



FINAL ALTERNATE URBAN AREAWIDE REVIEW UPDATE

UMORE STUDY AREA

Original AUAR: August 2013
Update 1: August 2018
Revised: October 8, 2018
Update 2: December 1, 2023
Revised: December 20, 2023

Prepared for:
City of Rosemount
2875 145th Street West
Rosemount, MN 55068

WSB PROJECT NO. 022511-000

Table of Contents

I.	INTRODUCTION AND PURPOSE	1
II.	APPROVED DEVELOPMENT/CURRENT CONDITIONS	1
III.	AREAS REMAINING TO BE DEVELOPED	3
IV.	UPDATE TO THE ENVIRONMENTAL REVIEW	3
V.	MITIGATION SUMMARY AND UPDATE	4
1.	Fish, Wildlife, and Ecologically Sensitive Resources	4
2.	Water Use Mitigation Plan	6
3.	Erosion and Sedimentation Mitigation Plan	8
4.	Water Quantity and Quality Mitigation Plan	8
5.	Wastewater Mitigation Plan	11
6.	Geologic Hazards and Soil Conditions Mitigation Plan	12
7.	Transportation Mitigation Plan	12
8.	Noise Mitigation Plan	14
9.	Nearby Resources Mitigation Plan	14
10.	Visual Impact Mitigation Plan	15
11.	Compatibility with Land Use Regulations Mitigation Plan	15
VI.	AUAR UPDATE REVIEW	16



Appendix A – Figures

Figure 1. USGS Topographic Map

Figure 2. Aerial Photo

Figure 3. 2040 Planned Land Use

Figure 4. Developed and Undeveloped Areas

Figure 5. Sanitary Sewer System

Figure 6. Subwatershed Map

Appendix B – U.S. Fish and Wildlife Service's (USFWS) IPaC Review

Appendix C – DNR Natural Heritage Database Review

Appendix D – Comments and Responses to the AUAR Update



I. INTRODUCTION AND PURPOSE

The UMore Study Area is approximately 4,900 acres located in the southern portion of the City of Rosemount and the northern portion of the City of Empire (**Appendix A - Figure 1-2**). The City of Rosemount was given RGU authority through a Joint Power's Agreement with Empire Township. A new JPA is being drafted, however Rosemount is expected to remain as RGU. The City of Rosemount adopted the UMore Alternative Urban Areawide Review (AUAR) in August 2013 and completed an update to the AUAR in 2018. Pursuant to Minnesota Rules 4410.3610 Subp. 7, for the AUAR to remain valid as the environmental review document for the area, the document needs to be updated every five years until all development in the study area has received final approval. Since undeveloped areas still remain in the study area and the AUAR will expire in 2023, the purpose of this document is to update the AUAR pursuant to Minnesota Rules.

The 2013 AUAR evaluated four development scenarios. The 2018 Update provided an update to the City of Rosemount's 2030 Comprehensive plan amendment.

Since 2018, the City of Rosemount updated their 2040 Comprehensive plan, and the land use plan was updated to change an area of Agricultural Research to a Business Park. Empire Township updated their 2040 Comprehensive Plan in 2020 and was incorporated into a City in 2023. The City of Empire is developing a City Comprehensive Plan. **Figure 3, Appendix A** shows the Planned Land Use based on the 2040 Comprehensive Plans. The land uses are in conformance with or are less intensive than Scenario 3 and therefore conform to the AUAR.

The August 2013 AUAR and 2018 update are available for review on the [City of Rosemount's website](#) in the Planning and Zoning section. This report is intended to serve as an update of the AUAR and includes a review of the areas that have and have not developed, an update to the environmental analysis as needed, and a review of the mitigation measures.

II. APPROVED DEVELOPMENT/CURRENT CONDITIONS

Figure 4, Appendix A shows the location of the approved development within the study area. Of the 4,900 acres in the study area, approximately 715 acres have been approved for development. The gravel mining operation in the western portion of the study area has progressed. This work is outside of the AUAR, and a separate, individual Environmental Impact Study (EIS) was completed for this work in 2010. Since the 2013 AUAR, one development has been approved, and is as follows:

- Amber Fields: The City of Rosemount has approved development of Amber Fields, northwest and east of Akron Ave within the study area. Grading and development of single-family homes and townhomes are underway.
- Project Bigfoot: The City of Rosemount has a submittal for the development of Project Bigfoot, east of Audrey Ave and west of Blaine Ave E within the study area. This project is pending approval. There are two planned utility projects



within the Project Bigfoot area; a city water tower is planned for the northeastern corner and an Xcel switching station is planned in the southeast portion.



