollution regulation at the state level via the Minnesota Pollution Control Agency (MPCA).
 - MPCA created the Municipal Separate Storm Sewer System (MS4) permit
 - Sanitary and storm sewers used to be combined (no longer common)
 - MS4 gives cities minimum requirements to enforce via city code
 - MS4 regulates the system of conveyances (pipes, streets, ditches, storm drains)
 - The last update to MS4 was in 2020
 - Different regulations apply to large cities versus small cities
 - Inver Grove Heights is considered a small city under MS4
 - Other Water Resource Public Organizations
 - Dakota County Soil & Water Conservation District (DCSWCD)
 - Eagan-Inver Grove Heights Watershed Management Organization (E-IGH WMO)
 - Lower Mississippi River Watershed Management Organization (LMRWMO)
 - Minnesota Board of Water and Soil Resources (MN BWSR)
 - Minnesota Cities Stormwater Coalition (MCSC)
- **Six Minimum Control Measures**
 - 1. Public Education and Outreach
 - 2. Public Participation and Involvement
 - 3. Illicit Discharge Detection and Elimination
 - Examples of illicit discharge sources:
 - Household cleaning services
 - Trenchless boring slurry discharge
 - Improper disposal of oil or household chemicals
 - Failing septic systems
 - Illegal dumping
 - Spills from accidents or gas stations
 - 4. Construction Site Stormwater Runoff Control
 - 5. Post-Construction Stormwater Management
 - 6. Pollution Prevention and Good Housekeeping for Municipal Operations
- **2024 Accomplishments**
 - (MCM 1) Publicized storm water-related information and programs to City residents via Insights newsletter (Adopt a drain, pet waste, illicit discharge detection, yard waste, salt use, chemical disposal)

- (MCM 1 and MCM 2) Supported the Landscaping for Clean Water program to improve water quality via engaging the public in designing, implementing, and maintaining shoreline restoration projects and native gardens
- (MCM 1) Held SWPPP annual public meeting
- (MCM 2) Trained select City staff to be alert for illicit discharges and storm water issues
- (MCM 1 and MCM 2) Coordinated storm water management work between the DCSWCD and both WMOs in the area (E-IGHWMO and LMRWMO)
 - Storm water educational displays at events
 - Clean water educational bags at libraries
 - Inver Glen Library Salt Week
 - Salt Smart program
 - Salt Smart cups
 - Rain barrel program
 - Storm drain stenciling
 - Adopt a drain
- (MCM 3) Updated the storm sewer map GIS to help track source of illicit discharge
- (MCM 3) Completed annual storm sewer inspections
- (MCM 3) Issued three notices of violation for illicit discharges
- (MCM 4) Oversaw and enforced construction site storm water runoff control
 - All construction sites over one acre need both state and city permits, which require having a Storm Water Pollution Prevention Plan
 - Contractors have to designate someone to check sites after rainfall, etc.
 - Erosion/sediment control requirements apply to all permits in Inver Grove Heights
- (MCM 5) Oversaw and enforced requirements for landowners to implement permanent stormwater management practices
 - Conducted 7 plan reviews
 - Managed 17 major projects currently under construction
 - Created permanent storm water facilities maintenance agreements for six development projects
 - Maintained hundreds of Best Management Practices and maintenance agreements for privately owned storm water ponds, infiltration basins, underground treatment chambers, stormwater reuse systems, etc.
 - Requires inspections to ensure systems are functioning
- (MCM 5) Enforced the 1-inch infiltration requirement
 - When the first inch of rain can infiltrate, most storm water pollution issues are addressed
- (MCM 5) Administered Storm Water Management Plan (SWMP) and Northwest Area SWMP
- (MCM 5) Updated City enforcement procedures and policies
- (MCM 5) Updated City-wide Best Management Practices (BMPs) for stormwater inventory
 - Over 120 miles of stormwater piping
 - Over 600 ponds and basins
 - Over 4,000 catch basins and drains
 - Over 1,500 aprons and pipe ends

- o (MCM 6) Over 450 environmental manholes and control structures
- o (MCM 6) Staff conducted inspections on public stormwater facilities
 - 20% of discharge points and ponds
 - 100% of environmental structures
 - Major and minor maintenance and repairs
- o (MCM 6) Swept all City streets and parking lots in Spring and Fall
 - Additional sweeping also completed as necessary
- o (MCM 6) Continued efforts to reduce chloride in water bodies (55% reduction since 2007)
 - Methods to reduce road salt:
 - Store on impervious surfaces and reduce transfer loss
 - Cover salt storage areas
 - Implement salt saver sanders with pre-wet tanks
 - Utilize salt brine to pretreat roads
- **2025 Goals**
 - o Construct storm water quality improvements on City and County projects
 - o Review private development agreements and construction permits as they come in
 - o Provide training to all City staff on Illicit Discharge Detection and Elimination (IDDE) and Municipal Separate Storm Sewer Systems (MS4)
 - o Complete annual update to facilities/infrastructure GIS maps
 - o Develop televising program
 - o Update the storm water Capital Improvement Plan
 - o Identify more funding and revenue for storm system improvements and apply for grants
 - o Update the city's website with current storm water information (raingardens, smart salting, etc.)
 - o Administer Northwest Area standards with new developments
 - o Attend various organization meetings (WMOs, MCSC)
 - o Update City-wide storm water models
 - o Update Water Resources Management Plan
 - o Major repairs to stormwater facilities
 - o Routine maintenance to storm water facilities
- **Public Involvement Opportunities**
 - o Salt Smart
 - Be aware of how much is too much salt to use
 - o Adopt a Storm Drain
 - Sign up to help clear a local drain of leaves, trash, and debris to reduce water pollution
 - o Scoop the Poop
 - Keep pet waste out of storm water system
 - o Storm Drain Stenciling
 - 41 drains stenciled in 2024
 - o Educational Boxes
 - Can be brought to events to help educate public on storm water management issues
 - o Take a Landscaping for Clean Water, Lawns Reimagined, or Shoreline Restoration class

- Seek appointment on a local Water Management Organization as board member
- Publicize the recently-created video on illicit discharge detection and elimination to help the public know what to look for

Commissioner Wallerick inquired as to whose responsibility it is for managing and maintaining private storm water ponds. Mr. Barten stated that the tracking is a City responsibility. City Engineer Merchlewicz added that reporting and maintenance are the responsibility of the property owner under the storm water facility maintenance agreement (SWFMA).

Mr. Barten stated that maintenance is usually related to growth of invasive vegetation, but this is more of an aesthetic concern, as it does not impact infiltration/functioning.

City Engineer Merchlewicz stated that trash and phosphates from fertilizer were also issues for maintenance.

Commissioner Ruiz inquired about the notices of violation issued. City Engineer Merchlewicz stated that one was a local business dumping cleaning water; another was a fuel spill; he is not sure about the third notice but said it may have been construction-site related.

Commissioner Killion inquired about the possibility of increasing the frequency of cleaning for control structures. City Engineer Merchlewicz stated that he could not estimate the cost of increasing cleanings. One to two Streets employees vacuum out sediments at control structures and selected hotspots at frequencies ranging from yearly to semi-yearly. These hotspots are tracked as potential future places to add control structures.

Commissioner Killion inquired if evaluating the needed frequency of cleaning was part of the inspection process for an area. City Engineer Merchlewicz responded yes; annual inspection of storm structures is used to set the routine for cleanings.

Commissioner Killion inquired about lower-impact options for street reconstruction. Mr. Barten stated that cost is a factor; lower-impact methods can be more expensive than trench methods. The age and condition of the existing system can also limit lower-impact options. City Engineer Merchlewicz stated that's possible, trench boxes are used to minimize excavation areas. Work phasing also helps reduce the amount of area that is exposed at one time. He confirmed that the MPCA did not find any issues in their inspection of Groveland Park's street reconstruction project.

Commissioner Savage inquired about the legality of emptying swimming pools into street drains. Senior Engineering Technician Nicole Portugal stated that City Code requires the water to dechlorinate for seven days before discharge.

Commissioner Sethre inquired about semi-pervious surfaces. Mr. Barten stated that permeable pavement (permeable pavers, concrete, and asphalt) was one tool in the toolbox, but that it was more worthwhile in large urban areas with little to no green space. With Minnesota freeze-thaw conditions lead to significant wear and tear on permeable pavement systems. He suggested bioretention methods for longer-lasting, more self-sufficient storm water management. City Engineer Merchlewicz stated that

the use of permeable pavement is encouraged in the City Code, but it is treated as impervious because regular maintenance is needed to maintain permeability over time. Mr. Barten stated that a layer of organic debris can form an impermeable layer on top of permeable pavers.

Commissioner Killion inquired about storm water management requirements for projects under one acre (e.g., directional bore pits). Mr. Barten stated that under City Code, any building permit, land alteration permit, or plat triggers erosion and sediment control requirements. Utilities and road projects sometimes have exceptions. Senior Engineering Technician Portugal added that 5,000 square feet is the threshold for a Storm Water Pollution Prevention Plan being required. City Engineer Merchlewicz added that there were different thresholds for shoreline projects (50 cubic yards or more being disturbed).

Chair Goodman inquired how rain gardens might be added to when street projects happen. City Engineer Merchlewicz stated that the City typically did not suggest rain gardens but could connect homeowners to other organizations. Mr. Barten stated that grant funds might be available through the WMOs.

5. PUBLIC COMMENT

None.

6. COMMISSIONER AND STAFF COMMENTS

Commissioner Ruiz mentioned the upcoming Environment Commissioners Spring Conference Tour and Social Hour. Mr. Ruiz inquired about light pollution and suggested researching what other cities in Dakota County are doing about it.

City Engineer Merchlewicz stated that staff would look for direction from the Council to initiate that. He stated that the City's current practice is to light major intersections or changes in traffic direction and to not over light.

Chair Goodman suggested reviewing the City Code for existing and potential ways to reduce light pollution.

Commissioner Sethre commended everyone for their questions this evening.

7. ADJOURN

Motion by Wallerick, Second by Savage, to adjourn the meeting at 8:09 p.m.

Ayes: 7

Nays: 0 Motion carried.

Respectfully submitted by Will Clashe, Recording Secretary

**Environmental Advisory Commission
Staff Report****SUBJECT: Veteran's Memorial Greenway Wetand Replacement -
Southern Lakes Park Area**

MEETING DATE: June 26, 2025
ITEM TYPE: Regular Business
CONTACT: Paul Merchlewicz, City Engineer, 651.450.2572

PURPOSE/ACTION REQUESTED

The Environmental Advisory Commission is asked to consider a recommendation to City Council for the approval of a Wetland Replacement Application for the Southern Lakes Park Area, Veteran's Memorial Greenway.

BACKGROUND

The applicant, Dakota County, seeks to construct "Phase 2 (Western Segment)" of the Veterans Memorial Greenway (VMG). The proposed project seeks to construct approximately 1.7 miles of multi-use, non-motorized trail from Dodd Road in Eagan to CSAH 32 (Cliff Road) near Alameda Path in Inver Grove Heights (Figures 1 & 2).

This project would receive state aid under state project number (SP) 019-090-026. It is described and evaluated in the Federal Categorical Exclusion Determination (CATEX) under the National Environmental Policy Act (NEPA). Short Elliott Hendrickson Inc. (SEH) is preparing the CATEX on behalf of Dakota County, which will be reviewed by the Minnesota Department of Transportation (MnDOT) and the Federal Highway Administration (FHWA).

This application's demonstration of wetland impact avoidance and minimization follows the sequencing process of the Minnesota Wetland Conservation Act (WCA) of 1991 and the federal Clean Water Act (CWA). These procedures require that projects that may result in the draining or filling of wetlands demonstrate the avoidance and minimization of such impacts. Wetland impacts that cannot be feasibly avoided or minimized must be replaced by compensatory mitigation.

This applicant requests a Replacement Plan approval under the WCA for the proposed 0.2842 acres of permanent wetland loss. Additionally, the application requests a No Loss Determination under the WCA for the proposed 0.1611 acres of temporary wetland impact. The current trail alignment, as preferred, accounts for wetland fill required for abutments of a boardwalk system over the wetland.

Project stakeholders have been engaged during a pre-application meeting which was held on January 23rd, 2025. Attendees included Jenna Olson – City of Eagan; Tony Wotzka – Dakota County; Paul Merchlewicz – City of Inver Grove Heights; David Holmen – Dakota SWCD; Jed Chesnut – BWSR, Taylor Huinker – MNDNR; Rachel Gralnek – USACE; William Bauer, Ashley Degenhardt, and John Thayer – SEH.

The final trail plans for the proposed project will be reviewed and approved by city staff, the Planning Commission and City Council during the public review process. Because the County is proposing to

impact an existing regulated wetland, the approved agreements require the applicant to receive approval of a Wetland Replacement Plan prior to beginning any construction.

PROPOSED WETLAND REPLACEMENT PLAN

No person may impact a wetland, wholly or partially, (unless eligible for an exemption or no-loss) without first having a Wetland Replacement Plan approved by the Local Government Unit (LGU). Before approving a Wetland Replacement Plan, the LGU must ensure that the applicant has exhausted all possibilities to avoid and minimize wetland impacts according to sequencing requirements per MN Rule 8420.0520. Temporary and permanent wetland impacts are proposed to a DNR public-waters wetland are indicated in the table.

Table 1 — Summary of Proposed Wetland Impacts						
Aquatic Resource ID (Figure ID)	Aquatic Resource Type	Type of Impact	Duration of Impact	Size of Impact (Acres)	Plant Community Type (Eggers and Reed)	County, Major Watershed #, and Bank Service Area #
1	Wetland	Fill	Permanent	0.0057	Fresh (Wet) Meadow	Dakota, #33, BSA #9
2	Wetland	Fill	Permanent	0.0303	Fresh (Wet) Meadow	
3	Public Water Wetland (#19029600)	Fill	Permanent	0.1305	Shallow Open Water	Dakota, #38, BSA #8
		Fill — Sloped into surface water.	Permanent — No Loss	0.0571		
		Boardwalk Construction	Temporary (<90 Days) — No Loss	0.1040		
4	Wetland	Fill	Permanent	0.0703	Shallow Open Water	
5	Wetland	Fill	Permanent	0.0474	Shrub-Carr	Dakota, #33, BSA #9
Total Temporary Impact:				0.1040		
Total Permanent Fill — Wetland Loss:				0.2842		
Total Permanent Fill — Wetland Loss Not Anticipated:				0.0571		

FISCAL IMPACT

This item has no financial impact to the City.

RECOMMENDATION

Staff recommend approval of the Wetland Replacement Application for the Southern Lakes Park Area of Veteran's Memorial Greenway.

ATTACHMENTS

1. Wetland Permit Application - VMG PH2

Wetland Permit Application

Phase 2 - Veterans Memorial Greenway

Dakota County

Dakota County, Minnesota

DAKOT 157442 | February 2025 Revised June 2025



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Appendix B	MnDOT OES Section 7 Concurrence Request Letter & DNR Formal Natural Heritage Review
Appendix C	Section 106 Findings Letter
Appendix D	Wetland Delineation Notices of Decision

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Wetland Permit Application

Phase 2 - Veterans Memorial Greenway

Prepared for Dakota County

1 Introduction

This wetland permit application was prepared for the proposed construction of the “Phase 2 (Western Segment)” of the Veterans Memorial Greenway (VMG). The proposed project seeks to construct approximately 1.7 miles of multi-use, non-motorized trail from Dodd Road in Eagan to CSAH 32 (Cliff Road) near Alameda Path in Inver Grove Heights (**Figures 1 & 2**).

This project would receive state aid under state project number (SP) 019-090-026. It is described and evaluated in the Federal Categorical Exclusion Determination (CATEX) under the National Environmental Policy Act (NEPA). Short Elliott Hendrickson Inc. (SEH) is preparing the CATEX on behalf of Dakota County, which will be reviewed by the Minnesota Department of Transportation (MnDOT) and the Federal Highway Administration (FHWA).

This application's demonstration of wetland impact avoidance and minimization follows the sequencing process of the Minnesota Wetland Conservation Act (WCA) of 1991 and the federal Clean Water Act (CWA). These procedures require that projects that may result in the draining or filling of wetlands demonstrate the avoidance and minimization of such impacts. Wetland impacts that cannot be feasibly avoided or minimized must be replaced by compensatory mitigation.

This permit application requests a **Replacement Plan** approval under the WCA for the proposed **0.2842 acres** of permanent wetland loss. Additionally, the application requests a **No Loss Determination** under the WCA for the proposed **0.1611 acres** of temporary wetland impact.

A pre-application meeting was held on January 23rd, 2025. Attendees included Jenna Olson – City of Eagan; Tony Wotzka – Dakota County; Paul Merchlewicz – City of Inver Grove Heights; David Holmen – Dakota SWCD; Jed Chesnut – BWSR, Taylor Huinker – MNDNR; Rachel Gralnek – USACE; William Bauer, Ashley Degenhardt, and John Thayer – SEH. A copy of the minutes is available on request.

A revised permit application was completed in June 2025. The revisions evaluated a new trail alignment as the preferred and accounts for wetland fill required for abutments that was overlooked in the original application.

1.1 Project Location

The project is in Inver Grove Heights and Eagan in Township 27 North, Range 23 West, Section 25 and Township 27 North, Range 22 West, Section 30 as shown in **Figure 2**. The project area is shown over 2023 Dakota County aerial imagery in **Figure 3**. The project is in the Minnesota River (#33143) minor watershed of the Lower Minnesota River (#33) major watershed, an unknown minor watershed (#38037) in the Mississippi River - Lake Pepin (#38) major watershed, and in

Bank Service Areas (BSAs) #8 and #9. The project area, watersheds, and BSAs are shown in **Figure 4**.

2 Project Description

The proposed project seeks to construct approximately 1.7 miles of multi-use, non-motorized trail from Dodd Road in Eagan to CSAH 32 (Cliff Road) near Alameda Path in Inver Grove Heights. The proposed trail improvements will include a 10-foot bituminous surface. The project will construct a 435-foot four-span prestressed concrete girder pedestrian bridge (Bridge No. 19R06) over Trunk Highway 3 (South Robert Trail) and a parallel rail line. The proposed profile of the pedestrian bridge will meet minimum vertical clearance requirements for MnDOT and the railroad. The project will also construct a precast concrete boardwalk across a wetland within Southern Lakes Park.

Project plans and typical section exhibits (**Appendix A**) are under revision and can be provided on request.

2.1 Existing Conditions

The VMG is comprised of three planning segments that will eventually connect Lebanon Hills Regional Park and the Mississippi River in central Dakota County. The planned five-mile trail corridor stretches east and west within Eagan and Inver Grove Heights and seeks to connect single-family residential neighborhoods, parks, rural and undeveloped open space, and the Mendota-Lebanon Hills and Mississippi River Greenways. Phase 1 of the VMG is the middle segment between Alameda Path and Rich Valley Park in Inver Grove Heights. This segment was substantially completed in 2024. Phase 3 of the VMG is the eastern segment that is located between CSAH 71 (Rich Valley Boulevard) and U.S. Highway 52/Trunk Highway 55 (Courthouse Boulevard) in Inver Grove Heights; this segment is tentatively planned for construction in fiscal year 2026 under SP 019-090-029. Upon completion, this five-mile greenway will commemorate the service of all Minnesota veterans through eight interpretive memorials.

VMG, Phase 2 (Western) Segment

The “Phase 2” alignment of the VMG begins at the west end of the corridor near two existing trails at Dodd Road (Mendota-Lebanon Hills Greenway and Highline Trail). It then meanders easterly through Xcel Energy’s Highline corridor (existing overhead power lines), city parkland (Eagan’s Lakeside Park), several residential parcels, and along the north property line of St. Thomas Becket Church. It continues east over Trunk Highway 3 (South Robert Trail) and a parallel Canadian Pacific Railway line that is operated by Progressive Rail via a new (proposed) pedestrian bridge (Proposed Bridge No. 19R06). East of Trunk Highway 3 (South Robert Trail), the proposed trail alignment is located on Xcel Energy property, which includes the Wescott Station natural gas facility. South of Xcel Energy, the proposed trail alignment travels through city parkland (Inver Grove Heights’ Southern Lakes Park). The proposed trail alignment crosses a wetland with a precast concrete boardwalk and routes around wetlands into a utility corridor that crosses under overhead power lines and connects to Phase 1 at CSAH 32 (Cliff Road) near Alameda Path.

The precast concrete boardwalk will have overlook areas at each end that will commemorate the service of all Minnesota veterans through interpretive memorials as described in the 2023 Dakota County Veterans Memorial Greenway Interpretive Memorial Plan.

Dodd Road is functionally classified as a minor collector and is under the jurisdiction of the City of Eagan. It is a two-lane urban roadway. The posted speed limit is 40 miles per hour (mph). The current (2022) average annual daily traffic (AADT) volume is 4,230 vehicles per day (vpd).

As referenced above, the VMG runs through Lakeside Park (559 Atlantic Hills Drive). This property is owned and under the jurisdiction of the City of Eagan. The park amenities at this 6.27-acre site include a basketball court, playground, open fields, and trails along the pond and the Highline corridor. The VMG trail will traverse the north side of Lakeside Park and connect to the existing paved trail in the park. The park is called out as a neighborhood gateway location with access points on the north and south sides of the park.

Trunk Highway 3 (South Robert Trail) is functionally classified as a minor arterial and is under the jurisdiction of MnDOT. It is a two-lane rural highway. The posted speed limit is 55 mph. The current (2023) AADT volume is 13,180 vpd.

Canadian Pacific Railway owns and Progressive Rail operates a rail line called the Austin subdivision that parallels Trunk Highway 3 (South Robert Trail); the rail line is approximately ten feet lower than the highway. MnDOT records show that there are two trains per day.

As referenced above, the VMG runs through Southern Lakes Park (10810 Alison Way). This property is owned and under the jurisdiction of the City of Inver Grove Heights. The park is heavily forested and contains several wetland complexes along with an existing bituminous trail that connects the Alison Way residential development to CSAH 32 (Cliff Rd) and the phase 1 segment of the VMG.

CSAH 32 (Cliff Road) is functionally classified as a minor arterial and is under the jurisdiction of Dakota County. It is a two-lane rural highway. The posted speed limit is 55 mph. The current (2018) AADT volume is 8,800 vpd.

2.2 Purpose and Need

There is a need to accommodate the trail system plan adopted by Dakota County that envisions the VMG connecting Lebanon Hills Regional Park and the Mississippi River in central Dakota County. The need for the project is defined by the gap in the existing paved trail system from Dodd Road in Eagan to CSAH 32 (Cliff Road) near Alameda Path in Inver Grove Heights.

The project's purpose is to provide a safe and continuous greenway trail connection for pedestrians and bicyclists from Dodd Road in Eagan to CSAH 32 (Cliff Road) near Alameda Path in Inver Grove Heights and encouraging non-motorized transportation use while also creating opportunities for the future installation of interpretive memorials that commemorate the service of all Minnesota veterans.

3 Sequencing

Because this project proposes to extend an existing trail in a metropolitan setting, the number of feasible alternatives evaluated is necessarily limited. However, multiple alternatives were evaluated for the potential to avoid and minimize wetland impacts while still meeting the project's purpose and need and minimum trail design standards. These alternatives, as well as the no-build alternative, are briefly described below.

3.1 Alternatives

3.1.1 No-build Alternative

The no-build alternative would not complete Phase 2 of the VMG, thereby not extending the VMG and, therefore, not providing a safe and continuous connection linking other regional and local trails. A gap in the existing trail system would remain, thereby not encouraging increased trail use, providing additional access to trail users, and enhancing the overall quality of a trail user's experience. Furthermore, it would miss an opportunity to complete a greenway trail dedicated to veterans, including opportunities for the future installation of interpretive memorials that commemorate the service of all Minnesota veterans. The outcomes of the no-build alternative would not align with the goals and objectives outlined in the 2017 Veterans Memorial Greenway Master Plan, the 2023 Dakota County Veterans Memorial Greenway Interpretive Memorial Plan, the Metropolitan Council 2040 Regional Parks Policy Plan, the City of Inver Grove Heights 2030 Comprehensive Plan, the City of Eagan 2030 Comprehensive Plan, or the Dakota County 2030 Transportation Plan. For these reasons, the no-build alternative was rejected.

3.1.2 Trail Corridor Alternative 1 - Following Cliff Road to Dodd Road

This trail corridor alternative evaluated constructing phase 2 of the VMG from the terminus of phase 1 of the VMG along the north side of Cliff Road to its intersection with Dodd Road. A primary goal of the greenway trail alignment is to be at least 80 percent in an off-street greenway corridor with a maximum of 20 percent of the greenway adjacent to roads. About one-half mile of the phase 1 segment of the greenway is already parallel to Cliff Rd, where efforts were made to ensure an enjoyable greenway experience through the placement of the trail as far from the road edge as possible and the addition of landscaping to increase buffer space and slow traffic. Continuing the trail along Cliff Road would add approximately 1.2 miles of trail adjacent to the road instead of an off-street greenway corridor. This alternative would also introduce at-grade trail crossings of an active railroad and Minnesota Trunk Highway 3 (S. Robert Trail). Due to high traffic volumes and speeds at the S. Robert Trail/Cliff Rd intersection, this would present an unsafe condition to trail users. It would miss an opportunity to route a trail through trail Southern Lakes Park and Lakeside Park, thereby not increasing overall trail and recreational destination connectivity. Ultimately, this alignment would not provide an ideal greenway or an ideal experience for trail users. For these reasons, this alternative was rejected as it would not meet the project's purpose and need.

3.1.3 Trail Corridor Alternative 2 (Preferred)

This trail corridor alternative begins at a proposed parking lot at Dodd Road and the Highline corridor. It would then continue to the east along the Highline corridor, crossing S. Robert Trail and the railroad via a trail bridge, continuing east until turning southeast to cross wetland areas. The alignment would then run south and join Cliff Road and the terminus of phase 1 of the VMG. This trail corridor is preferred as it meets the primary goal of the greenway trail alignment being at least 80 percent in an off-street greenway corridor with a maximum of 20 percent of the greenway adjacent to roads. This trail corridor alternative was carried forward to further evaluate alternatives to avoid and minimize wetland impacts.

3.1.3.1 Trail Alignment Alternative 1

This trail alignment alternative evaluated using the existing trail that spans part of Southern Lakes Park. The alignment is shown in **Figure 5**. The existing trail has multiple deficiencies that require

correction to meet the minimum trail design standards following the MnDOT Bicycle Facility Design Manual. Several grade challenges are present, and at least three separate locations along the existing trail do not meet minimum horizontal curve requirements. Additionally, at least five locations, totaling approximately 750 feet of trail, exceed the desired maximum vertical profile slopes of 5%, with one 300-foot stretch exceeding 13%. These deficiencies should be corrected to reconstruct the existing trail alignment to meet minimum trail design standards. To do this, the trail would need to be regraded closer to a 5% profile. Correcting these deficiencies along the existing trail alignment would require tree clearing and grading on three private residential parcels. Additionally, using the existing trail would create a 90-degree intersection between Phase 1 of the VMG and Phase 2. Because the design speed of the trail is 20 MPH, following the MnDOT Bicycle Facility Design Manual, the minimum radius of a horizontal curve connecting phases 1 and 2 is 74'. Meeting this radius while avoiding wetland impacts is not feasible in this area. Because reconstructing the existing trail to meet the minimum trail design standards and avoiding impacts on private property is not feasible, this alternative was removed from further consideration.

