

# **FINDINGS OF FACT and CONCLUSIONS**

## ***Highway 212 - Benton Township Project***

State Project Nos. 1013-77 and 010-596-013

**Prepared by:  
Minnesota Department of Transportation**



**October 2023**

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# FINDINGS OF FACT AND CONCLUSIONS

## *Highway 212 – Benton Township Project*

State Project (SP) 1013-77 and 010-596-013

**Located in:  
Carver County, Minnesota**

### **1.0 STATEMENT OF ISSUE**

Carver County proposes a reconstruction and expansion of a segment of Highway (Hwy) 212 from the city of Norwood Young America to the city of Cologne in Carver County. Features of the project include: expansion of the existing 5.5-mile-long rural two-lane highway corridor to a rural four-lane divided highway with two eastbound lanes and two westbound lanes separated by a center median ditch; construction of Reduced Conflict Intersections (RCIs) and improvements to the County State Aid Highway (CSAH) 51 intersection, including the construction of a grade separated quadrant interchange; construction of roadside ditches and wet ponds for stormwater treatment; dry ponds for rate control; and construction of structural snow fencing, lighting improvements, and signing improvements. Figure 1 and Figure 2 in Appendix C of this Findings document illustrate the project location.

Preparation of an Environmental Assessment Worksheet (EAW) is required for this project under Minnesota Rule 4410.4300 Subpart 22.B – For construction of additional through lanes or passing lanes on an existing road for a length of two or more miles. Carver County is the project proposer. The Minnesota Department of Transportation (MnDOT) MnDOT is the Responsible Governmental Unit (RGU) for review of this project as per Minnesota Rules 4410.4300, Subpart 22.B.

MnDOT's decision in this matter shall be either a negative or a positive declaration of the need for an Environmental Impact Statement (EIS). MnDOT must order an EIS for the project if it determines the project has the potential for significant environmental effects.

Based upon the information in the record, which comprises the Environmental Assessment Worksheet (EAW) for the proposed project, related studies referenced in the EAW, written comments received, responses to the comments, and other supporting documents included in this Findings of Fact and Conclusions document, MnDOT makes the following Findings of Fact and Conclusions (FOFC):

## 2.0 ADMINISTRATIVE BACKGROUND

2.1 Carver County is the project proposer and MnDOT is the RGU for the Hwy 212 – Benton Township Project. A State EAW has been prepared for this project in accordance with Minnesota Rules Chapter 4410. The EAW was developed to assess the impacts of the project and other circumstances to determine if an Environmental Impact Statement (EIS) is indicated.

2.2 The EAW was filed with the Minnesota Environmental Quality Board (EQB) and circulated for review and comments to the required EAW distribution list. A “Notice of Availability” was published in the EQB Monitor on *July 5, 2023*. A press release was distributed to local media outlets. The project was shown on MnDOT’s News releases page at <https://www.dot.state.mn.us/news/2023/06/29-metro-hwy212.html> and the “Hwy 212 — Carver to Norwood Young America” project is listed on the MnDOT website at <https://www.dot.state.mn.us/roadwork/#gsc.tab=0>. This links to the Carver County project webpage, where the notice of availability is published: <https://www.carvercountymn.gov/departments/public-works/projects-studies/highway-212-project-benton-township>. The notice was also made available on Carver County’s news page through the end of the comment period: <https://www.carvercountymn.gov/Home/Components/News/News/3673/3352>. Appendix A of this Findings document includes the July 5, 2023 EQB Monitor; the MnDOT news release; the Carver County news release; and the Carver County project webpage. These notices provided a brief description of the project and information on where copies of the EAW were available and invited the public to provide comments that would be used in determining the need for an EIS on the proposed project.

2.3 The EAW was made available for public review at the following locations:

- Norwood Young America Library – 314 Elm St. W., Norwood Young America, 55368
- Carver County Public Works – 11360 Highway 212 West, Cologne, 55322
- City of Cologne City Hall – 1211 Village Pkwy., Cologne, 55322
- City of Norwood Young America City Hall – 310 Elm St. W., Norwood Young America, 55368
- MnDOT Metro District Office – 1500 W. County Road B-2, Roseville, 55113
- Hennepin County Library – Minneapolis Central, Environmental Conservation Library, Government Documents, 2nd Floor, 300 Nicollet Mall, Minneapolis, 55401. Only an electronic copy was made available at this regional library.

- The Hwy 212 – Benton Township project webpage at: <https://www.carvercountymn.gov/departments/public-works/projects-studies/highway-212-project-benton-township>.

2.4 Comments were received through August 4, 2023.

2.5 Three agency comments and one public citizen comment were received during the EAW comment period. All comments received during the EAW comment period were considered in determining the potential for significant environmental impacts. Comments received during the comment period and responses to substantive comments are provided in Appendix B of this Findings document.

### 3.0 FINDINGS OF FACT

#### 3.1 Project Description

##### 1. Existing Conditions:

Hwy 212 is an east – west principal arterial highway that connects the Twin Cities Metropolitan Area, through Carver County, to western Minnesota and beyond. Hwy 212 is a National Highway System (NHS) route and serves as a major east – west transportation corridor for local, regional, and interregional traffic. As a NHS, principal arterial route, one of the primary functions of Hwy 212 is to serve through traffic along the corridor. Hwy 212 also serves an important local function, providing local mobility and access for residents, businesses, and farms.

The project segment of Hwy 212 is a rural two-lane facility with six-foot paved shoulders. West of CSAH 34 and east of CSAH 36, Hwy 212 transitions from a two-lane highway to a four-lane divided highway. The posted speed limit is 60 miles per hour (mph). The existing (2019) Average Annual Daily Traffic (AADT) volume on Hwy 212 from CSAH 34 to CSAH 51 is 12,700 vehicles per day. The existing (2018) AADT volume on Hwy 212 from CSAH 51 to CSAH 36 is 12,200 vehicles per day.

Hwy 212 has been designated by MnDOT as a Critical Rural Freight Corridor in the Minnesota Statewide Freight System and Investment Plan (2018).<sup>1</sup> Hwy 212 provides an essential freight connection for southwest Minnesota that does not have access to the Twin Cities Metropolitan Area using the Interstate Highway System. More than 65 freight generators are located along Hwy 212 in Minnesota. Hwy 212 also moves large amounts of freight from generators in South Dakota, Wyoming, and Montana. The existing (2019) heavy commercial

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<sup>1</sup> Minnesota Department of Transportation. Minnesota Statewide Freight System and Investment Plan. January 2018. Accessed July 12, 2023 and available at <https://www.dot.state.mn.us/planning/freightplan/pdf/statewidefreightplanrevised2018.pdf>.

annual average daily traffic (HCAADT) volume on the project segment of Hwy 212 is 1,350 freight vehicles per day.

## 2. Proposed Project:

The proposed project includes reconstruction and expansion of a two-lane, 5.5-mile segment of Hwy 212 from the city of Norwood Young America to the city of Cologne in Benton Township. The project also includes improvements to the CSAH 51 intersection.

Carver County proposes an expansion of Hwy 212 from about 0.34-mile west of CSAH 34 to the intersection with CSAH 36 between Norwood Young America and the city of Cologne. The existing 5.5-mile-long rural two-lane highway corridor would be expanded to a rural four-lane divided highway with two eastbound lanes and two westbound lanes separated by a center median ditch. The project also includes RCIs and improvements to the CSAH 51 intersection, including the construction of a grade separated quadrant interchange. The project proposes construction of roadside ditches and wet ponds for stormwater treatment. Structural snow fencing, lighting improvements, and signing improvements are also proposed.

The project involves the following elements that will cause physical manipulation of the environment:

- The alignment of the highway would be shifted north and south (in an alternating pattern) to avoid wetland impacts and minimize impact to a solar energy generation facility. This alignment was selected because it best balances and minimizes potential impacts within the project area.
- RCIs would be constructed at CSAH 34/Tacoma Avenue, Salem Avenue, CR 153, and County Drive. There are also intermediate U-turn locations between Salem Avenue and CSAH 51; these are not considered RCIs since they do not occur at an intersection.
- A grade separated quadrant interchange with CSAH 51 on a new alignment east of the existing CSAH 51 roadway would be constructed. CSAH 51 would be constructed on a bridge over Hwy 212. This project element would be located east of St John's United Church of Christ's parking lot (north of Hwy 212) and cross east of residential properties (south of Hwy 212). The original roadway alignment would be modified to connect to the new alignment.
- Highway access to private residential and agricultural lands would be reconstructed throughout the project area. Coordination with the property owners was conducted to consolidate access points and relocate to provide better grading for the roadway.

- Wet ponds for stormwater management would be constructed throughout the project area to accommodate increased impervious surface. Dry ponds would also be constructed to provide rate control.
- An existing drainage ditch located east of CSAH 51 would be situated south of its existing path to accommodate the proposed project.
- Existing overhead electric transmission lines are present throughout the project area. The project has been designed to avoid impacts to transmission lines.

### 3.2 Additional Information Regarding Items Discussed in the EAW Since It Was Published

Since the EAW was published, there have been changes to the stormwater management design approach. The previous layout (Figure 4A through L of the EAW) does not reflect the latest best management practices (BMPs).

Stormwater management plans for the project are being developed in consultation with MnDOT Metro District and Carver County Watershed Management Organization (CCWMO). Item 12 of the EAW describes the approach to stormwater management for the project. Since the EAW was published, the stormwater management design has been updated to a total of 17 stormwater BMPs, which now includes four dry basins. The latest proposed stormwater BMPs are illustrated in the project layout figures in Figures 3A-3L of Appendix C of this Findings document.

### 3.3 Findings Regarding Criteria for Determining the Potential for Significant Environmental Effects

Minnesota Rules 4410.1700 provides that an environmental impact statement shall be ordered for projects that have the potential for significant environmental effects. In deciding whether a project has the potential for significant environmental effects, the following four factors described in Minnesota Rules 4410.1700, Subp.7 shall be considered:

- A. Type, extent, and reversibility of environmental effects;
- B. Cumulative potential effects. The RGU shall consider the following factors: whether the cumulative potential effect is significant; whether the contribution from the project is significant when viewed in connection with other contributions to the cumulative potential effect; the degree to which the project complies with approved mitigation measures specifically designed to address the cumulative potential effect; and the efforts of the proposer to minimize the contributions from the project;
- C. The extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority. The RGU may rely only on mitigation

measures that are specific and that can be reasonably expected to effectively mitigate the identified environmental impacts of the project; and

- D. The extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other EISs.

MnDOT's key findings with respect to each of these criteria are set forth below:

#### 1. Type, Extent, and Reversibility of Impacts

MnDOT finds that the analysis completed during the EAW process is adequate to determine whether the project has the potential for significant environmental effects. The EAW describes the type and extent of impacts anticipated to result from the proposed project. In addition to the information in the EAW, the additional information described in Section 3.2 of this Findings of Fact and Conclusions document as well as the public/agency comments received during the public comment period (see Appendix B of this Findings document) were taken into account in considering the type, extent and reversibility of project impacts. Following are the key findings regarding potential environmental impacts of the proposed project and the design features included to avoid, minimize, and mitigate these impacts and environmental commitments as a result of the EAW process.

##### 3.3.1.1 *Land Use:*

This project would be compatible with nearby land uses, zoning, and plans. The project is located within Hwy 212 right of way, as well as privately-owned land along Hwy 212 and surrounding the proposed CSAH 51 quadrant interchange. The project would require right of way acquisition from adjacent properties to accommodate reconstruction of Hwy 212; quadrant interchange and overpass at CSAH 51 and adjacent road realignment areas, RCIs at Tacoma Avenue, Salem Avenue, CR 153, and County Drive; U-turns between Salam Avenue and CSAH 51, and construction of stormwater ponds. The affected properties are rural residential, agricultural, and wetland land uses. As indicated in Table 3 of the EAW, the project would result in a 25.9-acre loss of wetlands and 107.50-acre loss of cropland. Permanent wetland impacts will be mitigated, see section on Sequencing (Page 11) for more detail. Some rural residential properties would also be affected as part of the proposed right of way acquisitions. The project would require 116.2 acres new right of way which would come from 35 different parcels along Hwy 212. The largest areas of proposed right of way acquisition would be from land surrounding the proposed Hwy 212/CSAH 51 interchange and for the development of RCIs and stormwater ponds. Other proposed right of way acquisitions along Hwy 212 would consist of strip takings adjacent to



existing right of way. The proposed right of way acquisitions along Hwy 212 would not prevent future development of affected properties.

Erosion control measures following MnDOT best management practices (BMPs) and specifications, and as required by National Pollution Discharge Elimination System. (NPDES) permitting would be implemented during project construction. The proposed stormwater management plan provides water quality treatment for runoff prior to discharge to adjacent wetlands. Both water quality and volume control will be provided. These measures provide compatibility for the portion of the project within the Carver County Water Management Organization (CCWMO).

### *3.3.1.2 Geology, Soils, and Topography/Land Forms:*

The acreage of soil excavation and/or grading for the proposed project is approximately 186 acres (i.e., area within preliminary construction limits). The estimated volume of soil excavation and/or grading is approximately 1,425,000 cubic yards for excavation and 1,480,000 cubic yards for embankment. Disposal will occur outside the current construction limits. Disposal may occur inside the project corridor area, but disposal sites have not been identified yet – disposal is up to the contractor. The deepest disturbance is 34 feet. Project soils do not present any situations that would require unique soil stabilization methods. Poor soil along the Hwy 212 roadway would be excavated and replaced with material suitable for the roadway subgrades.

### *3.3.1.3 Water Resources:*

#### Stormwater Management

The project team met with CCWMO to discuss the stormwater management approach for the project on September 29, 2022. Stormwater management is based on the use of wet ponds with filter benches and amended soil. Mucky soils in the project vicinity (conducive to wetlands) make it difficult to achieve water quality targets via infiltration practices. The project approach is geared towards meeting water quality and rate control with Nationwide Urban Runoff Program (NURP) wet ponds. Water quality is further bolstered using filtration benches in conjunction with the NURP ponds. The amended soils are employed to obtain volume credit, per CCWMO design guidelines. Given the soil constraints, the volume reduction targets were cut approximately in half, per CCWMO constrained site guidance. If during final design, it is determined that certain goals are not achievable, CCWMO offers the opportunity to purchase credits for the shortcoming that can be applied to other projects in the same drainage area. Dry ponds for rate control were also added to the design.

The proposed stormwater management plan for the project provides information about the ponds that will be constructed as part of the project. A majority of the wet ponds will be NURP ponds with filter benches. In the northeast quadrant of the Salem Ave intersection, bio infiltration will also be implemented.

The proposed project would not contribute to the impairment of receiving waters. The proposed stormwater management system has been designed in coordination with the CCWMO in anticipation of increased rainfall frequency, intensity, and amount due to climate change. As such, the proposed stormwater management system would support the identified roadway improvements, provide water quality treatment, volume control, and rate control. Stormwater best management practices have been designed and would be constructed to meet NPDES and CCWMO requirements.

#### Stormwater Pollution Prevention Plan

A SWPPP will be developed for this project in conjunction with the NPDES permit. The SWPPP would include best management practices for erosion control, sedimentation control, and stabilization measures.

#### Groundwater

There are no wellhead protection areas (WHPA) or drinking water supply management areas (DWSMA) within the construction limits. Figure 7 in Appendix A of the EAW illustrates the closest WHPA and DWSMA (Waconia) located near the project area, which has very low DWSMA Vulnerability.

A search of the Minnesota County Well Index (CWI) indicates that 18 verified wells are located within a 500-foot buffer of the construction limits. Figure 7 in Appendix A of the EAW includes wells in the project area. Most of these wells are located outside of the Hwy 212 Benton Township right of way and preliminary construction limits. If the wells will be impacted or if any unused or unsealed wells are discovered in the project area during construction, they will be sealed in accordance with Minnesota Rules Chapter 4725.

#### Water Appropriation

If temporary dewatering is necessary during project construction, groundwater appropriation permits will be obtained from the Department of Natural Resources (DNR) for temporary dewatering activities. Any groundwater appropriations will be treated prior to discharge as per NPDES permitting requirements.

### Aquatic Resource Impacts

Based on the Level 2 delineation and construction limits, the proposed project would result in approximately 25.91 acres of permanent wetland impacts, including 22.95 acres of wetland impacts, 2.04 acres of wet ditch impacts, and 0.92 acres of impacts to other aquatic resources (tributaries). This is a worst-case scenario estimate; the final design efforts will likely reduce permanent impacts where practicable and there will likely be temporary impacts that are restored back to their original condition. Temporary wetland impacts are addressed through permitting.

### Sequencing (Avoidance, Minimization, Mitigation)

Wetland impacts outlined in the EAW are based on the Wetland Impact Assessment and Two-Part Finding, which is a preliminary accounting of all wetland conflicts within the construction limits. This exercise does not distinguish between the nature of the impact or duration, and instead establishes a top end estimate for the purpose of environmental review and documentation. The specific nature of impacts would be assessed at permitting. In general terms, road expansion would necessitate a larger footprint, resulting in wetland fills. Depending on drainage and stormwater treatment needs, wetland draining, dredging/cuts, and permanent inundation are possible. Wetland impacts associated with vegetation removal are also possible, but specific situations would need to be evaluated on an individual basis. The total permanent impacts are anticipated to not exceed 25.91 acres.

Impacts would vary based on the roadway work completed and associated stormwater management, but may include draining, filling, permanent inundation, dredging, and vegetative removal. Minimization techniques incorporated include steeper inslopes (1:4 or steeper), lower vertical profiles, “broken back” inslopes for roads with a high vertical profile (over 10-12 feet), reduced radius curves – moved alignments, reduced ditch widths, steeper backslopes, reducing muck excavation by using light weight fill, geotextile, surcharges, etc. (if determined to be a strategy based on soil investigation conclusions), and constructing ditches so that wetland outlets are not lowered. The feasibility of reducing muck excavation is under evaluation. There may be surcharges in some areas and full muck out of other areas based on conditions. Light weight fill is an option and under evaluation by MnDOT.

Impacts to aquatic resources are regulated by the WCA and by the USACE under Section 404 of the Clean Water Act (CWA). It is anticipated that wetlands will be replaced at 2:1 ratio within Bank Service Area 9 (BSA 9). Wet ditches would not require mitigation provided that the ditch is replaced and there is no loss of

function. In most cases, wet ditches would be reconstructed along the project area along the outside fill slope. The specific wetland bank credits to be used, including their source minor and major watersheds, would be determined during project permitting through consultation with the USACE, WCA Local Government Units (LGUs), and BWSR Local Government Road Wetland Replacement Program.

Climate change is affecting rainfall frequencies, durations, and quantities. Wetlands play an important role in providing functions and values to lessen impacts to include flow attenuation, runoff filtration, and nutrient transformation. Although permanent wetland losses are proposed, project designers plan to install stormwater best management practices to intercept and treat runoff prior to discharge, providing similar functions and values to those that would be lost as result of the project. The project adheres to MnDOT NPDES, and CCWMO design guidelines. Atlas 14 is the rainfall data used to analyze the various design events required. The standards vary depending on location and type of structure (center line culvert, box culvert, entrance culvert, etc.) The goal is an attempt to match existing 100-year inundation level and the 2, 10, and 100-year discharge rates as compared to the existing conditions.

The existing impervious project area is 39.2 acres, and the post construction impervious area is 70.3 acres, an increase of 31.1 acres of impervious area. Biofiltration or wet ponds provide water quality treatment, total suspended solids (TSS) reduction and a total phosphorus (TP) reduction, to 49.0 acres (69.8%) of the post construction area total impervious. The project area impervious areas that cannot be routed to a pond or biofiltration for TSS and TP reduction, are routed over pervious grassed areas that provide a level of TSS and TP reduction. So, no receiving water receives untreated roadway runoff. The final design goals are a TSS reduction of 90% and a TP reduction of 90%.

### Tributaries

A total of 0.92 acres of tributary impacts (2,202 linear feet) is anticipated. Mitigation requirements associated with tributary impacts have not been identified at this time.

An unnamed stream (DNR Hydro ID: 124019, M-055-022-002), is on the east side of the project area, just east of County Road 153 (see Figure 3, Sheet 10 of 13 in Appendix A of the EAW). This tributary is also known as Benton Township Ditch 1 (listed in the CCWMO Plan as an approximately 3-mile length system) and is connected with Meuwissen Lake as well as Benton Lake further upstream. Meuwissen Lake discharges into Benton Lake through a drainage ditch that flows northeastward. Coordination has occurred with Carver County as to the revised location for Benton 1 Public Ditch. A snow catchment ditch is planned for the north side. There is an agricultural lift station, which is a private system that will

get relocated by the owner, with compensation negotiated through the right of way process.