3.1.3.2 Trail Alignment Alternative 2

The alignment is shown in **Figures 6** and **7**. This alternative evaluated following an existing trail corridor within Southern Lakes Park between Wetlands 3 and 4 and then crossing Wetland 3 with a boardwalk. Utilizing this trail alignment would allow for the correction of the deficiencies of the existing trail at this location while avoiding potential impacts on the nearby residential parcels and avoiding technical feasibility restraints posed by the steepness of the grade and proximity to single-family homes in the areas. However, this alternative required 0.4124 acres of permanent impact to Wetlands 3 and 4, as well as conflicts with underground utilities. Flint Hills Resources operates a jet fuel pipeline along this alignment, including under the proposed boardwalk, that feeds the Minneapolis-St. Paul International Airport. Flint Hills Resources was not agreeable to constructing a boardwalk over the pipeline or within its easement due to concerns with future pipeline maintenance and repairs. For these reasons, this alternative was rejected.

3.1.3.3 Trail Alignment Alternative 3

This alternative evaluated aligning the trail south of Wetland 4 closer to the private residences and routing that section of the trail around a portion of Wetland 3 and between Wetlands 2 and 3 instead of constructing a boardwalk across Wetland 3. The construction limits are shown in **Figure 6**. This alignment involves constructing approximately 560 feet of new trail corridor close to residential parcels, which doesn't provide an ideal user experience for trail users and increases the potential for impacts to the residential parcels. This alignment goes up and down steep slopes around Wetland 3 that are challenging to lower towards the desired 5% maximum without significant excavation near the backyards of the private residences and grading onto private property. Additionally, this would create a steep slope between the private residences' backyards and the trail, posing long-term erosion control concerns for the private residences. Routing the trail around the southwest lobe of Wetland 3 would require adding additional horizontal curves to the trail. Because the design speed of the trail is 20 MPH, the minimum radius of a horizontal curve is 74'. Meeting this radius while avoiding and minimizing wetland impacts is challenging in this area. The alignment would require approximately 0.1944 acres of permanent wetland fill in Wetlands 2a & 3 to construct the typical trail section (**Figure 6**). Because this alternative would not meet trail design standards and would require the construction of a longer segment of the new trail corridor closer to residential parcels with minor impact on the parcels, this alternative was removed from further consideration.

3.1.3.4 Trail Alignment Alternative 4

This alternative evaluated routing the trail east around Wetland 3. The construction limits are shown in **Figure 8**. This alternative would run through the City of Inver Grove Heights property to avoid permanent easements from and impact to private residences. This would require a minimum of 0.2444 acres of permanent fill in Wetland 3 to construct the trail section that meets minimum design standards. A wetland delineation was not completed for this alignment alternative, so any additional wetland impacts that may be required are unknown. Additionally, this alignment would require more tree clearing around Wetland 3 than other trail alignment alternatives. This alignment must pass between or around three of Xcel's large transmission towers. Maintaining Xcel Energy's minimum required distances from these towers while meeting minimum trail design standards and avoiding wetland impact on Wetland 3 is not feasible in this area. For these reasons, this alternative was rejected.

3.1.3.5 Trail Alignment Alternative 5

This alternative evaluated following the existing trail to Alison Way. The approximate alignment is shown in **Figure 8**. This alternative would require using the existing trail as Alternative 2 did or creating a new alignment as Alternative 3 did. Therefore, it would run into the same issues of meeting minimum trail design standards and impacting wetlands as those alternatives. Furthermore, following the alignment to Alison Way would force trail users to either continue to the City of Inver Grove Heights water tower access road to reconnect with the preferred trail alignment or to follow Alison Way back to Cliff Road. Constructing a dedicated trail along Alison Way to the water tower's access road would require permanent easements from 11 parcels since there is only about 9.5' available between the existing curb and the ROW on Alison Way. Such a greenway alignment would likely not be agreeable to the city or the local residents. Additionally, this alternative assumes that the dual use of the water tower access road would be allowable, which would not provide the ideal trail user experience. Because this alternative would still have the same issues and similar wetland impacts getting around Wetlands 3 and 4 as Alternatives 2 and 3, the trail would follow along more roadway instead of greenway, constructing a new trail along Alison Way to the water tower access road would require permanent easements to construct a dedicated trail, and would require dual use of water tower access road, this alternative was rejected as not meeting the project's purpose and need.

3.1.3.6 Trail Alignment Alternative 6

This alternative evaluated aligning the trail south of Wetland 4 closer to the single-family homes and then crossing Wetland 3 with a boardwalk. The alignment is shown in **Figures 6 and 9**. Compared with Alternative 3, this alternative reduces the length of new trail corridor near private residences and avoids a significant amount of excavation and tree clearing near these residences. It also increases the trail's distance from Wetland 3, while avoiding conflicts with utilities. Creating a new trail corridor around Wetland 4, minimizes Wetland 4 impacts to 0.0004 acres of permanent fill, which is less than the other alternatives. Permanent impacts to Wetland 3 would be 0.1379 acres. County coordination with nearby landowners identified a number of concerns with this proposed alignment's proximity to private property; in response to those concerns, this alternative is no longer the preferred.

3.1.3.7 Trail Alignment Alternative 7 (Preferred)

This trail alignment alternative evaluated using part of the existing trail that spans part of Southern Lakes Park between Wetlands 3 and 4. The alignment and its proposed wetland

impacts are shown in **Figure 10**. This trail alignment was reevaluated in response to County coordination with nearby landowners that identified a number of concerns with Trail Alignment Alternative 6. To utilize a segment of the existing trail and minimize wetland impacts, the trail grade between Wetlands 3 and 4 towards the boardwalk would be reduced to 7.53%. While this alternative wouldn't reconstruct the entire trail to a 5% grade, the proposed grade is more manageable for trail users than the existing grade while also avoiding the substantial impacts to Wetland 3 present with Trail Alignment Alternative 2. This is a tradeoff that the design team and Dakota County staff is comfortable with. In addition, this alternative also allows while also allowing minor adjustment to the trail's angle of approach to Wetland 3 that allows for the additional minimization of wetland impacts to Wetland 3. Impacts to Wetland 4 would be greater than in Trail Alignment Alternative 6 but by utilizing the existing trail alignment around Wetland 4, as opposed to creating a new trail corridor, overall environmental impacts would be minimized while also addressing concerns raised by nearby landowners. Furthermore, constructing this boardwalk also establishes the possibility of installing veterans' memorials on the boardwalk (as described in the 2023 Dakota County Veterans Memorial Greenway Interpretive Memorial Plan) while avoiding conflicts with the Flint Hills Resources pipeline. For these reasons, this alignment is proposed as the preferred.

3.1.3.8 Design Alternative 1 – No Parking Lot at Lakeside Park

This design alternative evaluated not constructing a parking lot at Dodd Road and the Highline Corridor in Lakeside Park. Parking at this location would remain nonexistent, and parking along this trail segment would remain limited to on-street parking at Lakeside Park or Southern Lakes Park. The trail would be less accessible to trail users as they would need to resort to on-street parking or park at Trapp Farm Park, an approximately 0.65-mile drive away from Dodd Road and the Highline Corridor. Not constructing a parking lot would be a missed opportunity to provide more options for accessing the trail system. This alternative would fail to encourage increased trail use, provide additional access to trail users, and enhance the overall quality of a trail user's experience; therefore, this alternative was rejected as it wouldn't meet the project's purpose and need.

3.1.3.9 Design Alternative 2 (Preferred) – Parking Lot at Lakeside Park

This design alternative evaluated constructing a parking lot at Dodd Road and the Highline Corridor in Lakeside Park. The parking lot would have ten parking spaces and one American Americans with Disabilities Act (ADA) accessible parking space. Constructing the parking lot requires 0.036 acres of impact on wetland; however, in doing so, it would provide a designated parking area for this trail segment and an additional option for accessing the trail system. This would encourage increased trail use, provide additional access to trail users, and enhance the overall quality of a trail user's experience, thereby better meeting the project's purpose and need. For these reasons, this design alternative is proposed as the preferred.

3.2 Avoidance and Minimization

In the preferred alternative, impacts to wetlands were minimized to the greatest extent feasible while meeting minimum design requirements, following best engineering practices, not jeopardizing trail user safety, and meeting the project's purpose and need. To protect aquatic resources during construction, temporary measures would be employed, including redundant erosion and sediment control best management practices (BMPs), including silt fencing and sediment control logs, along the perimeters of aquatic resources. The project will be required to

meet the requirements of the National Pollutant Discharge Elimination System (NPDES) Construction Stormwater General Permit.

3.2.1 Boardwalk

The project proposes to minimize wetland impacts by constructing a precast concrete boardwalk across Wetland 3 (**Figure 10-2**). Plans and typical section exhibits of the boardwalk are included in **Appendix A**. The boardwalk will be constructed in frozen conditions. The helical piles will be driven first with the boardwalk superstructure being built on those. The boardwalk requires significantly less permanent wetland fill than constructing a typical trail section at this location. The boardwalk will be constructed using elevated decking on helical piles. A boardwalk is more suitable for this wetland crossing than a standard trail section, as the trail section would require a much deeper and wider fill section and structures to maintain hydrological connectivity across the trail. The boardwalk allows for continuous hydrological connectivity underneath. The boardwalk will allow trail users to traverse and enjoy the wetland habitat.

4 WCA Special Considerations

The following summary describes the preferred alternative's potential effects and consequences on several general factors identified as Special Consideration in the WCA rule (MR 8420.0515).

4.1 Threatened and Endangered Species (WCA Special Considerations Subp. 2)

Section 7 consultation is being completed by the MnDOT Office of Environmental Stewardship. On February 4th, 2025, MnDOT OES submitted a request for concurrence to the USFWS for may affect, not likely to adversely affect determinations for the northern long-eared bat and the rusty-patched bumble bee (**Appendix B**).

The MN Department of Natural Resources (DNR) review identified no state-endangered or state-threatened species in the vicinity of the project area (see **Appendix B**). Three species of special concern were identified within the vicinity of the project: the lark sparrow (*Chondestes grammacus*), the red-shouldered hawk (*Buteo lineatus*), and the trumpeter swan (*Cygnus buccinator*).

4.2 Rare Natural Communities (WCA Special Considerations Subp. 3)

DNR review did not identify any ecologically significant areas (**Appendix B**).

4.3 Fish and Wildlife Values/Special Fish and Wildlife Resources (WCA Special Considerations Subp. 4)

No special fish and wildlife resources are located within the project area.

4.4 Archaeological, Historic, or Cultural Resource Sites (WCA Special Considerations Subp. 5)

The provisions of the National Historic Preservation Act have been satisfied by a Section 106 finding of *no historic properties affected* (**Appendix C**).

4.5 Water Supply and Conservation/Groundwater Sensitivity (WCA Special Considerations Subp. 6)

There are no changes to the public water supply or effects due to this project. No existing wells are known to occur on the site, and no geologic site hazards, such as karst formations, are known to exist within the site.

4.6 Sensitive Surface Waters (WCA Special Considerations Subp. 7)

There are no MPCA-listed exceptional aquatic life use waters, outstanding resource value waters, or Class 2A waters in or near the project area.

4.7 Educational or Research Use (WCA Special Considerations Subp. 8)

There are no known educational or research uses of wetlands within the project area; therefore, effects on educational or research wetlands are not anticipated.

The project is an independent bikeway/walkway covered by the FHWA Section 4(f) Statement and Determination for Independent Bikeways or Walkways (Negative Declaration statement) dated May 23, 1977.

4.8 Waste Disposal Sites (WCA Special Considerations Subp. 9)

No changes and no effects on waste disposal sites would result from this project.

4.9 Consistency with Other Plans (WCA Special Considerations Subp. 10)

The project is consistent with the local land use plans and zoning. The project is consistent with the 2017 Veterans Memorial Greenway Master Plan, the Metropolitan Council 2040 Regional Parks Policy Plan, the City of Inver Grove Heights 2030 Comprehensive Plan, the City of Eagan 2030 Comprehensive Plan, and the Dakota County 2030 Transportation Plan.

5 Wetland Delineations

5.1 Methodology

Field delineation to determine the presence of wetlands in the project area was completed on September 17th, 2021, and on October 6th, 2022, to identify and delineate any areas meeting the wetland criteria in accordance with the U.S. Army Corps of Engineers Wetland Delineation Manual (USACE 1987) and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region (USACE 2012). The Routine Onsite Determination Method was applied for this delineation.

5.2 Results

The WCA Notice of Decisions (NODs) for the wetland boundary and type approvals are included in **Appendix D**. Wetland descriptions were provided in the wetland delineation reports, available on request.

6 Proposed Wetland Impacts & Mitigation

6.1 Proposed Wetland Impacts

Permanent and temporary wetland impacts are proposed. Permanent impacts in the project area would result from the permanent fill required for construction. Permanent fill is proposed to be placed into Wetland 3 to create abutments to support the boardwalk; this fill will be sloped into the shallow water wetland and is not anticipated to result in the conversion of wetland habitat into upland habitat; therefore, no wetland loss is anticipated to result from these proposed impacts. Temporary impacts in the project area would result from matting placed in the wetland during the construction of the boardwalk.

Temporary and permanent wetland impacts are proposed to a DNR public waters wetland. This is identified in **Table 1** below and shown in **Figure 10-2**.

The locations of wetland impacts are shown in **Figures 10-1** to **10-5** and summarized in **Table 1** below.

Table 1 – Summary of Proposed Wetland Impacts

Aquatic Resource ID (Figure ID)	Aquatic Resource Type	Type of Impact	Duration of Impact	Size of Impact (Acres)	Plant Community Type (Eggers and Reed)	County, Major Watershed #, and Bank Service Area #
1 (Figure 10-5)	Wetland	Fill	Permanent	0.0057	Fresh (Wet) Meadow	Dakota, #33, BSA #9
2 (Figure 10-5)	Wetland	Fill	Permanent	0.0303	Fresh (Wet) Meadow	
3 (Figure 10-2)	Public Water Wetland (#19029600)	Fill	Permanent	0.1305	Shallow Open Water	Dakota, #38, BSA #8
		Fill – Sloped into surface water.	Permanent – No Loss	0.0571		
Boardwalk Construction	Temporary (<90 Days) – No Loss	0.1040				
4 (Figure 10-2)	Wetland	Fill	Permanent	0.0703	Shallow Open Water	
5 (Figure 10-1)	Wetland	Fill	Permanent	0.0474	Shrub-Carr	Dakota, #33, BSA #9
Total Temporary Impact:				0.1040		
Total Permanent Fill – Wetland Loss:				0.2842		
Total Permanent Fill – Wetland Loss Not Anticipated:				0.0571		

Table 2 below summarizes the wetland impacts by the wetland plant community.

Table 2 – Summary of Proposed Wetland Impacts by Plant Community

Plant Community Type (Eggers and Reed)	Circular 39	Type of Impact	Size of Impact (Acres)
Fresh (Wet) Meadow	Type 2	Permanent	0.036
Shallow Open Water	Type 5	Temporary – No Loss	0.1040
		Permanent	0.2008
		Permanent Sloped Fill – No Loss	0.0571
Shrub-Carr	Type 6	Permanent	0.0474

Table 3 below summarizes the wetland impacts by BSA.

Table 3 – Summary of Proposed Wetland Impacts by Bank Service Area

Bank Service Area	Circular 39	Type of Impact	Size of Impact (Acres)
#9	Type 2	Permanent	0.036
	Type 6		0.0474
#8	Type 5	Temporary – No Loss	0.1040
		Permanent	0.2008
		Permanent Sloped Fill – No Loss	0.0571
Total Proposed Permanent Impact in BSA #8:			0.2008
Total Proposed Permanent Impact in BSA #9:			0.0834

Table 4 below summarizes the wetland impacts by the WCA Local Governmental Unit (LGU).

Table 4 – Summary of Proposed Wetland Impacts by WCA LGU

WCA LGU	Circular 39	Type of Impact	Size of Impact (Acres)
City of Eagan	Type 2	Permanent	0.036
City of Inver Grove Heights - Dakota County SWCD	Type 5	Temporary – No Loss	0.1040
		Permanent	0.2008
		Permanent Sloped Fill – No Loss	0.0571

	Type 6	Permanent	0.0474
Total Proposed Permanent Impact in Dakota County:			0.2482
Total Proposed Permanent Impact in the City of Eagan:			0.036

6.2 Proposed Mitigation

Compensatory mitigation for permanent impacts to wetlands is proposed through debit of credits from an established wetland bank. Dakota County proposes to debit credits from wetland bank #1740. This bank is in BSA #8. A 2:1 mitigation ratio is proposed for impacts within BSA #8. A 2.5:1 mitigation ratio is proposed for impacts within BSA #9. A total of **0.6101 credits** will be debited to satisfy the compensatory mitigation requirements.

7 Agency Requirements

Permits for impacting aquatic resources in the project area are required by the City of Eagan and Dakota County as the approving authority for the WCA, the USACE under Section 404 of the Clean Water Act, the DNR under the Public Waters Work Program, and the MPCA under Section 401 of the Clean Water Act. Agency-specific permit requests are outlined below.

A copy of the *Joint Application Form for Activities Affecting Water Resources in Minnesota* is included at the beginning of this application.

7.1 Clean Water Act Section 404: USACE

The wetlands proposed for impact are not waters of the United States subject to Corps of Engineers (Corps) jurisdiction under Section 404 of the Clean Water Act or Sections 9 or 10 of the Rivers and Harbors Act.

7.2 Clean Water Act Section 401: MPCA

The wetlands proposed for impact are not waters of the United States subject to Corps of Engineers (Corps) jurisdiction under Section 404 of the Clean Water Act or Sections 9 or 10 of the Rivers and Harbors Act.

7.3 Public Waters Work Program: DNR

The DNR is responsible for all public waters and public waters wetlands in the project area. A public waters permit is required for the proposed project. A permit application for the proposed work has been submitted through the DNR Permitting and Reporting System (MPARS).

7.4 Wetland Conservation Act: City of Eagan and Dakota County

The City of Eagan and Dakota County are the responsible approving authorities for the WCA in the project area. This permit application requests a **Replacement Plan** approval under the WCA. Compensatory mitigation is proposed to offset the wetland impact described in **Section 7.2** above.

Figures

Figure 1 – Site Location Map

Figure 2 – USGS Topography & Site Location

Figure 3 – 2023 Aerial Imagery

Figure 4 – Watersheds & BSAs

Figure 5 – Trail Alignment Alternative 1

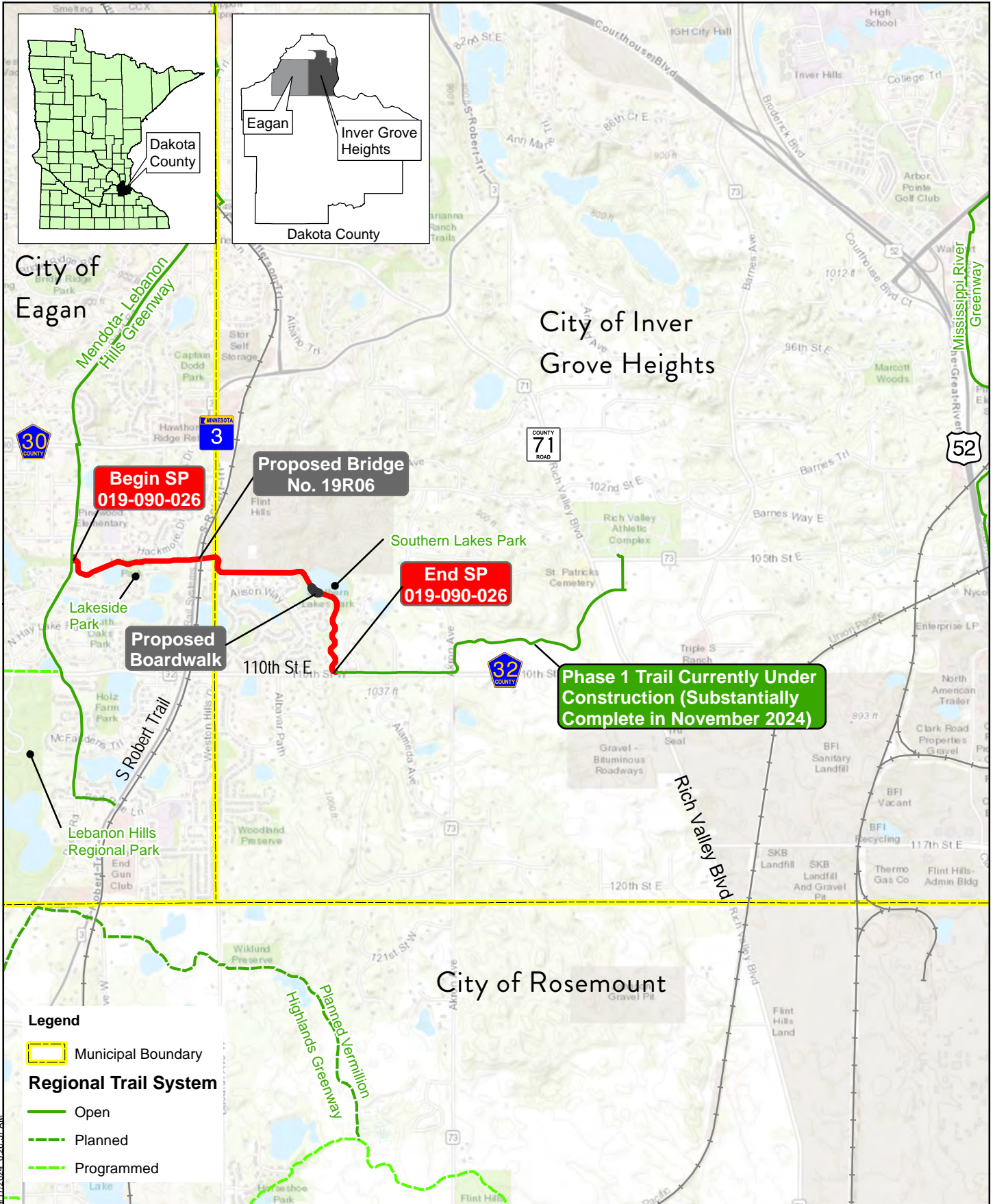
Figure 6 – Trail Alignment Alternatives 2, 3, and 4

Figure 7 – Proposed Wetland Impacts - Alternative 2

Figure 8 – Trail Alignment Alternatives 4 and 5

Figure 9 – Proposed Wetland Impacts - Alternative 6


Figure 10 – Proposed Wetland Impacts – Alternative 7 (Preferred)




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- Municipal Boundary
- Regional Trail System**
- Open
- - - Planned
- · - · - Programmed





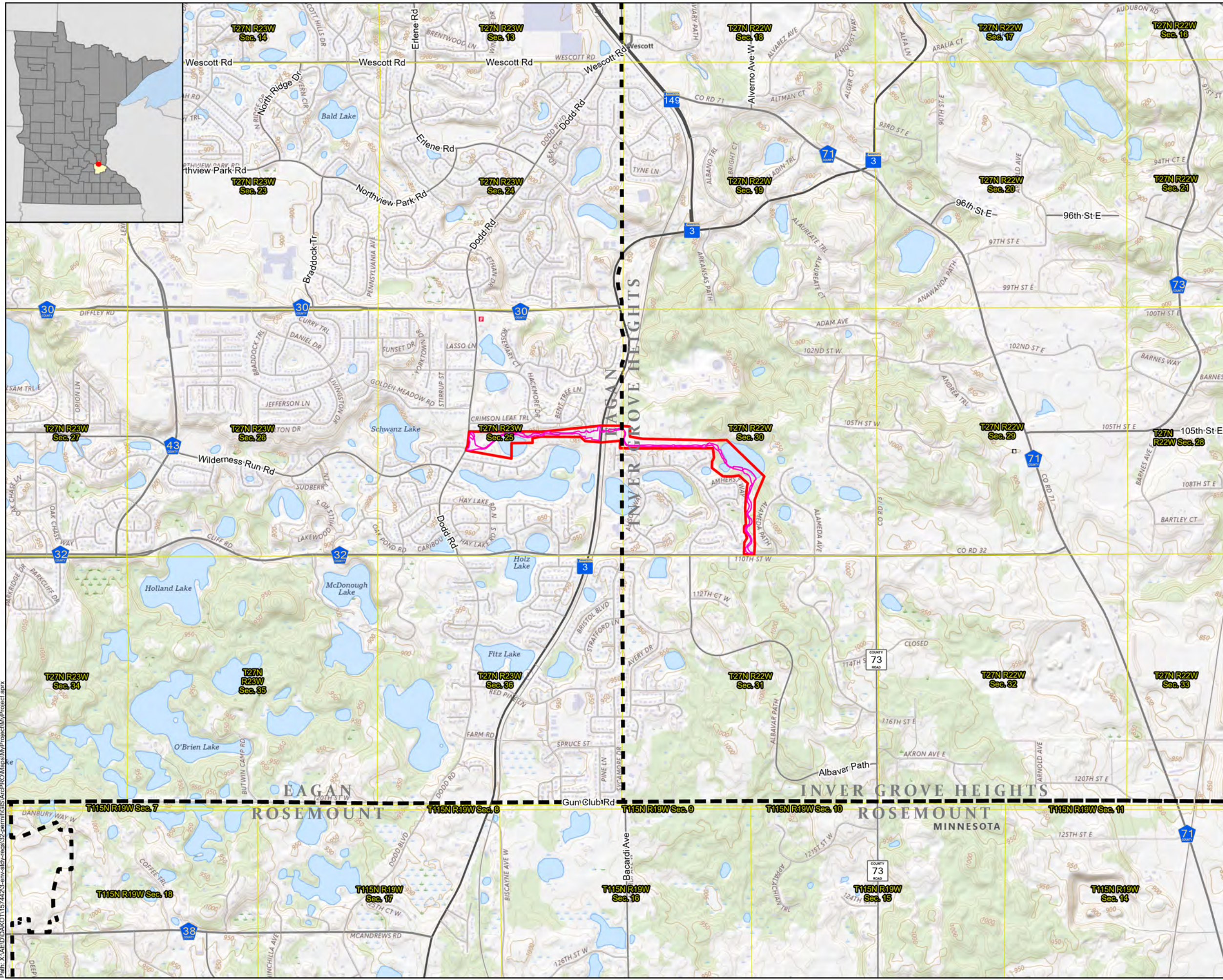
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Project: DAKOT 157442
Print Date: 4/17/2024
Map by: msteuernagel
Projection: Dakota County Coordinates
Source: USGS 7.5 Min. Topo,
MnDOT, and SEH Inc.MnGEO

Site Location Map
Veterans Memorial Greenway Trail Phase 2
SP 019-090-026
Eagan and Inver Grove Heights, MN

Figure
1

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Legend

- Area of Interest
- PLSS Sections



Map by: J. Thayer
 Projection: NAD '83 HARN Adj MN Dakota (US Feet)
 Source: SEHINC, Dakota Co., MnGEO
 Background: USGS Topography

USGS Topography & Site Location

Phase 2 - Veterans Memorial Greenway Dakota County, Minnesota

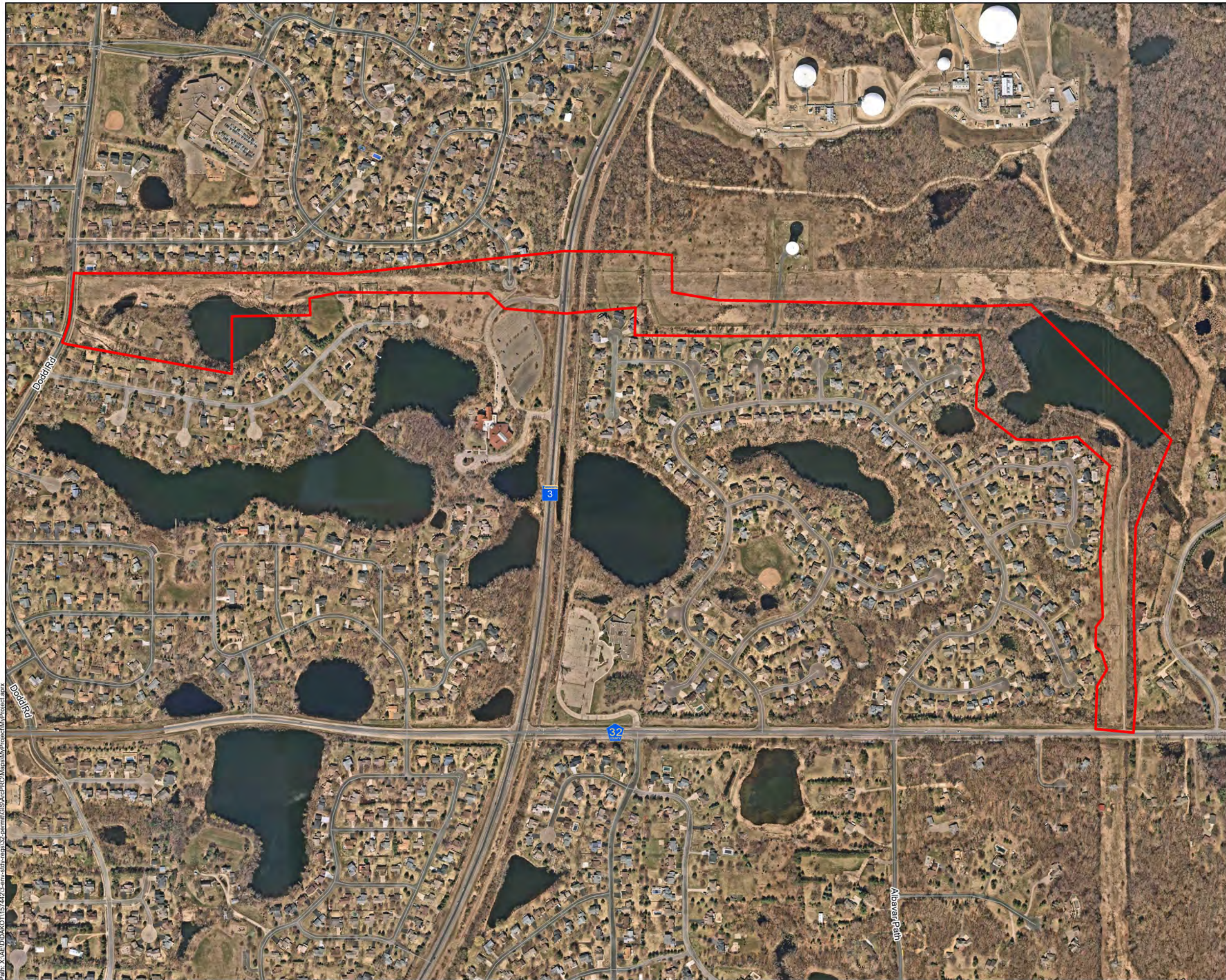
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 Print Date: 10/21/2024

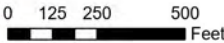
Figure
2

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 Area of Interest



Map by: J. Thayer
 Projection: NAD '83 HARN Adj MN Dakota (US Feet)
 Source: SEHINC, Dakota Co., MnGEO
 Background: 2023 Dakota County

2023 Aerial Imagery

Phase 2 - Veterans Memorial Greenway Dakota County, Minnesota

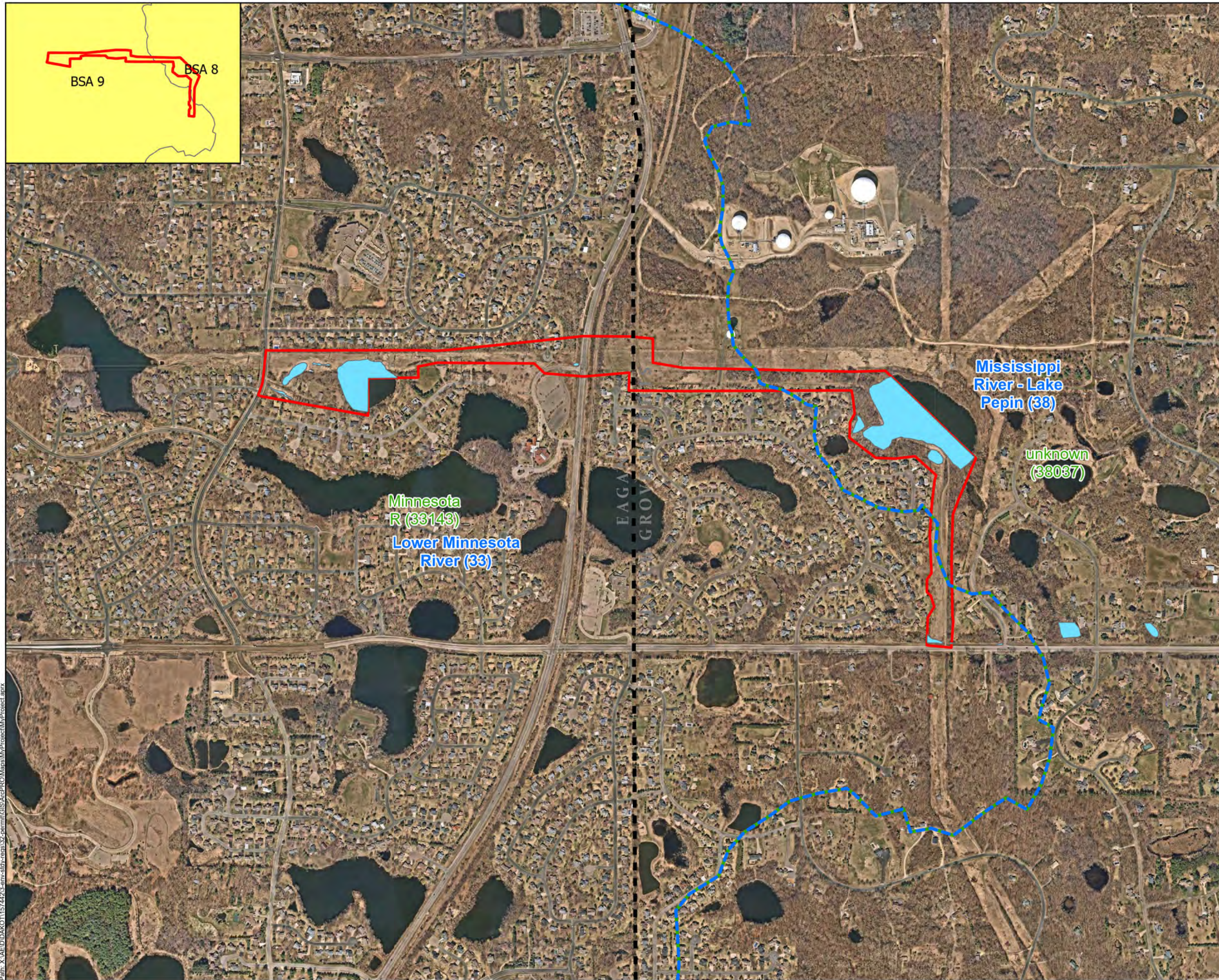
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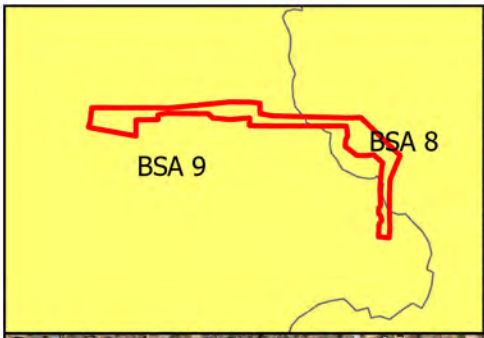
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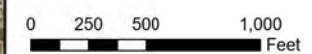


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Legend

- Area of Interest
- Major Watersheds
- Minor Watersheds
- Delineated Wetland



Map by: J. Thayer
 Projection: NAD '83 HARN Adj MN Dakota (US Feet)
 Source: SEHINC, Dakota Co., MnGEO
 Background: 2023 Dakota County

Watersheds & BSAs

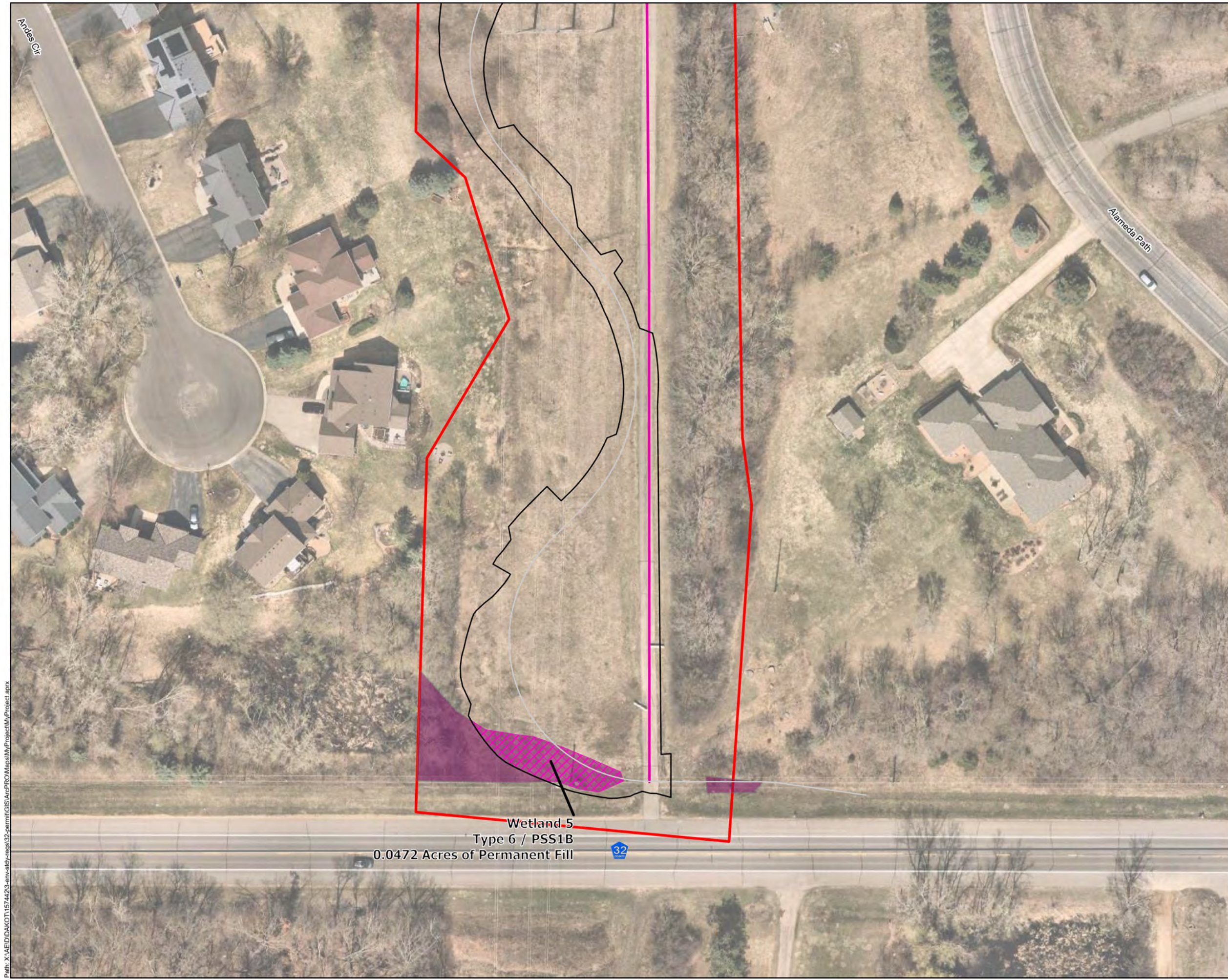
Phase 2 - Veterans Memorial Greenway Dakota County, Minnesota

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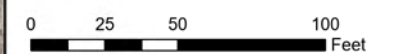
Project: DAKOT 157442
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Figure
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-  Trail Alignment 4 (Preferred)
-  Trail Alignment 4 Construction Limits
-  Area of Interest
-  Proposed Impacts
- Trail Alignment Alternatives**
-  Alternative 1
- Wetland Community**
-  Shrub Carr



Map by: J. Thayer
 Projection: NAD '83 HARN Adj MN Dakota (US Feet)
 Source: SEHINC, Dakota Co., MnGEO
 Background: USGS Topography

Trail Alignment Alternative 1

Phase 2 - Veterans Memorial Greenway
 Dakota County, Minnesota

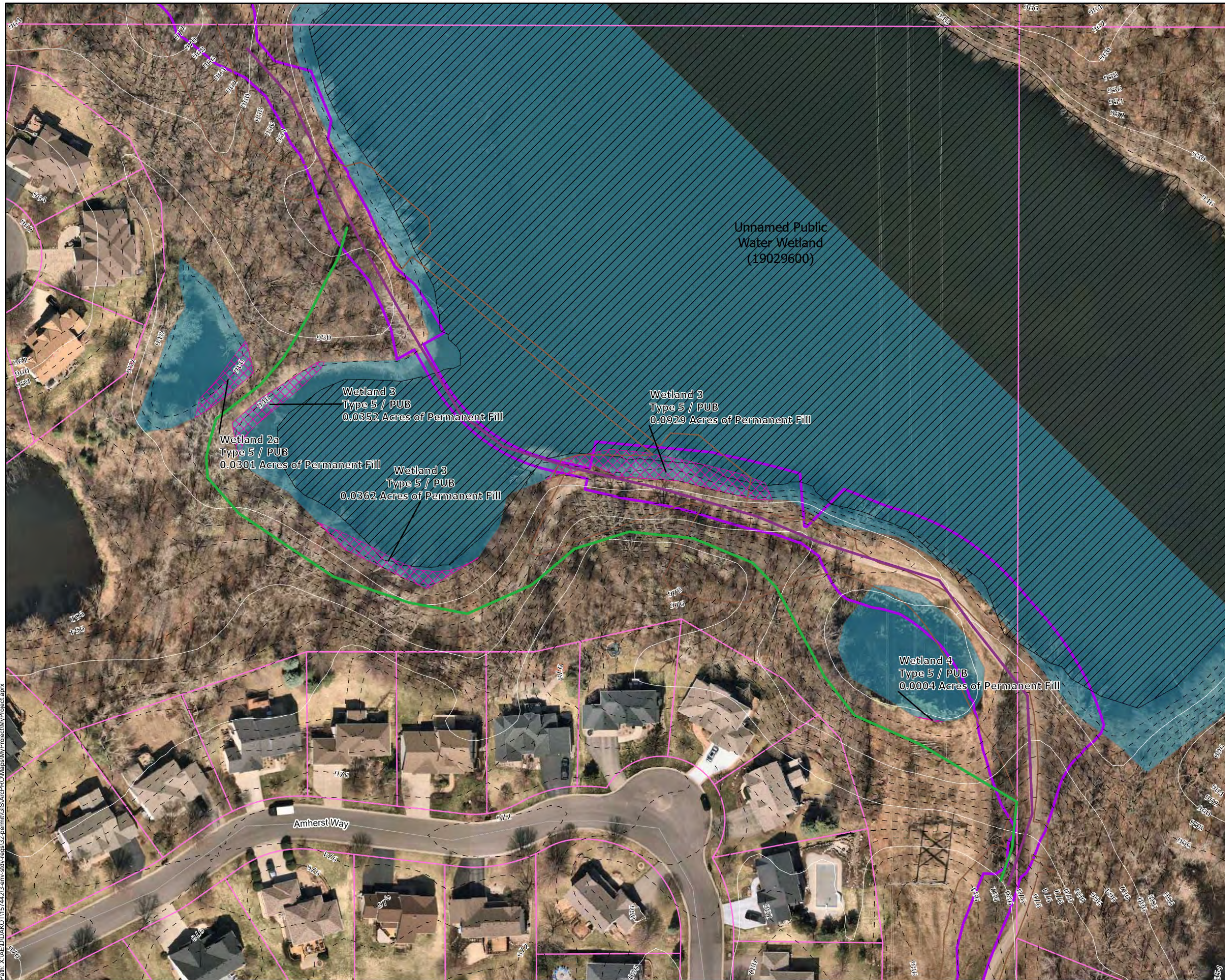
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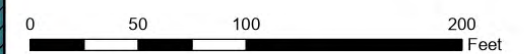
Figure 5

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Legend

-  DNR Public Water
 -  Parcel Boundaries
 -  Construction Limits - Alternative 2
 -  Construction Limits - Alternative 3
 -  Construction Limits - Alternative 6
 -  Proposed Impacts - Alternative 3
- Trail Alignment Alternatives**
-  Alternative 2
 -  Alternative 3
 -  Alternative 6
- Wetland Community**
-  Shallow Open Water




Map by: J. Thayer
 Projection: NAD '83 HARN Adj MN Dakota (US Feet)
 Source: SEHINC, Dakota Co., MnGEO
 Background: USGS Topography

Trail Alignment Alternatives 2 and 3

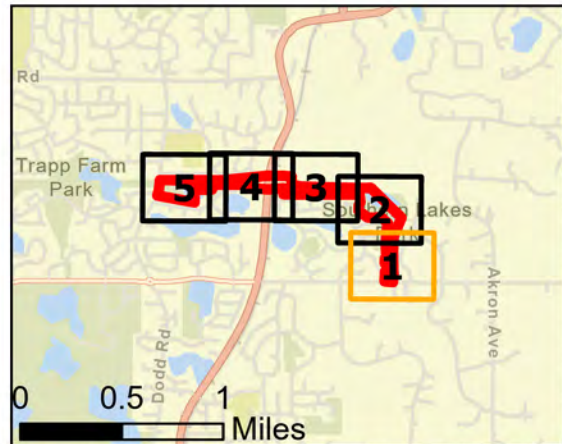
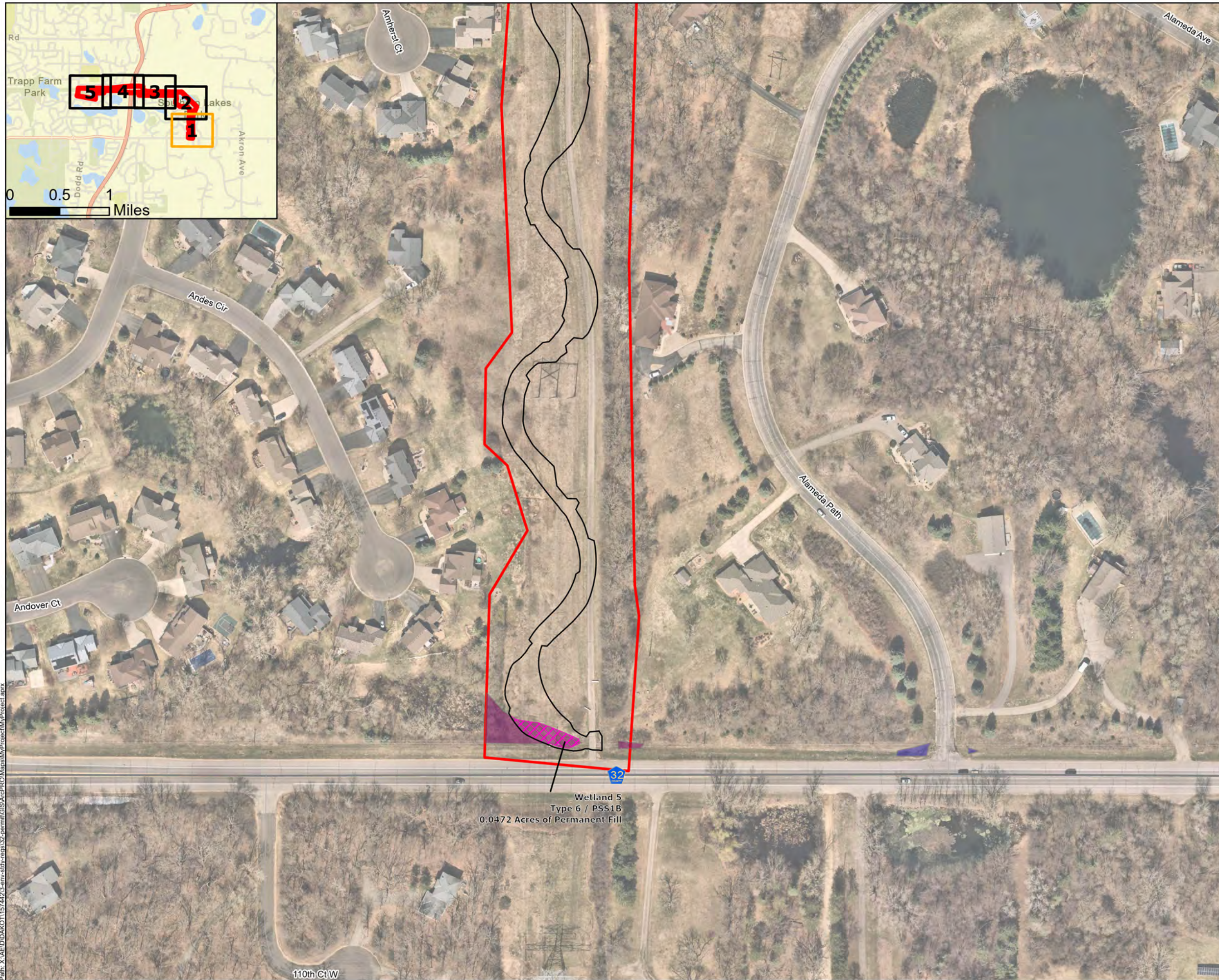
Phase 2 - Veterans Memorial Greenway

Dakota County, Minnesota

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	Project: DAKOT 157442 Print Date: 6/18/2025	Figure 6
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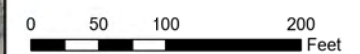


Legend

- Area of Interest
- Construction Limits
- Proposed Impacts
- DNR Public Water

Wetland Community

- Fresh (wet) Meadow
- Seasonally Flooded Basin
- Shallow Marsh
- Shallow Open Water
- Shrub Carr



Map by: J. Thayer
 Projection: NAD '83 HARN Adj MN Dakota (US Feet)
 Source: SEHINC, Dakota Co., MnGEO
 Background: USGS Topography

Proposed Wetland Impacts - Alternative 2

Phase 2 - Veterans Memorial Greenway
 Dakota County, Minnesota

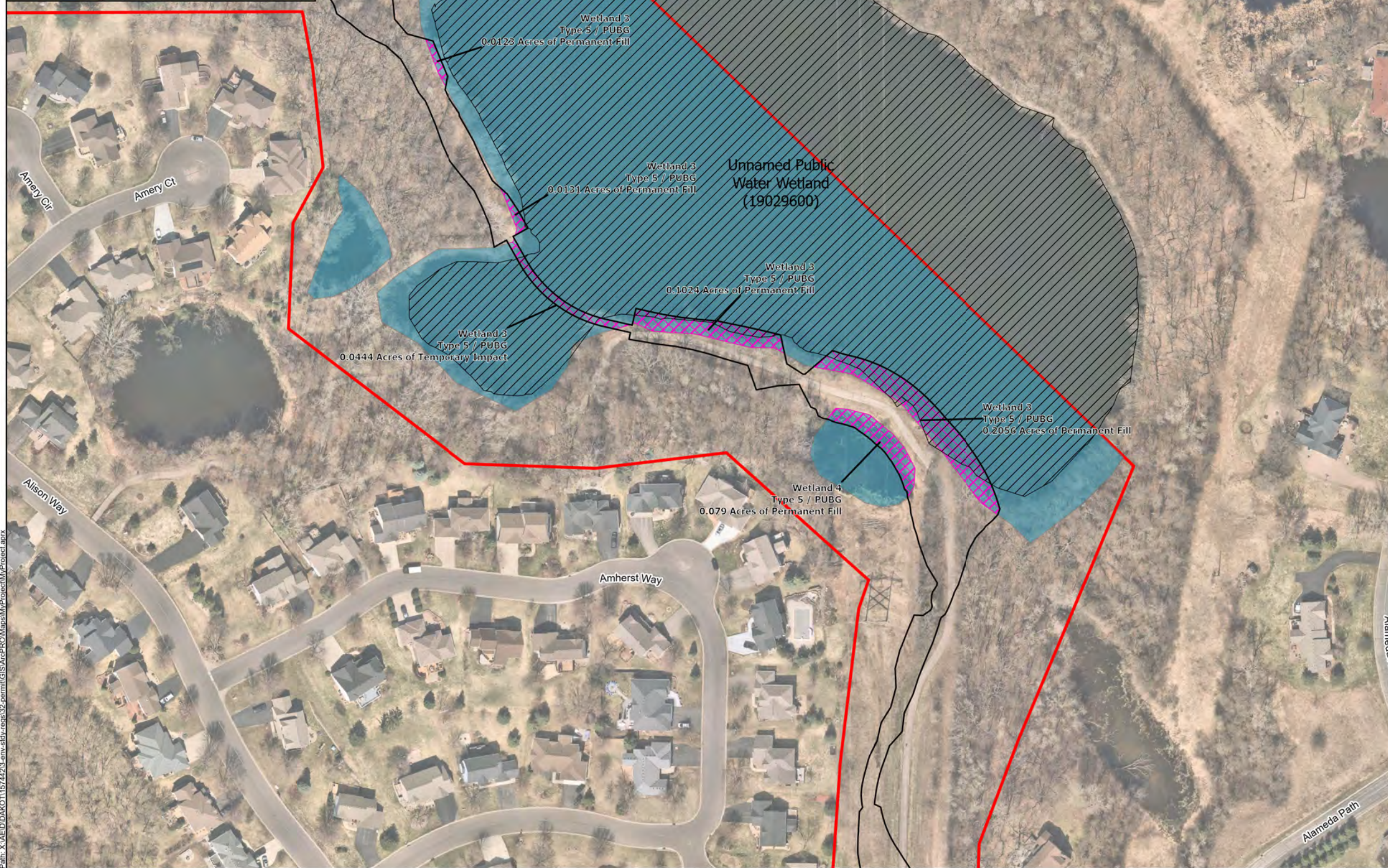
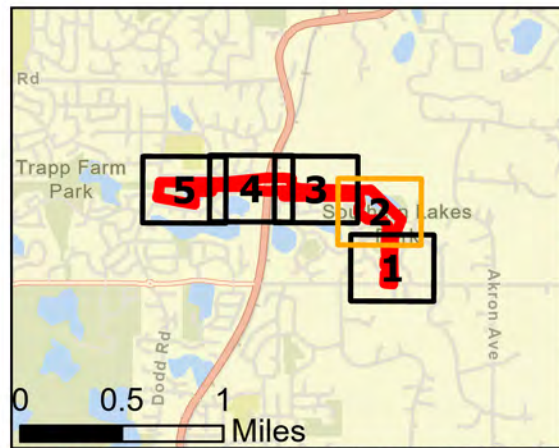
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Project: DAKOT 157442
 Print Date: 1/23/2025

Figure 7-1

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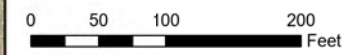


Legend

- Area of Interest
- Construction Limits
- Proposed Impacts
- DNR Public Water

Wetland Community

- Fresh (wet) Meadow
- Seasonally Flooded Basin
- Shallow Marsh
- Shallow Open Water
- Shrub Carr



Map by: J. Thayer
 Projection: NAD '83 HARN Adj MN Dakota (US Feet)
 Source: SEHINC, Dakota Co., MnGEO
 Background: USGS Topography