Ditch work will be permitted through the CCWMO and through the NPDES Construction Stormwater Permit. Ditch work could potentially need to be permitted through the USACE as well. The SWPPP and associated erosion control plan will protect the ditch, all receiving water bodies, and wetlands, and aim to not have any impacts outside of the construction limits.

There will be a drainage ditch relocation on the south side of Hwy 212, east of CSAH 51. The existing condition of the ditch is further north; the new location will be slightly to the south (see Figure 3, Appendix A of the EAW). The road stormwater drainage system, used for removing and controlling excess runoff water to the right of way, has been adequately designed to meet the CCWMO's requirements, which will help with handling the increased rainfall intensity associated with climate change.

#### Minnesota DNR Public Waters

The following DNR public water basins and public watercourse have been identified within 500 feet of the project area. Coordination with Minnesota DNR is ongoing. The project will follow appropriate erosion control and sediment prevention measures. All public waters will be identified as an 'Area of Environmental Sensitivity (AES)' on plans. This designation assures special protection during construction through Standard Specifications for Construction #1717 (Air, Land, and Water Pollution) and #2573.3 (A.3 stage the work to minimize sediment entering these AES areas). No DNR public water bridge or culvert crossing work is proposed/known as this time.

See Figure 8 in Appendix A of the EAW for additional detail.

- Barnes Lake, Basin ID 10010900, DNR Hydro ID 62888, PWI Class P (public waters basin)
- Unnamed stream, DNR Hydro ID 124019, kittle number M-055-022-002.
- Meuwissen Lake, Basin ID 10007000, DNR Hydro ID 63990, PWI Class W (public waters wetland)

Myers Lake (Basin ID 10006800) is located north of Hwy 212, outside the project area.

### 3.3.1.4 *Contamination/Hazardous Materials/Wastes:*

#### Potentially Contaminated Sites

A modified Phase I Environmental Site Assessment (ESA) was prepared for the project corridor by Braun Intertec and reviewed by MnDOT. The purpose was to serve as a screening tool to identify, to the extent possible, existing sources of contamination (based on present or former uses) at locations that could impact future construction in the corridor. The Phase I ESA identified risk sites within 500 feet of the project area. Braun Intertec evaluated all sites in the corridor to determine if they met ranking criteria established by MnDOT as de minimis or having a low, medium, or high potential for contamination. Based on Braun Intertec's assessment, 54 sites were identified as de minimis or having a low, medium, or high potential for contamination. This included 33 de minimis sites, two low potential for contamination sites, 17 medium potential for contamination sites, and two high potential for contamination sites.

A coordination meeting with MnDOT Contaminated Materials Management Team (CMMT) will occur to develop an investigation plan for Phase II drilling. The Phase II investigation and drilling will be completed by Braun Intertec and include sites with medium and high potential for contamination where excavation and/or acquisitions will occur as part of construction, including where farmsteads and Bongards could be impacted in the project corridor. The County will likely lead the effort on alerting property owners for Phase II drilling. See Appendix D of the EAW for correspondence from the CMMT.

If necessary, a plan will be developed for properly handling and treating contaminated soil and/or groundwater during construction in accordance with applicable state and federal requirements. The project would not have a high risk of causing direct or indirect impacts to human health or sensitive environmental resources due to encountering contaminated materials.

#### Regulated Materials/Wastes

The MnDOT Regulated Materials Management Team (RMMT) reviewed the project (see Appendix D of the EAW) and indicated that it should be evaluated whether there is any indication of whether the culverts are asbestos bonded (AB) or if there are any coatings on pipe interior or exterior. If there is no indication of asbestos contaminated materials (ACM), then no further action is needed.

The project would include a building demolition, which will need to be assessed for asbestos. This will include an evaluation of the mortar to see if there is asbestos. Any treated wood will also be properly taken to an approved facility.

Carver County will complete a regulated materials assessment for the building prior to demolition. Carver County will identify and properly handle and dispose of all regulated materials / wastes that are part of building structures in line with regulatory requirements.

#### Project Related Generation/Storage of Solid Wastes

The disposal of solid waste generated during construction is a common occurrence associated with road construction projects. During project construction, excavation of soil would need to occur within the construction limits. Further design studies would consider selection of grade-lines and locations to minimize excess materials, and consideration will be given to using excess materials on the proposed project or other nearby projects. If the material is suitable, all excavated material would be reused onsite for construction of ramps and roadway embankments. Any excess soil material that is not suitable for use on the project site would become property of the contractor and would be disposed of in accordance with state and federal requirements in place at the time of project construction.

Excess materials and debris from the project such as concrete and asphalt would be disposed of in accordance with MnDOT specifications and applicable regulatory requirements. In particular, excess materials and debris would not be placed in wetlands or floodplains.

#### Project related use/storage of hazardous materials

The project would not include permanent hazardous materials storage. No above- or below-ground storage tanks are planned for permanent use in conjunction with the project. Temporary storage tanks for petroleum products may be in the project area for refueling equipment during construction. Appropriate measures would be taken during construction to avoid spills that could contaminate groundwater or surface water in the project area. If a leak or spill occurs during construction, it will be responded to in accordance with the MPCA containment and remedial action procedures.

#### Project related generation/storage of hazardous wastes

Not applicable. The project would not generate or store hazardous waste. EAW Item 13.c of the EAW discusses temporary storage of fuel for construction equipment.

3.3.1.5 *Fish, Wildlife, Plant Communities, and Sensitive Ecological Resources (Rare Features):*

Fish and Wildlife Resources

None of the aquatic resources within the construction limits are likely to have adequate habitat to support extensive fish populations, and most of the land within the construction limits has experienced some type of previous disturbance (e.g., agricultural uses, residential development). In general, wildlife species found in the project area are those species adapted to live in areas of mixed development and fragmented or partially fragmented habitats. There are known deer crossing issues to the east and west of the project. The project will include placement of four- to six-foot-tall snow fence along the north side of Hwy 212, which could act as a deterrent to deer crossings. Right of way fence will not be installed because this is an expressway.

Habitats and Vegetation

Most of the land within the construction limits has been converted to transportation use. Agricultural uses and residential developments have altered the land adjacent to the project area. Vegetated areas adjacent to the project area are mostly dominated by smooth brome (*Bromus inermis*), Kentucky bluegrass (*Poa pratensis*), reed canary grass (*Phalaris arundinacea*), and/or hybrid cattail (*Typha X glauca*).

Plant Communities/Rare Features

The proposed project is not anticipated to adversely impact native plant communities, rare features, or notable trees and/or woody vegetation. However, approximately 10.77 acres of total tree removal is proposed with the project (see Figure 9, Appendix A of the EAW). Removals will occur during the winter months.

Threatened and Endangered Species

The NHIS was queried to determine if any rare plant or animal species, native plant communities, or other significant natural features are known to occur within an approximate one-mile radius of the project area. Based on this query, rare features have been documented within the search area, including state listed rare plants (one threatened species) and animal species. 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, tree removal will be avoided during the months of June and July. See Appendix D of the EAW for DNR comments.

The northern long-eared bat is a state-listed species of special concern and a federal-listed threatened species. All tree clearing must occur during winter months (November 15 to March 31).

Carver County and MnDOT will ensure tree removal is limited to that specified in project plans. Carver County and MnDOT will ensure that contractors understand clearing temporary limits and how clearing limits are marked in the field (e.g., install bright colored flagging or fencing prior to any tree clearing to ensure contractors stay within clearing limits). In those locations where trees are being cleared and there are trees directly adjacent to clearing limits, prior to any other construction activities commencing, per MnDOT 2572.3A.1, the contractor will install temporary fence along the clearing limits to protect adjacent trees. See Figure 9, Appendix A of the EAW, for a tree clearing map.

Street lighting will be limited to intersection locations. Lighting will provide zero percent uplight and restrict backlight. Lighting will be directed downwards towards the roadway surface. Full cutoff luminaire lighting heads will be used.

The proposed project will follow MnDOT vegetation establishment recommendations and use native seed mixes for re-establishing vegetation in areas that are not proposed for turf grass.

#### **Northern long-eared bat**

The proposed project is within the range of the northern long-eared bat (*Myotis septentrionalis*), reclassified by USFWS as Endangered under the Endangered Species Act, effective January 30, 2023. The proposed project would result in approximately 10.77 acres of tree removal. The NHIS does not contain known northern long-eared bat maternity root trees or hibernacula within an approximate one-mile radius of the project.

The MnDOT Office of Environmental Stewardship (OES) submitted a Request for Concurrence to USFWS for the Northern Long-eared Bat. The proposed project was reviewed under the USFWS Programmatic Biological Opinion for FHWA, FRA, FTA Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat (PBO). This review was processed via IPaC, and resulted in the determination of may affect, likely to adversely affect the northern long-eared bat based on tree clearing occurring 100-300' from the existing road surface. MnDOT, on behalf of FHWA, requested written concurrence that the project may rely on the

PBO to comply with Section 7 of the Endangered Species Act for the Project's effects to NLEB. The USFWS concurred with the determination and commitments on December 6th, 2022, see agency correspondence in Appendix D of the EAW. Structures will need to be re-inspected during the summer of 2023 to identify bat species using structures. If NLEB are observed, re-initiation with USFWS will be required.

Additional correspondence was received on April 19, 2023, regarding Bulk / Programmatic ESA Section 7 -- Northern Long-eared Bat Programmatic BO Likely to Adversely Affect Projects. FHWA headquarters reinitiated consultation for select projects that may affect, likely to adversely affect the northern long-eared bat. An amended biological opinion (BO) was attached that covers 350 projects (S.P. 1013-77, TH 212 is included and is characterized as having undocumented habitat) from across the county, including Minnesota. The requested re-initiation under the 2018 range wide programmatic BO ("2018 FHWA PBO") was for the Indiana bat and NLEB (due to reclassification of the NLEB). This amended BO serves as the Incidental Take coverage for the listed projects. It was indicated that no individual letter is needed for these projects. See Appendix D for the correspondence and attached USFWS letter.

Evidence of a summer bat colony was observed within the granary of the farmstead property slated for demolition during a November 2022 inspection. Further details about this inspection can be found in the Request for Concurrence letter in Appendix D of the EAW. An active season inspection (anticipated 2023) will be conducted prior to any structure work to positively identify bat species utilizing the structure. Consultation with USFWS will be re-initiated if NLEB are observed using the structure. USFWS has approved of this approach (USFWS concurrence received in December 2022). The 'winter structure demo required' provision will be followed, i.e., structures must be removed during the winter (Nov 1 to March 31). The purpose of winter demo is to avoid bat and bird impacts. Presumably these taxa are not using the structures during the winter months (bats are hibernating, birds have migrated south). This winter demo provision is for all potential structures, not just the granary.

#### **Tricolored bat**

A no jeopardy determination was made for the Tricolored bat (*Perimyotis subflavus*) by MnDOT OES. 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 and structure 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.

**Rusty-patched bumble bee**

The proposed project is outside of a USFWS identified high-potential zone (HPZ) for rusty-patched bumble bee (*Bombus affinis*).

**Monarch butterfly**

A no jeopardy determination was made for the Monarch butterfly (*Danaus plexippus*) by MnDOT OES. 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. In addition, MnDOT is enrolled under the Nationwide Candidate Conservation Agreement on Energy and Transportation Lands (CCAA) and adopted lands and conservation measures agreed to under the CCAA are anticipated to result in a net conservation benefit to the species. Therefore, MnDOT on behalf of the FHWA, does not anticipate the proposed action will jeopardize the continued existence of this species.

Invasive Species

During the construction phase of the project, MnDOT best management practices will be used to reduce the spread of invasive species to or from the project location. There are no infested waters within the project area, therefore aquatic invasive species issues are not anticipated. However, noxious weeds have been identified in the project area, MnDOT Standard Specification 2575.3J will be followed to meet the requirements of noxious weed control. Native seed mixes would be used for re-vegetation as specified in the SWPPP. Contractors would be required to follow all specifications related to re-vegetation and vegetation management as identified in the construction contract.

Wildlife Resources

The use of erosion control blanket would be limited to "bio-netting" or "natural netting" type products (category 3N and 4N). Plastic mesh netting would not be allowed on the project. Approved standards for temporary erosion control will be used due to potential for impacts to small animals and concern for plastics to enter DNR public waters.

### 3.3.1.6 *Historic Properties:*

The proposed project was reviewed by MnDOT Cultural Resources Unit MnDOT (CRU) staff for potential impacts to historic resources. Appendix D of the EAW includes correspondence from MnDOT CRU as well as correspondence with SHPO. On July 21, 2022, 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 SHPO, OSA, and the Minnesota Indian Affairs Council (MIAC), including the unrecorded historic cemeteries data layer available via the OSA Web Portal. MnDOT CRU contracted with Two Pines Resource Group, LLC, and Bolton and Menk, Inc., to conduct cultural resource surveys in the area of potential effect (APE). Two Pines conducted a Phase I archaeological literature review and Phase I survey and recommended one archaeological site for further evaluation. MnDOT CRU agreed with the results of the archaeological investigations. A letter from CRU to SHPO, dated February 9, 2023, includes a marked-up layout with the following properties: CR-YAT-012, CR-BNT-006, 21CRXXXX & CR-BNT-150, CR-BNT-140, CR-BNT-001, and CR-BNT-156. SHPO provided a response to the letter on March 8, 2023. MnDOT CRU responded to the comments in a letter to SHPO on April 17, 2023 (also included in Appendix D). Clarifying narrative was provided for Stender Farmstead (CR-BNT-006), Spieker Farm (CR-BNT-140), Commercial Building (CR-BNT-156), and Heap Farmstead (CR-YAT-012).

The following paragraphs provide information on specific properties, anticipated effects, and any measures identified.

#### *Stender Farmstead (CR-BNT-006)*

A 2010 planning study by Carver County and MnDOT for the project area identified Stender Farmstead, located south of Hwy 212, which will be impacted by this project. The Stender Farmstead parcels were determined to be a National Register of Historic Places (NRHP) eligible property in the study. The Stender Farmstead was identified as being NHRP-eligible in 2008. The Stender Farmstead property was previously identified by two parcels (Parcel ID: 010180400) – an eastern parcel and western parcel. Countering the original eligibility determination in 2008, the recent survey recommends the historic property is solely the western parcel. SHPO concurred with the recommended reduction in the eligible acreage for the Stender Farmstead (CR-BNT-006) property from 63 to 47 acres, with the removal of the discontinuous 16 acre-parcel. Corridor Alignment C (the preferred alternative) is on the north side of Hwy 212 at Salem Avenue and avoids the western parcel. The alignment then shifts to the

south and Corridor Alignment C would impact approximately 1.5 acres of the eastern parcel. On March 8, 2023, SHPO indicated that they continue to concur with these determinations that the project be eligible for listing in the NRHP. Both SHPO and MnDOT have received communications regarding the Stender Farm. Based on a likely no adverse effect finding for the Stender Farmstead, Corridor Alignment C also likely meets the criteria for a Section 4(f) de minimis determination for historic properties.

*Bongards Cooperative Creamery (CR-BNT-001)*

Bongards Cooperative Creamery (CR-BNT-001), a farmer-owned coop specializing in cheese supply, was not previously evaluated by MnDOT but is now considered eligible under NRHP since it met the age requirement. It is regarded as an important business for the area and may fall under Section 4(f) requirements. The Bongards Creamery retail store is located at 13200 County Road 51 and consists of multiple parcels totaling approximately 183 acres that sit on either side of the road. A Minnesota Multiple Property Inventory Form was prepared by Bolton & Menk, Inc. on 12/6/2022 indicating a recommended district evaluation of “Eligible for the National Register” and “Eligible for Local Designation.” The creamery was formed in 1908, after the local community creamery burned down, by local dairy farmers who purchased land and established the creamery. In Benton Township. A March 8, 2023, SHPO letter indicated that “there is insufficient documentation to support the eligibility determination” and to “Please clarify if the property possesses significance from the period between 1969 and 1975, when it appears that several of the core operation buildings were rebuilt.” The period of significance was updated and is now noted as circa 1950 to 1975. Comments were requested regarding the clarified evaluation of CR-BNT-001 and acknowledgement that the revised inventory forms meet documentation requirements.

*Railway Co./CMStP&P Railroad Co: H&D Division Mainline (XX-RRD-CSP010 CMStP)*

Another historic property in the Area of Potential Effects is XX-RRD-CSP010 CMStP Railway Co. / CMStP&P Railroad Co.: H&D Division Main Line. On May 4, 2021, the SHPO concurred with the following determinations as part of streamlining review #2021-0868; they continue to concur with these determinations: XX-RRD-CSP010 CMStP Railway Co./CMStP&P Railroad Co: H&D Division Mainline is eligible for listing in the National Register of Historic Places (NRHP); and XX-RRD-CSP013 H&D Railway Co./CMStP Railway Co./CMStP&P Railroad Co: Mainline is not eligible for listing in the NRHP.

The portion of the Hastings and Dakota Railway in the project APE is part of two separate railroad corridors that were studied by MnDOT CRU as part of their ongoing effort to evaluate Minnesota's railroads. The Chicago Milwaukee and St. Paul Railway Company/Chicago Milwaukee St. Paul and Pacific Railroad Company: Hastings and Dakota Division Main Line (XX-RRD-CSP010) was determined eligible for inclusion in the National Register under Criterion A in the area of Transportation, with a period of significance of 1880-1930.

*Spieker Farm (CR-BNT-140)*

The Spieker Farm (located at 12955 County Road 153) as described in the 12/6/2022 inventory form by Bolton & Menk, Inc., consists of eight structures built circa 1913 to present day. The report indicates that "The previous evaluation cataloged 12 structures, but the current survey observed from the right of way that the windmill, chicken house, and hog barn (collapsed state in 2008) had all been demolished since the 2008 inventory. Additionally, a metal pole shed had been added to the property behind the implement shed." The report further indicates that the site retains much of its historic integrity and that the previously recommended boundary and non-contributing elements (modern silo and implement shed) are still valid. On August 29, 2008, the SHPO concurred that Spieker Farm is eligible for listing in the NRHP; on March 8, 2023, SHPO indicated that they continue to concur with this determination.

*Kief-Fruetel-Bachmann Farmstead (Site 21CR0174)*

Site 21CR0174, the Kief-Fruetel-Bachmann Farmstead, is a German heritage farmstead occupied from circa 1858 through the present. It is located north of Hwy 212. Two Pines came to the conclusion that the farmstead meets the standards set forth within the context Historical Archaeology of Minnesota Farmsteads and recommended a Phase II evaluation of the site if impacts to the site cannot be avoided. Due to the site's proximity to the NRHP-eligible Stender Farmstead (CR-BNT-006), avoidance without an evaluation was deemed not possible. An evaluation of the site is scheduled for spring 2023. The March 8, 2023, letter from SHPO indicates that they agree with the planned Phase II evaluation as well as the recommendation for archaeological monitoring of ground-disturbing activities near St. John's German Reformed Church Cemetery, which is part of the church property inventoried as CR-BNT-002.

*Heap Farmstead (CR-YAT-012)*

Site CR-YAT-012, the Heap Farmstead, is located at 15130 Highway 212. A Bolton & Menk, Inc inventory form prepared in December 2022 indicated that this property is Not Eligible for the NRHP. SHPO concurred with

MnDOT CRU that the site is not eligible. A few recent changes have lessened the integrity of the farmhouse's distinctive features. Adverse impacts to historical property are therefore not anticipated.

*Bachmann Farmstead (CR-BNT-150)*

Site *CR-BNT-150*, the Bachmann Farmstead, is located at 14180 Highway 212 East. SHPO concurred with MnDOT CRU that the site is not eligible for the NHRP. A Bolton & Menk, Inc inventory form prepared in December 2022 indicated that a previous survey evaluated the project, and there had been many changes to the original building. The determination of not eligible was deemed still valid. Adverse impacts to historical property are therefore not anticipated.

*Commercial Building (CR-BNT-156)*

A commercial building (*CR-BNT-156*) at 13245 County Road 51 is considered not eligible for the NHRP. According to the county records, the property is a two-story, low-profile hipped-roofed, wood-framed brick commercial building built in 1890. Research conducted by Bolton & Menk, Inc. did not reveal a clear purpose for the building. Adverse impacts to historical property are therefore not anticipated. SHPO concurred with MnDOT CRU that the property is not eligible for listing in the NRHP and noted that they appreciated the thorough research that informed the evaluation of significance for *CR-BNT-156*. Adverse impacts to historical property are therefore not anticipated.