Proposed Wetland Impacts - Alternative 2

Phase 2 - Veterans Memorial Greenway Dakota County, Minnesota

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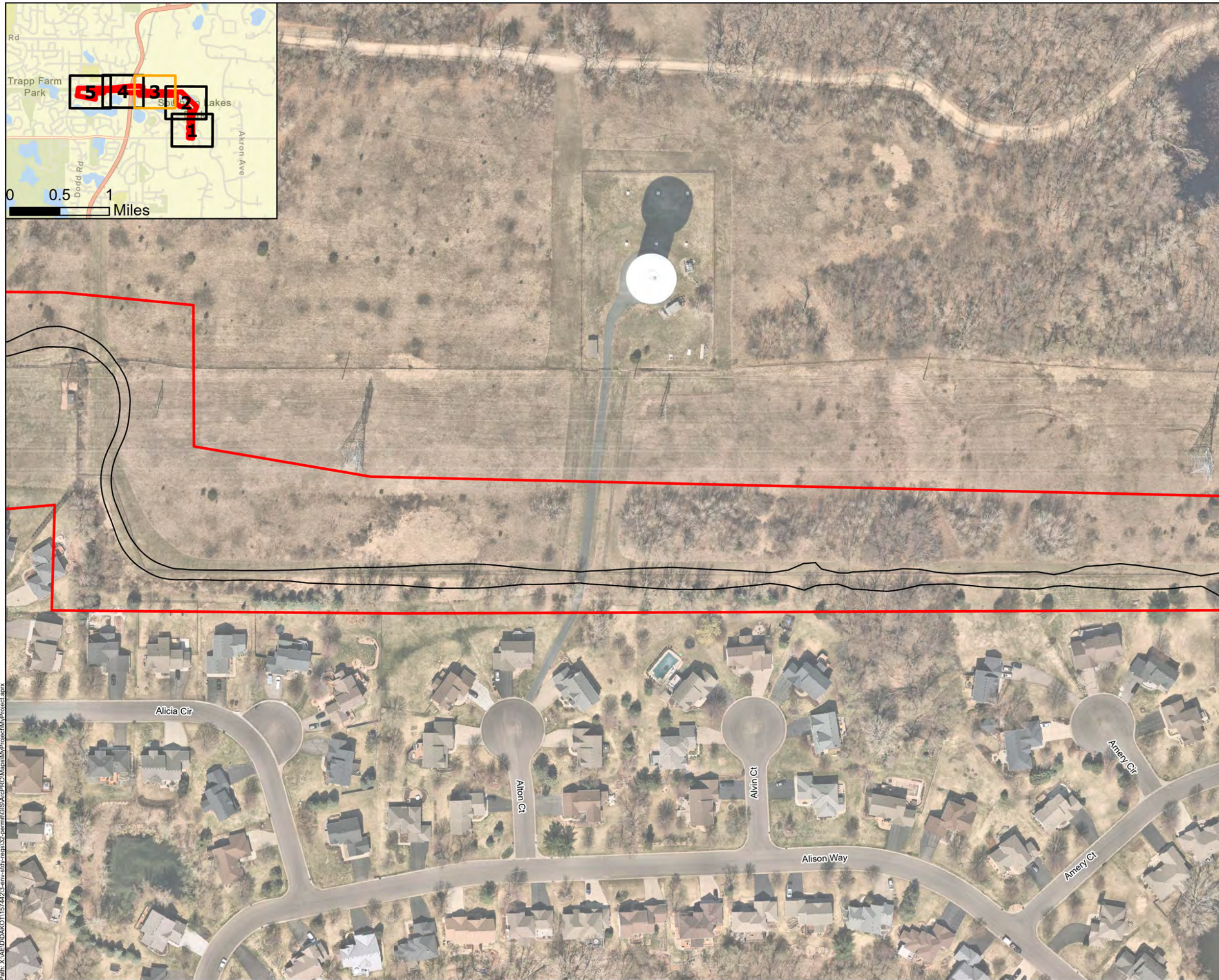


Project: DAKOT 157442
 Print Date: 1/23/2025

Figure



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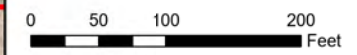


Legend

- Area of Interest
- Construction Limits
- Proposed Impacts
- DNR Public Water

Wetland Community

- Fresh (wet) Meadow
- Seasonally Flooded Basin
- Shallow Marsh
- Shallow Open Water
- Shrub Carr



Map by: J. Thayer
 Projection: NAD '83 HARN Adj MN Dakota (US Feet)
 Source: SEHINC, Dakota Co., MnGEO
 Background: USGS Topography

Proposed Wetland Impacts - Alternative 2

Phase 2 - Veterans Memorial Greenway
 Dakota County, Minnesota

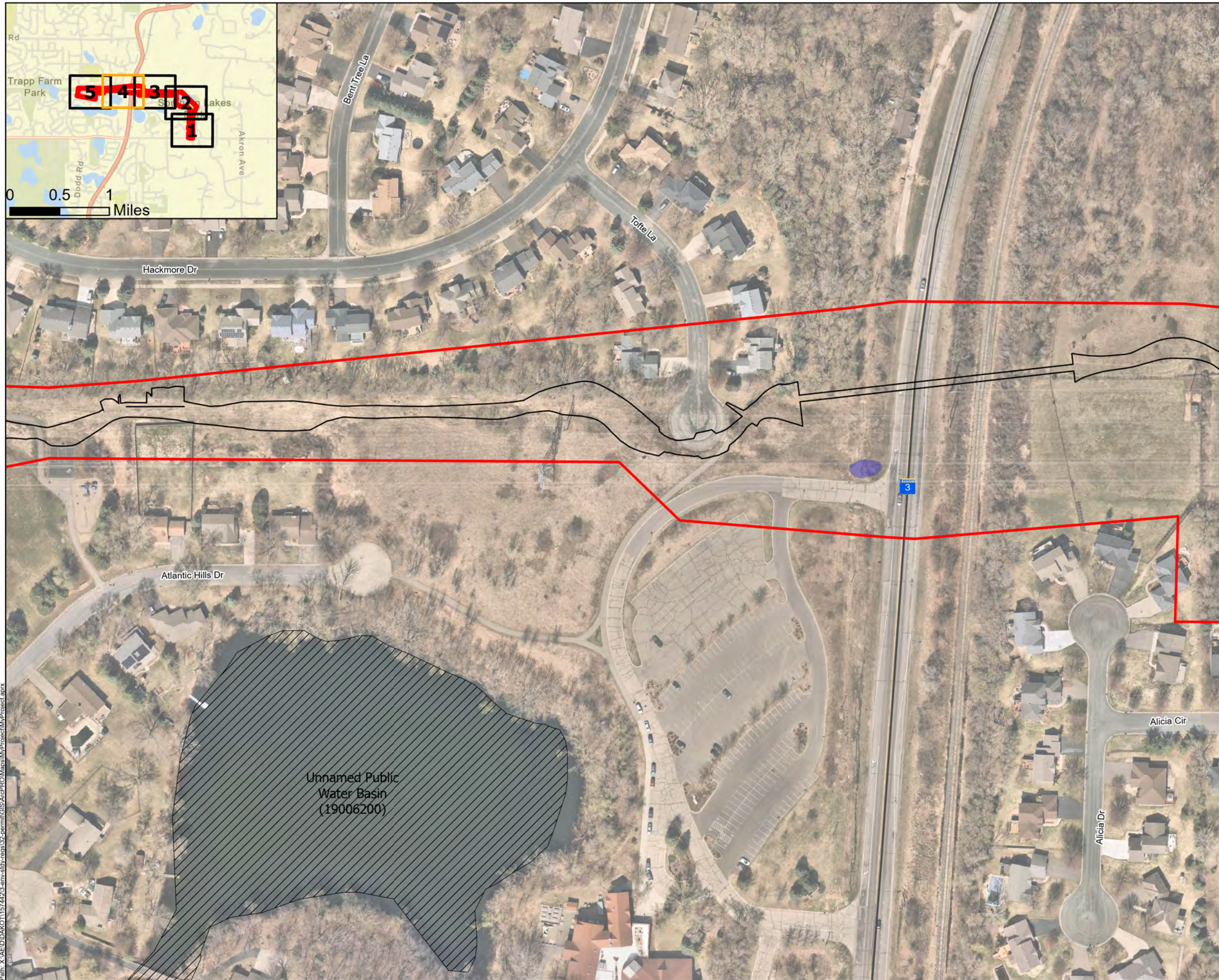
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Project: DAKOT 157442
 Print Date: 1/23/2025

Figure
 7-3

Path: X:\AE\DDAKOT157442\3-ans-std\regis\32-permit\GIS\AcPRC\Map\M\Project\M\Project.aprx

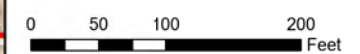


Legend

- Area of Interest
- Construction Limits
- Proposed Impacts
- DNR Public Water

Wetland Community

- Fresh (wet) Meadow
- Seasonally Flooded Basin
- Shallow Marsh
- Shallow Open Water
- Shrub Carr




Map by: J. Thayer
 Projection: NAD '83 HARN Adj MN Dakota (US Feet)
 Source: SEHINC, Dakota Co., MnGEO
 Background: USGS Topography

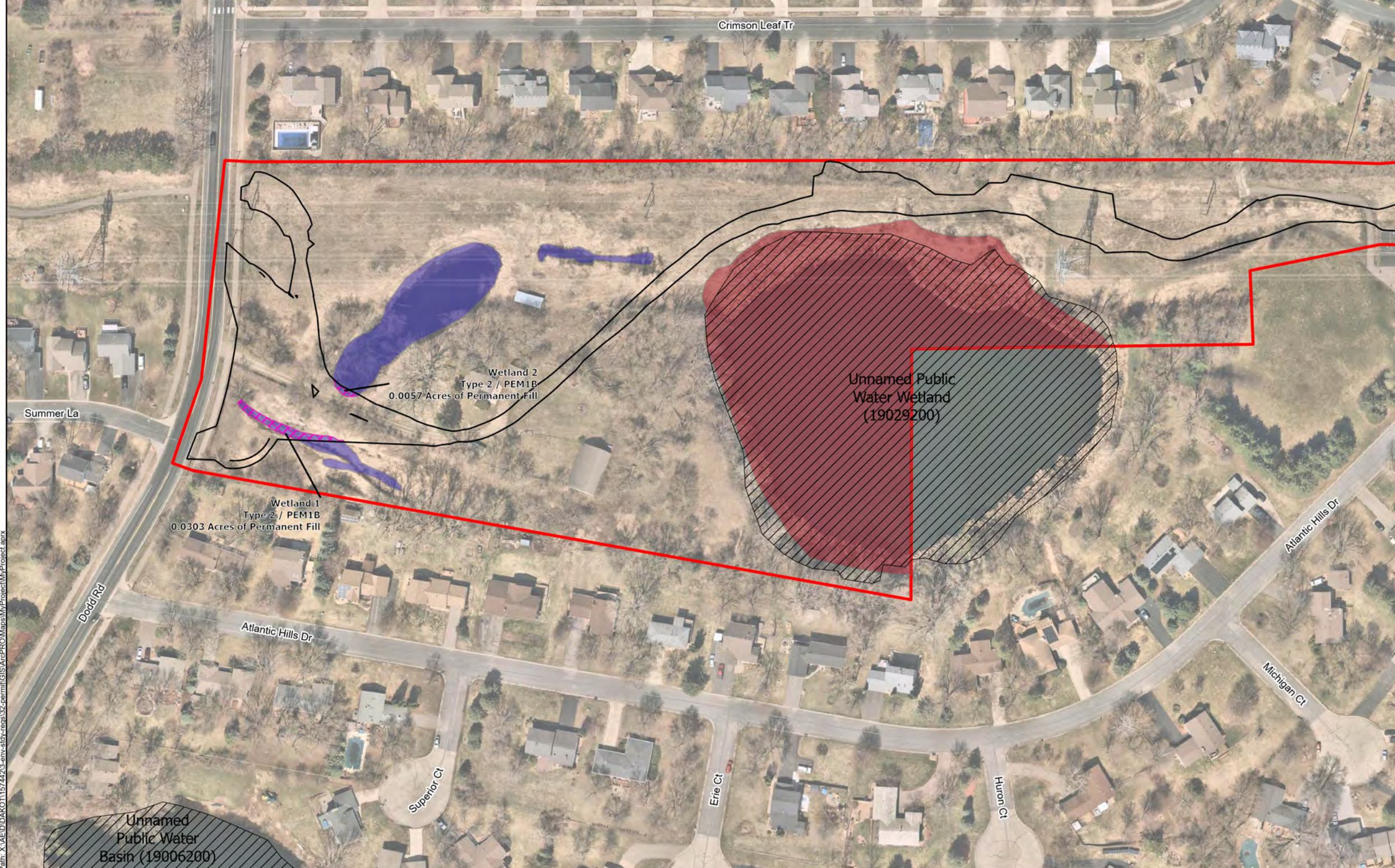
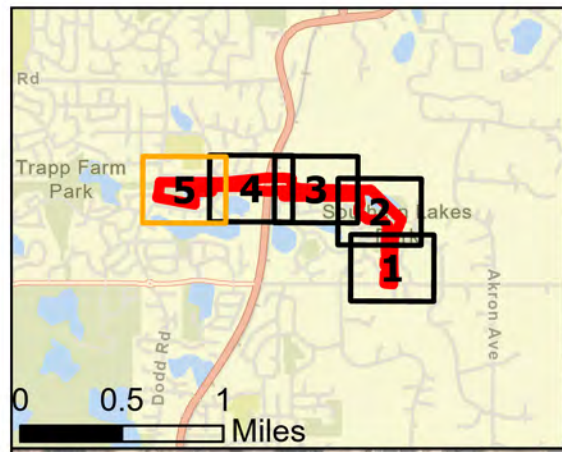
Proposed Wetland Impacts - Alternative 2

Phase 2 - Veterans Memorial Greenway Dakota County, Minnesota

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	Project: DAKOT 157442 Print Date: 1/23/2025	<h2>Figure 7-4</h2>
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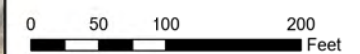


Legend

- Area of Interest
- Construction Limits
- Proposed Impacts
- DNR Public Water

Wetland Community

- Fresh (wet) Meadow
- Seasonally Flooded Basin
- Shallow Marsh
- Shallow Open Water
- Shrub Carr



Map by: J. Thayer
 Projection: NAD '83 HARN Adj MN Dakota (US Feet)
 Source: SEHINC, Dakota Co., MnGEO
 Background: USGS Topography

Proposed Wetland Impacts - Alternative 2

Phase 2 - Veterans Memorial Greenway
 Dakota County, Minnesota

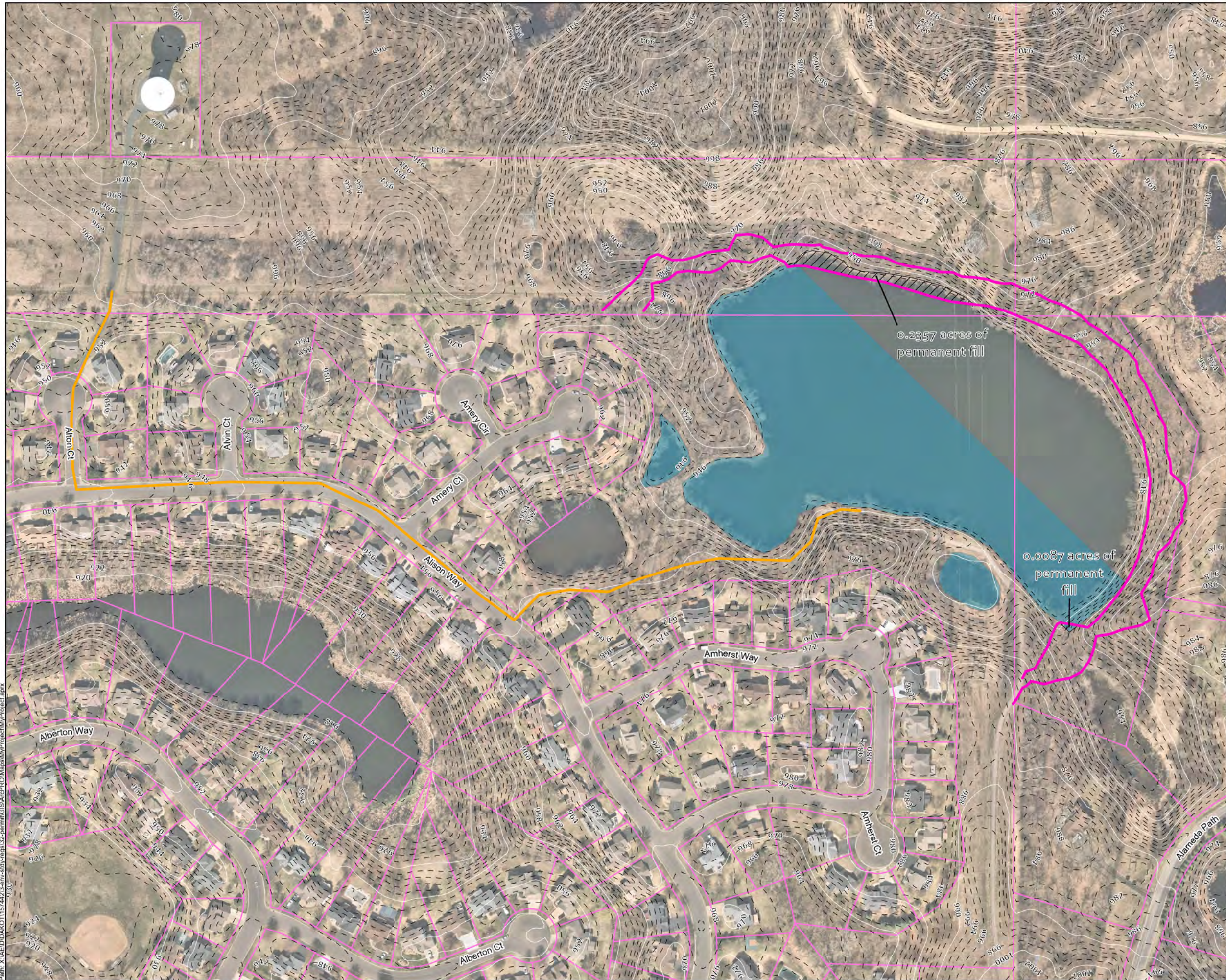
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 Print Date: 1/23/2025

Figure 7-5

Path: X:\AE\DDAKOT157442\3-ans-stb-regs\32-permit\GIS\AcPRC\Map\MProject\MProject.aprx



Legend

- Construction Limits - Alternative 4
- Wetland Impacts - Alternative 4
- Approximate Trail Alignment - Alternative 5
- Parcel Boundaries
- Approved Wetland Boundaries**
- Wetland Community**
- Fresh (wet) Meadow
- Seasonally Flooded Basin
- Shallow Marsh
- Shallow Open Water
- Shrub Carr

0 50 100 200 Feet


Map by: J. Thayer
 Projection: NAD '83 HARN Adj MN Dakota (US Feet)
 Source: SEHINC, Dakota Co., MnGEO
 Background: USGS Topography



Trail Alignment Alternatives 4 and 5

Phase 2 - Veterans Memorial Greenway Dakota County, Minnesota



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	Project: DAKOT 157442 Print Date: 2/6/2025	<h1 style="font-size: 2em; margin: 0;">Figure 8</h1>
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


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Legend

-  DNR Public Water
-  Construction Limits - Alternative 6

Wetland Community

-  Fresh (wet) Meadow
-  Shallow Marsh
-  Shrub Carr

Proposed Impacts

-  Permanent Fill
-  Permanent Fill Sloped into Surface Water - Wetland Loss Not Anticipated
-  Wetland Loss Not Anticipated
-  Temporary Fill

0 50 100 200 Feet



Map by: J. Thayer
 Projection: NAD '83 HARN Adj MN Dakota (US Feet)
 Source: SEHINC, Dakota Co., MnGEO
 Background: USGS Topography

Proposed Wetland Impacts - Alternative 6

Phase 2 - Veterans Memorial Greenway Dakota County, Minnesota

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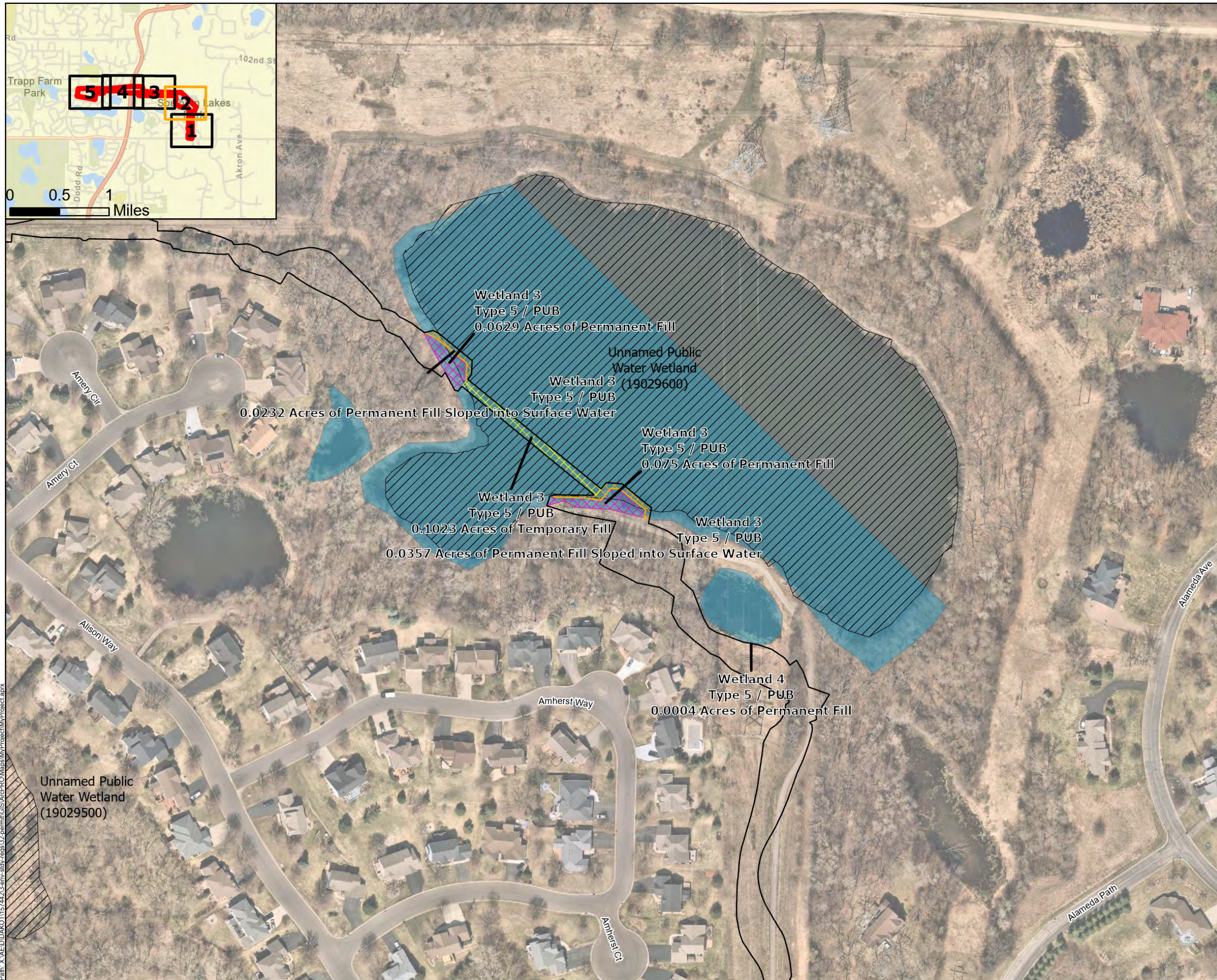
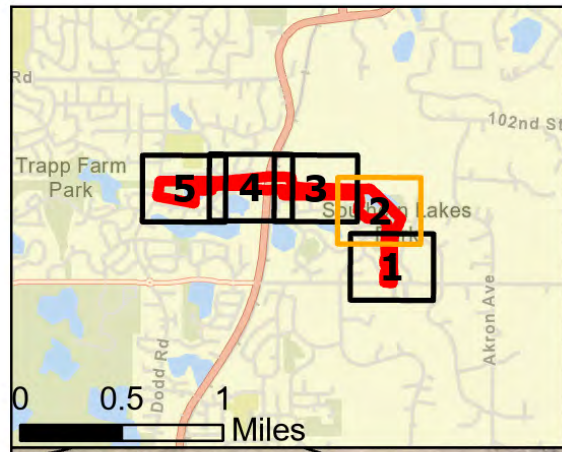


Project: DAKOT 157442
 Print Date: 6/17/2025


Figure
 9-1

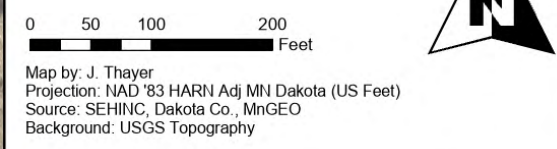
Wetland 5
 Type 6 / PSS1B
 0.0472 Acres of Permanent Fill

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Legend

-  DNR Public Water
-  Construction Limits - Alternative 6
- Wetland Community**
-  Shallow Open Water
- Proposed Impacts**
-  Permanent Fill
-  Permanent Fill Sloped into Surface Water - Wetland Loss Not Anticipated
-  Temporary Fill




Map by: J. Thayer
 Projection: NAD '83 HARN Adj MN Dakota (US Feet)
 Source: SEHINC, Dakota Co., MnGEO
 Background: USGS Topography

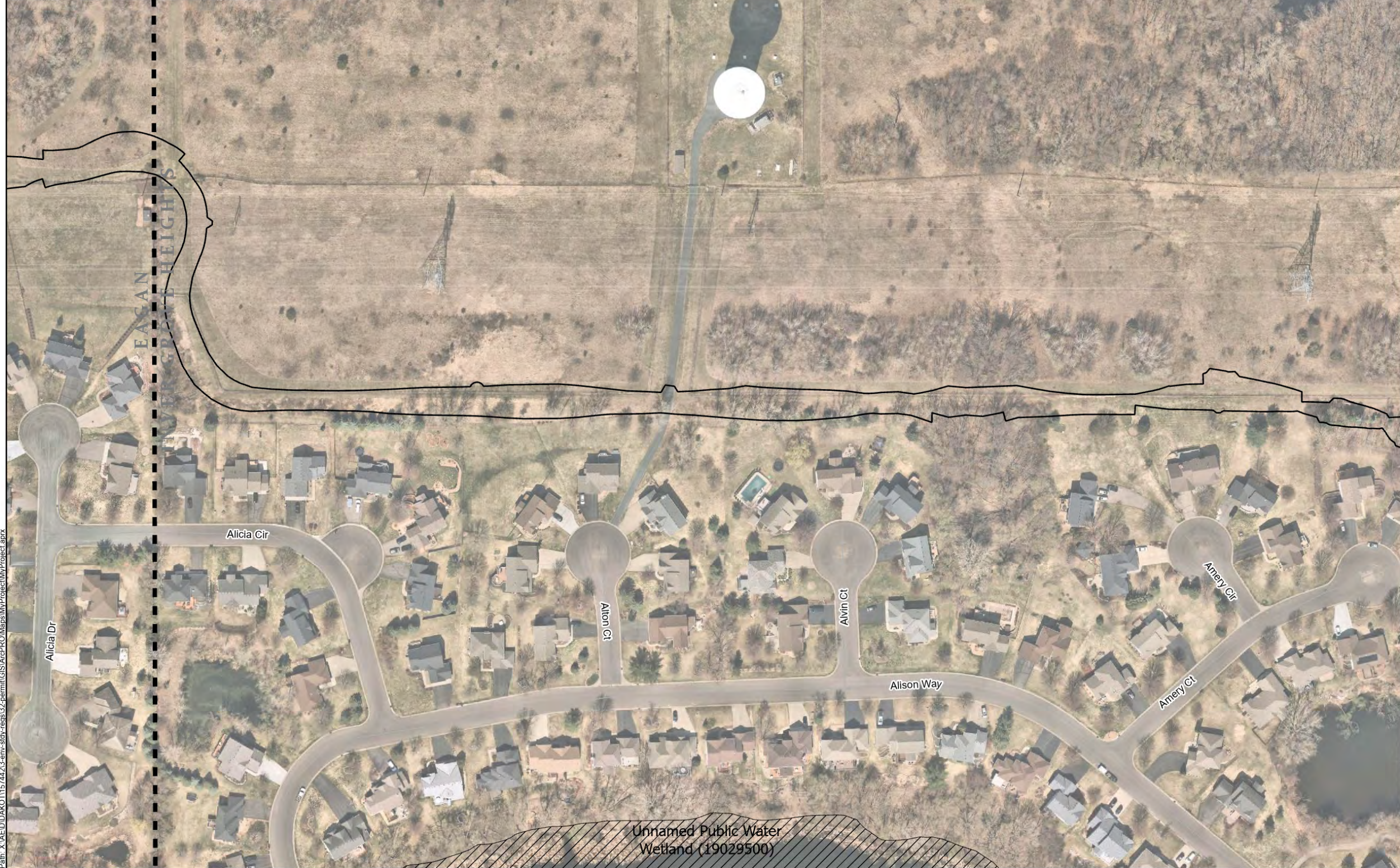
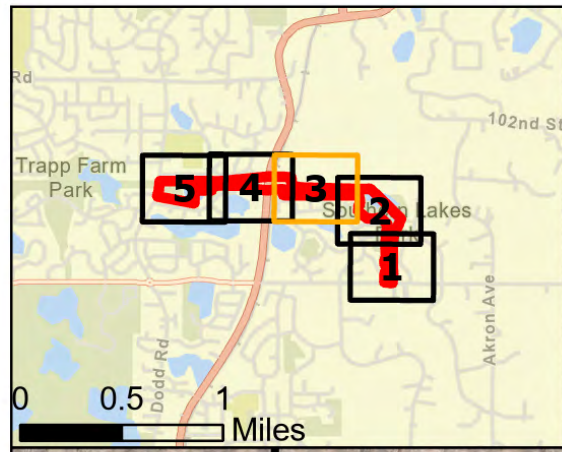
Proposed Wetland Impacts - Alternative 6