*Status of Review*

The Section 106 process is being completed based on the preliminary design layout for the preferred alternative. This includes a re-evaluation of the eligibility status for the properties listed above as well as identification of properties within the APE. MnDOT CRU will make determinations of effect for the preferred alternative and consult with SHPO as appropriate. A final Section 106 determination from MnDOT CRU has not yet been received. There are four historic properties in the Area of Potential Effects. A No Adverse Effect is anticipated on all four, but there may be conditions attached to that finding. SHPO will not receive that finding until after the archaeology investigations are complete.

*3.3.1.7 Visual:*

The project area views consist of a highway corridor in a mostly agricultural area. Residential uses are along Hwy 212 and along CSAH 51. The project would not introduce visual effects beyond the proposed roadway infrastructure improvements. The project will be revegetating

the disturbed areas with native plantings to the extent practicable. The grass areas as viewed today will be replaced. Highway lighting is largely absent from the project area except for lighting at the Hwy 212 intersection with CSAH 51 and Tacoma Avenue. The project would not include the installation of lighting outside of proposed RCI locations and the CSAH 51 intersection.

#### 3.3.1.8 *Air:*

##### Vehicle Emissions

The project is identified as exempt from regional emissions analyses (E-1: intersection channelization projects) in the 2023-2026 Metropolitan Council Transportation Improvement Program (TIP). This project does not require an air quality analysis and is exempt from Environmental Protection Agency (EPA) transportation conformity requirements in 40 CFR 93. Therefore, no air quality analysis related to the National Ambient Air Quality Standards (NAAQS) has been performed.

##### Dust and Odors

Dust would be generated because of construction activities associated with the project. Dust generated during construction will be minimized through standard dust control measures such as applying water to exposed soils and limiting the extent and duration of exposed soil conditions. Construction contractors will be required to control dust and other airborne particulates in accordance with the contract specifications. After construction is complete, dust levels are anticipated to be minimal because all soil surfaces exposed during construction will be in permanent cover (i.e., paved, or re-vegetated areas).

The proposed project would not generate substantial odors during construction. Potential odors would likely include exhaust from diesel engines and fuel storage.

#### 3.3.1.9 *Noise:*

##### Construction Noise

Construction activities associated with the proposed project would result in increased noise levels relative to existing conditions. These impacts would primarily be associated with construction equipment and pile driving. Table 14 of the EAW shows peak noise levels monitored at 50 feet from several types of construction equipment. This equipment is usually used during site grading/site



preparation, which is usually the loudest phase of the roadway construction process.

Elevated noise levels are, to a degree, unavoidable for this type of project. Carver County would require that construction equipment be properly muffled and in proper working order. It is the practice of Carver County to require its contractor(s) to comply with applicable local noise restrictions and ordinances to the extent that is reasonable. Advanced notice will be provided to affected communities of any planned abnormally loud construction activities. It is anticipated that night construction may sometimes be required to expedite construction, minimize traffic impacts, and to improve safety (e.g., construction of the proposed bridge over Hwy 212). However, construction would be limited to daytime hours as much as possible. The project is expected to be under construction for two construction seasons. If necessary, a detailed nighttime construction mitigation plan will be developed during the project final design stage.

Any associated high-impact equipment noise, such as pile driving, pavement sawing, or jack hammering, will be unavoidable with construction of the proposed project. Pile-driving noise is associated with any bridge construction and sheet piling necessary for retaining wall construction. While pile-driving equipment results in the highest peak noise level, as shown in Table 14 of the EAW, it is limited in duration to the activities noted above (e.g., bridge construction). The use of pile drivers, jack hammers, and pavement sawing equipment will be prohibited during nighttime hours.

#### Traffic Noise Analysis

The Hwy 212 Benton Township Project includes additional through lanes on Hwy 212 and a new roadway on a new alignment (for the CSAH 51 overpass). As such, the proposed project is considered a federal Type I project which requires a traffic noise analysis.

Appendix E of the EAW includes the complete traffic noise analysis report. This report includes background information on noise, information regarding traffic noise regulations, a discussion of the traffic noise analysis methodology, documentation of the potential traffic noise impacts associated with the proposed project, and an evaluation of noise abatement measures.

Table 15 of the EAW includes a summary of the traffic noise analysis results and lists the number of receptors that approach or exceed noise abatement criteria for existing conditions, the 2040 No Build Alternative, and the 2040 Build Alternative. Modeled traffic noise levels are projected to increase by 0.9 dBA, Leq to 3.8 dBA, Leq from existing to 2040 No Build Alternative conditions. This increase is a result of anticipated growth and development in the study area, and the resulting increase in traffic volumes on the project segment of Hwy 212 and

the county roads involved with the project. Modeled traffic noise levels are projected to increase by 1.1 dBA, Leq to 7.9 dBA, Leq under the 2040 Build Alternative.

Noise walls were evaluated at all locations along the proposed Hwy 212 Benton Township Project where future (2040) modeled noise levels were projected to approach or exceed noise abatement criteria, or where a substantial increase in traffic noise levels were projected. The noise wall analysis was completed for 13 potential noise wall locations. The modeled noise walls do not meet MnDOT's feasibility and reasonableness criteria; therefore, no noise walls are proposed as part of the Hwy 212 Benton Township Project. The *Hwy 212 Benton Township Traffic Noise Analysis Report* in Appendix E of the EAW includes locations of modeled noise walls and additional details of the noise wall analysis.

If conditions substantially change by the time the Hwy 212 Benton Township Project reaches the final design stage, noise abatement measures may not be provided. If the final plan changes substantially, receptors that would have received benefits from noise walls, along with local officials, will be notified of plans to eliminate or substantially modify a noise abatement measure prior to the final design process. This notification will explain any changes in site conditions (if any), additional site information, any design changes implemented during the final design process, and explanation of noise wall feasibility and reasonableness. A final decision regarding installation of the proposed abatement measure will be made upon completion of the project's final design and the public involvement process.

#### 3.3.1.10 *Transportation:*

##### Estimated total average daily traffic generated

The proposed project will not generate new trips in the same way as a new business because the highway is not a destination or end point like a business. However, the modeling conducted as part of the study showed that the Preferred Alternative would have trips drawn from adjacent roadways to Hwy 212 due to better travel times on the highway. When travel times are reduced those trips may revert back to their original routes.

As described in the Alternatives Evaluation Report, the existing (2018/2019) Average Annual Daily Traffic (AADT) volume on Hwy 212 varies from 12,200 to 12,700 vehicles per day. The existing (2019) heavy commercial annual average daily traffic (HCAADT) volume is 1,350 freight vehicles per day.

Vehicle mobility was evaluated for this project, specifically the forecast daily traffic volumes (ADT) for 2040. For the four-lane divided section alternative, the results were as follows:

- CSAH 34 to CSAH 51, 25,000 vpd
- CSAH 51 to CR 153, 26,000 vpd
- CR 153 to CSAH 36, 23,000 vpd

Hwy 212 traffic volumes are projected to be 8,000 to 9,000 vpd greater under the 2040 Build Alternative compared to the 2040 No Build Alternative.

Estimated maximum peak hour traffic generated and time of occurrence.

As described in the Alternatives Evaluation Report, an intersection operations analysis was prepared for Hwy 212 for the weekday morning and afternoon peak hours under existing conditions and the 2040 No Build Alternative. The morning peak hour is from 7:00 a.m. to 8:00 a.m. The afternoon peak period is from 4:00 p.m. to 5:00 p.m.

The Purpose and Need Statement (see Appendix B of the EAW) indicated that most Hwy 212 intersections are projected to operate at an overall LOS A during the morning and afternoon peak hours under the 2040 Build Alternative. However, the Hwy 212/CSAH 51 northbound and southbound approaches are projected to operate at LOS F during the morning and afternoon peak hours. The Hwy 212/CSAH 153 intersection northbound and southbound approaches are projected to operate at a LOS D during the morning and afternoon peak hours. Table 17 of the EAW shows the hour volumes and both opening day volumes and 2040 and includes the LOS to inform how that volume correlates to LOS.

*Hwy 212 and CSAH 51 Intersection*

A 2010 Planning Study completed by Carver County and MnDOT noted that crash rates at Hwy 212 intersections exceed critical crash rates,<sup>2</sup> forecasted traffic volumes are projected to increase by the year 2030, and that intersections are projected to operate poorly in the future during the morning and afternoon peak hours.

Concept 6 (Grade Separated Quadrant Interchange, East Alignment Option 1) was identified as the preferred alternative for the Hwy 212 and CSAH 51 intersection. Hwy 212 and quadrant roadway intersections are projected to operate at an overall LOS A during the morning and afternoon peak hours under Concept 6. The quadrant roadway approaches are projected to operate at LOS B during the morning and afternoon peak hours, with delays

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<sup>2</sup> The critical crash rate is a statistical comparison based on similar segments or intersections statewide. An observed crash rate greater than the critical crash rate indicates that the intersection operates outside of the expected, normal range.

less than 15 seconds. Exhibit 3 of the EAW shows the peak hour traffic at time of occurrence for the Hwy 212 and CSAH 51 intersection. Table 18 of the EAW shows the peak hour traffic at time of occurrence for the CSAH 51 segments.

Measures that will be taken to minimize or mitigate project related transportation effects

During construction, temporary detour routes and associated detour lengths will be detailed in the Traffic Management Plan (TMP) to be developed for the project and coordinated with MnDOT. It is anticipated that detours will be planned for CSAH 51, CR 153, Salem Ave North and South, and Tacoma Ave North and South. Crossovers on Hwy 212 are planned to maintain traffic on the mainline, though lane reduction may occur. Meetings will be held with Benton Township, emergency responders, and the Twin Cities & Western Railroad (TCWR).

3.3.1.11 *Relocation and Right of Way*

The project would require 116.2 acres new right of way, and 27.6 acres of temporary easement. The proposed permanent right of way would come from 35 parcels and temporary easements would come from 16 parcels. Right of way acquisition will be conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

3.3.1.12 *Environmental Justice:*

The purpose of Executive Order 12898 is to identify, address, and avoid disproportionately high and adverse human health or environmental effects on minority and low-income populations. Based on the demographic analysis, minority and low-income populations within the study area are less than or similar to the proportion of minority and low-income populations at the city and county levels. Minority and low-income populations within the study area are not individually or cumulatively of a size and scope to constitute an environmental justice population. Therefore, in accordance with the provisions of Executive Order 12898 and FHWA Order 6640.23, it is not anticipated that this project will result in impacts to environmental justice populations.

2. Summary finding with respect to these criteria:

MnDOT finds that the Project, as it is proposed, does not have the potential for significant environmental effects based on the type, extent, and reversibility of impacts to the resources evaluated in the EAW and in the Findings summary above. Project impacts will be mitigated as described in the EAW, in the Findings

above, and managed through the project Environmental Management Plan (Greensheet).

3. Cumulative Potential Effects of Related or Reasonably Foreseeable Future Projects

As discussed in Item 21 of the EAW, the cumulative potential effects have been considered and the proposed project has minimal potential for cumulative impacts to the resources directly or indirectly affected by the project. Given the laws, rules, and regulations in place as well as local regulatory requirements and comprehensive planning and zoning laws, substantive adverse cumulative impacts to resources are not anticipated.

4. Extent to Which the Environmental Effects are Subject to Mitigation by Ongoing Public Regulatory Authority

3.3.4.1 The mitigation of environmental impacts will be designed and implemented in coordination with regulatory agencies (including the coordination and approvals described in **Section 3.3.1** above) and will be subject to the plan approval and permitting processes. Permits and approvals that have been obtained or may be required prior to project construction include those listed in **Table 1**.

3.3.4.2 The permits listed in **Table 1** include general and specific requirements for mitigation of environmental effects of the project. Therefore, MnDOT finds that the environmental effects of the project are subject to mitigation by ongoing regulatory authority.

*Table 1: Agency Approvals and Permits*

Unit of Government	Type of Application	Status
<b>Federal</b>		
Federal Highway Administration (FHWA)	Categorical Exclusion Document	Pending
U.S. Fish and Wildlife Service (USFWS)	Threatened and Endangered Species Review	Complete* USFWS concurrence has been received; structures will be re-inspected summer 2023 to identify bat species using structures. If Northern Long-Eared Bats are observed, consultation with

		USFWS will be initiated.
U.S. Army Corps of Engineers (USACE)	Clean Water Act (CWA) Section 404 permit	To be completed
<b>State</b>		
Minnesota Department of Transportation (MnDOT)	Environmental Assessment Worksheet	Pending
MnDOT	EIS Need Determination	To be completed
MnDOT Cultural Resources Unit (CRU)	Archaeological/Historical Determination	Pending (see Appendix D of the EAW). This will be completed before the EAW is signed.
MnDOT	Wetland Conservation Act (Boundary Approval/Public Road Project Notification)	Complete The boundary/type approval was completed by CCWMO. Their Notice of Decision was issued 10/12/2022.
Minnesota Department of Natural Resources (DNR)	State Endangered Species Review	Completed
DNR	Water Appropriation Permit	To be completed (if necessary)
DNR	Public Waters Work Permit	To be completed (the city or township will work with the DNR)
Minnesota Pollution Control Agency (MPCA)	National Pollution Discharge Elimination System (NPDES) Construction Stormwater Permit	To be completed
MPCA	CWA Section 401 Water Quality Certification	To be completed
<b>Local</b>		
Metropolitan Council	Controlled Access Approval	To be completed
Carver County Water Management Organization (CCWMO)	Stormwater Permit	To be completed
CCWMO	Erosion and Sediment Control (ESC) Permit	To be completed
CCWMO	Wetland Conservation Act Approval (Boundary Approval/Wetland	To be completed

	Replacement Plan)	
Norwood Young America	Wetland Conservation Act Approval (Boundary Approval/Wetland Replacement Plan)	To be completed
Cologne	Wetland Conservation Act Approval (Boundary Approval/Wetland Replacement Plan)	To be completed

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

3.3.5.1 MnDOT and Carver County have extensive experience in roadway construction. Many similar projects have been designed and constructed throughout the area, encompassed by these governmental agencies. All design and construction staff are very familiar with the project area.

3.3.5.2 No problems are anticipated which the MnDOT and Carver County staff have not encountered and successfully solved many times in similar projects in or near the project area. MnDOT finds that the environmental effects of the project can be anticipated and controlled as a result of the assessment of potential issues during the environmental review process and MnDOT’s experience in addressing similar issues on previous projects.

**4.0 CONCLUSIONS**

1. The Minnesota Department of Transportation has jurisdiction in determining the need for an environmental impact statement on this project.
2. All requirements for environmental review of the proposed project have been met.
3. The EAW and the permit development processes to date related to the project have generated information which is adequate to determine whether the project has the potential for significant environmental effects.
4. Areas where potential environmental effects have been identified will be addressed during the final design of the project. Mitigation will be provided where impacts are expected to result from project construction, operation, or maintenance. Mitigative measures will be incorporated into project design and have been or will be coordinated with state and federal agencies during the permit processes.
5. Based on the criteria in Minnesota Rules part 4410.1700, subp. 7, the project does not have the potential for significant environmental effects.

6. An Environmental Impact Statement is not required for Hwy 212 – Benton Township Project.
7. Any findings that might properly be termed conclusions and any conclusions that might properly be called findings are hereby adopted as such.

Based on the Findings of Fact and Conclusions contained herein and on the entire record:

The Minnesota Department of Transportation hereby determines that the Hwy 212 Benton Township Project will not result in significant environmental impacts, and that the project does not require the preparation of an environmental impact statement.

For Minnesota Department of Transportation

Signature and Date  
MnDOT Chief Environmental Officer



# **APPENDIX A – Public Involvement: EAW Comment Period**

**EAW Comment Period Record**

**EQB Notice of Availability**

**MnDOT News Release**

**Carver County News Release**

**Hwy 212 – Benton Township Project Webpage**

# EAW Comment Period Record

The EAW for the Hwy 212 – Benton Township Project was distributed on July 5, 2023, to agencies and organizations on the official EQB distribution list, as well as additional agencies/organizations that had either requested a copy of the document, and/or agencies that could be affected by the proposed project. The comment period for the EAW officially closed at the end of the business day on August 4, 2023. Section 2 of this Findings document lists locations where the EAW was available for public review and comment. Appendix B of this Findings document includes copies of all written comments received along with responses to substantive comments.

Included on the following pages are copies of the Minnesota Environmental Quality Board (EQB) *Monitor* publication, MnDOT news release, Carver County Public Works webpage, and Hwy 212 – Benton Township webpage. Each of these items announced the availability of the EAW and details of the EAW comment period.

**July 5, 2023, EQB Monitor Notice (Page 1 of 4)**

**m** MINNESOTA  
ENVIRONMENTAL QUALITY BOARD

# EQB Monitor

Weekly announcements and environmental review notices

Volume 47, Number 27

July 5, 2023



## July 5, 2023, EQB Monitor Notice (Page 2 of 4)

### Environmental review project notices

EQB publishes environmental review notices provided by responsible governmental units. For more information on a project undergoing environmental review, click on the individual project links below. You can also find information about active projects in your community on the [Environmental Review Projects Interactive Map](#).

#### [15th Street North Extension - City of Sartell](#)

**Location (city/township; county):** LeSauk Township/City of Sartell; Stearns

**Process:** EAW

**Step:** EAW available

**End of comment period:** August 4, 2023

**Project description:** The project proposes to extend 15th Street North approximately two (2) miles west from Pinecone Road North to 30th Avenue North and would include a south connection to 19th Avenue North. The proposed design is an urban two-lane road with dedicated turn lanes, curb and gutter, separate pedestrian and bicycle trail, lighting, stormwater management, and water and sewer utility extensions within a 100-foot right-of-way (ROW). The proposed street section would consist of a 36-foot-wide urban roadway, comprised of a 12-foot westbound driving lane, a 12-foot eastbound driving lane, and 6-foot-wide shoulders with curb and gutter. The project would include a new roundabout at the intersection with Pinecone Road.

**Link to public documents:** [15th Street North Extension - City of Sartell EAW](#)

**Location of public documents:** Sartell City Hall, 125 Pinecone Road North, Sartell, MN 56377

**Responsible governmental unit and contact:** City of Sartell, [Anna Gruber](#), 320-253-2174

#### [US Highway 212 – Benton Township Project](#)

**Location (city/township; county):** Benton Township; Carver

**Process:** EAW **Step:** EAW available

**Joint federal and state review:** Yes

**End of comment period:** August 4, 2023

**Project description:** Carver County proposes reconstruction and expansion of a two-lane, 5.5-mile segment of Highway (Hwy) 212 from the city of Norwood Young America to the city of Cologne in Carver County, Minnesota. Additional project components include the construction of reduced conflict intersections (RCIs) at multiple locations throughout the

## July 5, 2023, EQB Monitor Notice (Page 3 of 4)

corridor, the reconfiguration of the Hwy 212/County State Aid Highway (CSAH) 51 intersection as an overpass, construction of stormwater ponds to accommodate the roadway expansion, and snow fence installation. The project is also being reviewed under the National Environmental Policy Act (NEPA). A draft Non-Programmatic Categorical Exclusion (Non-PCE) document is available for public review on the project website at [co.carver.mn.us/hwy212projectbenton](http://co.carver.mn.us/hwy212projectbenton).

**Link to public documents:** [US Highway 212 – Benton Township Project EAW](#)

**Location of public documents:** Carver County Public Works, 11360 Hwy 212 West, Cologne, MN 55322

**Responsible governmental unit and contact:** Minnesota Department of Transportation, [Diane Langenbach](#), 651-234-7721

### Highland Bridge AUAR Update

**Location (city/township; county):** Saint Paul; Ramsey

**Process:** AUAR update

**Step:** AUAR update adoption

**Responsible governmental unit decision:** Adequate

**Responsible governmental unit record of decision date:** June 27, 2023

**Project description:** The City of Saint Paul has determined that an Alternative Urban Areawide Review (AUAR) Update is required for Highland Bridge (formally referred to as the Ford Site). The AUAR study area encompasses four parcels totaling approximately 139 acres in Saint Paul, Minnesota. The University of Saint Thomas, in cooperation with Ryan Companies US, Inc., is proposing to develop a portion of the study area south of Montreal Avenue into new ballfield facilities.

**Link to public documents:** [Highland Bridge AUAR Update](#)

**Location of public documents:** Available upon request, 1400 City Hall Annex, Saint Paul, MN 55102

**Responsible governmental unit and contact:** City of Saint Paul, [Spencer Miller-Johnson](#), 651-266-6093

## July 5, 2023, EQB Monitor Notice (Page 4 of 4)

### Submit a notice to the *EQB Monitor*

The *EQB Monitor* is a weekly publication announcing environmental review documents, public comment periods and other actions of the Environmental Quality Board. The *EQB Monitor* is published every Tuesday at noon. Submissions to the [EQB Monitor](#) are due by 4:00 p.m. on the Tuesday one week prior to the intended publication date. Please see the [EQB Monitor schedule](#) for more details.