Phase 2 - Veterans Memorial Greenway Dakota County, Minnesota






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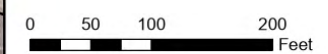
	Project: DAKOT 157442 Print Date: 6/17/2025	Figure 9-2
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Legend

-  DNR Public Water
-  Construction Limits - Alternative 6
- Proposed Impacts**
-  Permanent Fill
-  Permanent Fill Sloped into Surface Water - Wetland Loss Not Anticipated
-  Temporary Fill



Map by: J. Thayer
 Projection: NAD '83 HARN Adj MN Dakota (US Feet)
 Source: SEHINC, Dakota Co., MnGEO
 Background: USGS Topography

Proposed Wetland Impacts - Alternative 6

Phase 2 - Veterans Memorial Greenway Dakota County, Minnesota

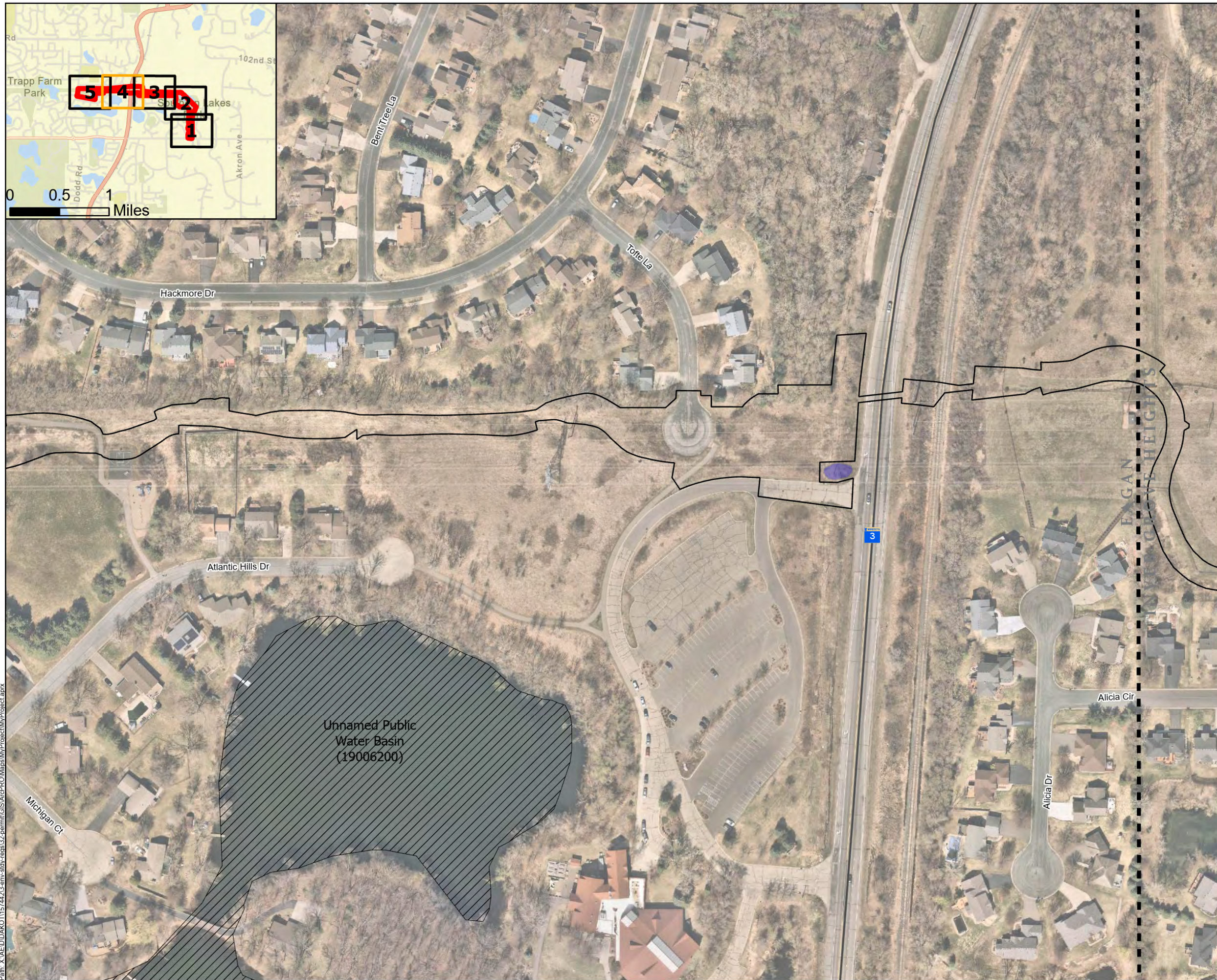
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
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 Print Date: 6/17/2025

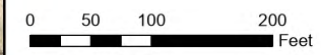
Figure
 9-3

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Legend

-  DNR Public Water
-  Construction Limits - Alternative 6
- Wetland Community**
-  Fresh (wet) Meadow
- Proposed Impacts**
-  Permanent Fill
-  Permanent Fill Sloped into Surface Water - Wetland Loss Not Anticipated
-  Temporary Fill



Map by: J. Thayer
 Projection: NAD '83 HARN Adj MN Dakota (US Feet)
 Source: SEHINC, Dakota Co., MnGEO
 Background: USGS Topography

Proposed Wetland Impacts - Alternative 6

Phase 2 - Veterans Memorial Greenway Dakota County, Minnesota

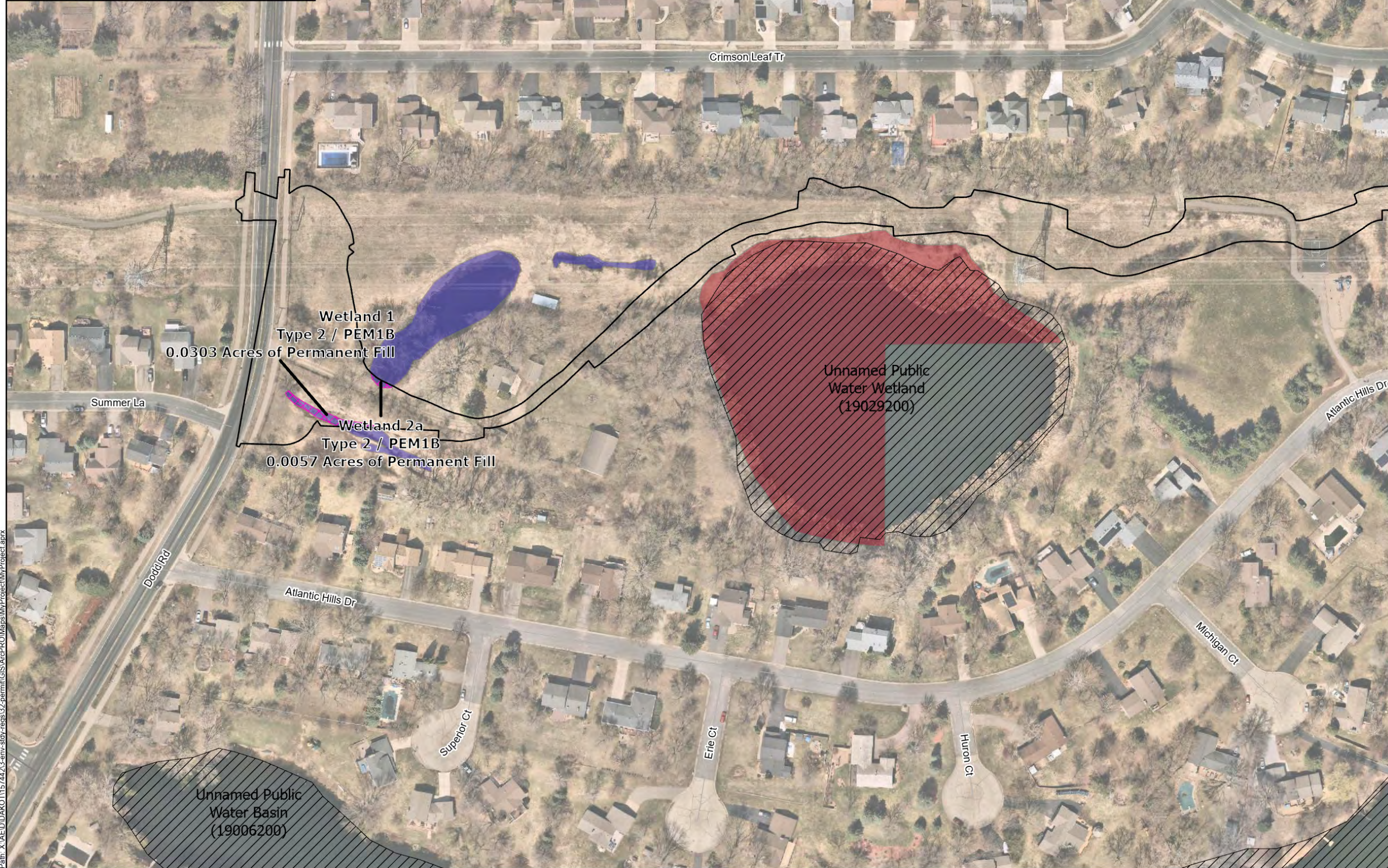
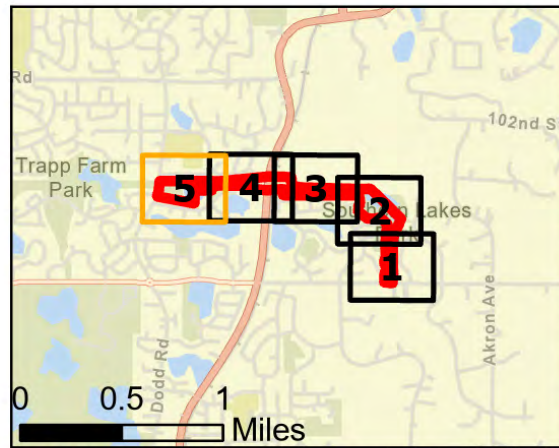
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Project: DAKOT 157442
 Print Date: 6/17/2025

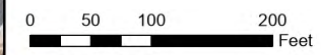
Figure
 9-4

Path: X:\A\ED\DAKOT157442\3-env-stdr-rs3-2-permit\GIS\ArcPRO\Maps\MVProject\MVProject.aprx



Legend

-  DNR Public Water
-  Construction Limits - Alternative 6
- Wetland Community**
-  Fresh (wet) Meadow
-  Shallow Marsh
- Proposed Impacts**
-  Permanent Fill
-  Permanent Fill Sloped into Surface Water - Wetland Loss Not Anticipated
-  Temporary Fill



Map by: J. Thayer
 Projection: NAD '83 HARN Adj MN Dakota (US Feet)
 Source: SEHINC, Dakota Co., MnGEO
 Background: USGS Topography

Proposed Wetland Impacts - Alternative 6

Phase 2 - Veterans Memorial Greenway Dakota County, Minnesota

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Project: DAKOT 157442
 Print Date: 6/17/2025

Figure
 9-5

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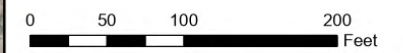
Legend

-  DNR Public Water
- Proposed Impact Type**
-  Permanent Fill
-  Temporary Impact
-  Permanent Fill Sloped into Surface Water - Wetland Loss Not Anticipated

Approved Wetland Boundaries

Wetland Community

-  Fresh (wet) Meadow
-  Seasonally Flooded Basin
-  Shallow Marsh
-  Shallow Open Water
-  Shrub Carr



Map by: J. Thayer
 Projection: NAD '83 HARN Adj MN Dakota (US Feet)
 Source: SEHINC, Dakota Co., MnGEO
 Background: USGS Topography

Proposed Wetland Impacts - Alternative 7 (Preferred)

**Phase 2 - Veterans Memorial Greenway
 Dakota County, Minnesota**

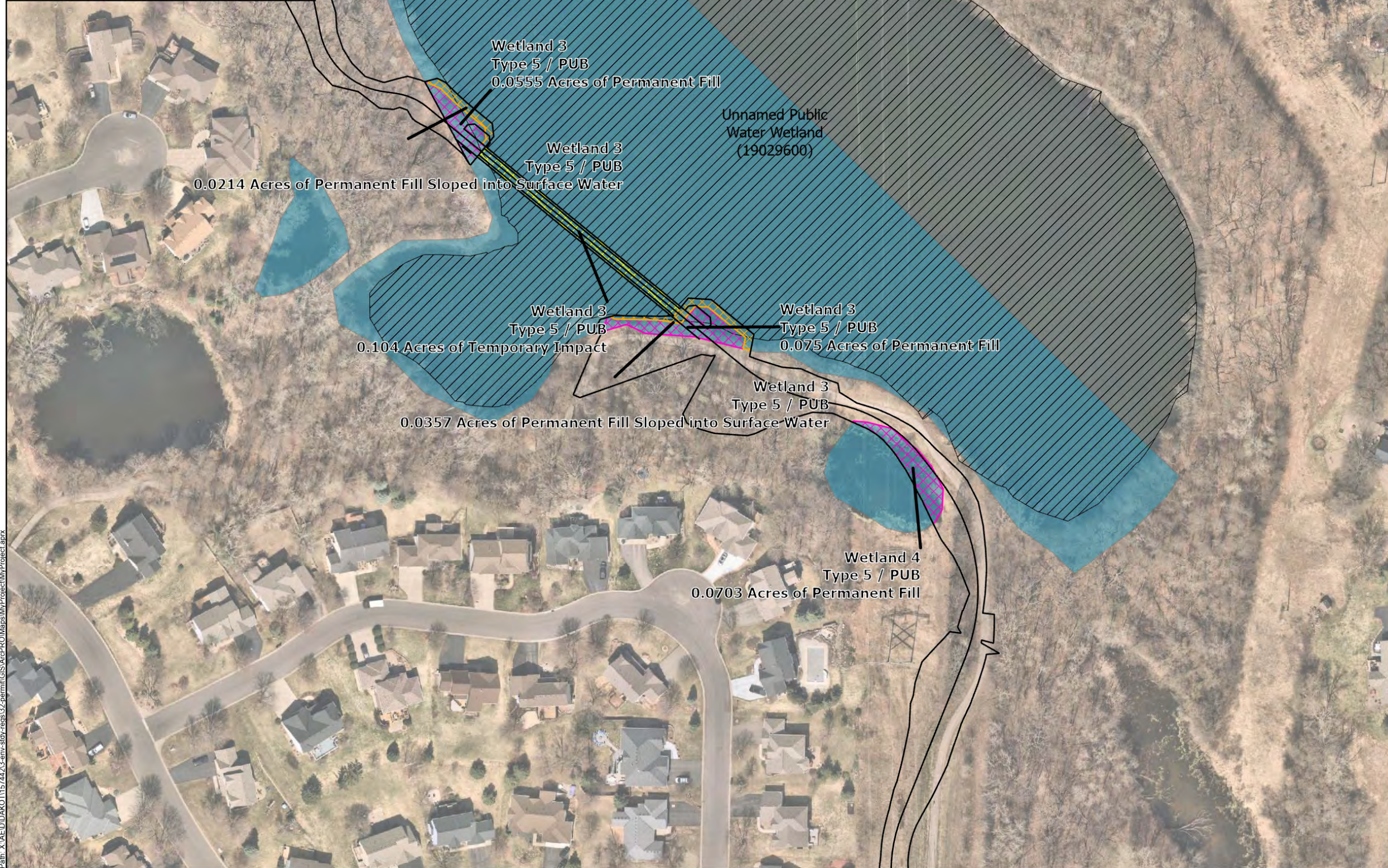
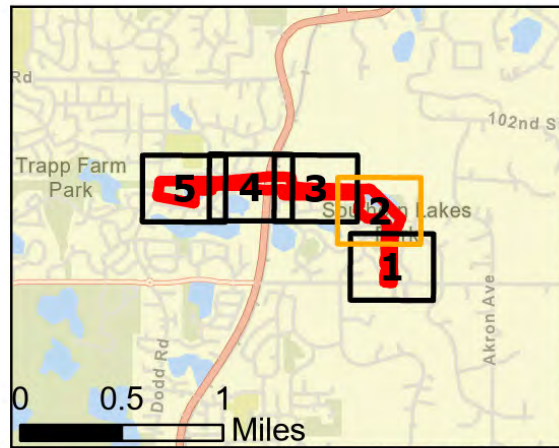
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Project: DAKOT 157442
 Print Date: 6/17/2025

**Figure
 10-1**

Wetland 5
 Type 6 / PSS1B
 0.0474 Acres of Permanent Fill



Legend

DNR Public Water
Proposed Impact Type
 Permanent Fill
 Temporary Impact
 Permanent Fill Sloped into Surface Water - Wetland Loss Not Anticipated

Approved Wetland Boundaries

Wetland Community

- Fresh (wet) Meadow
- Seasonally Flooded Basin
- Shallow Marsh
- Shallow Open Water
- Shrub Carr

0 50 100 200 Feet
 Map by: J. Thayer
 Projection: NAD '83 HARN Adj MN Dakota (US Feet)
 Source: SEHINC, Dakota Co., MnGEO
 Background: USGS Topography

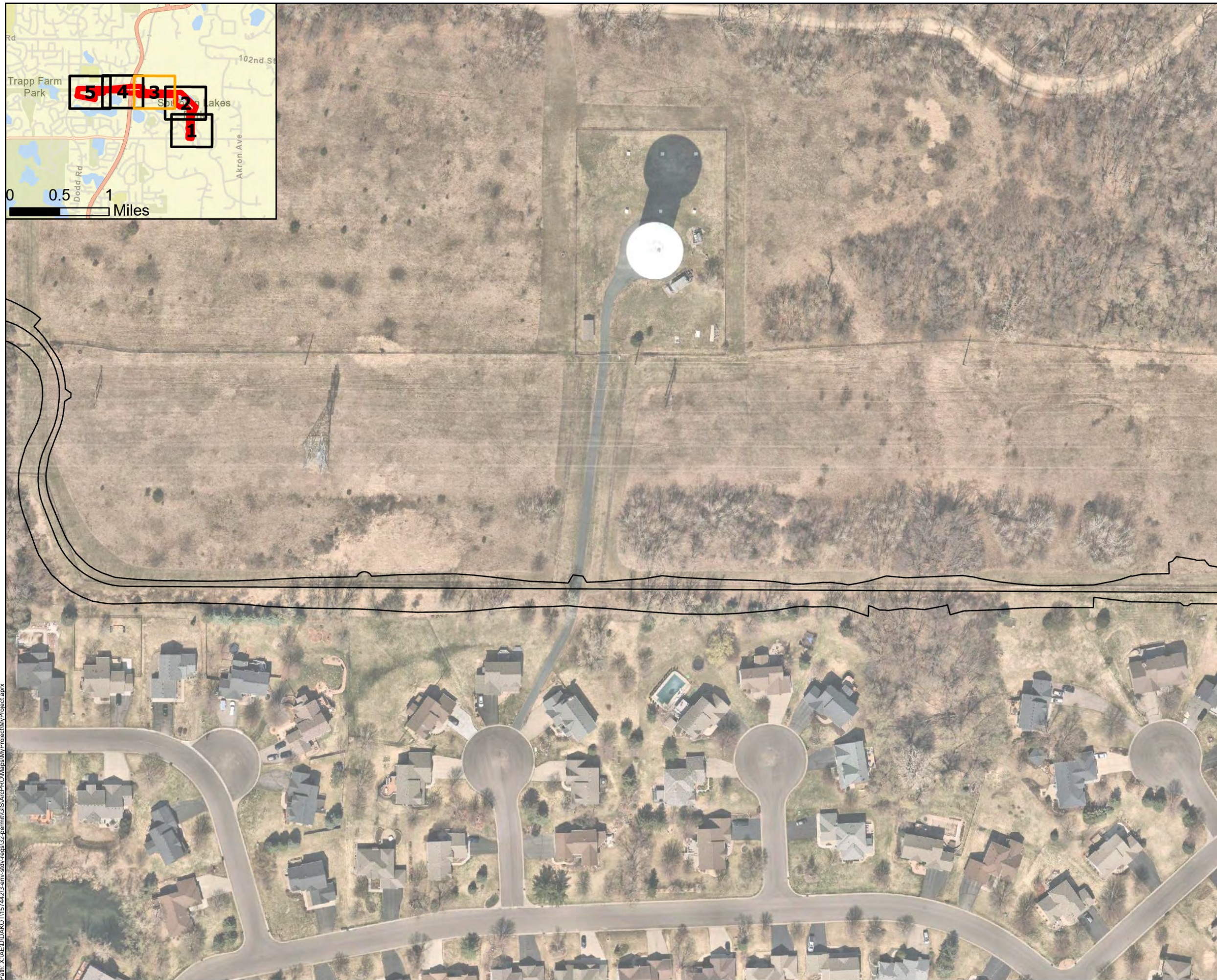
Proposed Wetland Impacts - Alternative 7 (Preferred)

**Phase 2 - Veterans Memorial Greenway
Dakota County, Minnesota**

This map is neither a legally recorded map nor a survey map and is not intended to be used as one. This map is a compilation of records, information, and data gathered from various sources listed on this map and is to be used for reference purposes only. SEH does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and SEH does not represent that the GIS Data can be used for navigational, tracking, or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. The user of this map acknowledges that SEH shall not be liable for any damages which arise out of the user's access or use of data provided.

	Project: DAKOT 157442	Figure 10-2
	Print Date: 6/17/2025	

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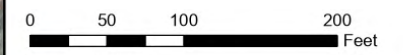
Legend

- DNR Public Water
- Proposed Impact Type**
- Permanent Fill
- Temporary Impact
- Permanent Fill Sloped into Surface Water - Wetland Loss Not Anticipated

Approved Wetland Boundaries

Wetland Community

- Fresh (wet) Meadow
- Seasonally Flooded Basin
- Shallow Marsh
- Shallow Open Water
- Shrub Carr



Map by: J. Thayer
 Projection: NAD '83 HARN Adj MN Dakota (US Feet)
 Source: SEHINC, Dakota Co., MnGEO
 Background: USGS Topography

Proposed Wetland Impacts - Alternative 7 (Preferred)

**Phase 2 - Veterans Memorial Greenway
 Dakota County, Minnesota**

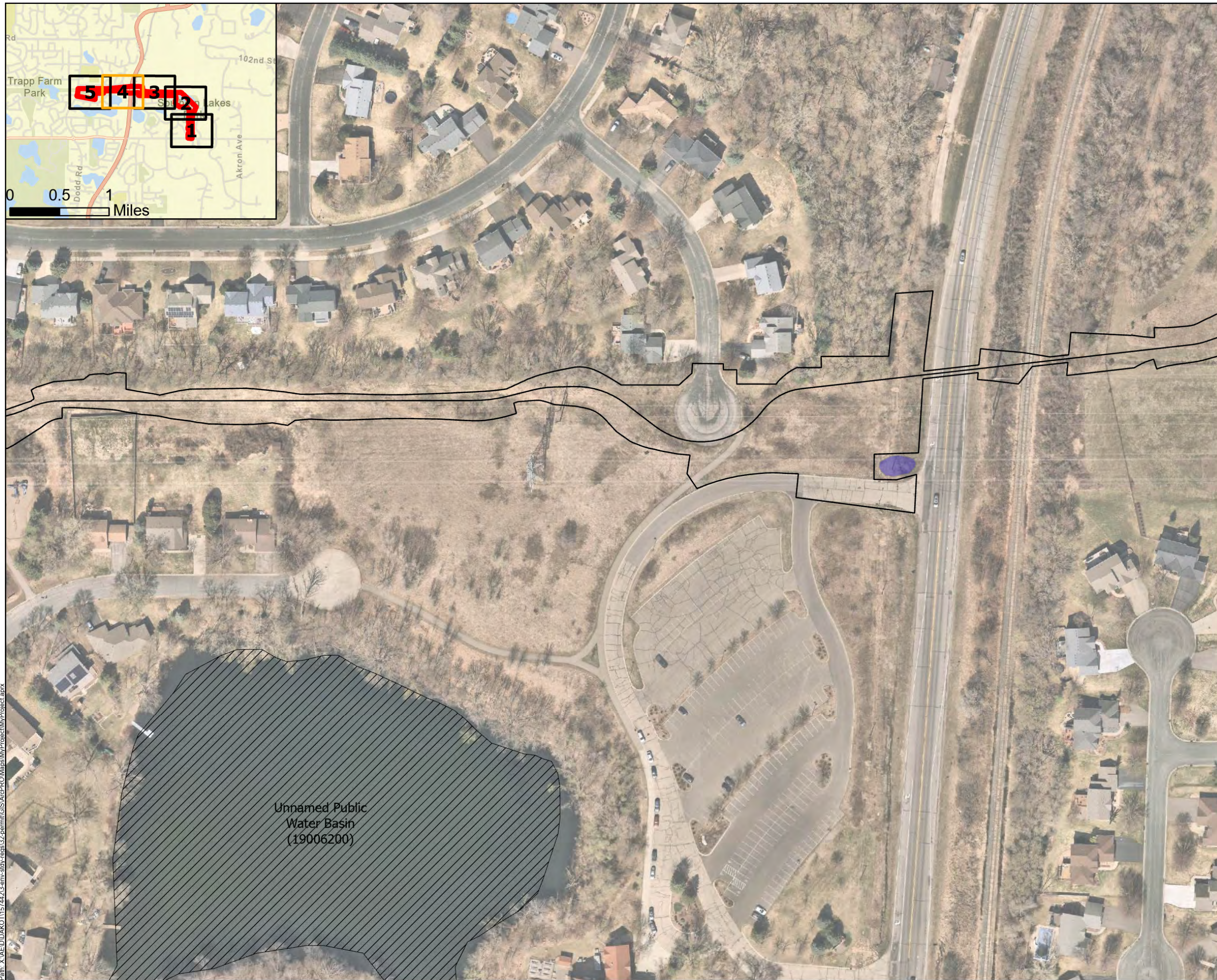
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Project: DAKOT 157442
 Print Date: 6/17/2025