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Questions? Contact EQB by phone at 651-757-2873 or email us at [EQB.Monitor@state.mn.us](mailto:EQB.Monitor@state.mn.us).

For more information on environmental review, please visit the EQB website or contact us at [env.review@state.mn.us](mailto:env.review@state.mn.us).



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# MnDOT News Release (Page 1 of 2)

7/13/23, 8:53 AM

Environmental Assessment Worksheet released for Highway 212 improvement project in Carver County - News Releases - MnDOT

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## News releases

June 29, 2023

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### **Environmental Assessment Worksheet released for Highway 212 improvement project in Carver County**

**ROSEVILLE, Minn.** – An Environmental Assessment Worksheet (EAW) for the proposed reconstruction and expansion of a two-lane, 5.5-mile segment of Highway 212 between Norwood Young America and Cologne in Carver County is available for public review and comment beginning Wednesday, July 5, 2023, according to the Minnesota Department of Transportation.

The Environmental Assessment Worksheet outlines the purpose of the proposed project and its anticipated impacts. Carver County is proposing the project.

Features of the project include:

- Expansion of the existing 5.5-mile-long rural two-lane highway to a rural four-lane divided highway with two eastbound lanes and two westbound lanes, separated by a center-median ditch.
- Construction of Reduced Conflict Intersections (RCIs) and improvements to the County Road 51 intersection, including the construction of a grade-separated interchange.
- Construction of roadside ditches and stormwater ponds.
- Construction of structural snow fencing, and light and sign improvements.

The project is also being reviewed under the National Environmental Policy Act (NEPA). A draft of the NEPA document is available for review (online only) at the same time as the EAW.

The documents are available on the project website at [co.carver.mn.us/hwy212projectbenton](http://co.carver.mn.us/hwy212projectbenton). The EAW is also available for public review and copying during business hours at the following locations:

- Norwood Young America Library, 314 Elm St. W., Norwood Young America, 55368
- Norwood Young America City Hall, 310 Elm St. W., Norwood Young America, 55368
- Carver County Public Works, 11360 Highway 212 W., Cologne, 55322
- Cologne City Hall, 1211 Village Pkwy., Cologne, 55322
- MnDOT Metro District Office, 1500 W. County Road B2, Roseville, 55113
- Hennepin County Library – Minneapolis Central, Environmental Conservation Library, Government Documents, 2nd Floor, 300 Nicollet Mall, Minneapolis, 55401. An electronic copy will be available at this regional library.

<https://www.dot.state.mn.us/news/2023/06/29-metro-hwy212.html>

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## MnDOT News Release (Page 2 of 2)

7/13/23, 8:53 AM

Environmental Assessment Worksheet released for Highway 212 improvement project in Carver County - News Releases - MnDOT

Comments can be mailed, prior to the close of the public comment period on Friday, Aug. 4, to Diane Langenbach, at the Minnesota Department of Transportation, 1500 W. County Road B2, Roseville, MN 55113 or [diane.langenbach@state.mn.us](mailto:diane.langenbach@state.mn.us).

The Environmental Assessment Worksheet is available in alternative formats by calling Janet Miller at 651-366-4720 or emailing [ADArequest.dot@state.mn.us](mailto:ADArequest.dot@state.mn.us). Individuals who are hearing or speech impaired may contact the Minnesota Relay service toll-free at 1-800-627-3529 (TTY, Voice or ASCII) or 711.

###

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651-335-2435

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2023 Minnesota Department of Transportation  
395 John Ireland Blvd, St. Paul, MN 55155-1800  
651-296-3000 Toll-free 800-657-3774

<https://www.dot.state.mn.us/news/2023/06/29-metro-hwy212.html>

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# Carver County News Release (Page 1 of 1)

8/4/23, 8:25 AM

Highway 212 Public Comment Period | Public Works News | Carver County, MN

## Public Works News

### Highway 212 Public Comment Period

**Post Date:** 06/29/2023 1:00 PM

BENTON TOWNSHIP, MINN. - The Environmental Assessment Worksheet (EAW) and draft Non-Programmatic Categorical Exclusion (Non-PCE) documents for the Highway 212 Project are available for public comment from July 5 through August 4, 2023.

[View the EAW](#)

[View the Non-PCE](#)

The EAW is also available for public review and copying during business hours at the following locations:

- Norwood Young America Library, 314 Elm St. W., Norwood Young America, 55368
- Carver County Public Works, 11360 Highway 212 West, Cologne, 55322
- City of Cologne City Hall – 1211 Village Pkwy., Cologne, 55322
- City of Norwood Young America City Hall – 310 Elm St. W., Norwood Young America, 55368
- MnDOT Metro District Office, 1500 W. County Road B-2, Roseville, 55113
- Hennepin County Library – Minneapolis Central, Environmental Conservation Library, Government Documents, 2nd Floor, 300 Nicollet Mall, Minneapolis, 55401. An electronic copy will be available at this regional library.

Comments can be mailed, prior to the close of the public comment period on Friday, August 4, to Diane Langenbach, at the Minnesota Department of Transportation, 1500 West County Road B2, Roseville, MN 55113 or sent by email to [diane.langenbach@state.mn.us](mailto:diane.langenbach@state.mn.us).

[Return to full list >>](#)

# Carver County Webpage (Page 1 of 4)

7/13/23, 8:55 AM

Highway 212 Project - Benton Township | Carver County, MN

## Highway 212 Project - Benton Township

### Public Comment Period

The Environmental Assessment Worksheet (EAW) and draft Non-Programmatic Categorical Exclusion (Non-PCE) documents for the Highway 212 project are available for public comment from July 5 through August 4, 2023.

[Environmental Assessment Worksheet \(EAW\)](#)

[Non-Programmatic Categorical Exclusion \(Non-PCE\)](#)

The EAW is also available for public review and copying during business hours at the following locations:

- Norwood Young America Library, 314 Elm St. W., Norwood Young America, 55368
- Carver County Public Works, 11360 Highway 212 West, Cologne, 55322
- City of Cologne City Hall – 1211 Village Pkwy., Cologne, 55322
- City of Norwood Young America City Hall – 310 Elm St. W., Norwood Young America, 55368
- MnDOT Metro District Office, 1500 W. County Road B-2, Roseville, 55113
- Hennepin County Library – Minneapolis Central, Environmental Conservation Library, Government Documents, 2nd Floor, 300 Nicollet Mall, Minneapolis, 55401. An electronic copy will be available at this regional library.

Comments can be mailed, prior to the close of the public comment period on Friday, August 4, to Diane Langenbach, at the Minnesota Department of Transportation, 1500 West County Road B2, Roseville, MN 55113 or sent by email to [diane.langenbach@state.mn.us](mailto:diane.langenbach@state.mn.us).

### Project Vision

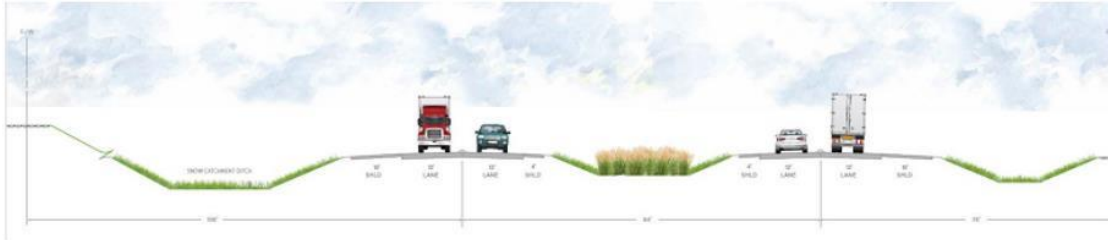
US Highway 212 serves as the backbone for commerce between Southwest Minnesota, South Dakota and the Twin Cities. The facility provides highway freight mobility and connectivity for 22,000 square miles of southwestern Minnesota and South Dakota that is currently not served by the Interstate System or freeways. Highway 212 is a significant and critical arterial road for the local community and a regional connector, linking southwest Minnesota to the Minneapolis/St. Paul metropolitan area. This project completes the final segment of four-lane expansion between the City of Glencoe and the Twin Cities and provides safety and capacity enhancements.

Carver County, in partnership with Benton Township, the Cities of Norwood Young America and Cologne, and MnDOT, are working together to identify and implement transportation system improvements to Highway 212. The overall objective of the project includes approximately five miles of safety and capacity improvements along Highway 212 between Highway 34 on the east side of the City of Norwood Young America to Highway 36 on the west side of the City of Cologne. The project includes reconstruction and expansion of the highway from a two-lane undivided to a four-lane divided highway. On the both ends, the highway will connect to the existing four-lane divided highway segments, completing the last remaining 'gap' in the safety and mobility in the highway corridor from the City of Glencoe to the Twin Cities.

# Carver County Webpage (Page 2 of 4)

7/13/23, 8:55 AM

Highway 212 Project - Benton Township | Carver County, MN



[Hwy 212 Project Overview Video](#)

[Hwy 51 Interchange Flyover Video](#)

[Hwy 212 Flyover Video](#)

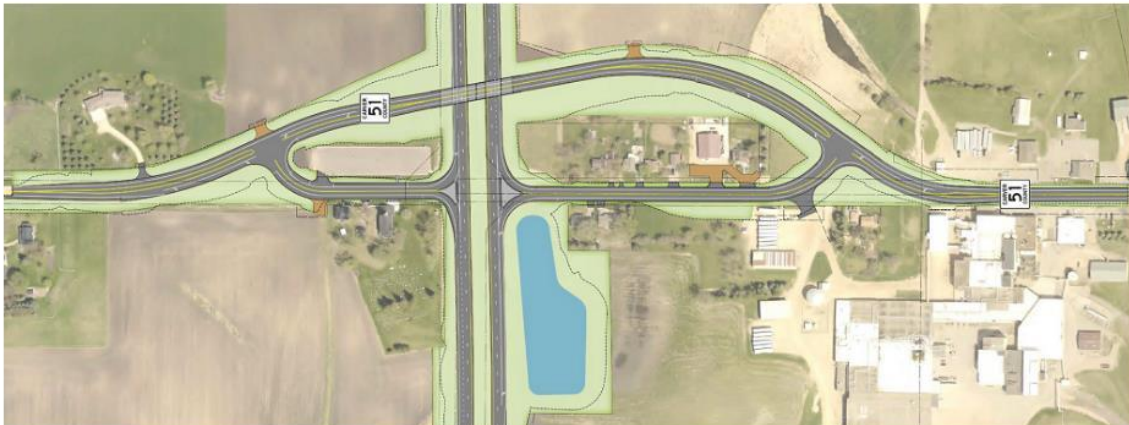
[Project Overview Video](#)

[Project Testimonial Video](#)

## Project Goals

Recommended Improvements:

The project recommends a grade separated interchange at the intersection of Hwy 212 and Hwy 51. The design is a grade separated quadrant interchange with Hwy 51 on a new alignment to the east of the existing highway. Hwy 51 would be constructed on a bridge over Hwy 212. The north and south quadrant roadways would connect with Hwy 212 at the existing Hwy 51 intersection and use existing Hwy 51. The grade separated quadrant interchange was identified as the alternative because of vehicle safety benefits, Hwy 51 mobility, and because this design minimizes impacts to the surrounding environment compared to other grade separated alternatives.



<https://www.carvercountymn.gov/departments/public-works/projects-studies/highway-212-project-benton-township>

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# Carver County Webpage (Page 3 of 4)

7/13/23, 8:55 AM

Highway 212 Project - Benton Township | Carver County, MN

## Community Survey

In 2020 Carver County conducted a community survey to identify issues and opportunities regarding safety and mobility on Highway 212. The survey received 432 responses and helped identify several safety concerns and suggestions for improvements.

[View the summary](#) of what we learned from the community survey.

## Maps & Detour Routes

[Highway 212 Benton Layout](#)

## Anticipated Project Schedule



## Traffic Impacts

This project is in the design phase. No traffic impacts at this time.

## What to Expect

This project is in

the design phase. A possible public open house is anticipated for mid-summer 2023.

## Community Impacts

This project is in the design phase. No community impacts at this time.

## Reports & Documents

[Environmental Assessment \(2009\)](#)

[Project Overview Report \(2010\)](#)

[Project Layout - July 2009](#)

[2019 BUILD Grant Application](#)

[2019 BUILD Summary Brochure](#)

[2019 INFRA Grant Application](#)

<https://www.carvercountymn.gov/departments/public-works/projects-studies/highway-212-project-benton-township>

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## Carver County Webpage (Page 4 of 4)

7/13/23, 8:55 AM

Highway 212 Project - Benton Township | Carver County, MN

[May 3, 2022 Open House Display Boards](#)

<https://www.carvercountymn.gov/departments/public-works/projects-studies/highway-212-project-benton-township>

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## **APPENDIX B - EAW Comments and Responses**

## **EAW Comments and Responses**

The EAW for the Hwy 212 Benton Township Project was distributed on July 5, 2023, to agencies and organizations on the official distribution list, as well as additional agencies/organizations that had either requested a copy of the document, and/or that could be affected by the proposed project. The comment period for the EAW officially closed at the end of the business day on August 4, 2023.

During the EAW review and comment period, MnDOT received written comments (letters or e-mail correspondence) from a total of three state agencies and one public citizen comment.

All written comments received on the EAW are included in Appendix B of this Findings document. Consistent with state environmental review rules, substantive comments received are responded to in this appendix, as part of the Findings of Fact and Conclusions for the project record. Specifically, responses have been prepared for substantive statements pertaining to analysis conducted for and documented in the EAW, including: incorrect, incomplete or unclear information; permit requirements; or content requirements. These comments and responses are included below. No comments were received agreeing with the EAW project information, general opinions, statements of fact, or statements of preference.

Appendix B of this Findings document contains the comments and written responses to substantive comments received from the following agencies/individuals during the public comment period:

- Comment Letter A: Minnesota DNR
- Comment Letter B: Metropolitan Council
- Comment Letter C: Minnesota Department of Administration State Historic Preservation Office (SHPO)
- Comment Letter D: public citizen (Kimberly Gapen)

**Comment Letter A: Minnesota DNR (Page 1 of 2)**



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

Transmitted by Email

August 4, 2023

Diane Langenbach, Metro South Area Engineer  
Minnesota Department of Transportation  
MnDOT Metro District, 1500 West County Road B2  
Roseville, MN 55113

Dear Diane Langenbach,

Thank you for the opportunity to review the U.S. Highway 212 Benton Township Project Environmental Assessment Worksheet (EAW) located in Carver County. The DNR respectfully submits the following comments for your consideration:

1. Page 15, Permits and Approvals. Please note that appropriate land rights, including a DNR license to cross and/or a road easement, are required for DNR public waters crossings. **A1**
2. Page 15, Permits and Approvals. A DNR Water Appropriation Permit is required if the water pumped exceeds 10,000 gallons in a day, or one million gallons in one year. The DNR General Permit for Temporary Appropriation, with its lower permit application fee and reduced time for review, may be used for the dewatering if the dewatering volume is less than 50 million gallons and the time of the appropriation is less than one year. **A2**
3. Page 15, Permits and Approvals. A DNR Public Waters Work Permit is currently being reviewed for the Benton Lake outlet culvert extension. **A3**
4. Page 37, Rare Species. We appreciate that native seed mixes will be utilized for revegetating within the road corridor. We also recommend using appropriate, native, weed-free seed mixes in stormwater features to the greatest degree possible in order to provide pollinator habitat. **A4**
5. Page 48, Dust and Odors. Please do not use products containing chloride for dust suppression in areas that drain to public waters. Chloride released in local surface waters does not break down, and can accumulate to levels that are toxic to wildlife and aquatic plant species. **A5**

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

Sincerely,



**Comment Letter A: Minnesota DNR (Page 2 of 2)**

A handwritten signature in black ink that reads "Melissa Collins". The signature is written in a cursive style and is positioned above a light blue rectangular background.

Melissa Collins  
Regional Environmental Assessment Ecologist | Ecological and Water Resources  
Minnesota Department of Natural Resources  
1200 Warner Road  
St. Paul, MN 55106  
Phone: 651-259-5755  
Email: melissa.collins@state.mn.us

CC: Darin Mielke, P.E., Carver County

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**Comment Letter B: Metropolitan Council (Page 1 of 2)**



August 1, 2023

Diane Langenbach, Metro South Area Engineer  
MnDOT Metro District  
1500 County Road B2 West  
Roseville, MN 55113

**RE: U.S. Highway 212 Benton Township Project Environmental Assessment Worksheet (EAW)**  
Metropolitan Council Review No. 22882-1  
Metropolitan Council District 4

Dear Diane Langenbach:

The Metropolitan Council received the EAW for the U.S. Highway 212 Benton Township Project from CSAH 34 to CSAH 36 on July 5, 2023. The purpose of the project is intended to improve the safe and reliable movement of people and goods on U.S. Highway 212 in Carver County by expanding the roadway to a divided four-lane expressway from an undivided two-lane rural highway and construct multiple reduced conflict intersections and grade separate the CSAH 51 intersection.

Council staff has conducted a review of this EAW to determine its adequacy and accuracy in addressing regional concerns and the potential for significant environmental impact. Staff have concluded that the EAW is complete and accurate. An EIS is not necessary for regional purposes.

We offer the following comments for your consideration.

**Transportation** (Joe Widing, 651-602-1822)

The Metropolitan Council forecasts congestion in 2040 for westbound US-212 through the project area in the Transportation Policy Plan (TPP). This project is identified in the TPP as a locally led capacity enhancement project to alleviate the anticipated future congestion and safety issues which would be expected with increased congestion. This project is in the Carver County Capital Improvement Plan (CIP) and identified in the Carver County Transportation Plan which was reviewed and approved by the Metropolitan Council in 2019. There are no Regional Bicycle Transportation Network (RBTN) alignments or corridors within the vicinity of the project. This project will improve freight access and mobility along this Principal Arterial (PA) corridor. This project will construct reduced conflict intersections and grade separate CSAH 51 which will improve safety along the corridor. The US 212 project conforms with regional plans and is consistent with regional policies.

**B1**

**Land Use** (Raya Esmaeili, 651-602-1616)

As indicated in the EAW, the project area is located adjacent to prime or unique farmland, including land currently enrolled in the Agricultural Preserves Program. The Metropolitan Agricultural Preserves Act (Minn. Statutes 473H.01) should be followed for any impacts within the project area to land enrolled in the Agricultural Preserves Program.

**B2**

The EAW includes discussion of planned land uses from Carver County's 2040 Comprehensive Plan. Although the comprehensive plans for Cologne and Norwood Young America aren't

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**Comment Letter B: Metropolitan Council (Page 2 of 2)**

referenced, the EAW generally discusses these areas. The eastern extent of proposed project area in Cologne impacts a parcel guided Industrial in Cologne's 2040 Plan. The western extent of the alignment to Norwood Young American is primarily in the 2010-2020 orderly annexation phasing and guided Commercial, Industrial, Mixed Use, and Park in the City's 2040 Comprehensive Plan. Mapping updates from the proposed project should be wrapped into a future comprehensive plan amendment.

**Surface water Management** (Maureen Hoffman, maureen.hoffman@metc.state.mn.us)

**B3**

The EAW notes that impacts to wetlands will be minimized to the best extent possible. If wetlands must be impacted, Council staff encourage the developer to look within the same watershed/subwatershed for wetland banking replacement. Additionally, Council staff commend MNDOT for their partnership with the Carver County Water Management Organization (CCWMO) to design stormwater practices that will limit impacts to surrounding water bodies. We do recommend that MNDOT clearly state who will be in charge of operation and maintenance of the Best Management Practices (BMPs) and a schedule to ensure they continue to work properly. Finally, there is no mention of chloride management of best practices that will be implemented during the winter months to limit impacts to surrounding water bodies.

This concludes the Council's review of the EAW. The Council will not take formal action on the EAW. If you have any questions or need further information, please contact Joe Widing, Principal Reviewer, at 651-602-1822, or via email at joseph.widing@metc.state.mn.us.

Sincerely,



Angela R. Torres, AICP, Senior Manager  
Local Planning Assistance

CC: Tod Sherman, Development Reviews Coordinator, MnDOT - Metro Division  
Deb Barber, Councilmember, District 4  
Joe Widing, Principal Reviewer, Metropolitan Council  
Raya Esmaeili, Sector Representative  
Reviews Coordinator

*N:\CommDev\LPA\Agencies\MnDOT\Letters\MnDOT US-212 EAW 22882-1*

Comment Letter C: Metropolitan Council (Page 1 of 1)



August 4, 2023

Diane Langenbach  
Metro South Area Engineer  
MnDOT Metro District, 1500 West County Road B2  
Roseville, MN 55113

RE: U.S. Highway (Hwy) 212 Benton Township Project  
SP 1013-77 and 010-596-013  
Carver County  
SHPO Number: 2008-3318

Dear Diane Langenbach,

Thank you for providing our office with a copy of the Environmental Assessment Worksheet (EAW) for the above-referenced project.