**Figure
 10-3**

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Legend

DNR Public Water

Proposed Impact Type

Permanent Fill

Temporary Impact

Permanent Fill Sloped into Surface Water - Wetland Loss Not Anticipated

Approved Wetland Boundaries

Wetland Community

Fresh (wet) Meadow

Seasonally Flooded Basin

Shallow Marsh

Shallow Open Water

Shrub Carr

0 50 100 200 Feet



Map by: J. Thayer
 Projection: NAD '83 HARN Adj MN Dakota (US Feet)
 Source: SEHINC, Dakota Co., MnGEO
 Background: USGS Topography

Proposed Wetland Impacts - Alternative 7 (Preferred)

**Phase 2 - Veterans Memorial Greenway
 Dakota County, Minnesota**

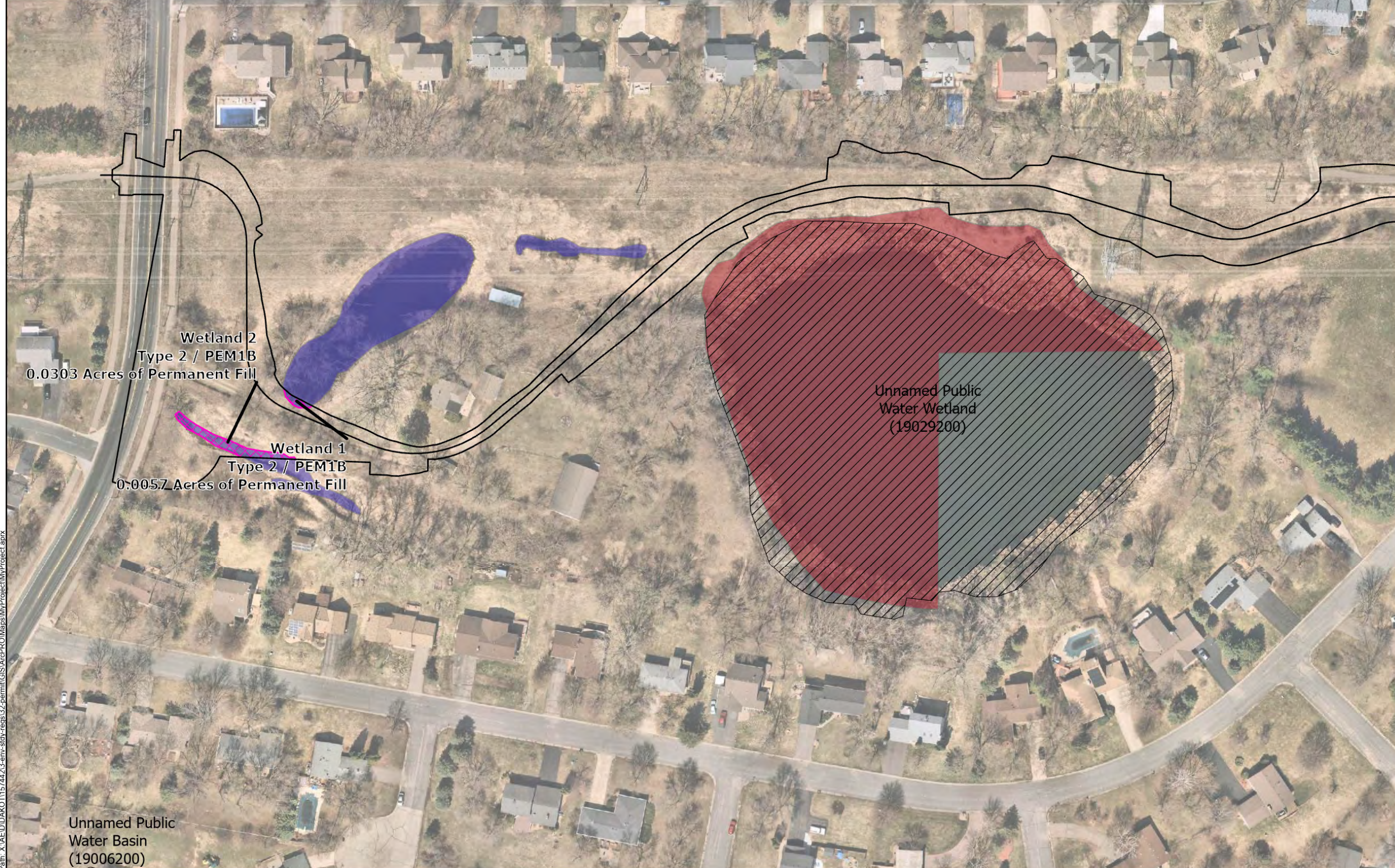
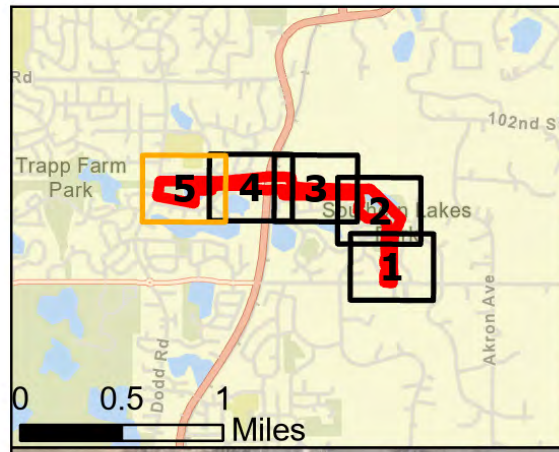
This map is neither a legally recorded map nor a survey map and is not intended to be used as one. This map is a compilation of records, information, and data gathered from various sources listed on this map and is to be used for reference purposes only. SEH does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and SEH does not represent that the GIS Data can be used for navigational, tracking, or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. The user of this map acknowledges that SEH shall not be liable for any damages which arise out of the user's access or use of data provided.



Project: DAKOT 157442
 Print Date: 6/17/2025

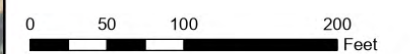
**Figure
 10-4**

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Legend

- DNR Public Water
- Proposed Impact Type**
- Permanent Fill
- Temporary Impact
- Permanent Fill Sloped into Surface Water - Wetland Loss Not Anticipated
- Approved Wetland Boundaries**
- Wetland Community**
- Fresh (wet) Meadow
- Seasonally Flooded Basin
- Shallow Marsh
- Shallow Open Water
- Shrub Carr



Map by: J. Thayer
 Projection: NAD '83 HARN Adj MN Dakota (US Feet)
 Source: SEHINC, Dakota Co., MnGEO
 Background: USGS Topography

Proposed Wetland Impacts - Alternative 7 (Preferred)

**Phase 2 - Veterans Memorial Greenway
 Dakota County, Minnesota**

This map is neither a legally recorded map nor a survey map and is not intended to be used as one. This map is a compilation of records, information, and data gathered from various sources listed on this map and is to be used for reference purposes only. SEH does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and SEH does not represent that the GIS Data can be used for navigational, tracking, or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. The user of this map acknowledges that SEH shall not be liable for any damages which arise out of the user's access or use of data provided.



Project: DAKOT 157442
 Print Date: 6/17/2025

**Figure
 10-5**

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Appendix A

Draft Project Plan Sheets

Appendix B

MnDOT OES Section 7 Concurrence Request Letter & DNR Formal Natural Heritage Review



Formal Natural Heritage Review - Cover Page

See next page for results of review. A draft watermark means the project details have not been finalized and the results are not official.

Project Name: Veterans Memorial Greenway Trail, Phase 2 Project (SP 019-090-026)

Project Proposer: Dakota County

Project Type: Trails, Other

Project Type Activities: Tree Removal;Wetland impacts (e.g., dewatering, tiling, drainage, discharge, excavation, fill, runoff, sedimentation, changes in hydrology)

TRS: T27 R22 S30, T27 R23 S25

County(s): Dakota

DNR Admin Region(s): Central

Reason Requested: Other

Project Description: The project will construct approximately 1.7 miles of multi-use, non-motorized trail from Dodd Road in Eagan to CSAH 32 (Cliff Road) near Alameda Path ...

Existing Land Uses: Rural and Undeveloped Open Space, Utility, Transportation, Institutional, Residential, and Parkland

Landcover / Habitat Impacted: The project will remove approximately 1.1 acres of trees. Tree clearing will occur during the winter months (November 1 to March 31, inclusive).

Waterbodies Affected: The project will include non-significant wetland encroachment. The project also includes approximately 200 feet of timber boardwalk that traverses between two wetland complexes in Southern Hills Park.

Groundwater Resources Affected: NA

Previous Natural Heritage Review: No

Previous Habitat Assessments / Surveys: No

SUMMARY OF AUTOMATED RESULTS

Category	Results	Response By Category
Project Details	Comments	Tree Removal - Recommendations
Ecologically Significant Area	No Comments	No Further Review Required
State-Listed Endangered or Threatened Species	No Comments	No Further Review Required
State-Listed Species of Special Concern	Comments	Recommendations
Federally Listed Species	Comments	RPBB High Potential Zone



Minnesota Department of Natural Resources
Division of Ecological & Water Resources
500 Lafayette Road, Box 25
St. Paul, MN 55155-4025

April 22, 2024

Project ID: MCE #2024-00389

Samuel Turrentine
Short Elliott Hendrickson, Inc.
3535 Vadnais Center Drive
St. Paul, MN 55110

RE: Automated Natural Heritage Review of the proposed Veterans Memorial Greenway Trail, Phase 2 Project (SP 019-090-026)
See Cover Page for location and project details.

Dear Samuel Turrentine,

As requested, the above project has been reviewed for potential effects to rare features. Based on this review, the following rare features may be adversely affected by the proposed project:

Project Type and/or Project Type Activity Comments

- The Natural Heritage Information System (NHIS) tracks bat roost trees and hibernacula plus some acoustic data, but this information is not exhaustive. Even if there are no bat records listed below, all of Minnesota's bats, including the federally endangered northern long-eared bat ([Myotis septentrionalis](#)), can be found throughout Minnesota. During the active season (approximately April-November) bats roost underneath bark, in cavities, or in crevices of both live and dead trees. Tree removal can negatively impact bats by destroying roosting habitat, especially during the pup rearing season when females are forming maternity roosting colonies and the pups cannot yet fly. To minimize these impacts, the DNR recommends that tree removal be avoided from June 1 through August 15.

Ecologically Significant Area

No ecologically significant areas have been documented in the vicinity of the project.

State-Listed Endangered or Threatened Species

No state-listed endangered or threatened species have been documented in the vicinity of the project.

State-Listed Species of Special Concern

Taxonomic Group	Common Name	Scientific Name	Water Regime	Habitat	Federal Status
Vertebrate Animal	Lark Sparrow	Chondestes grammacus		Rock Outcrop, Fire Dependent Forest, Savanna, Upland Prairie	
Vertebrate Animal	Red-shouldered Hawk	Buteo lineatus		Wet Forest, Floodplain Forest, Mesic Hardwood Forest, Fire Dependent Forest	
Vertebrate Animal	Trumpeter Swan	Cygnus buccinator		Littoral Zone of Lake, Marsh	

- The above table identifies state-listed species of special concern that have been documented in the vicinity of your project. If suitable habitat for any of these species occurs within your project footprint or activity impact area, the project may negatively impact those species. To avoid impacting state-listed species of special concern, the DNR recommends modifying the location of project activities to avoid suitable habitat or modifying the timing of project activities to avoid the presence of the species. Please visit the [DNR Rare Species Guide](#) for more information on the habitat use of these species and recommended measures to avoid or minimize impacts. Species-specific comments, if any, appear below.

Federally Listed Species

- The area of interest overlaps with a U.S Fish and Wildlife Service (USFWS) Rusty Patched Bumble Bee [High Potential Zone](#). The [rusty patched bumble bee](#) (*Bombus affinis*) is federally listed as endangered and is likely to be present in suitable habitat within High Potential Zones. From April through October this species uses underground nests in upland grasslands, shrublands, and forest edges, and forages where nectar and pollen are available. From October through April the species overwinters under tree litter in upland forests and woodlands. The rusty patched bumble bee may be impacted by a variety of land management activities including, but not limited to, prescribed fire, tree-removal, haying, grazing, herbicide use, pesticide use, land-clearing, soil disturbance or compaction, or use of non-native bees. If applicable, the DNR recommends reseeding disturbed soils with native species of grasses and forbs using [BWSR Seed Mixes](#) or [MnDOT Seed Mixes](#). To ensure compliance with federal law, please conduct a federal regulatory review using the U.S. Fish and Wildlife Service's online [Information for Planning and Consultation \(IPaC\) tool](#). Please note that all projects, regardless of whether there is a federal nexus, are subject to federal take prohibitions. The IPaC review will determine if prohibited take is likely to occur and, if not, will generate an automated letter. The [USFWS RPBB guidance](#) provides guidance on avoiding impacts to rusty patched bumble bee and a key for determining if actions are likely to affect the species; the determination key can be found in the appendix.

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, the results of this Natural Heritage Review are valid for one year; the results are only valid for the project location and the project description provided on the cover page. If project details change or construction has not occurred within one year, please resubmit the project for review before initiating project activities.

The Natural Heritage Review does not constitute project approval by the Department of Natural Resources. Instead, it identifies issues regarding known occurrences of rare features and potential impacts to these rare features. For information on the environmental review process or other natural resource concerns, you may contact your [DNR Regional Environmental Assessment Ecologist](#).

Thank you for consulting us on this matter, and for your interest in preserving Minnesota's rare natural resources.

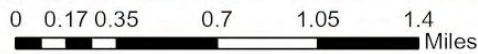
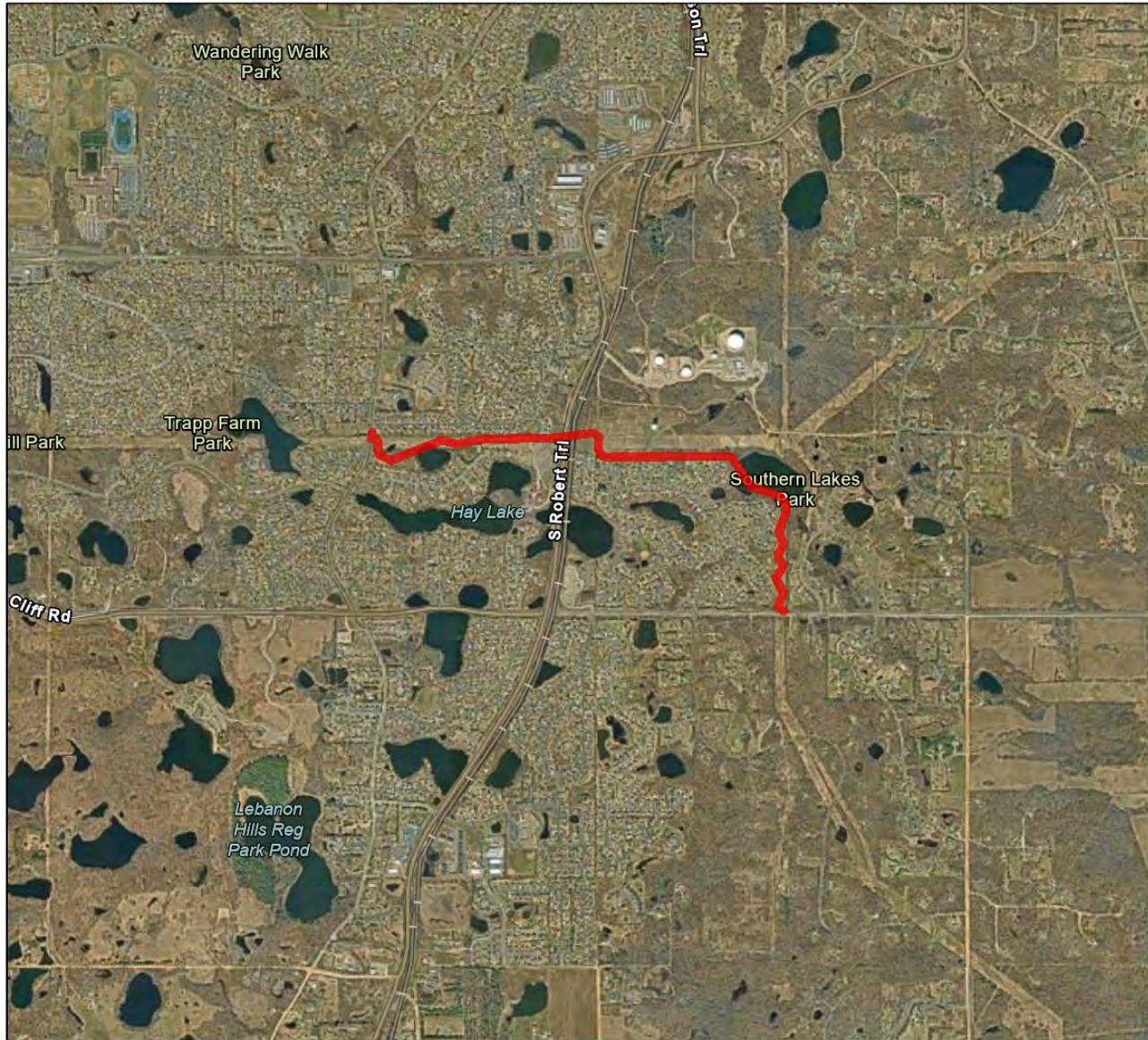
Sincerely,

Jim Drake Jim Drake
Natural Heritage Review Specialist
James.F.Drake@state.mn.us

Links: USFWS Information for Planning and Consultation (IPaC) tool
[Information for Planning and Consultation \(IPaC\) tool](#)
DNR Regional Environmental Assessment Ecologist Contact Info
https://www.dnr.state.mn.us/eco/ereview/erp_regioncontacts.html

Veterans Memorial Greenway Trail, Phase 2 Project (SP 019-090-026)

Aerial Imagery With Locator Map



 Project_Boundary

Project Type: Trails, Other

Project Size (acres): 8.63

County(s): Dakota

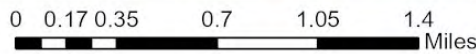
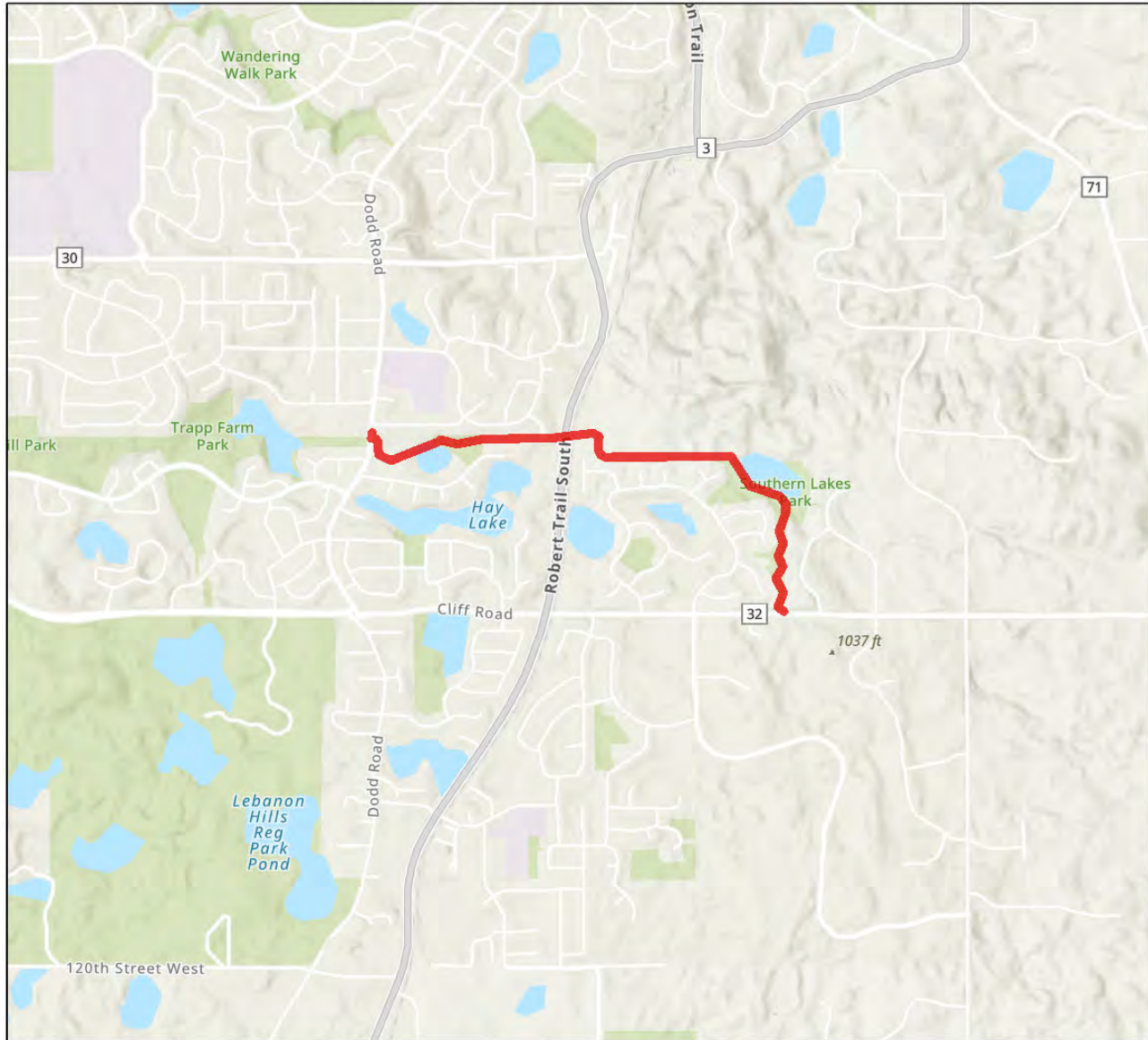
TRS: T27 R22 S30, T27 R23 S25

Esri, TomTom, Garmin, FAO, NOAA, USGS, EPA, USFWS
County of Dakota, Metropolitan Council, MetroGIS, Esri, TomTom, Garmin,
SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA,



Veterans Memorial Greenway Trail, Phase 2 Project (SP 019-090-026)

USA Topo Basemap With Locator Map



 Project_Boundary

Project Type: Trails, Other

Project Size (acres): 8.63

County(s): Dakota

TRS: T27 R22 S30, T27 R23 S25

Esri, TomTom, Garmin, FAO, NOAA, USGS, EPA, USFWS
County of Dakota, Metropolitan Council, MetroGIS, Esri, TomTom, Garmin,
SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA,



February 4, 2025

Kathleen Mahoney
U.S. Fish and Wildlife Service
Minnesota-Wisconsin ES Field Office
3815 American Blvd. E.
Bloomington, MN 55425-1665

S.P. 019-090-026, Veterans Memorial Greenway Trail

Project Code: 2025-0019637
Eagan & Inver Grove Heights, Dakota County, Minnesota

Request for Concurrence – May affect, likely to adversely affect – Northern long-eared bat (*Myotis septentrionalis*)

Request for Concurrence – May affect, not likely to adversely affect – Rusty-patched bumble bee (*Bombus affinis*)

No Effect Determination – Higgins Eye Pearlymussel (*Lampsilis higginsii*)

No Jeopardy Determination – Tricolored bat (*Perimyotis subflavus*)

No Jeopardy Determination – Monarch butterfly (*Danaus plexippus*)

No Jeopardy Determination – Western Regal Fritillary (*Argynnis idalia occidentalis*)

No Jeopardy Determination -- Whooping Crane (*Grus americana*)

No Adverse Modification or Destruction Determination – Rusty-patched Bumble Bee Proposed Critical Habitat

Project Description:

The S.P. 019-090-026 project will construct approximately 2.0 miles of multi-use trail from Dodd Road in Eagan, MN to County State-Aid Highway (CSAH) 32 (Cliff Road) in Inver Grove Heights, MN. The proposed trail will meander through Xcel Energy's Highline corridor, existing city parkland, several residential properties, St. Thomas Becket Church property, and parallel to a CP Rail line. Construction of a new pedestrian bridge will be needed to allow the proposed trail to cross over Trunk Highway (TH) 3 (South Robert Trail) and a new boardwalk section is proposed within Southern Hills Park. Sections of existing perimeter chain link fence and several existing transmission poles and lines will be relocated to accommodate the newly constructed trail. Surrounding landscape includes upland meadow, woodland, and residential homes. Some tree removals (<2.5 acres) are anticipated and will occur during the winter months (November 1 to April 15, inclusive).



Action Area identified for the proposed project (blue line is boundary).

Conservation Measures:

Required Avoidance and Minimization Measures (AMMs). See MnDOT boiler plate special provisions (e.g., *Protection of Fish and Wildlife Resources*).

- **General AMM 1:** Ensure all operators, employees, and contractors working in areas of known or presumed bat habitat are aware of all FHWA/FRA/FTA (Transportation Agencies) environmental commitments, including all applicable AMMs. *Notify contractor(s) during the pre-construction meeting. Bat sightings (including sick, injured, and/or dead bats) on the project must be reported to OES wildlife ecologist (612-741-7678) within 24 hours of discovery.*
- **Lighting AMM 1 & AMM 2:** Direct temporary lighting, if used, away from wooded areas during the bat active season (April 1 to Nov. 14, inclusive). If installing new or replacing existing permanent lights, use downward-facing, full cut-off lens lights (with same intensity or less for replacement lighting); or for those transportation agencies using the BUG system developed by the Illuminating Engineering Society, be as close to 0 for all three ratings with a priority of "uplight" of 0 and "backlight" as low as practicable. *Please contact Susan Zarling (MnDOT Lighting Engineer) at 651-234-7052 with questions about approved products.*
- **Tree Removal AMM 1:** Modify all phases/aspects of the project (e.g., temporary work areas, alignments) to the extent practicable to avoid tree removal / trimming in excess of what is required to implement the project safely.
- **Tree Removal AMM 2:** Tree removal must be limited to that specified in Project plans and ensure that contractors understand clearing limits and how they are marked in the field (e.g., install bright colored flagging/fencing prior to any tree clearing to ensure contractors stay within clearing limits).
- **Tree Removal AMM 3:** Restrict all tree clearing activities to when NLEB are not likely to be present. *Winter tree clearing required – tree clearing allowed November 1 to April 14, inclusive.* **Note: Achieving this AMM avoids the need for compensatory mitigation.**

Additional Required Conservation Measures:

- Restrict all activities to avoid the application of insecticides and fungicides.
- Minimize herbicide use – If used, must be spot treatments. Avoid broadcast applications of herbicides without further consultation to MnDOT Office of Environmental Stewardship.
- **Project must establish native vegetation in areas that are not proposed to be mowed more than once per year, as shown in the MnDOT Seeding Manual.**
- Any erosion control blanket must be free of plastic netting and on the MnDOT Approved Products List for Rolled Erosion Prevention products.

Additional Recommended Conservation Measures. *Incorporate into project documents, plans, and provisions only if the project chooses to include recommendations as project requirements.*

- Any hydraulic mulch used up-slope of Public Waters must be free of plastic fiber additives.