As acknowledged and documented in the EAW under Item 15. *Historic Properties*, our office has been engaged in consultation with the Minnesota Department of Transportation (MnDOT) Cultural Resources Unit (CRU) pursuant to our responsibilities under the Minnesota Historic Sites Act (Minn. Stat. 138.665), as well as the responsibilities given the State Historic Preservation Officer by Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108), its implementing federal regulations, "Protection of Historic Properties" (36 CFR Part 800), and per the terms of the 2014 Amended Programmatic Agreement (PA) executed among the Federal Highway Administration, the U.S. Army Corps of Engineers (Corps), the Advisory Council on Historic Preservation, and the Minnesota State Historic Preservation Office.

C1

As stated in the EAW, the following four historic properties (as defined under Section 106 of the National Historic Preservation Act) have been identified within the project area: Bongards' Coop Creamery (CR-BNT-001), Stender Farm (CR-BNT-006), Spieker [Spiecker] Farm (CR-BNT-140), and the Chicago Milwaukee and St. Paul (CMStP) Railway Company/Chicago Milwaukee St. Paul and Pacific (CMStP&P) Railroad Company: Hastings and Dakota (H&D) Division Main Line (XX-RRD-CSP010). All of these properties have been determined eligible for listing in the National Register of Historic Places (NRHP). There are no properties currently listed in the National or State Registers of Historic Places, and no known or suspected significant archaeological properties in the area will be adversely affected by this project.

C2

Since issuance of our initial comment letter on March 8<sup>th</sup>, 2023, we are continuing consultation with MnDOT CRU to finalize identification of historic properties within the project's area of potential effects and reach concurrence on the finding of effect for this project. Please contact Nicole Foss at [nicole.foss@state.mn.us](mailto:nicole.foss@state.mn.us) or (651) 201-3248 with any questions or concerns regarding this comment letter.

C3

Sincerely,

Sarah J. Beimers  
Environmental Review Program Manager

---

MINNESOTA STATE HISTORIC PRESERVATION OFFICE

50 Sherburne Avenue ■ Administration Building 203 ■ Saint Paul, Minnesota 55155 ■ 651-201-3287

[mn.gov/admin/shpo](http://mn.gov/admin/shpo) ■ [mnshpo@state.mn.us](mailto:mnshpo@state.mn.us)

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**Comment Letter D: public citizen, Kimberly Gapen (Page 1 of 4)**

Submitted by:

Kimberly Rosauer Gapen  
13030 Highway 212  
Norwood, MN 55368

My name is Kimberly R. Gapen and I live along the Highway 212 corridor where the proposed expansion will affect my property. I have reviewed the EAW and, to the best of my ability, offer the following input.

1. The Drainage Overview Map – in draft stage and incorporated by reference in the EAW – will affect my property and my enjoyment of it. Further details are below. I am uncertain as to how an EAW can be submitted for review when such a large encompassing part of this project is still in draft stage. **D1**
2. I strongly object to the placement of the Butternut Dry Pond beginning 30 feet from my property line. Further, I object to any D&U Easement on my property. **D2**
3. Traffic volume and subsequent noise will drastically increase in the area of my home. **D3**
4. I will never be able to leave my home and return without the need to flip a U-Turn. **D4**
5. Snowplows will now push two lanes of snow into my driveway instead of one. **D5**
6. The expanded highway will not benefit me or my property AT ALL. It will have a detrimental effect on my property value, likely affect the ability of being able to sell my property, will affect the ability of my family to enjoy my home, will not provide one added safety measure to me whatsoever. **D6**

Per multiple conversations with project engineer, Darin Mielke, and Right-of-Way Agent, Penny Rolf, it has been identified that a stormwater (dry) pond is proposed to be placed beginning 30 feet from the property line of my 1.5 acre homestead. Notably, this is part of the drainage overview map that is still in draft stage and will be finalized this fall with the final construction plans. It is referenced on page 26 of the EAW where this map is a separate attachment of the EAW. I have attached it to this email for your reference.

Below is a screenshot from the Drainage Overview Map of the area around my home. I stress my home. I live here. With every word you read from here on out, remember this is my home. I have paid on my home for 30 years, raised my children in my home. My husband died in my home. My grandchildren visit my home on a weekly basis. There are four of them – aged 3, 1 ½ and 1 ½.

Comment Letter D: public citizen, Kimberly Gapen (Page 2 of 4)



Please note the Butternut Dry Pond proposed immediately to the west of my home. Per Darin Mielke, project engineer (heralded on the previous expansion for benefitting the homeowners in the path of the previous expansion for the SAFETY that the expanded highway would bring to them), the proposed dry pond would begin 30 feet from my property line. **30 feet.**

The west side of my home begins 58 feet from my property line. That's 88 feet from the beginning of the proposed stormwater pond. My well cap is 198 feet from the edge of the proposed stormwater pond. My septic line, running from my home to the mound system that Carver County made me put in, is 175 feet from the edge of the proposed stormwater pond.

A simple google tells of the problems with stormwater ponds. There are mosquitoes. Carver County has no contract for mosquito control. There are snakes. There is stench. There are drownings. Again, I have four grandchildren with a stormwater pond proposed 88 feet from my home. There will be no fence around the stormwater pond because it is a "dry pond". It will only fill with water during major precipitation events. A stormwater pond may not be dangerous one day but may be life threatening – particularly to a small child – the next day. Swimming pools in towns are required to have fences to protect children – even though those children may not be legally on property, even if the pool has no water. The same requirements do not apply to stormwater ponds – perhaps because it is not anticipated that these would be placed 88 feet from a private residence. According to climate trends in the EAW, anticipated precipitation is to increase over the years where, one would have to conclude, the dry pond will bear more and more water.

**D7**

I drove from Carver, MN to Montevideo, MN on Highway 212 traversing across the large majority of MN – a "major arterial highway" - and **THERE IS NOT ONE STORMATER POND LOCATED ANYWHERE CLOSE TO A RESIDENCE** – certainly not as close as Carver County is proposing that the Butternut Pond will be to

## Comment Letter D: public citizen, Kimberly Gapen (Page 3 of 4)

my home. Not one. This certainly makes me feel discriminated against – perhaps as a disabled, single, female homeowner with limited means to put up a fight.

The field directly to the west of my home belongs to a deceased gentlemen named Warren Flusemann and is currently in a trust. The field dips down from my property line to Warren’s driveway and remains low on the west side of his driveway before rising in height as it progresses west. The property directly to the west of the Flusemann farm belongs to Penny Rolf’s (the Right-of-Way’s agent) family. Both the trustee for the Flusemann farm (Heidi Flusemann) and I have noted that the low area (on both the east and west side of the Flusemann driveway leading over to the Rolf driveway) are low areas that bear standing water every year whereas the field directly to the west of my house has NOT ONCE had standing water as it is higher ground. According to Darin Mielke, the stormwater pond could not be built in the lower areas because it is designated as wetlands – something new to Heidi Flusemann. For context, here’s a shot from the Drainage Overview Map:



Now, when you look at my distance from my home to get an idea of 30 feet, I can only imagine that this new “wetland” area is maybe 40 feet wide and, from the drawing, appears to be less than the size of my house.

As you will note in the first pic, there is a little dashed green line running directly behind (north of) my home), behind my next-door neighbor’s home and through the home of the neighbor two houses from me. The legend on the map says that this is a “Proposed D & U Easement.” I cannot imagine that this in any way, shape or form benefits me or my property.

On page 23 of the EAW, wells located within a 500-foot buffer of the preliminary construction limits are listed. My well cap is approximately 180 feet from the west paved edge of existing Highway 212. This is relatively close to the proposed edge of the expanded Highway 212 so this listing of wells in the EAW is certainly not complete.

**D8**

On page 57 of the EAW, it is noted that traffic levels on the expanded Highway 212 are anticipated to increase by roughly 50%. The Traffic Noise Analysis Report (Chapter 4) indicates that my area is projected to suffer a substantial increase in noise; however, the Noise Wall is not proposed.

**D9**

With the four-lane divided highway, I will never be able to turn east from my driveway, again. I will always need to proceed west to a turn-around to go east. If I am traveling from the west, I will always have to proceed past by driveway and turn-around and come back for gaining access to my property. According to Penny Rolf, this is just another part of the expanded highway that I will need to endure to ensure my own safety and that of others.

**D10**

**Comment Letter D: public citizen, Kimberly Gapen (Page 4 of 4)**

MNDOT has confirmed that, with the expanded highway, the snowplow trucks will be pushing snow from both lanes of traffic on westbound Highway 212 to the north side of the road. Currently, I take one westbound lane of snow pushed into my driveway. At minimum, once a winter, I must call MNDOT to have the blower sent out to remove the snow that the state snowplow pushes on either side of my driveway. I cannot even begin to fathom having two lanes of snow pushed into my driveway.

**D11**

The proposed expansion does not benefit me. While the request for comments may be related to environmental impacts, it is worth noting the impact on the property owners on Highway 212. I would point out that the Carver County Assessor for this area commented – and I quote – “I feel bad for everyone on Highway 212.”

**D12**

Property owners on the previous expansion suffered an average decrease in property value of 5% - referred to as "obsolescence" – according to the Carver County Assessor. This was based on the noise and other issues related to the expanded highway. When I questioned my assessor as to how the dry pond 30 feet from my property line would affect my value, he noted that it was impossible to tell because there are no other comparable properties with residences with a dry pond being built that close - 30 feet from the property line, 88 feet from the residence. Read that, again. There are no other dry ponds with that minimal proximity to a residence.

I am emphatically aware that I cannot do anything to stop this expanded highway; however, I am already “taking a hit for the team” with the expanded highway in front of my house, Carver County and the State of MN taking my ditch, cutting down my tree, increasing the noise, making the entrance and exit from my home more difficult and time consuming and God only knows all of the problems that I am not thinking of but do I really need to have a dry pond plunked right on top of my house? This is a five mile stretch of highway. There are three or four houses (that will remain) this close to the highway. WHY MUST A DRY POND LOCATED WITHIN 88 FEET OF MY HOUSE????

**D13**

I welcome the review of these comments and beg you to use whatever power that you have to work with Darin Mielke to find another location for the dry pond – instead of 30 feet from my property line. Again, that highway is going in whether I want it or not but please, please do not further annihilate my ability to enjoy my home by placing a stormwater pond a stone’s throw away. Please.

Kimberly R. Gapen



## **Comment Letter A: Minnesota DNR**

### Comments

- A1** Page 15, Permits and Approvals. Please note that appropriate land rights, including a DNR license to cross and/or a road easement, are required for DNR public waters crossings.
- A2** Page 15, Permits and Approvals. A DNR Water Appropriation Permit is required if the water pumped exceeds 10,000 gallons in a day, or one million gallons in one year. The DNR General Permit for Temporary Appropriation, with its lower permit application fee and reduced time for review, may be used for the dewatering if the dewatering volume is less than 50 million gallons and the time of the appropriation is less than one year.
- A3** Page 15, Permits and Approvals. A DNR Public Waters Work Permit is currently being reviewed for the Benton Lake outlet culvert extension.
- A4** Page 37, Rare Species. We appreciate that native seed mixes will be utilized for revegetating within the road corridor. We also recommend using appropriate, native, weed-free seed mixes in stormwater features to the greatest degree possible in order to provide pollinator habitat.
- A5** Page 48, Dust and Odors. Please do not use products containing chloride for dust suppression in areas that drain to public waters. Chloride released in local surface waters does not break down, and can accumulate to levels that are toxic to wildlife and aquatic plant species.

### Responses

- A1** For all DNR public water crossings, appropriate land rights will be obtained, including the required DNR license to cross and/or road easement.
- A2** If the water pumped exceeds 10,000 gallons in a day, or one million gallons in one year, a DNR Water Appropriation Permit will be obtained, as required. The DNR General Permit for Temporary Appropriation, with its lower permit application fee and reduced time for review, will be used for the dewatering if the dewatering volume is less than 50 million gallons and the time of the appropriation is less than one year.
- A3** It is understood that a DNR Public Waters Work Permit is currently being reviewed for the Benton Lake outlet culvert extension.
- A4** The project will also use appropriate, native, weed-free seed mixes in stormwater features to the greatest degree possible in order to provide pollinator habitat.

- A5** When feasible, this project will not use products containing chloride for dust suppression in areas that drain to public waters.

## **Comment Letter B: Metropolitan Council**

### Comments

**B1** **Transportation** (Joe Widing, 651-602-1822)

The Metropolitan Council forecasts congestion in 2040 for westbound US-212 through the project area in the Transportation Policy Plan (TPP). This project is identified in the TPP as a locally led capacity enhancement project to alleviate the anticipated future congestion and safety issues which would be expected with increased congestion. This project is in the Carver County Capital Improvement Plan (CIP) and identified in the Carver County Transportation Plan which was reviewed and approved by the Metropolitan Council in 2019. There are no Regional Bicycle Transportation Network (RBTN) alignments or corridors within the vicinity of the project. This project will improve freight access and mobility along this Principal Arterial (PA) corridor. This project will construct reduced conflict intersections and grade separate CSAH 51 which improve safety along the corridor. The US 212 project conforms with regional plans and is consistent with regional policies.

**B2** **Land Use** (Raya Esmaeili, 651-602-1616)

As indicated in the EAW, the project area is located adjacent to prime or unique farmland, including land currently enrolled in the Agricultural Preserves Program. The Metropolitan Agricultural Preserves Act (Minn. Statutes 473H.01) should be followed for any impacts within the project area to land enrolled in the Agricultural Preserves Program.

The EAW includes discussion of planned land uses from Carver County's 2040 Comprehensive Plan. Although the comprehensive plans for Cologne and Norwood Young America aren't referenced, the EAW generally discusses these areas. The eastern extent of proposed project area in Cologne impacts a parcel guided Industrial in Cologne's 2040 Plan. The western extent of the alignment to Norwood Young American is primarily in the 2010-2020 orderly annexation phasing and guided Commercial, Industrial, Mixed Use, and Park in the City's 2040 Comprehensive Plan. Mapping updates from the proposed project should be wrapped into a future comprehensive plan amendment.

**B3** **Surface water Management** (Maureen Hoffman, maureen.hoffman@metc.state.mn.us)

The EAW notes that impacts to wetlands will be minimized to the best extent possible. If wetlands must be impacted, Council staff encourage the developer to look within the same watershed/subwatershed for wetland banking replacement. Additionally, Council staff commend MNDOT for their partnership with the Carver County Water Management Organization (CCWMO) to design stormwater practices that will limit impacts to surrounding water bodies. We do recommend that MNDOT clearly state who will be in charge of operation and maintenance of the Best Management Practices (BMPs) and a schedule to ensure they continue to work properly. Finally, there is no mention of chloride management of best practices that will be implemented during the winter months to limit impacts to surrounding water bodies.

### Responses

- B1** Noted and understood.
- B2** MnDOT will inform the city of Cologne and city of Norwood Young America that mapping updates from the proposed project should be wrapped into a future comprehensive plan amendment.
- B3** For any wetland impacts, an effort will be made to look within the same watershed/ sub-watershed for wetland banking replacement. MnDOT will own and maintain all BMPs associated with the project. BMP maintenance will follow MnDOT standard practices and maintenance schedules. Winter road maintenance will follow MnDOT best management practices for road salt use. See MnDOT's webpage regarding salt sustainability ([http://www.dot.state.mn.us/maintenance/salt\\_sustainability.html](http://www.dot.state.mn.us/maintenance/salt_sustainability.html)).

### **Comment Letter C: SHPO**

- C1** As acknowledged and documented in the EAW under Item 15. Historic Properties, our office has been engaged in consultation with the Minnesota Department of Transportation (MnDOT) Cultural Resources Unit (CRU) pursuant to our responsibilities under the Minnesota Historic Sites Act (Minn. Stat. 138.665), as well as the responsibilities given the State Historic Preservation Officer by Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108), its implementing federal regulations, "Protection of Historic Properties" (36 CFR Part 800), and per the terms of the 2014 Amended Programmatic Agreement (PA) executed among the Federal Highway Administration, the U.S. Army Corps of Engineers (Corps), the Advisory Council on Historic Preservation, and the Minnesota State Historic Preservation Office.
- C2** As stated in the EAW, the following four historic properties (as defined under Section 106 of the National Historic Preservation Act) have been identified within the project area: Bongards' Coop Creamery (CR-BNT-001), Stender Farm (CR-BNT-006), Spieker [Spiecker] Farm (CR-BNT-140), and the Chicago Milwaukee and St. Paul (CMStP) Railway Company/Chicago Milwaukee St. Paul and Pacific (CMStP&P) Railroad Company:

Hastings and Dakota (H&D) Division Main Line (XX-RRD-CSP010). All of these properties have been determined eligible for listing in the National Register of Historic Places (NRHP). There are no properties currently listed in the National or State Registers of Historic Places, and no known or suspected significant archaeological properties in the area will be adversely affected by this project.

- C3** Since issuance of our initial comment letter on March 8th, 2023, we are continuing consultation with MnDOT CRU to finalize identification of historic properties within the project's area of potential effects and reach concurrence on the finding of effect for this project. Please contact Nicole Foss at nicole.foss@state.mn.us or (651) 201-3248 with any questions or concerns regarding this comment letter.

### **Responses**

- C1** Noted and understood.
- C2** Noted and understood.
- C3** The Section 106 findings of effect and any related commitments will be included in the NEPA document. Commitments will be incorporated in the plans and specifications.

### **Comment Letter D: public citizen (Kimberly Gapen)**

- D1** The Drainage Overview Map – in draft stage and incorporated by reference in the EAW – will affect my property and my enjoyment of it. Further details are below. I am uncertain as to how an EAW can be submitted for review when such a large encompassing part of this project is still in draft stage.
- D2** I strongly object to the placement of the Butternut Dry Pond beginning 30 feet from my property line. Further, I object to any D&U Easement on my property.
- D3** Traffic volume and subsequent noise will drastically increase in the area of my home.
- D4** I will never be able to leave my home and return without the need to flip a U-Turn.
- D5** Snowplows will now push two lanes of snow into my driveway instead of one.
- D6** The expanded highway will not benefit me or my property AT ALL. It will have a detrimental effect on my property value, likely affect the ability of being able to sell my property, will affect the ability of my family to enjoy my home, will not provide one added safety measure to me whatsoever.
- D7** A simple google tells of the problems with stormwater ponds. There are mosquitoes. Carver County has no contract for mosquito control. There are snakes. There is stench. There are drownings. Again, I have four grandchildren with a stormwater pond

proposed 88 feet from my home. There will be no fence around the stormwater pond because it is a “dry pond”. It will only fill with water during major precipitation events. A stormwater pond may not be dangerous one day but may be life threatening – particularly to a small child – the next day. Swimming pools in towns are required to have fences to protect children – even though those children may not be legally on property, even if the pool has no water. The same requirements do not apply to stormwater ponds – perhaps because it is not anticipated that these would be placed 88 feet from a private residence. According to climate trends in the EAW, anticipated precipitation is to increase over the years where, one would have to conclude, the dry pond will bear more and more water.

- D8** On page 23 of the EAW, wells located within a 500-foot buffer of the preliminary construction limits are listed. My well cap is approximately 180 feet from the west paved edge of existing Highway 212. This is relatively close to the proposed edge of the expanded Highway 212 so this listing of wells in the EAW is certainly not complete.
- D9** On page 57 of the EAW, it is noted that traffic levels on the expanded Highway 212 are anticipated to increase by roughly 50%. The Traffic Noise Analysis Report (Chapter 4) indicates that my area is projected to suffer a substantial increase in noise; however, the Noise Wall is not proposed.
- D10** With the four-lane divided highway, I will never be able to turn east from my driveway, again. I will always need to proceed west to a turn-around to go east. If I am traveling from the west, I will always have to proceed past my driveway and turn-around and come back for gaining access to my property. According to Penny Rolf, this is just another part of the expanded highway that I will need to endure to ensure my own safety and that of others.
- D11** MNDOT has confirmed that, with the expanded highway, the snowplow trucks will be pushing snow from both lanes of traffic on westbound Highway 212 to the north side of the road. Currently, I take one westbound lane of snow pushed into my driveway. At minimum, once a winter, I must call MNDOT to have the blower sent out to remove the snow that the state snowplow pushes on either side of my driveway. I cannot even begin to fathom having two lanes of snow pushed into my driveway.
- D12** The proposed expansion does not benefit me. While the request for comments may be related to environmental impacts, it is worth noting the impact on the property owners on Highway 212. I would point out that the Carver County Assessor for this area commented – and I quote – “I feel bad for everyone on Highway 212.”
- D13** I am emphatically aware that I cannot do anything to stop this expanded highway; however, I am already “taking a hit for the team” with the expanded highway in front of my house, Carver County and the State of MN taking my ditch, cutting down my tree, increasing the noise, making the entrance and exit from my home more difficult and

time consuming and God only knows all of the problems that I am not thinking of but do I really need to have a dry pond plunked right on top of my house? This is a five mile stretch of highway. There are three or four houses (that will remain) this close to the highway. WHY MUST A DRY POND LOCATED WITHIN 88 FEET OF MY HOUSE????

### Responses

- D1** The drainage overview map is in draft stage, meaning that further details are needed to be able to construct the stormwater best management practices (BMPs). However, it is unlikely at this stage that the locations will significantly change. The latest locations of all the BMPs are available in Figures 3A to 3L of this Findings document.
- D2** The Butternut Dry Pond will be designed to meet stormwater standards in coordination with the Carver County Watershed Management Organization (CCWMO) to ensure design guidelines are followed. There are space and topographical constraints in the corridor for where ponds can be built due to the highway expansion and topography. The pond was first designed as a wet pond and changed to a dry pond as a compromise. A Drainage and Utility (D&U) easement is needed as it includes the area where the dry pond is located and provides access for activities like maintenance, inspection, or installation. Also, for clarification, the D&U easement does not include the house. The right of way limits can be seen in Figure 3F of this Findings document.
- D3** As indicated in EAW Item 6 (Project Description), one of the project needs is project mobility. Vehicle mobility within the project area is summarized by existing and forecasted traffic volumes, volume to capacity ratios, and intersection operations analysis. Collectively, analysis shows that there are vehicle mobility deficiencies based on daily traffic volumes and intersections during the morning and afternoon peak periods. Vehicle traffic is projected to increase by 23 to 39 percent (by vehicles per day) by the year 2040 compared to existing conditions. A noise analysis report was also prepared for this project. Elevated noise levels are, to a degree, unavoidable for this type of project.
- D4** There is a safety benefit of making the driveway right in right out. There are safety benefits associated with removing cross (left-turn) movements on high-speed facilities. There is also an acceleration lane /shoulder proposed near the resident's driveway, which allows for safely slowing down to 10 mph to turn into the property, without being on a high-speed through lane. Highway access to private residential and agricultural lands would be reconstructed throughout the project area. A Traffic Management Plan (TMP) is also to be developed for the project.
- D5** Additional snow plowing is anticipated. The project will include placement of a four- to six-foot-tall snow fence along the north side of Hwy 212 and coordinated with MnDOT. In addition, a snow catchment ditch is planned for the north side. This will help address visibility issues from blowing snow during the winter season.

- D6** The purpose of the Hwy 212 Benton Township project is to improve pavement conditions, vehicle safety, and vehicle mobility on Hwy 212 between CSAH 34 and CSAH 36 in Carver County. As demonstrated in the EAW, project needs include pavement condition, vehicle safety, and vehicle mobility.
- D7** Public safety is considered in pond design. Dry ponds are designed to hold water during storm events and then release the water within three days, which helps avoid mosquitoes from becoming a nuisance. They detain water for a brief time before allowing it to flow out so there is time to allow sediment and pollutants to settle out. The ponds play a critical role in providing stormwater rate control, i.e., controlling peak flows of runoff.
- D8** Well ID #503522 is included in the EAW, which is located at Kimberly Gapen’s address at 13030 Hwy 212, Norwood. It was included based on a review of the records in the Minnesota Well Index (MWI). The actual address is not included in the EAW but is shown in Figure 7 in Appendix A of the EAW, which depicts wells and drinking water.
- D9** In order for a noise wall to be proposed, the wall needs to meet specific feasibility and reasonableness criteria set forth by MnDOT (see page 17 of [MnDOT’s 2017 Noise Requirements](#)). Unfortunately, the noise wall evaluated for your property did not meet the required criteria. The noise reduction design goal of 7 dBA of reduction was not met with the modeled wall, which was modeled at the maximum height MnDOT policy allows. Please see Section 4.1.3 (Noise Wall 5) for further details on the specific wall modeled for your property. Carver County would require that construction equipment be properly muffled and in proper working order. It is the practice of Carver County to require its contractor(s) to comply with applicable local noise restrictions and ordinances to the extent that is reasonable. Additional measures are described in the EAW.
- D10** See response in D4. As noted in the EAW Item 6: Project Description of the EAW, coordination with the property owners was conducted to consolidate access points and relocate to provide better grading for the roadway.
- D11** See response in D5. Crews will try to do their best not to push snow directly into driveways. MnDOT also provides guidance for marking and clearing your driveway of snow: <http://www.dot.state.mn.us/workzone/driveways.html>.
- D12** Public involvement was considered in the design of the project, as described in EAW Item 22: Other Potential Environmental Effects. In 2020, Carver County conducted a community survey to identify issues and opportunities regarding safety and mobility on Hwy 212. A survey was conducted from April 20 to May 10, 2020. Of the respondents, 49% commented about their safety concerns on this segment of Hwy 212, 43% suggested safety improvements, and 38% provided additional comments about safety.

**D13** See D2 response. There were also numerous constraints for stormwater management with regards to soil conditions in the project corridor.

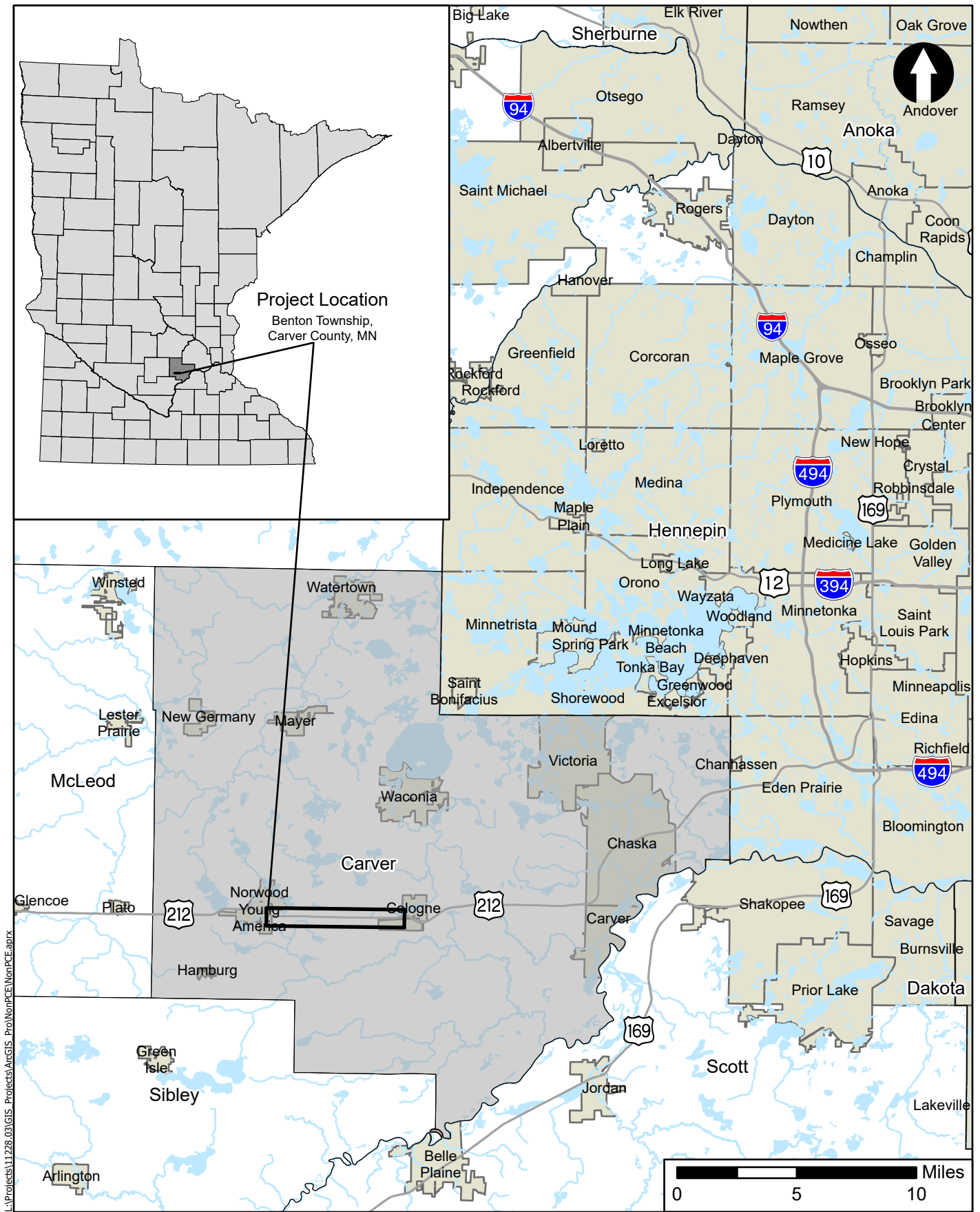


## **Appendix C – Figures**

Figure 1: State Location Map

Figure 2: Project Location Map

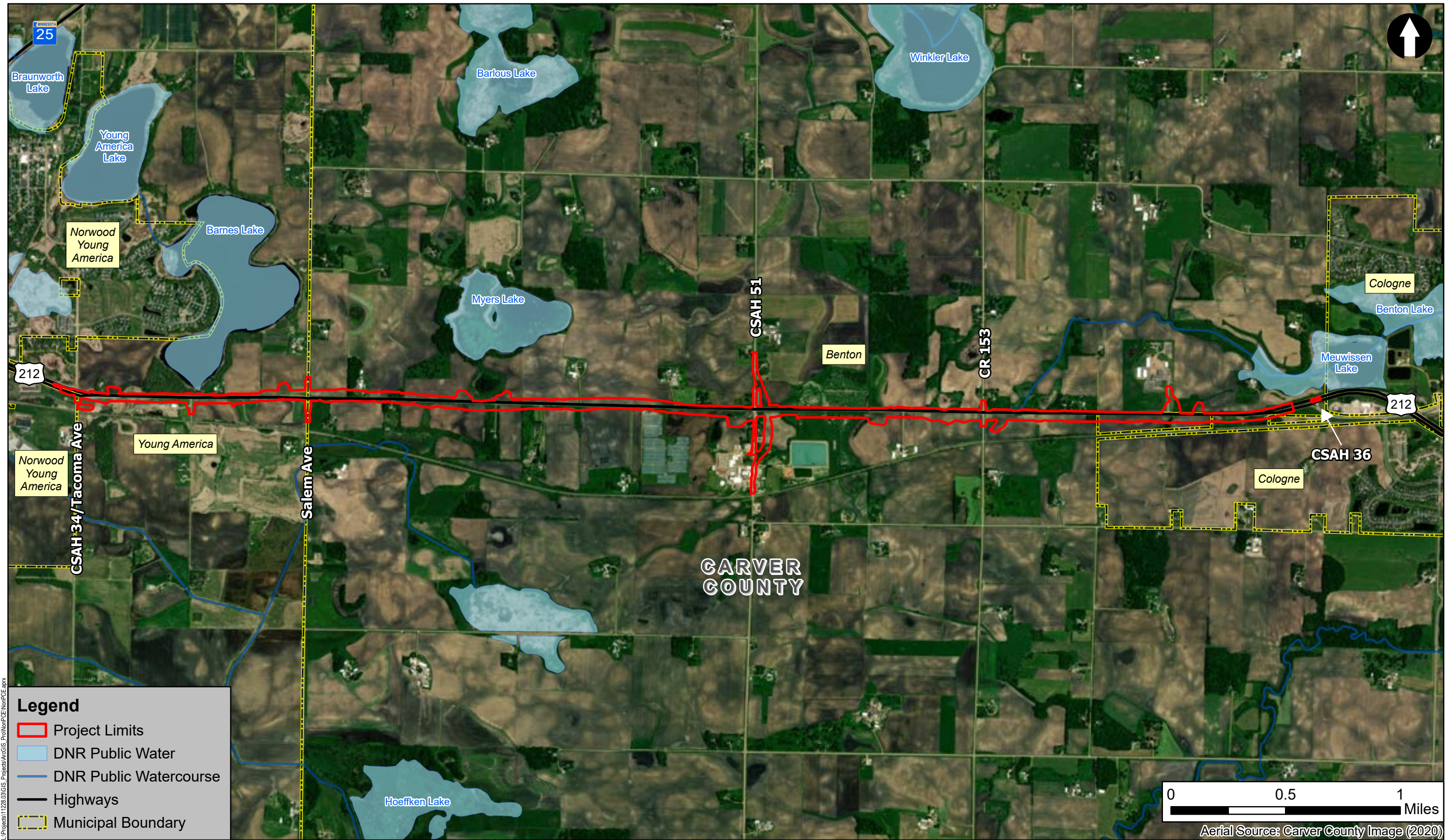
Figure 3A through L: Project Layout Sheets (Updated)



**State Location Map**

U.S. Highway 212 - Benton Township Project  
 (SP) 1013-77  
 Carver County

**Figure 1**

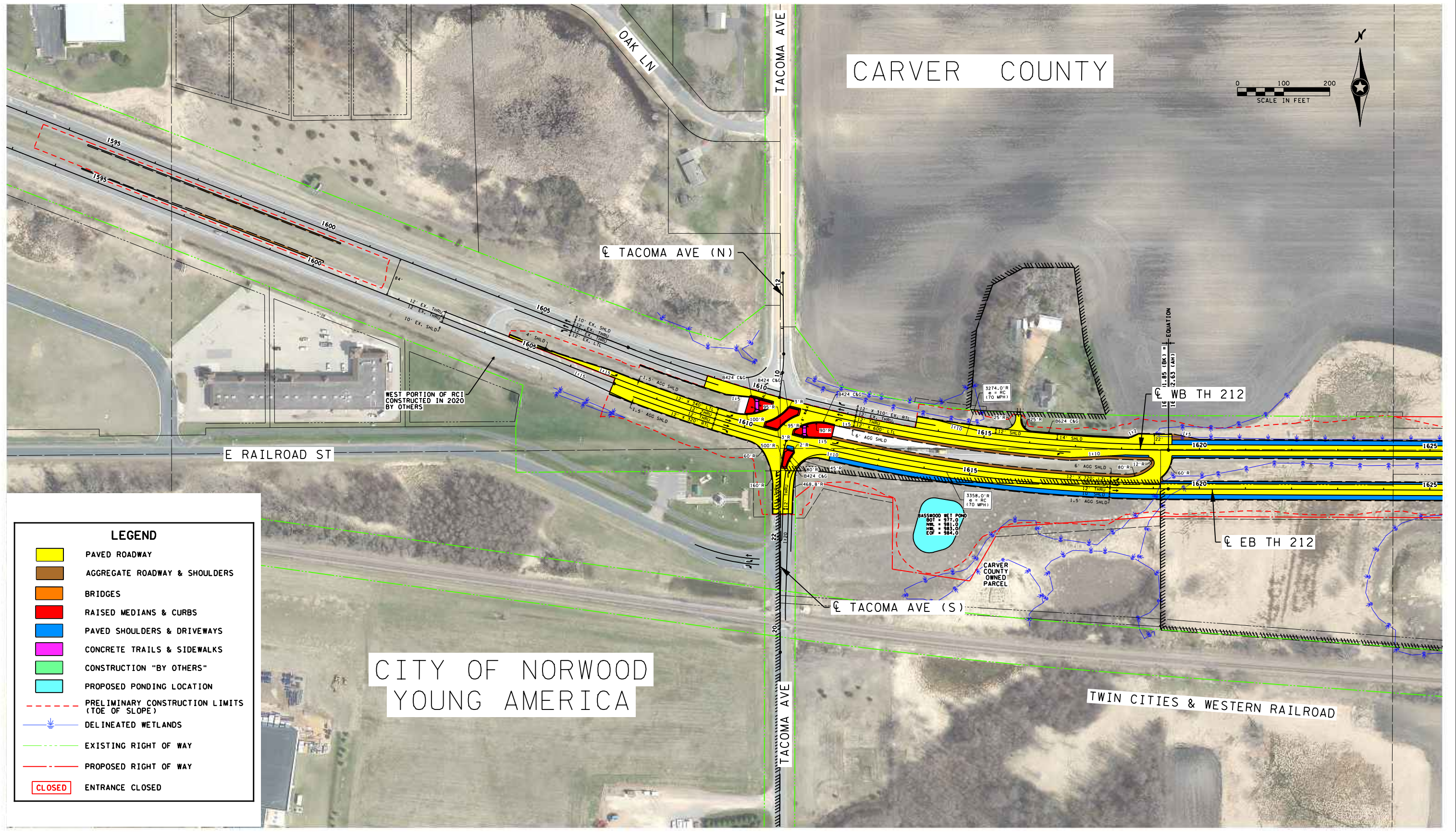


**Project Location**

U.S Highway 212 - Benton Township Project  
(SP) 1013-77  
Carver County

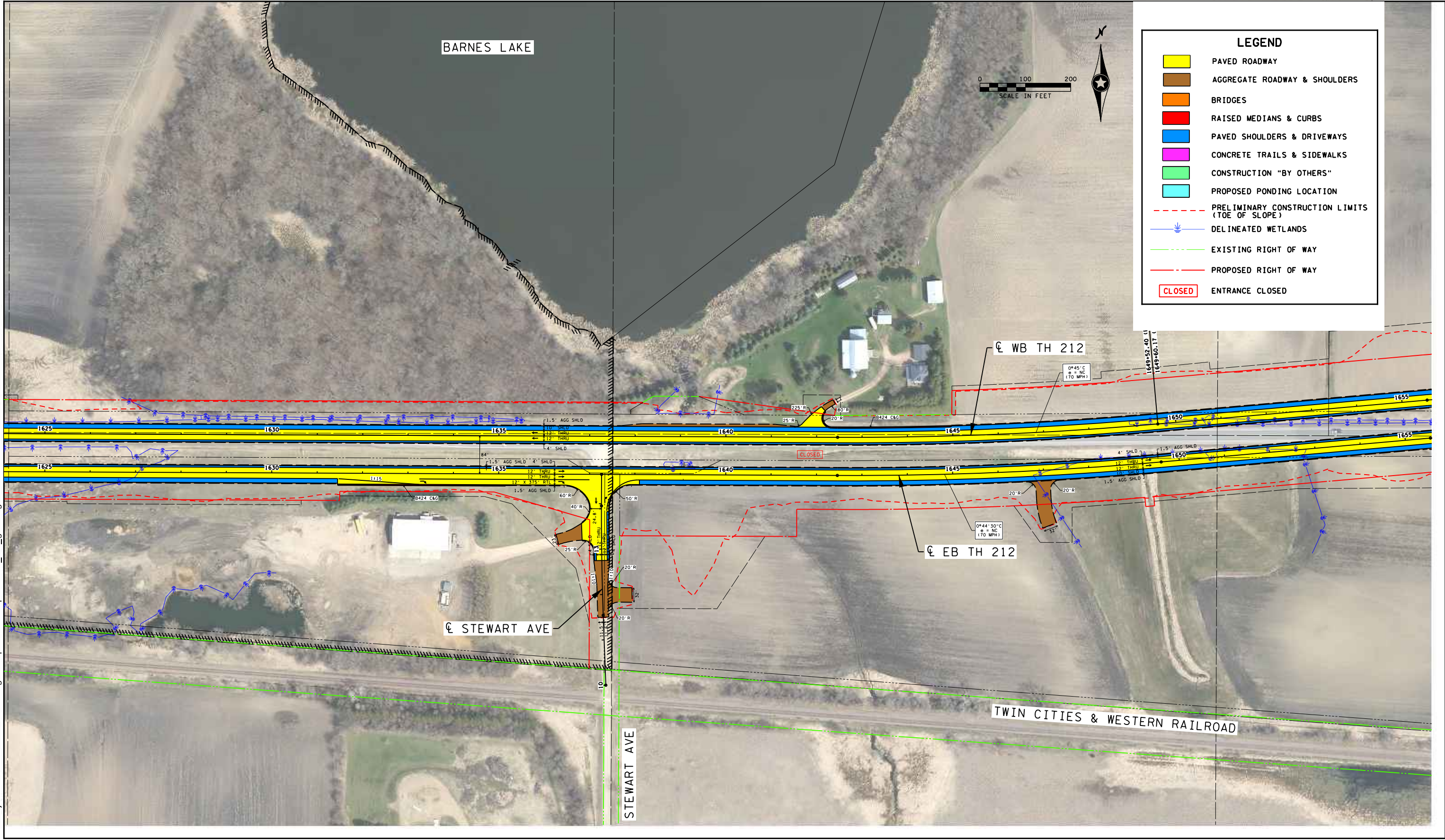
**Figure 2**

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**Project Layout**  
 U.S. Highway 212 - Benton Township Project  
 Norwood Young America to Cologne, Carver County - Minnesota