Species List for the Project Action Area

A list of federally threatened, endangered, proposed and candidate species, and designated and proposed critical habitat that overlaps with the action area, was requested via the Information for Planning and Consultation (IPaC) web application maintained by the U.S. Fish and Wildlife Service (requested February 2025). Based on this list, the project is within the range of the following:

Species	Status	Habitat
Tricolored Bat <i>Perimyotis subflavus</i>	Proposed - Endangered	Hibernates in caves, mines, and tunnels. Roosts in live or dead trees, buildings, and bridges. Forages along forested edges and over waterways.
Northern Long-eared Bat <i>Myotis septentrionalis</i>	Endangered	Hibernates in caves and mines - swarming in surrounding wooded areas in autumn. Roosts and forages in upland forests during spring and summer.
Whooping Crane <i>Grus americana</i>	Non-essential Experimental Population	Utilizes a variety of habitats, including coastal marshes and estuaries, inland marshes, lakes, open ponds, shallow bays, salt marsh and sand or tidal flats, upland swales, wet meadows and rivers, pastures, and agricultural fields.
Higgins Eye Pearlymussel <i>Lampsilis higginsii</i>	Endangered	Mississippi and St. Croix rivers
Rusty-patched Bumble Bee <i>Bombus affinis</i>	Endangered & Proposed Critical Habitat	Grasslands with flowering plants from April through October, underground and abandoned rodent cavities or clumps of grasses above ground as nesting sites, and undisturbed soil for hibernating queens to overwinter.
Monarch Butterfly <i>Danaus plexippus</i>	Candidate	Grassland habitats where milkweed and flowers are present.
Western Regal Fritillary <i>Argynnis idalia occidentalis</i>	Proposed -- Threatened	Native prairies and other grassland habitats where violets and flowers are present.

MnDOT consults the Minnesota Department of Natural Resources Natural Heritage Information System (Copyright February 2025 State of Minnesota, Department of Natural Resources), and other resources as available, to determine if proposed projects may affect listed species.

Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act

The Migratory Bird Treaty Act of 1918 (MBTA) is a federal law regulating the taking, killing, and possession of migratory birds and is administered by the U. S. Fish and Wildlife Service (Service). Under the MBTA, it is unlawful for any person to take, kill, or possess regulated species of birds. Take that occurs incidental to otherwise lawful activities -- “incidental take” -- is also prohibited. Frequently encountered birds on transportation projects subject to regulation under the MBTA include, but are not limited to, cliff swallows, bank swallows, eastern phoebes, American robins, red-winged blackbirds, mourning doves, and killdeer.

The Bald and Golden Eagle Protection Act of 1940 (BGEPA) is a federal law regulating impacts to bald and golden eagles. The BGEPA is administered by the Service. Under the BGEPA, the term “take” means to pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest, or disturb. Unlike protections under MBTA, both occupied and unoccupied eagle nests are protected. Construction projects, including tree clearing, occurring adjacent to eagle nests and/or important roosting areas may require seasonal avoidance and/or permitting.

This project was reviewed for potential impacts to birds protected under the MBTA and eagles protected under the BGEPA. **The Service will not be reviewing or commenting on impacts to migratory birds or eagles unless MnDOT OES determines**

additional coordination with the Service is required. Findings and avoidance measures, if required, are identified in Attachment 1.

Endangered Species Act – Section 7 Consultation

Section 7 of Endangered Species Act of 1973, as amended (Act), requires each Federal agency to review any action that it funds, authorizes or carries out to determine whether it may affect threatened, endangered, proposed species or listed critical habitat. Federal agencies (or their designated representatives) must consult with the U.S. Fish and Wildlife Service (Service) if any such effects may occur because of their actions. Consultation with the Service is not necessary if the proposed action will not directly or indirectly affect listed species or critical habitat. If a federal agency finds that an action will have no effect on listed species or critical habitat, it should maintain a written record of that finding that includes the supporting rationale.

Requests for Concurrence

*Request for Concurrence – May affect, not likely to adversely affect – Rusty-patched Bumble Bee (*Bombus affinis*)*

The proposed action is within a USFWS identified High Potential Zone (HPZ) where habitat consists primarily of powerline corridors, residential neighborhoods, and urban parkland. Powerline corridors consisted of primarily upland prairie with scattered pothole wetlands and individual or small clusters of trees that could provide potential RPBB nesting and foraging habitat, however, floral diversity is currently low in these areas. About 6 acres of low to low-moderate quality foraging and nesting habitat may be impacted. Residential homes were surrounded by manicured lawns with individual landscape trees and scattered landscape plantings that provide potential foraging opportunities.

Tree clearing associated with this project may include small portions and scattered individual trees along the proposed trail alignment as well as areas designated for signage, pedestrian facilities, and staging areas. Less than 2.5 acres of tree clearing will occur between November 1 to April 15. to minimize impacts to foraging and nesting bumble bees.



Photos 1-3 (above) show the upland plant communities located in the utility/powerline corridors throughout the project corridor. These areas are dominated primarily by smooth brome and Kentucky bluegrass with volunteer and weedy forb species (e.g., crown vetch, mullein, goldenrod, thistle, burdock) and scattered sumac shrubs and elm, ash, and boxelder trees. Portions of the meadow were mowed prior to the site visit adjacent to the existing bituminous walking trail and the utility fencing. The un-mowed portions of meadow are expected to provide potential low-quality nesting habitat and foraging opportunities. Photos 4-6 (below) show the existing wooded parkland in the eastern portion of the project corridor. The existing bituminous trail is surrounded by mowed turfgrass, and weedy species (thistle, vetch, burdock) and woodland dominated by an elm, ash, and oak canopy with a dense understory of common buckthorn and honeysuckle shrubs. This adjacent woodland may provide potential RPBB overwintering habitat but contains limited floral resources for foraging opportunities. The trail continues adjacent to a large open water pond and wetland area that is surrounded by sunflower, goldenrod, reed canary grass, and red osier dogwood shrubs. The inundated or saturated soils would not provide RPBB overwintering or nesting habitat, but the adjacent flowering forbs provide foraging opportunities. Impacts to adjacent habitat within the wooded area are expected to be minimal as the new trail will utilize the existing trail alignment.



Overwintering habitat is expected to be sparse or absent. Woodlands and edges impacted by the proposed project are dominated by compacted soils and invasive understory shrubs (e.g., buckthorn). Woodlands and edges to be impacted are not mapped by MnDNR as Minnesota Native Plant Communities or Sites of Biodiversity Significance — both typically indicators of higher quality habitat.

Given the scope of work, season of work, scale of project impacts, and additional rationale provided above, incidental take (i.e., harass, harm, kill) of RPBB by construction activities during the bee's active season is **anticipated to be insignificant and/or discountable**.

This project review relies on the USFWS-issued Minnesota-Wisconsin Federal Endangered Species Determination Key within the Information for Planning and Consultation (IPaC) system to satisfy requirements under Section 7(a)(2) and a determination of **"may affect"** was received for this species using this Determination Key (Attachment 2). The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C 1531 et seq.). Before our consultation obligations are complete, the Service must respond or "concur" in writing. **MnDOT, on behalf of the FHWA, has determined that the proposed action may affect, but is not likely to adversely affect this species and is requesting concurrence for this determination.**

Request for Concurrence – May affect, likely to adversely affect – Northern Long-eared Bat (Myotis septentrionalis)

The project will require tree removals greater than 100 feet from the nearest roadway/railway during the bat inactive season. No NLEB hibernaculum or documented roost trees are located within or near the project Action Area (suitable but undocumented habitat).

This project review relies on the USFWS-issued species-specific rangewide programmatic agreement and associated biological opinion for FHWA, FRA, FTA Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat (PBO) to satisfy requirements under Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C 1531 et seq.). The review was completed using the U.S. Fish and Wildlife Service's Information for Planning and Consultation (IPaC) system. The U.S. Fish and Wildlife Service's Project Submittal Form is attached (Attachment 3).

No Effect and No Jeopardy Determinations

*No Effect Determination – Higgins eye pearlymussel (*Lampsilis higginsii*)*

No in-stream work is proposed for this project. No indirect or direct impacts to freshwater mussels nor suitable freshwater mussel habitat is anticipated.

This project review relies on the USFWS-issued Minnesota-Wisconsin Federal Endangered Species Determination Key within the Information for Planning and Consultation (IPaC) system to satisfy requirements under Section 7(a)(2). The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C 1531 et seq.). No further consultation for these species is required. The U.S. Fish and Wildlife Service's consistency letter is attached (Attachment 3).

*No Jeopardy Determination – Tricolored Bat (*Perimyotis subflavus*)*

The proposed project *may affect* tricolored bats and/or suitable tricolored bat habitat. Stressors for the tricolored bat include tree clearing, noise (including percussives), lighting, and/or bridge work in areas of documented or presumed tricolored bat habitat. Based on the proposed scope of work, project activities are not expected to appreciably diminish the quality or extent of available suitable habitat within the project's Action Area. Additionally, the project will incorporate bat-specific Conservation Measures to further avoid and minimize impacts to this species. **Therefore, MnDOT on behalf of the FHWA, does not anticipate the proposed action will jeopardize the continued existence of this species.**

*No Jeopardy Determination – Monarch Butterfly (*Danaus plexippus*)*

The proposed project *may affect* monarch butterflies and/or suitable monarch habitat. Ground and vegetation disturbing activities are not expected to appreciably diminish the quality or extent of available suitable habitat within the project's Action Area. **Therefore, MnDOT on behalf of the FHWA, does not anticipate the proposed action will jeopardize the continued existence of this species.**

*No Jeopardy Determination – Western Regal Fritillary (*Argynnis idalia occidentalis*)*

The proposed project *may affect* regal fritillary butterflies and/or suitable habitat. Ground and vegetation disturbing activities are not expected to appreciably diminish the quality or extent of available suitable habitat within the project's Action Area. In addition, violets (*Viola* spp.) – the host plant for regal fritillary butterflies – are typically absent or sparse in typical roadside habitats. **Therefore, MnDOT on behalf of the FHWA, does not anticipate the proposed action will jeopardize the continued existence of this species.**

*No Jeopardy Determination -- Whooping Crane (*Grus americana*)*

The proposed project area is within the range of a known non-essential experimental population for Whooping crane. No documented occurrences or critical habitat for this species exist within the Action Area. All project activities are proposed to be completed in on lands outside of a National Wildlife Refuge or National Park. Based on the proposed scope of work, project activities are not expected to appreciably diminish the quality or extent of available suitable habitat within the project's Action Area. **Therefore, MnDOT on behalf of the FHWA, does not anticipate the proposed action will jeopardize the continued existence of this species.**

No Adverse Modification or Destruction Determination – Rusty-patched Bumble Bee Proposed Critical Habitat


The proposed project *may affect* proposed rusty-patched bumble bee (RPBB) Critical Habitat. Impacts to proposed critical habitat may include temporary effects to the physical or biological features essential to the conservation of the rusty patched bumble bee. Based on the proposed scope of work, project activities are not expected to appreciably diminish the

quality or extent of Critical Habitat within the Action Area. ***Therefore, MnDOT on behalf of the FHWA, does not anticipate the proposed action will adversely modify or destroy the Critical Habitat proposed.***

Please contact me if there are questions or concerns.

Thank you,



 Digitally signed by Christopher E Smith
Date: 2025.02.04 12:39:54 -06'00'

Christopher E. Smith, M.Sc., CWB®

Wildlife Ecologist | Protected Species Program Coordinator
(he/him/his)

Minnesota Department of Transportation

Office of Environmental Stewardship

395 John Ireland Blvd., M.S. 620

St. Paul, Minnesota 55155

C: 612-741-7678

mndot.gov



Migratory Bird Treaty Act

Based on the proposed scope of work proposed and/or the timing of proposed work, impacts to birds protected under the Migratory Bird Treaty Act (16 U.S.C. 703-712) are not anticipated. No further action is required, however, if the proposed scope of work or proposed timing of work changes, please contact the MnDOT protected species team at: protectedspecies.dot@state.mn.us

Learn more about the Migratory Bird Treaty Act at: <https://www.fws.gov/law/migratory-bird-treaty-act-1918>

Bald and Golden Eagle Protection Act

Based on the best available information, the proposed action is not anticipated to disturb, harm, or destroy a bald eagle or a bald eagle nest protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d). If a nest is found ahead of or during construction, **stop all work** within 300' of the nest and contact the MnDOT protected species team right away. E-mail: protectedspecies.dot@state.mn.us or Phone: 612-741-7678

Learn more about the Bald and Golden Eagle Protection Act at: <https://www.fws.gov/law/bald-and-golden-eagle-protection-act>



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:

11/14/2024 17:36:41 UTC

Project code: 2025-0019637

Project Name: S.P. 019-090-026 (Veterans Memorial Greenway Trail)

Subject: Consistency letter for 'S.P. 019-090-026 (Veterans Memorial Greenway Trail)' for specified threatened and endangered species that may occur in your proposed project location consistent with the Minnesota-Wisconsin Endangered Species Determination Key (Minnesota-Wisconsin DKey).

Dear Andrew Krinke:

The U.S. Fish and Wildlife Service (Service) received on **November 14, 2024** your effect determination(s) for the 'S.P. 019-090-026 (Veterans Memorial Greenway Trail)' (Action) using the Minnesota-Wisconsin DKey within the Information for Planning and Consultation (IPaC) system. You have submitted this key to satisfy requirements under Section 7(a)(2). The Service developed this system in accordance of with the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C 1531 et seq.).

Based on your answers and the assistance of the Service's Minnesota-Wisconsin DKey, you made the following effect determination(s) for the proposed Action:

Species	Listing Status	Determination
Higgins Eye (pearlymussel) (<i>Lampsilis higginsii</i>)	Endangered	No effect
Monarch Butterfly (<i>Danaus plexippus</i>)	Candidate	No effect
Rusty Patched Bumble Bee (<i>Bombus affinis</i>)	Endangered	May affect
Whooping Crane (<i>Grus americana</i>)	Experimental Population, Non-Essential	No effect

Determination Information

Consultation with the Service is not complete. Further consultation with the Minnesota-Wisconsin Ecological Services Field Office is required for those species with a determination of "May Affect," listed above. Please email our office at TwinCities@fws.gov and attach a copy of this letter, so we can discuss methods to avoid or minimize potential adverse effects to those species.

Additional Information

Sufficient project details: Please provide sufficient project details on your project homepage in IPaC (Define Project, Project Description) to support your conclusions. Failure to disclose important aspects of your project that would influence the outcome of your effects determinations may negate your determinations and invalidate this letter. If you have site-specific information that leads you to believe a different determination is more appropriate for your project than what the Dkey concludes, you can and should proceed based on the best available information.

Future project changes: The Service recommends that you contact the Minnesota-Wisconsin Ecological Services Field Office or re-evaluate the project in IPaC if: 1) the scope or location of the proposed Action is changed; 2) new information reveals that the action may affect listed species or designated critical habitat in a manner or to an extent not previously considered; 3) the Action is modified in a manner that causes effects to listed species or designated critical habitat; or 4) a new species is listed or critical habitat designated. If any of the above conditions occurs, additional consultation with the Service should take place before project changes are final or resources committed.

Species-specific information

Freshwater Mussels: Freshwater mussels are one of the most critically imperiled groups of organisms in the world. In North America, 65% of the remaining 300 species are vulnerable to extinction (Haag and Williams 2014). Implementing measures to conserve and restore freshwater mussel populations directly improves water quality in lakes, rivers, and streams throughout Minnesota and Wisconsin. An adult freshwater mussel filters anywhere from 1 to 38 gallons of water per day (Baker and Levinton 2003, Barnhart pers. comm. 2019). A 2015 survey found that in some areas, mussels can reduce the bacterial populations by more than 85% (Othman et al. 2015 in Vaughn 2017). Mussels are also considered to be ecosystem engineers by stabilizing substrate and providing habitat for other aquatic organisms (Vaughn 2017). In addition to ecosystem services, mussels play an important role in the food web, contributing critical nutrients to both terrestrial and aquatic habitats, including those that support sport fish (Vaughn 2017). Taking proactive measures to conserve and restore freshwater mussels will improve water quality, which has the potential to positively impact human health and recreation in the States of Minnesota and Wisconsin.

You have indicated that your Action will have no effect (NE) on Federally listed mussel species. However, state-listed mussels may occur in your Action area. Contact the Minnesota or Wisconsin Department of Natural Resources to determine effects to state-listed mussels.

Rusty Patched Bumble Bee: Rusty patched bumble bee may be present in the Action area. Projects have potential to adversely affect rusty patched bumble bee if seed collection occurs more than once every three years in a ≥ 2 ac area, includes insect trapping, rodent population control, application of insecticide, fungicide, or broadcast herbicide, hydrological changes, ground disturbance on more than >0.25 ac of habitat, vegetation disturbance on ≥ 2.0 ac during the active season, and/or permanent conversion of ≥ 2.0 ac of habitat. **Please coordinate with the Minnesota-Wisconsin Ecological Services Field Office to further evaluate effects of the Action on rusty patched bumble bee.**

Bald and Golden Eagles: Bald eagles, golden eagles, and their nests are protected under the Bald and Golden Eagle Protection Act (54 Stat. 250, as amended, 16 U.S.C. 668a-d) (Eagle Act). The Eagle Act prohibits, except when authorized by an Eagle Act permit, the “taking” of bald and golden eagles and defines “take” as “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb.” The Eagle Act’s implementing regulations define disturb as “... to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.”

The following species and/or critical habitats may also occur in your project area and **are not** covered by this conclusion:

- Northern Long-eared Bat *Myotis septentrionalis* Endangered
- Tricolored Bat *Perimyotis subflavus* Proposed Endangered
- Western Regal Fritillary *Argynnis idalia occidentalis* Proposed Threatened

Coordination with the Service is not complete if additional coordination is advised above for any species.

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

S.P. 019-090-026 (Veterans Memorial Greenway Trail)

2. Description

The following description was provided for the project 'S.P. 019-090-026 (Veterans Memorial Greenway Trail)':

The S.P. 019-090-026 project will construct approximately 2.0 miles of multi-use trail from Dodd Road in Eagan, MN to County State-Aid Highway (CSAH) 32 (Cliff Road) in Inver Grove Heights, MN. The proposed trail will meander through Xcel Energy's Highline corridor, existing city parkland, several residential properties, St. Thomas Becket Church property, and parallel to a CP Rail line. Construction of a new pedestrian bridge will be needed to allow the proposed trail to cross over Trunk Highway (TH) 3 (South Robert Trail) and a new boardwalk section is proposed within Southern Hills Park. Sections of existing perimeter chain link fence and several existing transmission poles and lines will be relocated to accommodate the newly constructed trail. Surrounding landscape includes upland meadow, woodland, and residential homes. Some tree removals (<2.5 acres) are anticipated and will occur during the winter months (November 1 to April 15, inclusive).

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@44.793869799999996,-93.09937831472214,14z>



QUALIFICATION INTERVIEW

1. This determination key is intended to assist the user in evaluating the effects of their actions on Federally listed species in Minnesota and Wisconsin. It does not cover other prohibited activities under the Endangered Species Act (e.g., for wildlife: import/export, Interstate or foreign commerce, possession of illegally taken wildlife, etc.; for plants: import/export, reduce to possession, malicious destruction on Federal lands, commercial sale, etc.) or other statutes. Additionally, this key DOES NOT cover wind development, purposeful take (e.g., for research or surveys), communication towers that have guy wires or are over 450 feet in height, aerial or other large-scale application of any chemical (such as insecticide or herbicide), and approval of long-term permits or plans (e.g., FERC licenses, HCP's).

Click **YES** to acknowledge that you must consider other prohibitions of the ESA or other statutes outside of this determination key.

Yes

2. Is the action being funded, authorized, or carried out by a Federal agency?

Yes

3. Are you the Federal agency or designated non-federal representative?

Yes

4. Does the action involve the installation or operation of wind turbines?

No

5. Does the action involve purposeful take of a listed animal?

No

6. Does the action involve a new communications tower?

No

7. Does the activity involve aerial or other large-scale application of ANY chemical, including pesticides (insecticide, herbicide, fungicide, rodenticide, etc.)?

No

8. Will your action permanently affect local hydrology?

No

9. Will your action temporarily affect local hydrology?

No

10. Will your project have any direct impacts to a stream or river (e.g., Horizontal Directional Drilling (HDD), hydrostatic testing, stream/road crossings, new stormwater outfall discharge, dams, other in-stream work, etc.)?

No

11. Does your project have the potential to impact the riparian zone or indirectly impact a stream/river (e.g., cut and fill; horizontal directional drilling; construction; vegetation removal; pesticide or fertilizer application; discharge; runoff of sediment or pollutants; increase in erosion, etc.)?

Note: Consider all potential effects of the action, including those that may happen later in time and outside and downstream of the immediate area involved in the action.

Endangered Species Act regulation defines "effects of the action" to include all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action. (50 CFR 402.02).

No

12. Will your action disturb the ground or existing vegetation?

Note: This includes any off-road vehicle access, soil compaction (enough to collapse a rodent burrow), digging, seismic survey, directional drilling, heavy equipment, grading, trenching, placement of fill, pesticide application (herbicide, fungicide), vegetation management (including removal or maintenance using equipment or prescribed fire), cultivation, development, etc.

Yes

13. Will your action include spraying insecticides?

No

14. Does your action area occur entirely within an already developed area?

Note: Already developed areas are already paved, covered by existing structures, manicured lawns, industrial sites, or cultivated cropland, AND do not contain trees that could be roosting habitat. Be aware that listed species may occur in areas with natural, or semi-natural, vegetation immediately adjacent to existing utilities (e.g. roadways, railways) or within utility rights-of-way such as overhead transmission line corridors, and can utilize suitable trees, bridges, or culverts for roosting even in urban dominated landscapes (so these are not considered "already developed areas" for the purposes of this question). If unsure, select NO..

No

15. Does the action include – or is it reasonably certain to result in – construction of one or more new roads or rail lines; the addition of travel lanes that are likely to increase vehicle traffic on one or more existing roads; or other structures or activities that will increase vehicle traffic?

No

16. Does the action include – or is it reasonably certain to cause – the use of commercial/managed bees (e.g., the use of honeybees or managed bumble bees to pollinate crops).

No

17. Is there habitat for nesting, foraging, and/or overwintering for the rusty patched bumble bee in the action area?

Note: Please refer to the ESA Section 7(a)(2) Voluntary Implementation Guidance for Rusty Patched Bumble Bee at: <https://www.fws.gov/media/esa-section-7a2-voluntary-implementation-guidance-rusty-patched-bumble-bee>.

Yes

18. Have survey(s) for rusty patched bumble bees been conducted according to Service-approved protocols?

Note: Please refer to survey guidelines at: <https://www.fws.gov/media/survey-protocols-rusty-patched-bumble-bee>

No

19. Does the action include collection of seed from native species?

No

20. Does the action include, or will it cause the application of insecticides or fungicides; activities to control native rodent species; or planting or seeding of non-native plant species that are likely to degrade the quality of existing rusty patched bumble bee foraging habitat by decreasing the abundance or diversity of native rusty patched bumble bee forage species?

No

21. Will the action include or cause herbicide use?

No

22. Will the action cause ground disturbance that affects more than 0.25 acre (0.1 hectare) of rusty patched bumble bee nesting habitat (upland grasslands, shrublands, and forest and woodland edges that contain native sources of pollen and nectar) in a High Potential Zone during the nesting season?

Note: Please refer to the ESA Section 7(a)(2) Voluntary Implementation Guidance for Rusty Patched Bumble Bee at: <https://www.fws.gov/media/esa-section-7a2-voluntary-implementation-guidance-rusty-patched-bumble-bee>.

Yes

23. Have you determined that the action will have no effect on individuals within the whooping crane nonessential experimental population (NEP)?

Yes

24. [Hidden Semantic] Does the action area intersect the monarch butterfly species list area?

Automatically answered

Yes

25. Under the ESA, monarchs remain warranted but precluded by listing actions of higher priority. The monarch is a candidate for listing at this time. The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary.

If your project will have no effect on monarch butterflies (for example, if your project won't affect their habitat or individuals), then you can make a "no effect" determination for this project.

Are you making a "no effect" determination for monarch?

Yes

IPAC USER CONTACT INFORMATION

Agency: Minnesota Department of Transportation

Name: Andrew Krinke

Address: 395 John Ireland Boulevard

City: St. Paul

State: MN

Zip: 55155

Email: andrew.krinke@state.mn.us

Phone: 6127046743

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Federal Highway Administration

Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), and Federal Transit Administration (FTA)

Programmatic Biological Opinion/Conference Opinion for Transportation Projects in the Range of the Indiana Bat, Northern Long-Eared Bat, and Tricolored Bat

Appendix B: Project Submittal Form

Updated December 2024

The use of the Assisted Determination Key in the U.S. Fish and Wildlife Service (Service) Information for Planning and Conservation (IPaC) System is strongly recommended for submitting project-level information to the Service for use of the range-wide programmatic consultation covering actions that may affect the Indiana bat, northern long-eared bat (NLEB), or tricolored bat (TCB). However, if not using the assisted determination key, transportation agencies must provide this submittal form (or a comparable Service approved form) with project-level information to the Service. The completed form should be submitted to the appropriate Service Field Office prior to project commencement. For more information, see the Standard Operating Procedure for Site Specific Project(s) Submission in the User's Guide (Section 3).

By submitting this form, the transportation agency ensures that each component of the proposed project(s) adheres to the criteria and conditions of the 2024 range-wide programmatic biological opinion (PBO). Upon submittal of this form, the appropriate Service Field Office may review the project-specific information provided and request additional information. For projects that may affect but are not likely to adversely affect (NLAA) the Indiana bat, NLEB, or TCB, if the applying transportation agency is not contacted by the Service with any questions or concerns within 14 calendar days of form submittal, it may proceed under the range-wide programmatic consultation and assume concurrence of the NLAA determination made by the Service in the PBO. For projects that may affect and are likely to adversely affect (LAA) the Indiana bat, NLEB, or TCB, the appropriate Service Field Office will respond¹ within 30 calendar days of receiving a complete project-level submission, which includes, but may not be limited to this completed form.

1. Date: 2/4/25

2. Lead agency: FHWA

*This refers to the **Federal** governmental lead action agency initiating consultation; select **FHWA, FRA, FTA, or FHWA/FRA Program Assignment State or Categorical Exclusion Assignment State** as appropriate.*

¹ Service Field Offices should use the LAA verification letter template for projects that may affect, and are likely to adversely affect the Indiana bat, NLEB, or TCB.

3. Requesting agency: Minnesota Department of Transportation (MnDOT)

This refers to the transportation agency completing the form (it may or may not be the same as the Lead Agency).

- Name: Christopher E. Smith
- Title: Wildlife Ecologist
- Phone: 612-741-7678
- Email: Christopher.E.Smith@state.mn.us



4. Project code:² 2025-0019637

5. Project name(s): S.P. 019-090-026, Veterans Memorial Greenway Trail

6. Project description:

Please attach additional documentation or explanatory text if necessary.

See attached.

7. Project location (county, state): See attached.

If not delineated in IPaC, attach shape files.

8. For species **other than** Indiana bat, NLEB, and TCB (from IPaC official species list):

- No effect – project(s) are inside the species range, but no suitable habitat (see additional information attached).
- May affect – see additional information provided for those species (see attached or forthcoming).