Figure 3A



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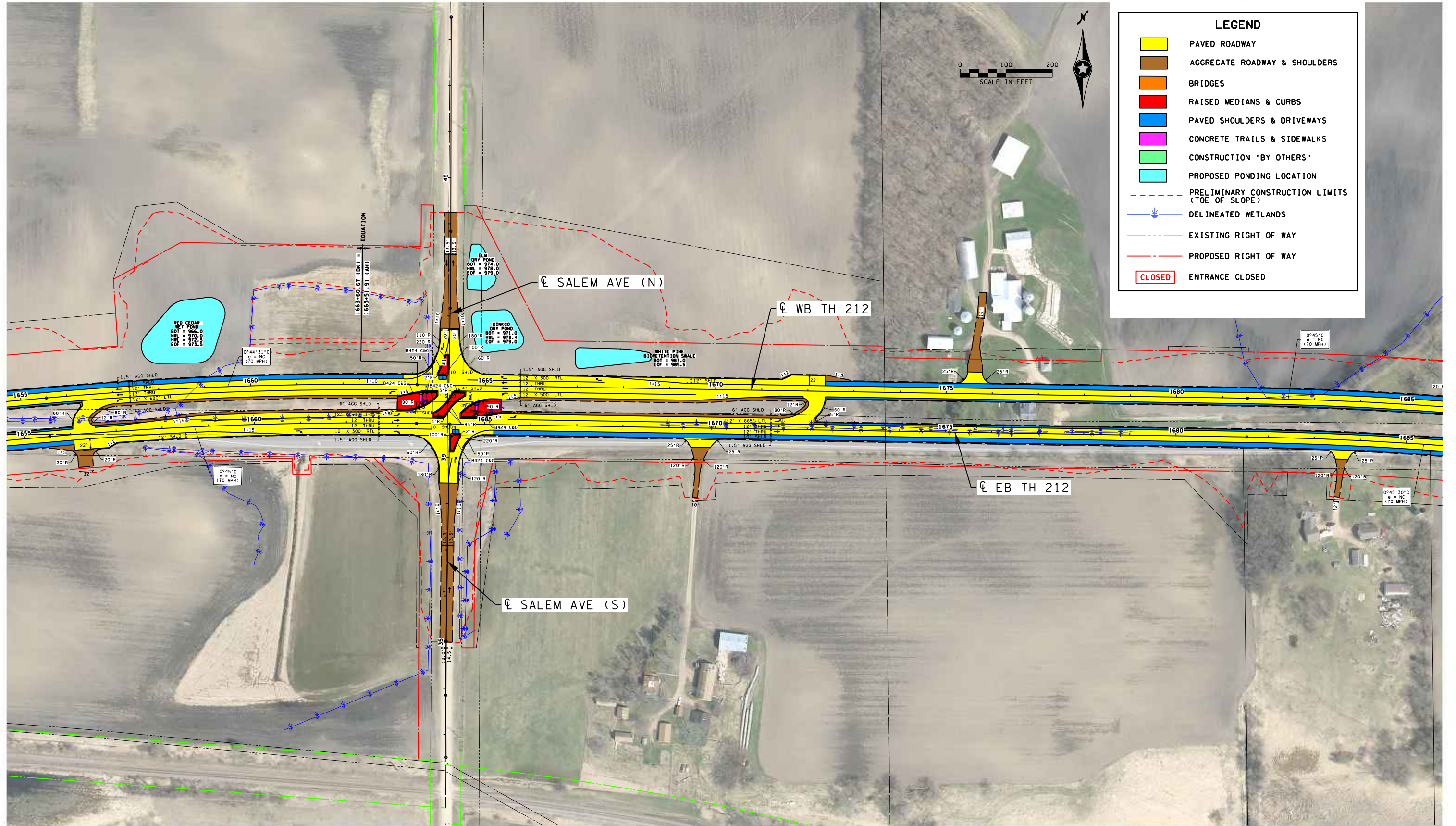


**Project Layout**

U.S. Highway 212 - Benton Township Project  
 Norwood Young America to Cologne, Carver County - Minnesota

**Figure 3B**

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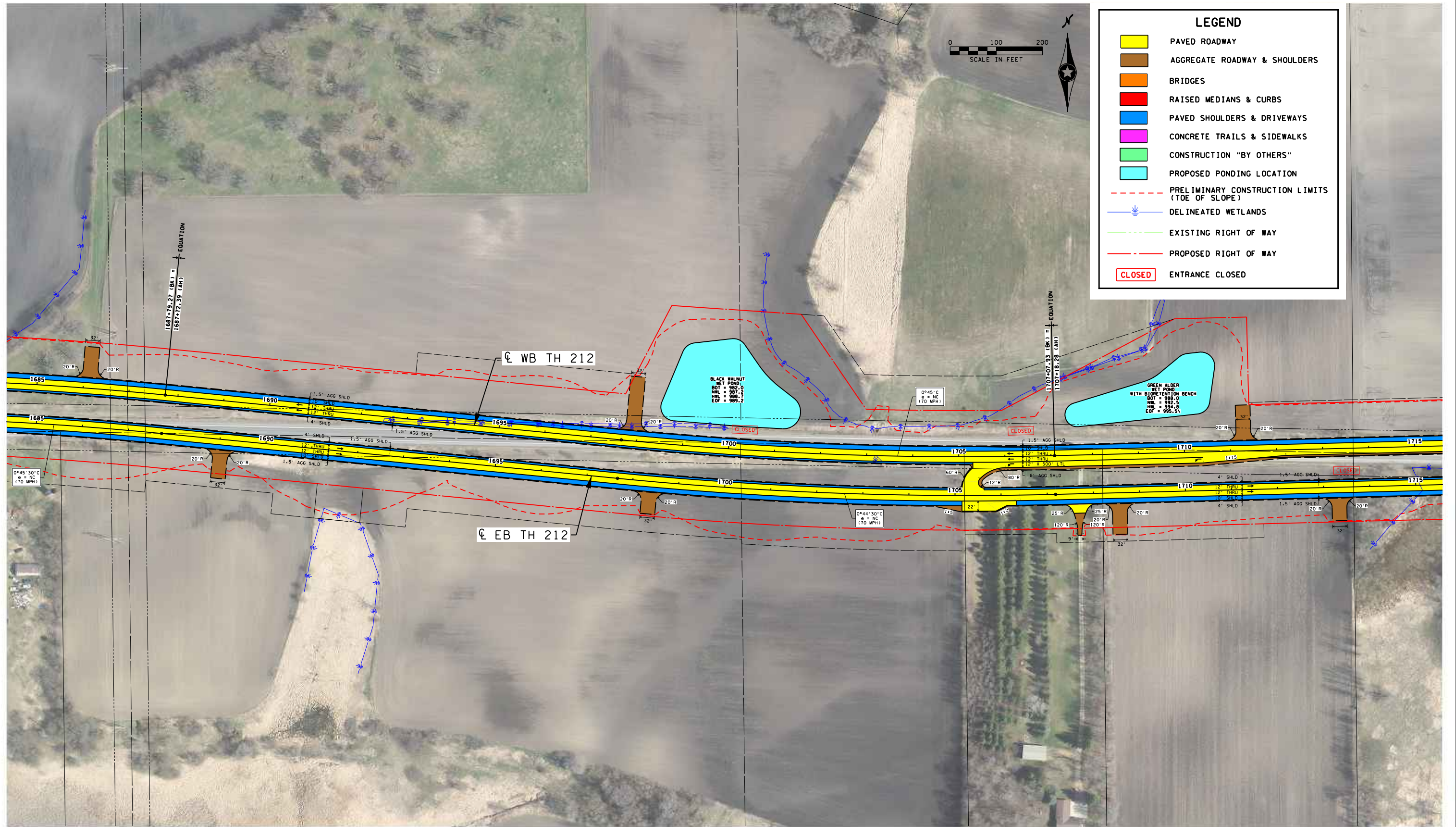
### Project Layout

U.S. Highway 212 - Benton Township Project  
Norwood Young America to Cologne, Carver County - Minnesota

Job #  
8/16/2023

Figure 3C

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**LEGEND**

- PAVED ROADWAY
- AGGREGATE ROADWAY & SHOULDERS
- BRIDGES
- RAISED MEDIANS & CURBS
- PAVED SHOULDERS & DRIVEWAYS
- CONCRETE TRAILS & SIDEWALKS
- CONSTRUCTION "BY OTHERS"
- PROPOSED PONDING LOCATION
- PRELIMINARY CONSTRUCTION LIMITS (TOE OF SLOPE)
- DELINEATED WETLANDS
- EXISTING RIGHT OF WAY
- PROPOSED RIGHT OF WAY
- CLOSED ENTRANCE CLOSED



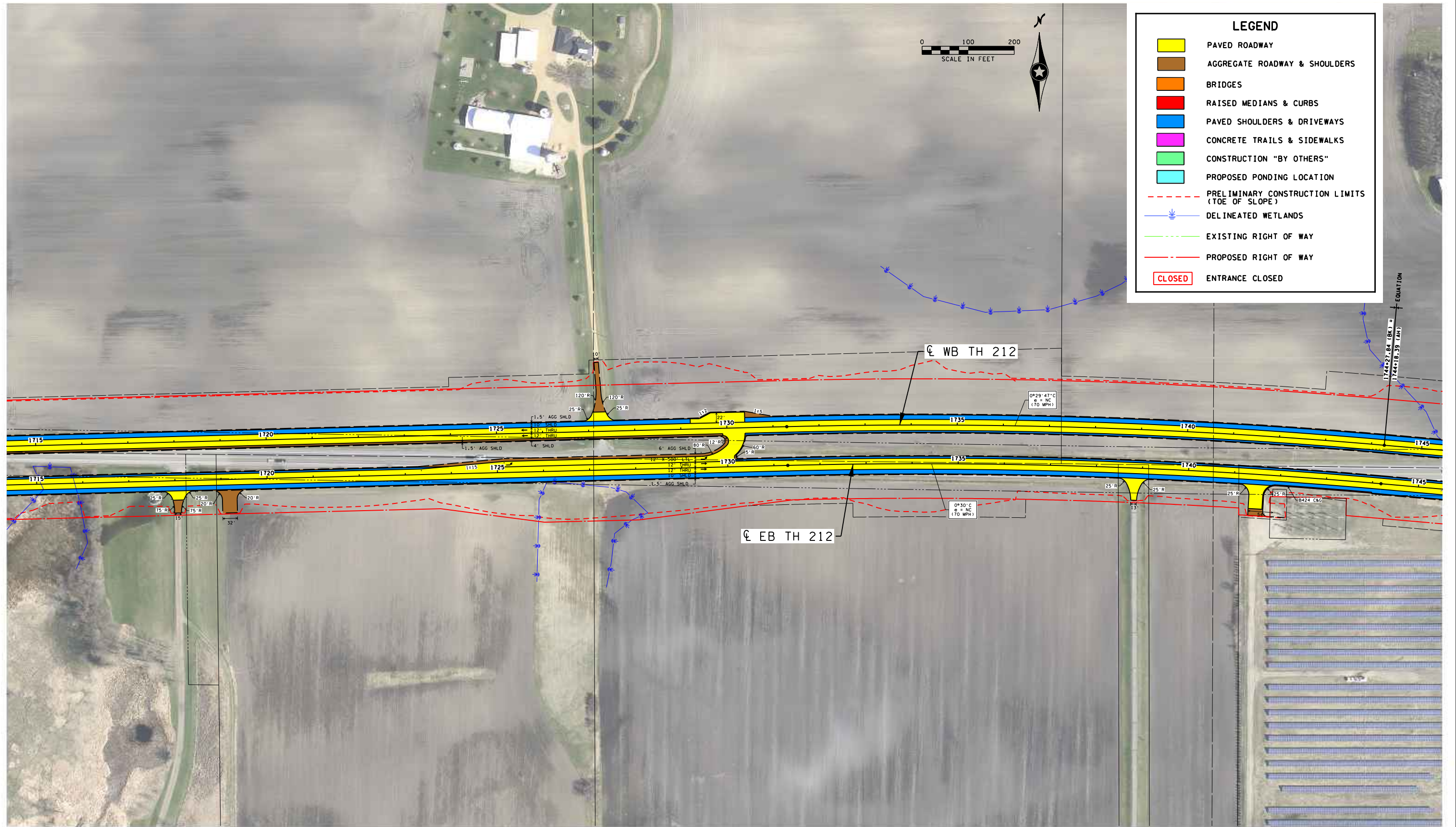
### Project Layout

U.S. Highway 212 - Benton Township Project  
Norwood Young America to Cologne, Carver County - Minnesota

Job #  
8/16/2023

Figure 3D

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**Project Layout**

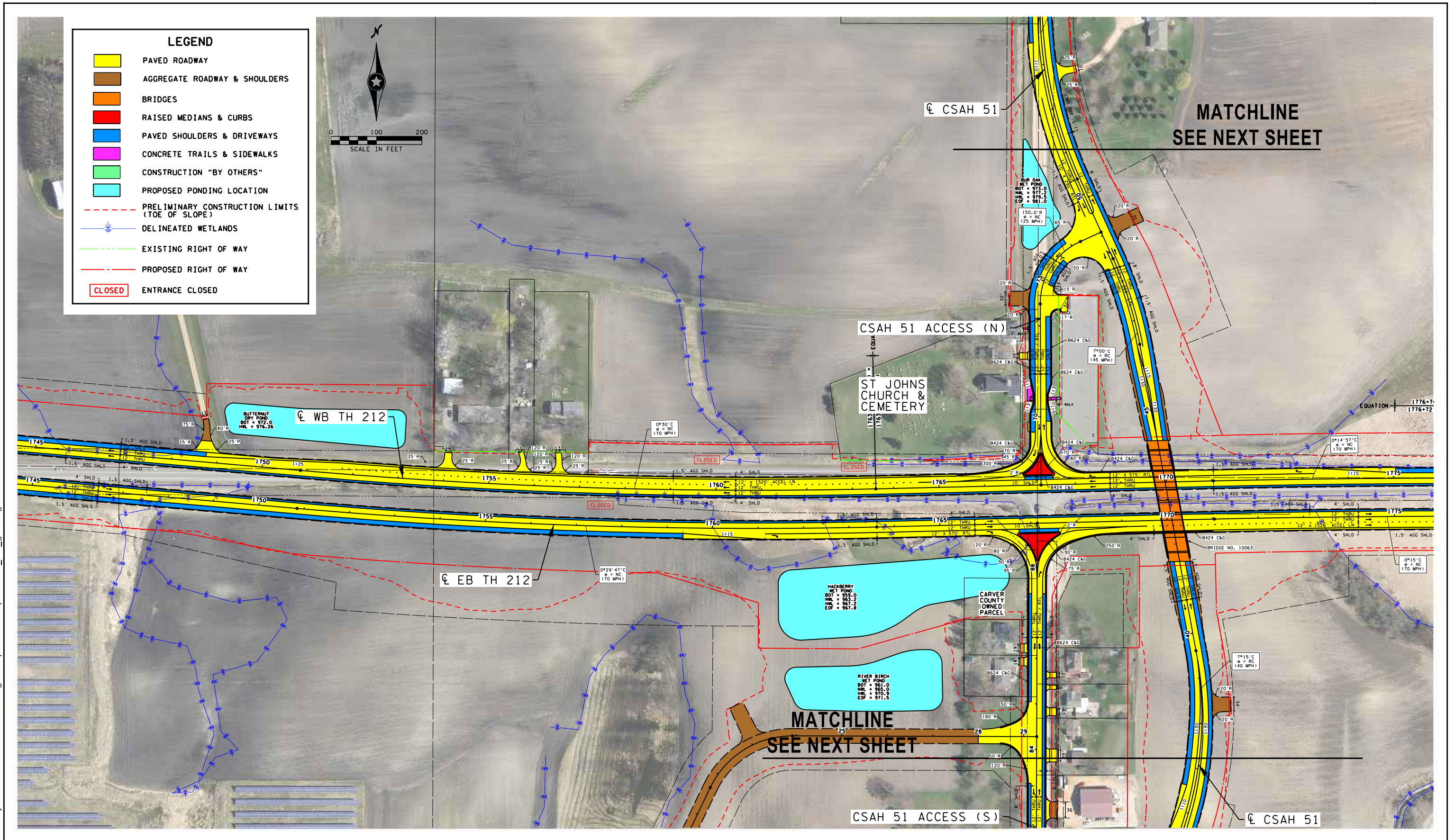
U.S. Highway 212 - Benton Township Project  
Norwood Young America to Cologne, Carver County - Minnesota