² Available through IPaC System Official Species List: <https://ipac.ecosphere.fws.gov/>

Please confirm and identify how each component of the proposed project(s) adheres to the criteria of the PBO by completing the following (see User Guide Section 2.0):

NO EFFECT

9. For Indiana bat/NLEB/TCB, if applicable, select your no effect determination:

- No effect – project(s) are outside the species' range.
- No effect – project(s) are inside the species range with no suitable habitat³ within the project action area⁴; project(s) must also be greater than 0.5 miles from any hibernaculum.
- No effect – project(s) do not cause any stressors⁵ to the covered bat species, such as those that do not involve ground disturbance, vibrations, noise above background levels (including general traffic), temporary or new/additional permanent lighting, tree removal/trimming, nor bridge, culvert, and structure activities.
- No effect – project(s) includes percussive activities in suitable habitat (not related to tree removal and/or bridge, culvert, or structure work) that involve noise/vibration above existing background levels and are conducted greater than 0.5 miles (0.8 km) of a hibernaculum during the inactive season.
- No effect – project(s) includes the removal, replacement, or alteration of bridge, culvert, or structure that does not meet the minimum culvert dimensions (see the Service's current survey guidance).

Proceed with this form to identify how other components of the proposed project adhere to the criteria of the PBO.

MAY AFFECT, NOT LIKELY TO ADVERSELY EFFECT – W/O AMMS

10. For Indiana bat/NLEB/TCB, if applicable, select your may affect, NLAA determination (without implementation of AMMs):

- NLAA – project(s) are inside the species range and within suitable bat habitat, but have **negative** bat presence/absence (P/A) surveys; must also

³ Refer to the Service's Range-wide Bat Survey Guidelines at <https://www.fws.gov/library/collections/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines>.

⁴ The "action area" is defined as "all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action." Further clarification is provided by the national consultation FAQs at: <https://www.fws.gov/glossary/action-area>.

⁵ Examples of activities that **do not cause stressors** may include striping roadways, unlighted road signage, railroad crossing signals, signal lighting, minor road repair such as asphalt fill of potholes, among others.

be greater than 0.5 miles from any hibernaculum.

- NLAA – project(s) include percussive activities within suitable habitat (not related to tree removal and/or bridge, culvert, structure work) that cause noise/vibration above existing background levels; and are conducted greater than 0.5 miles (0.8 km) of a hibernaculum; no further than 100 ft (30.5 m) of the road/rail surface during the pup season; and not carried out between December 15 and February 15 in Zone 1 of the NLEB and TCB YR active ranges.
- NLAA – project(s) includes the removal, replacement, or alteration of bridges, culverts, or structures with no signs of bat use [e.g., bats, guano], and does not impact suitable habitat within the project action area.

Proceed with this form to identify how other components of the proposed project adhere to the criteria of the PBO.

MAY EFFECT, NOT LIKELY TO ADVERSELY AFFECT – WITH AMMs

11. For Indiana bat/NLEB/TCB, if applicable, document your may affect, NLAA determination (**with implementation of AMMs**) by completing the following section; use #13 to document AMMs):

a. Tree Removal/Trimming Activities

- NLAA – project(s) includes the removal/trimming of trees outside documented habitat⁶ within 100 ft (30.5m) from the road/rail surface during the inactive season; and all applicable lighting minimization measures will be implemented.

b. Bridge/Culvert/Structure Activities

Projects Proposed work:

Timing of work:

- NLAA – project(s) includes the removal, replacement, or alteration of bridges, culverts, or structures with a large number of bats (>5) observed or assuming bat use when conducted during the inactive season, so long as no hibernating bats are using the bridge, culvert, or structure.

⁶ See glossary in Appendix A for definition of documented habitat.

- NLAA – project(s) includes the removal, replacement, or alteration of bridges, culverts, or structures with a large number of bats (>5) observed or assuming bat use when conducted during the active season, so long as the covered bats species are **not likely to be disturbed/killed** and suitable roosting habitat is still available within the bridge, culvert, or structure.
- NLAA – project(s) includes the removal, replacement, or alteration of bridges, culverts, or structures with a small number of bats (≤ 5) observed when conducted during the inactive season, so long as no hibernating bats are using the bridge, culvert, or structure.
- NLAA – project(s) includes the removal, replacement, or alteration of bridges, culverts, or structures with a small number of bats (≤ 5) observed when conducted during the active season, so long as the covered bats species are **not likely to be disturbed/killed**.

c. Lighting

- Verify that all applicable lighting minimization measures will be implemented.

Proceed with this form to identify how other components of the proposed project adhere to the criteria of the PBO.

MAY AFFECT, LIKELY TO ADVERSELY AFFECT

12. For Indiana bat/NLEB/TCB, if applicable, document your may affect, LAA determination (**with implementation of AMMs**) by completing the following section (use #13 to document AMMs):

a. Tree Removal/Trimming Activities

Tree Removal/Trimming Activities in the Hibernating Range of the Indiana bat, NLEB, and TCB.

- LAA – project(s) includes the removal/trimming of trees **outside documented habitat** for the Indiana bat or NLEB or TCB within 100 ft (30.5m) from the road/rail surface during the pup season; all cleared/trimmed trees must be <9 in DBH.
- LAA – project(s) includes the removal/trimming of trees **outside documented habitat** for the Indiana bat or NLEB or TCB during the active season; excluding the pup season.
- LAA – project(s) includes the removal/trimming of trees **outside documented habitat** for the Indiana bat or NLEB or TCB beyond 100 ft (30.5m) from the road/rail surface during the inactive season.
- LAA – project(s) includes the removal/trimming of trees **within documented habitat** for the Indiana bat or NLEB or TCB during the inactive season.
- LAA – project(s) includes the removal/trimming of trees **within documented habitat** for the Indiana bat or NLEB or TCB during the active season; excluding the pup season.

Tree Removal/Trimming Activities in the YR Active Ranges of the NLEB and TCB.

- LAA – project(s) includes the removal/trimming of trees **outside documented habitat** for the NLEB or TCB within 100 ft (30.5m) from the road/rail surface during the pup season; all cleared/trimmed trees must be <9 in DBH.
- LAA – project(s) includes the removal/trimming of trees **outside documented habitat** for the NLEB or TCB anytime, excluding the pup season and Dec 15 – Feb 15*.
- LAA – project(s) includes the removal/trimming of trees **within documented habitat** for the NLEB or TCB anytime, excluding the pup season and Dec 15 – Feb 15*.

*For the YR active ranges of the NLEB and TCB, winter tree clearing restrictions from Dec. 15 – Feb. 15 do not apply in areas where the mean minimum temperature is above 40° F throughout the winter months (depicted as Zone 2 in Figure 9 of the PBO):

- Number of acres of trees 0-100 feet of existing road/rail surface proposed for removal/trimming: **0.25 acres**
- Number of acres of trees 100-300 feet from edge of existing road/rail surface proposed for removal/trimming. **0.25 acres**
- Number of acres of trees beyond 300 feet from edge of existing road/rail surface proposed for removal/trimming. **Less than 2.0 acres**
- Verify that all tree removal/trimming occurs greater than 0.5 mile from any hibernaculum
- Verify trees removed/trimmed outside documented habitat for the Indiana bat or NLEB or TCB within 100 feet of the road/rail surface during the pup season are <9 in DBH,
- Verify no tree removal/trimming outside documented habitat for the Indiana bat, NLEB, or TCB beyond 100 feet of the road/rail surface during the pup season,
- Verify no tree removal/trimming of documented habitat for the Indiana bat, NLEB, or TCB during the pup season,
- Verify no tree removal/trimming of suitable habitat for the NLEB and/or TCB in Zone 1 of their YR active ranges between December 15 – February 15.

*Bridge/Culvert/Structure Activities
Projects Proposed work:

NA

Timing of work:

Date of Bridge/Culvert/Structure Assessment (if completed):

- Verify a small number of bats were observed (≤ 5).
- LAA – project(s) includes the removal, replacement, or alteration of bridges, culverts, or structures with a small number of bats (≤ 5) observed when conducted during the active season and the covered bats species are **likely to be disturbed/killed**.

c. Lighting

- Verify that all applicable lighting minimization measures will be implemented.

13. For Indiana bat/NLEB/TCB, if applicable to the action type, the following AMMs⁷ will be implemented:

- General AMM 1 (required for all projects)
- Tree Removal AMM 1 (required for all projects)
- Tree Removal AMM 2 (required for all projects)
- Tree Removal AMM 3 (required for NLAA)
- Tree Removal AMM 4 (required for LAA)
- Tree Removal AMM 5 (required for LAA)
- Tree Removal AMM 6 (required for LAA)
- Tree Removal AMM 7 (required for LAA)
- Bridge/Culvert/Structure AMM 1a (required for NLAA)
- Bridge/Culvert/Structure AMM 1b (required for NLAA)
- Bridge/Culvert/Structure AMM 2 (required for NLAA)
- Bridge/Culvert/Structure AMM 3a (required for NLAA)
- Bridge/Culvert/Structure AMM 3b (required for NLAA)
- Bridge/Culvert/Structure AMM 4 (required for NLAA)
- Bridge/Culvert/Structure AMM 5 (required for all projects)
- Bridge/Culvert/Structure AMM 6 (required for NLAA)
- Lighting AMM 1 (required for all projects during the active season)
- Lighting AMM 2 (required for all projects)

⁷ See AMMs (Appendix C) for more information on AMMs.

Hibernacula AMM 1 (required for all projects)

14. If applicable, compensatory mitigation measures will also be required to offset adverse effects to the Indiana bat and/or NLEB. Select what type of program will be used to mitigate for the Indiana bat and/or NLEB:

In-Lieu Fee Program, The Conservation Fund

State, Regional, Recovery Unit-Specific In-Lieu Fee Program:

Program Name:

Conservation Bank:

Bank Name:

Location:

Local Conservation Site:

Site(s) Name:

Location:

Description:

Appendix C

Section 106 Findings Letter

May 30, 2024

VIA EMAIL

Samuel Turrentine, SEH
sturrentine@sehinc.comRe: S.P. 019-090-026, Veterans Memorial Greenway Trail, Phase 2, Eagan and Inver Grove Heights,
Dakota County

Dear Sam:

Minnesota Department of Transportation Cultural Resources Unit (MnDOT CRU) staff meeting the Secretary of the Interior's Professional Qualifications Standards (48 FR 44738-44739) in archaeology, history, and architectural history have reviewed the above-referenced project pursuant to our Federal Highway Administration (FHWA)-delegated responsibilities for compliance with Section 106 of the National Historic Preservation Act (54 USC 300108) and its implementing regulations, 36 CFR 800, and under the terms of the *Programmatic Agreement Among the Federal Highway Administration, the Minnesota State Historic Preservation Office, the Advisory Council on Historic Preservation; the Department of the Army, Corps of Engineers, St. Paul District; and the Minnesota Department of Transportation; Regarding Implementation of the Federal-Aid Highway Program in Minnesota* (Statewide PA). The project will receive funding from the FHWA and may receive permits from the US Army Corps of Engineers.

We also reviewed the above-referenced project to determine whether MnDOT has responsibilities under Minnesota Statute regarding cultural resources. Compliance with Minnesota Statute is the responsibility of the entity doing, funding, or licensing the work under the Minnesota Historic Sites Act (Minn. Stat. 2023 138.661-138.669); or the agency controlling any public lands that may be affected by proposed work (e.g., right of way or through temporary or permanent easements) for the Minnesota Field Archaeology Act (Minn. Stat. 2023 138.31-138.42) and the Private Cemeteries Act (Minn. Stat. 2023 307.08). Dakota County is responsible for compliance with the Minnesota Historic Sites Act for this project since it is funding or permitting the project. Dakota County is responsible for compliance with the Minnesota Field Archaeology Act and the Private Cemeteries Act on this project since it controls the land on which the project will occur. Although our review was limited to MnDOT's duties and responsibilities under the Statewide PA and Minnesota Statute, this letter will facilitate the County's ability to meet their responsibilities under Minnesota Statute.

[Project Description](#)

This project, as described in the CN and T&E Review Request form dated April 22, 2024 (Review Request), will construct approximately 1.7 miles of multi-use, non-motorized trail from Dodd Road in

Eagan to County State Aid Highway (CSAH) 32 (Cliff Road) near Alameda Path in Inver Grove Heights. The project is identified as “Phase 2” of the Veterans Memorial Greenway Trail. The proposed trail improvements will include a 10-foot bituminous surface. The project requires some permanent and temporary easements along with other formal agreements. The trail will be routed as follows: Beginning at the west end of the corridor near Dodd Road, the proposed trail alignment meanders easterly through Xcel Energy’s Highline corridor (existing overhead power lines), city parkland (Eagan’s Lakeside Park), several residential parcels, and along the north property line of St. Thomas Becket Church. It continues east over Trunk Highway (TH) 3 (South Robert Trail) and a parallel CP Rail line that is operated by Progressive Rail via a new (proposed) 435-foot four-span prestressed concrete girder pedestrian bridge (Proposed Bridge No. 19R06). The proposed profile of the pedestrian bridge will meet MnDOT and railroad minimum vertical clearance requirements. One or more of the existing transmission poles and lines on the east side of TH 3 will be relocated by Great River Energy to facilitate the grade-separated crossing. East of TH 3, the proposed trail alignment is located on Xcel Energy property that includes the Wescott Station natural gas facility. The project will relocate the existing perimeter chain-link fencing at this site where impacted. South of Xcel Energy, the proposed trail alignment travels through city parkland (Inver Grove Heights’ Southern Hills Park) and includes a proposed 200-foot-long timber boardwalk that traverses between two wetland complexes and connects to an existing paved bituminous trail that was previously constructed in conjunction with the nearby single family home development. The proposed trail alignment follows the existing trail, which will be integrated into the Veterans Memorial Greenway trail alignment, throughout the remainder of the park as it crosses under overhead power lines and terminates at CSAH 32, near Alameda Path.

Based on the information provided by the project proposer and pursuant to 36 CFR 800.3 and Stipulation 3.C of the Statewide PA, MnDOT CRU has determined that the proposed project constitutes a federal undertaking as defined in 36 CFR 800.16(y) for FHWA; it may also receive a permit from the US Army Corps of Engineers. MnDOT CRU has further determined that it has the potential to cause effects to historic properties and that the proposed project is an undertaking subject to Minnesota Statute. Dakota County is responsible for compliance with the Minnesota Historic Sites Act for this project since it is funding or permitting the project. Dakota County is responsible for compliance with the Minnesota Field Archaeology Act and the Private Cemeteries Act on this project since it controls the land on which the project will occur.

Area of Potential Effects (APE)

Based on the project’s Review Request and pursuant to 36 CFR 800.4 and Stipulation 3.C of the Statewide PA, the MnDOT CRU has determined that in addition to physical alteration and ground-disturbing activities, the proposed project includes one or more of the following: areas of right-of-way acquisition; access changes; and the potential for visual, audible, and atmospheric changes during and after construction. The APE was determined to encompass the proposed horizontal and vertical construction limits, including easements and right-of-way acquisitions, which were developed off the map (attached) and description provided with the submittal of the Review Request. Vertical construction limits are not anticipated to exceed three feet in depth.

Consultation & Public Involvement

On April 25, 2024, MnDOT CRU reviewed the undertaking's proposed activities for exemptions in existing consultation protocol agreements between FHWA and certain tribes. After initial review of these agreements, MnDOT CRU notified the following Tribal Nations about the undertaking, pursuant to 36 CFR 800 and Minn. Stat. 10.65: Fort Peck Tribes, Lower Sioux Indian Community, Prairie Island Indian Community, Santee Sioux Nation, Shakopee Mdewakanton Sioux Community, Sisseton Wahpeton Oyate Community, and Upper Sioux Community. We specifically requested input into the process of identifying historic properties of religious or cultural significance and sought the Tribal Nations' interest in becoming a consulting party. We did not receive any responses within the allotted time.

The State Historic Site Network maintained by the Minnesota Historical Society (Minn. Stat. 2023 138.662) was reviewed, and no state historic sites were identified within the APE; therefore, no coordination is needed with the Minnesota Historical Society.

Identification of Properties

Following delineation of the APE, MnDOT CRU set review areas to guide identification efforts. The archaeological and architecture-history review areas are equivalent to the construction limits, which will not extend beyond the existing right of way. The archaeological review area is equivalent to the construction limits, which will extend into areas of right-of-way acquisition and anticipated easements. The architecture-history review area included any parcels intersecting the project APE.

On April 25, 2024, MnDOT CRU staff reviewed information on state-designated and listed properties, significant archaeological and historic sites, burials/cemeteries, and other previously inventoried properties in databases maintained by the Minnesota State Historic Preservation Office (MnSHPO), the Office of the State Archaeologist (OSA), and the Minnesota Indian Affairs Council (MIAC), including the unrecorded historical cemeteries data layer available via the OSA Web Portal.

No previously inventoried archaeological sites were identified within the archaeological review area.

Based on aerial photos going back to the 1950s, much of the proposed route was graded when power lines were installed in the vicinity. It otherwise exhibits conditions indicative of low archaeological potential. For these reasons, it is unlikely that the area of ground-disturbing activities contains intact, significant archaeological resources.

No previously inventoried architectural history properties were identified within the APE.

Based on the identification efforts described above and pursuant to 36 CFR 800.4 and Stipulations 3.D and 3.E of the Statewide PA, the MnDOT CRU has determined no historic properties are within the APE. Further, identification efforts indicate no properties subject to the above-referenced Minnesota Statutes are within the project APE.

Conclusion

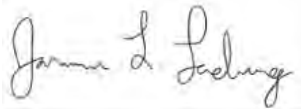
Pursuant to 800.4(d)(1) and Stipulation 3.F of the Statewide PA, the MnDOT CRU finds there will be **No Historic Properties Affected** by the federal undertaking as currently proposed. Under the terms of the Statewide PA, consultation with MnSHPO is not required on this finding.

This letter also documents that MnDOT has no responsibilities under the Minnesota Historic Sites Act, the Minnesota Field Archaeology Act, or the Private Cemeteries Act. Dakota County is responsible for compliance with Minnesota Statute as the entity funding or permitting the project and since it controls the land on which the project will occur. Identification efforts indicate no properties subject to these Minnesota Statutes are in the APE.

It is the responsibility of Dakota County to notify the MnDOT CRU of any plan changes, including development of utility plans, so we can determine if an additional review under Section 106 and/or Minnesota statutes is required. If your project requires a permit from the Army Corps of Engineers, please attach this findings letter to your permit as proof that the Section 106 process has been completed on their behalf through the terms of the Statewide PA.

Please do not hesitate to contact me if you have any questions.

Sincerely,



Jammi Ladwig, Archaeologist
MnDOT Cultural Resources Unit
Telephone: 612-427-8063
Email: jammi.ladwig@state.mn.us

Encl. Area of Potential Effects (APE) Map
Project location maps detail (dated April 17, 2024)

cc: Toby Muse, SEH (tmuse@sehinc.com)
William Bauer, SEH (wbauer@sehinc.com)
Tony Wotzka, Dakota County (tony.wotzka@co.dakota.mn.us)
SaltEnvironmental.dot@state.mn.us
CRIS (Administrative Record)

Appendix D

Wetland Delineation Notices of Decision

Appeals of LGU Decisions

If you wish to appeal this decision, you must provide a written request within 30 calendar days of the date you received the notice. All appeals must be submitted to the Board of Water and Soil Resources Executive Director along with a check payable to BWSR for \$500 *unless* the LGU has adopted a local appeal process as identified below. The check must be sent by mail and the written request to appeal can be submitted by mail or e-mail. The appeal should include a copy of this notice, name and contact information of appellant(s) and their representatives (if applicable), a statement clarifying the intent to appeal and supporting information as to why the decision is in error. Send to:

Appeals & Regulatory Compliance Coordinator
Minnesota Board of Water & Soils Resources
520 Lafayette Road North
St. Paul, MN 55155
travis.germundson@state.mn.us

Does the LGU have a local appeal process applicable to this decision?

- Yes¹ No

¹If yes, all appeals must first be considered via the local appeals process.

Local Appeals Submittal Requirements (LGU must describe how to appeal, submittal requirements, fees, etc. as applicable)


Notice Distribution (include name)

Required on all notices:

<input checked="" type="checkbox"/> SWCD TEP Member: Dave Holmen, Dakota County SWCD	<input checked="" type="checkbox"/> BWSR TEP Member: Jed Chestnut
<input type="checkbox"/> LGU TEP Member (if different than LGU contact): N/A	
<input checked="" type="checkbox"/> DNR Representative: Tim Pharis	
<input type="checkbox"/> Watershed District or Watershed Mgmt. Org.: N/A	
<input checked="" type="checkbox"/> Applicant: Matt Parent, Dakota County <input checked="" type="checkbox"/> Agent/Consultant: Luke Menden, SEH, Inc.	

Optional or As Applicable:

<input type="checkbox"/> Corps of Engineers: N/A	
<input type="checkbox"/> BWSR Wetland Mitigation Coordinator (required for bank plan applications only): N/A	
<input type="checkbox"/> Members of the Public (notice only): N/A	<input type="checkbox"/> Other: N/A

<p>Signature:</p> 	<p>Date:</p> <p>May 5, 2023</p>
--	--

This notice and accompanying application materials may be sent electronically or by mail. The LGU may opt to send a summary of the application to members of the public upon request per 8420.0255, Subp. 3.

Appeals of LGU Decisions

If you wish to appeal this decision, you must provide a written request within 30 calendar days of the date you received the notice. All appeals must be submitted to the Board of Water and Soil Resources Executive Director along with a check payable to BWSR for \$500 *unless* the LGU has adopted a local appeal process as identified below. The check must be sent by mail and the written request to appeal can be submitted by mail or e-mail. The appeal should include a copy of this notice, name and contact information of appellant(s) and their representatives (if applicable), a statement clarifying the intent to appeal and supporting information as to why the decision is in error. Send to:

Appeals & Regulatory Compliance Coordinator
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travis.germundson@state.mn.us

Does the LGU have a local appeal process applicable to this decision?

- Yes¹ No

¹If yes, all appeals must first be considered via the local appeals process.

Local Appeals Submittal Requirements (LGU must describe how to appeal, submittal requirements, fees, etc. as applicable)


Notice Distribution (include name)

Required on all notices:

<input checked="" type="checkbox"/> SWCD TEP Member: Dave Holman, Dakota County SWCD	<input checked="" type="checkbox"/> BWSR TEP Member: Ben Carlson
<input type="checkbox"/> LGU TEP Member (if different than LGU contact): N/A	
<input type="checkbox"/> DNR Representative: N/A	
<input type="checkbox"/> Watershed District or Watershed Mgmt. Org.: N/A	
<input checked="" type="checkbox"/> Applicant: Dakota County, Matt Parent <input checked="" type="checkbox"/> Agent/Consultant: Rebecca Beduhn, SEH, Inc.	

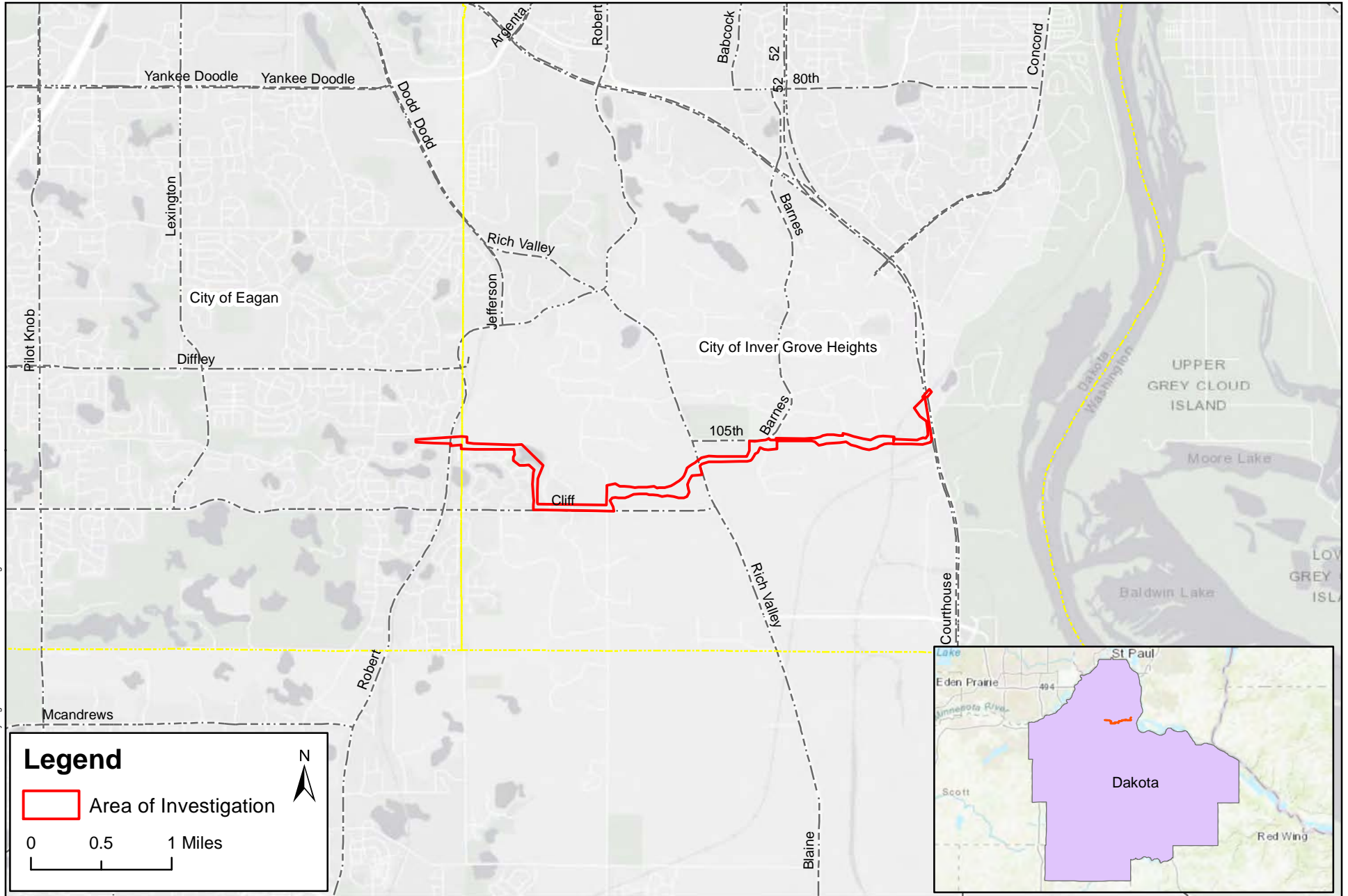
Optional or As Applicable:

<input checked="" type="checkbox"/> Corps of Engineers: Maria Delaundreau, USACE	
<input type="checkbox"/> BWSR Wetland Mitigation Coordinator (required for bank plan applications only): N/A	
<input type="checkbox"/> Members of the Public (notice only): N/A	<input type="checkbox"/> Other: N/A


Signature: 	Date: 11/29/2021
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This notice and accompanying application materials may be sent electronically or by mail. The LGU may opt to send a summary of the application to members of the public upon request per 8420.0255, Subp. 3.

Path: X:\AE\ID\DAKOTA\1574423-env-stdy-regis\30-env-doct\30-wetlands\GIS\Figure 1 - Location.mxd



Legend

 Area of Investigation

0 0.5 1 Miles



3535 VADNAIS CENTER DR.
ST. PAUL, MN 55110
PHONE: (651) 490-2000
FAX: (651) 490-2150
WATTS: 800-325-2055
www.sehinc.com

Project: DAKOTA 157442
Print Date: 9/29/2021

Map by: rbeduhn
Projection: UTM NAD 83 Zone 15 N
Source: SEH, Dakota County, MNDNR
USGS, FWS, USDA, NRCS

Site Location

Veterans Memorial Greenway

Inver Grove Heights & Eagan, Dakota County, Minnesota

Figure
1

This map is neither a legally recorded map nor a survey map and is not intended to be used as one. This map is a compilation of records, information, and data gathered from various sources listed on this map and is to be used for reference purposes only. SEH does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and SEH does not represent that the GIS Data can be used for navigational, tracking, or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. The user of this map acknowledges that SEH shall not be liable for any damages which arise out of the user's access or use of data provided.

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