Job #  
8/16/2023

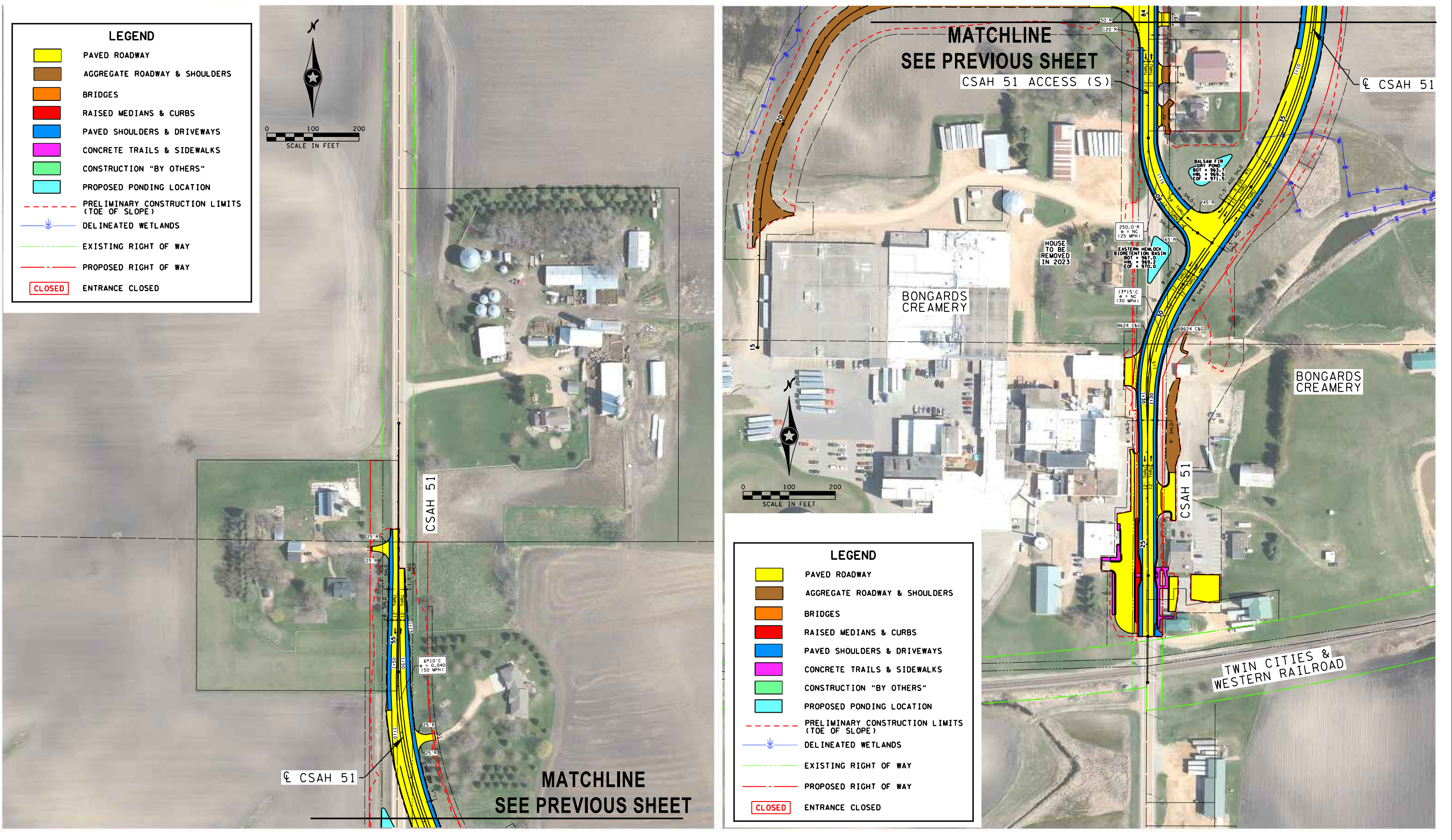
Figure 3E



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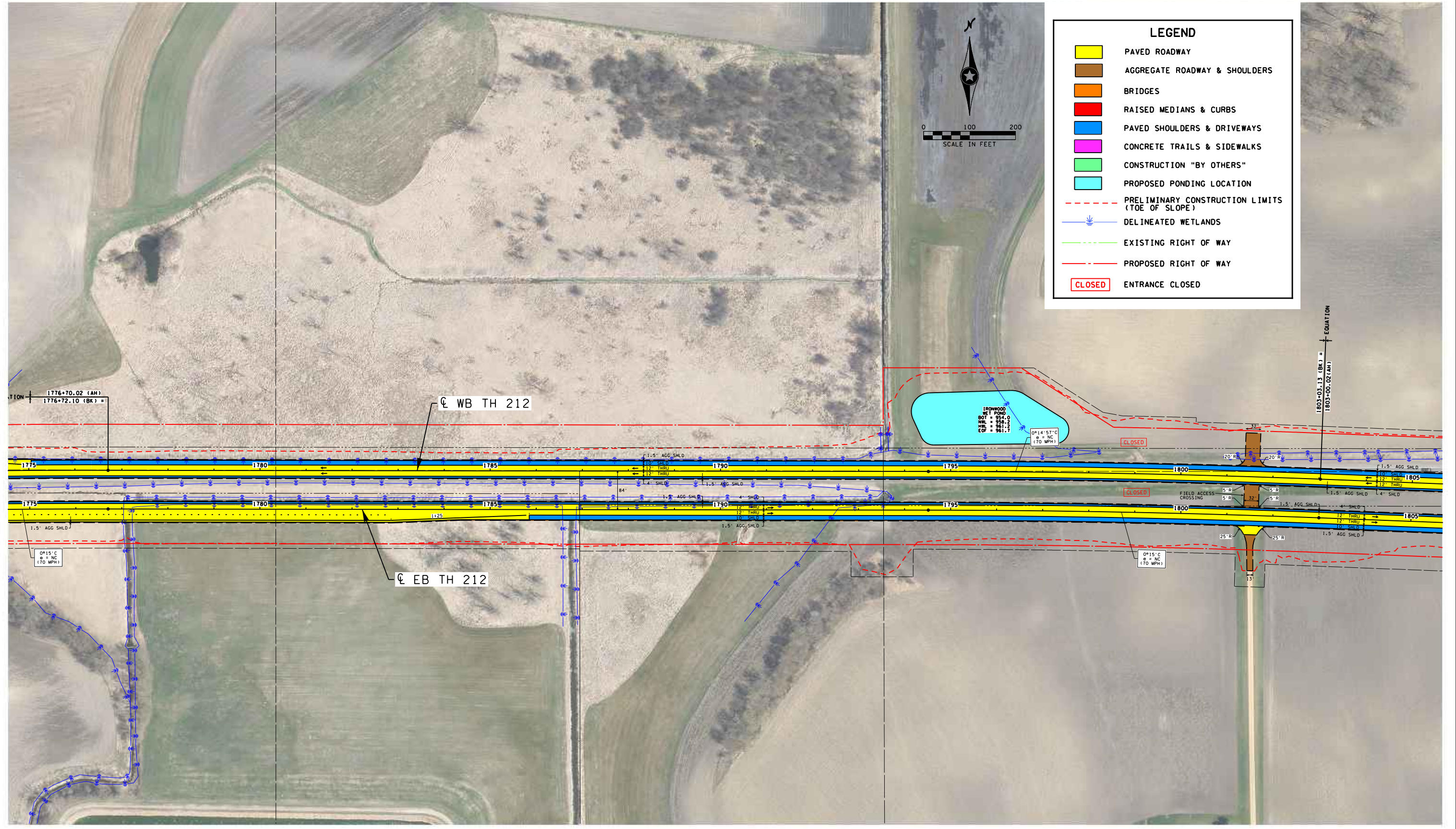
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**Project Layout**  
 U.S. Highway 212 - Benton Township Project  
 Norwood Young America to Cologne, Carver County - Minnesota

Figure 3G

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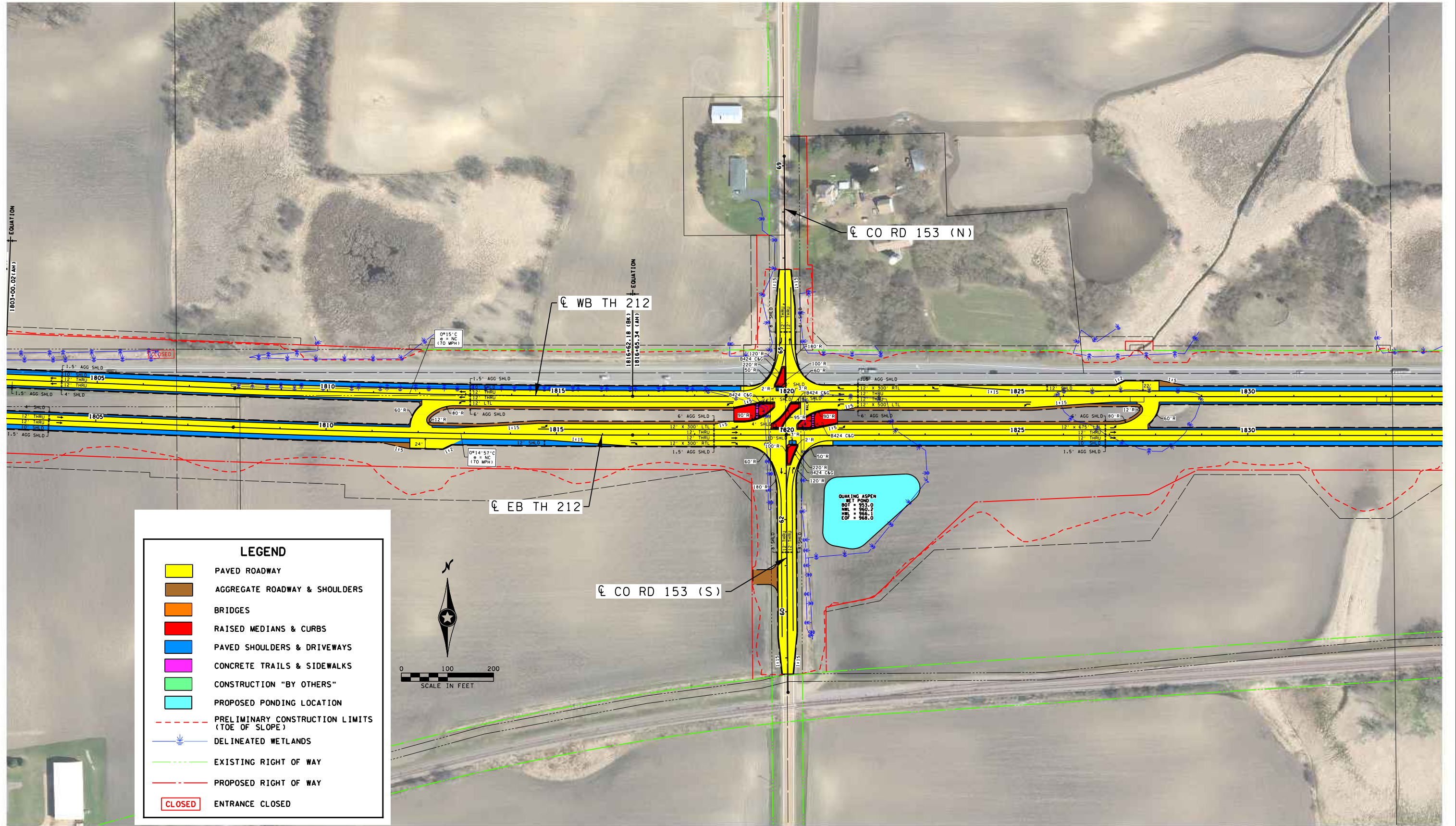
### Project Layout

U.S. Highway 212 - Benton Township Project  
Norwood Young America to Cologne, Carver County - Minnesota

Job #  
8/16/2023

Figure 3H

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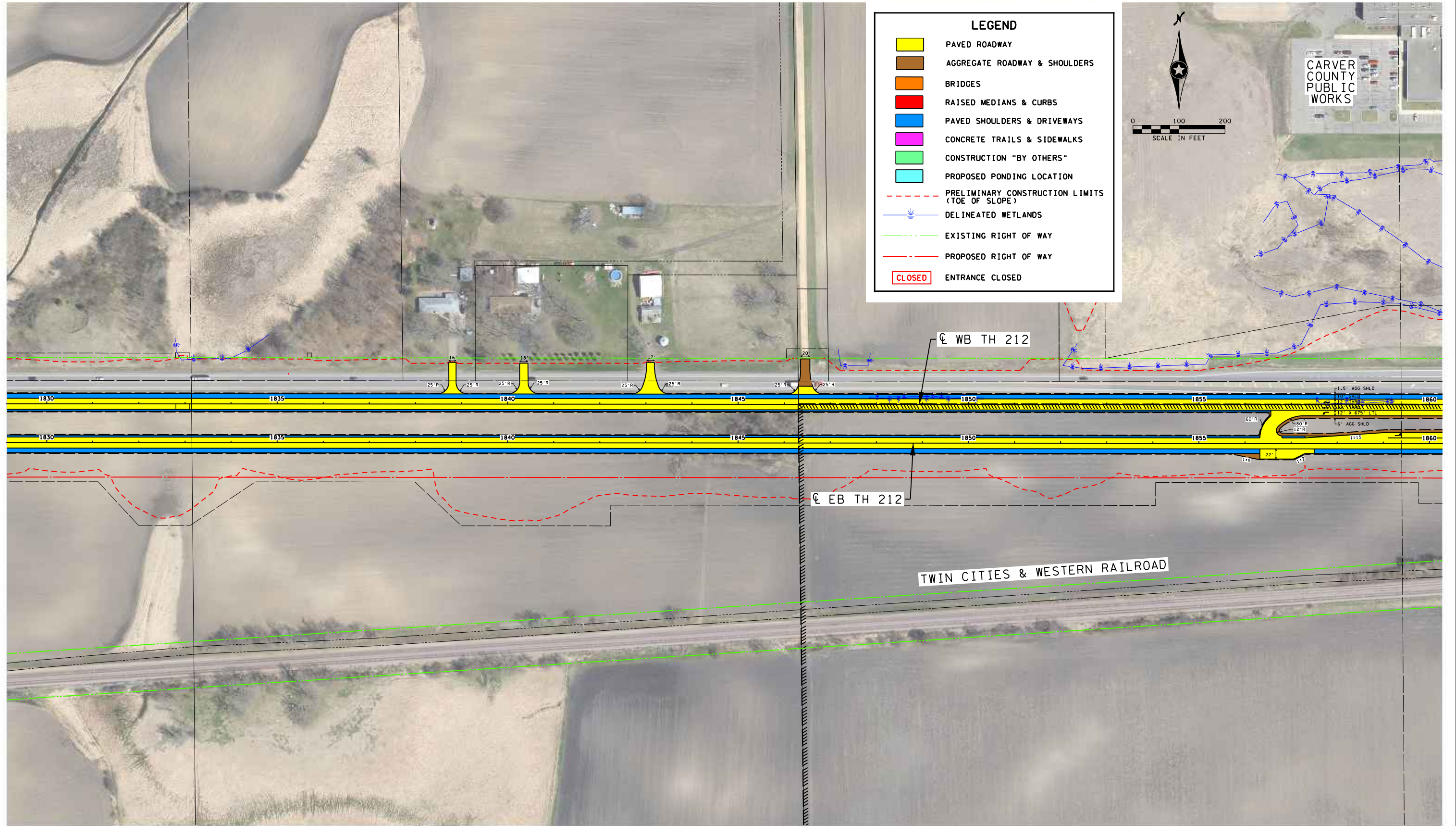
### Project Layout

U.S. Highway 212 - Benton Township Project  
Norwood Young America to Cologne, Carver County - Minnesota

Job #  
8/16/2023

Figure 31

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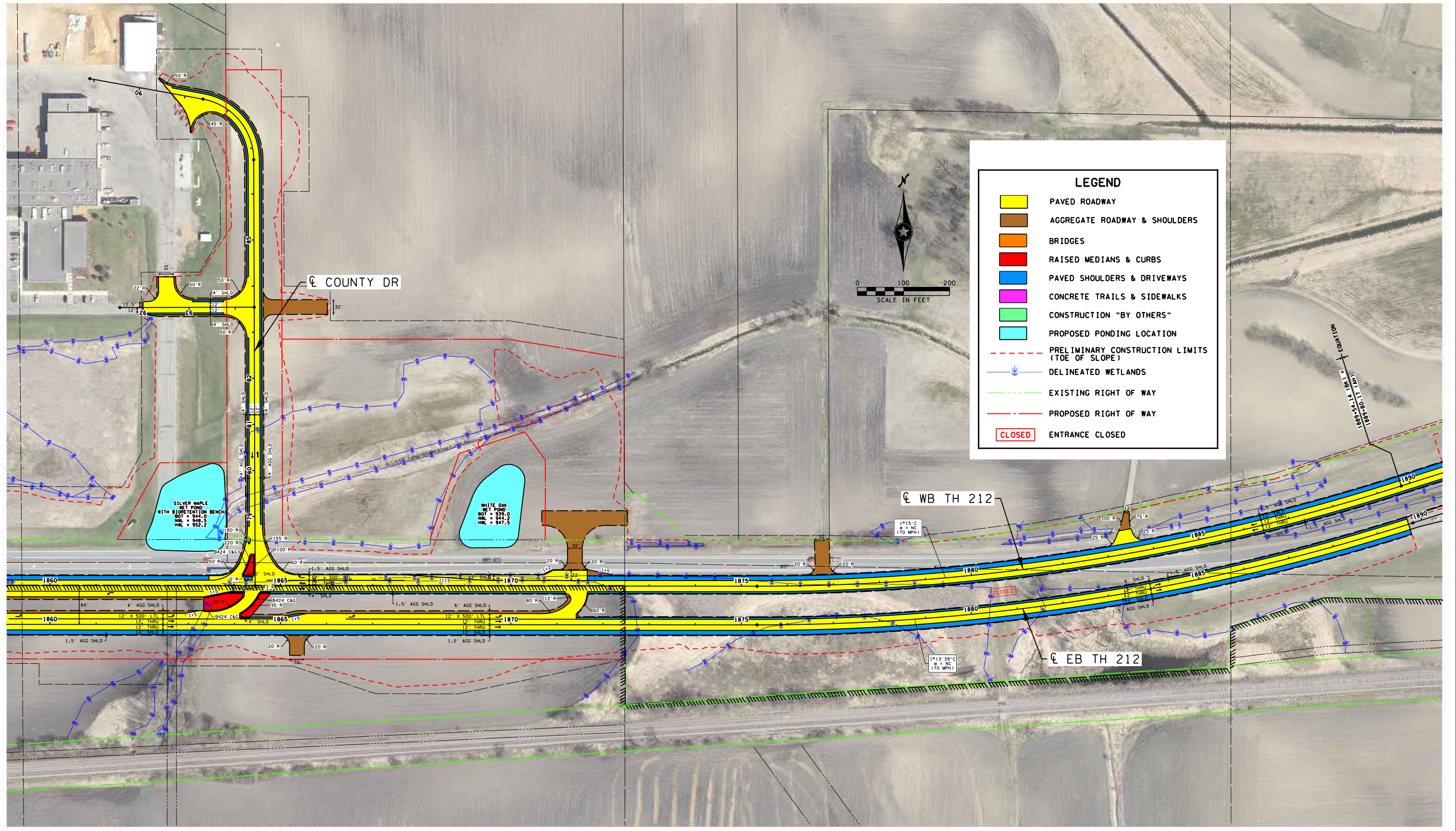
### Project Layout

U.S. Highway 212 - Benton Township Project  
Norwood Young America to Cologne, Carver County - Minnesota

Job #  
8/16/2023

Figure 3J

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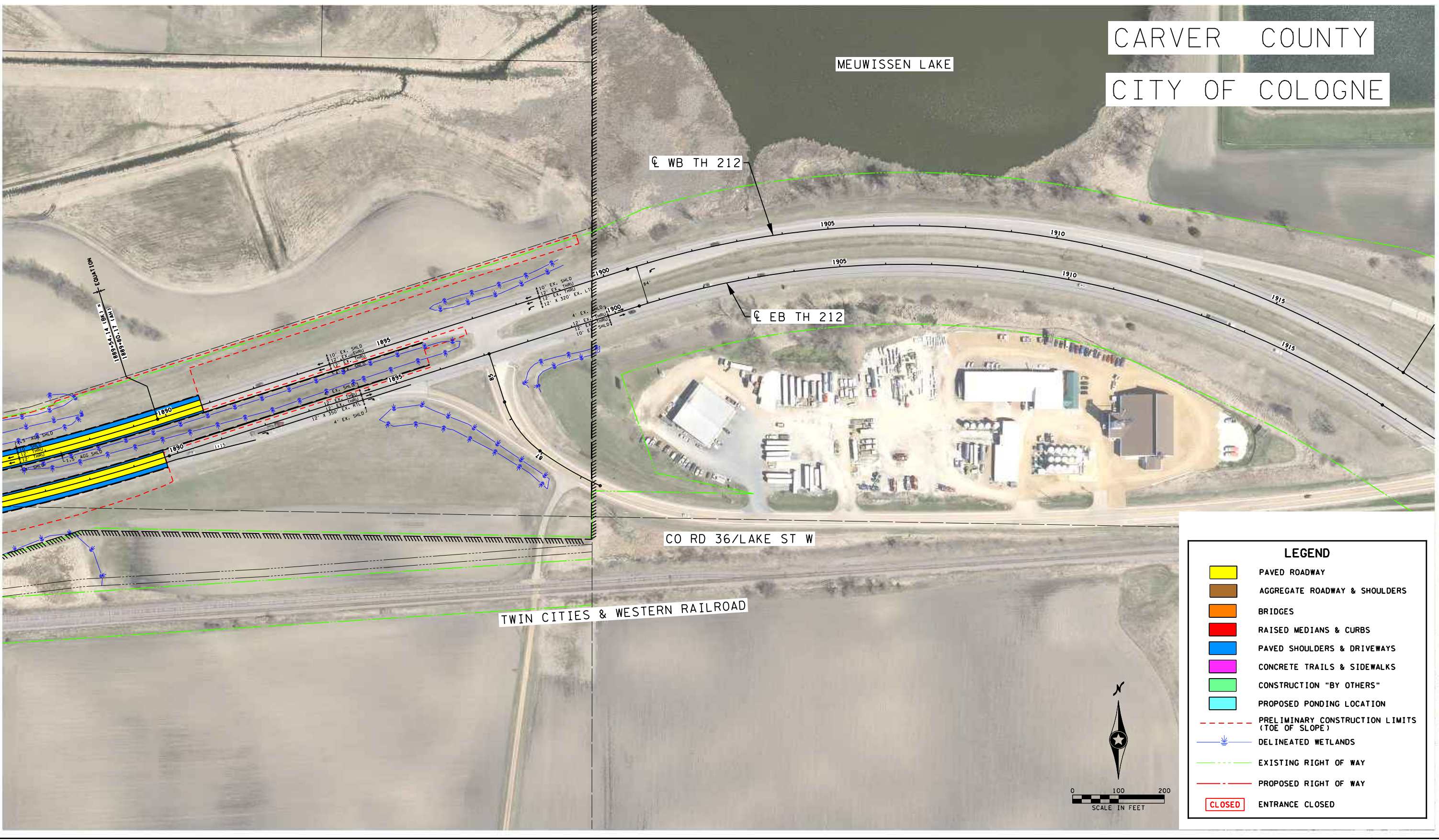
### Project Layout

U.S. Highway 212 - Benton Township Project  
Norwood Young America to Cologne, Carver County - Minnesota

Job #  
8/16/2023

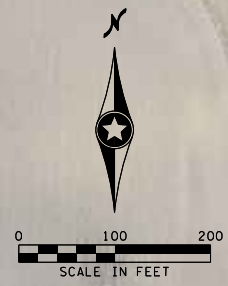
Figure 3K

CARVER COUNTY  
CITY OF COLOGNE



**LEGEND**

- PAVED ROADWAY
- AGGREGATE ROADWAY & SHOULDERS
- BRIDGES
- RAISED MEDIANS & CURBS
- PAVED SHOULDERS & DRIVEWAYS
- CONCRETE TRAILS & SIDEWALKS
- CONSTRUCTION "BY OTHERS"
- PROPOSED PONDING LOCATION
- PRELIMINARY CONSTRUCTION LIMITS (TOE OF SLOPE)
- DELINEATED WETLANDS
- EXISTING RIGHT OF WAY
- PROPOSED RIGHT OF WAY
- CLOSED ENTRANCE CLOSED



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**Project Layout**  
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Figure 3L