III. AREAS REMAINING TO BE DEVELOPED

Of the 4,900 total acres, there are approximately 4,185 acres remaining in the study area that have not been approved for development between the City of Rosemount and the City of Empire. The City is aware of a proposed Opus development, east of Blaine Ave E within the project area; however the City has not received a formal plan as of the adoption of this update. Undeveloped areas are shown in **Figure 4**.

Timeline: The City of Rosemount and the City of Empire anticipate development to occur over the next 15 to 25 years depending on market conditions. Development is expected to be phased from the north in Rosemount along County State Aid Highway (CSAH) 42 to the south extending into Empire. The timing of development in the western portion of the study area will be influenced by the timing of mineral extraction and restoration of the property to accommodate urban development.

IV. UPDATE TO THE ENVIRONMENTAL REVIEW

Threatened and Endangered Species: The U.S. Fish and Wildlife Service's (USFWS) online Information for Planning and Consultation (IPaC) tool was queried for federally listed species. The federally listed endangered Northern long eared bat (*Myotis septentrionalis*) and Rusty patched bumble bee (*Bombus affinis*) species have the potential to occur within the study area and require avoidance and minimization measures. The correspondence is included in **Appendix B**.

The DNR Natural Heritage Database information was requested for this AUAR Update. The State-listed threatened Blanding's turtle (*Emydoidea blandingii*) has been documented in the vicinity of the proposed project and has required avoidance measures. This correspondence is included in **Appendix C**.

Historical and Cultural Resources: Updated data from the State Historic Preservation Office (SHPO) was requested. There are no new listings within the project area.

Hazardous Waste and Contamination: A review of the current Minnesota Pollution Control Agency (MPCA) What's in My Neighborhood Database was completed to identify sites with known, or suspected contamination within the study area. There are no additional sites of potential environmental concern beyond those identified in the 2018 AUAR Update, and there are no pertinent updates to sites previously identified in the 2018 AUAR Update.

Municipal Water and Sewer: Rosemount completed the "East Side Utilities Study" in May 2016. The purpose of this study was to further refine recommendations for providing municipal utility service to the East Side of Rosemount, generally east of TH52. While this study was primarily outside of the UMore study area, it did include the very eastern portion of the UMore AUAR Study Area. No changes to the UMore AUAR are needed as a result of this study. This study is available upon request.

In a June 6, 2017 memo, the City evaluated possible utility extensions to the area south of CSAH 42 and west of Dakota County Technical College to serve a small portion of the UMore Study Area. Based on the review, water and sewer could be



extended to the area and no lift stations would be required to serve this planned, small residential area until such time as more development occurred in the area. The residential development south of CSAH 42 and west of Dakota County Technical College is under construction and no other development has occurred. No changes in mitigation in the AUAR resulted from this study.

Rosemount completed its evaluation of a possible sanitary sewer extension from the north side of CSAH 42 along the west side of TH 52 to determine if a small portion of development in the northeast corner of the UMore development could be served without the use of a lift station. The study was completed in 2019 and it concluded that the northeastern side of the area would not require the use of a lift station.

Figure 5, Appendix A shows the updated Sanitary Sewer plan within the study area. This did not alter the mitigation items in the UMore AUAR, but rather investigated an interim developed condition prior to the larger area being developed.

Stormwater Management: Stormwater management regulations continue to change. The City of Rosemount, the City's stormwater management regulations apply. The City of Empire was delegated jurisdictional authority for stormwater management within its incorporated area and its stormwater management regulations apply. The City of Rosemount adopted new rules in 2017. The City of Empire is currently in the process of updating its Comprehensive plan. Mitigation measures have been revised based on these changes. There have been significant updates to stormwater routing proposed for the study area since the original AUAR in 2013. **Figure 6, Appendix A** shows the updated Subwatershed map.

Transportation: Since the AUAR was completed in 2013, the interchange at TH52 and CSAH 42 was reconstructed and since the last update, the intersection of Akron and CSAH 42 had a traffic signal installed. This item was listed in the mitigation items in the AUAR. Rosemount is in the process of conducting a Traffic Analysis for the Akron Avenue and Connemara Trail area north of the UMore site. Any improvements will include future impacts from UMore development. No other changes to the traffic study are needed.

Parks and Trails: Dakota County has approved a master plan for the Vermillion Highlands Greenway Regional Trail. This trail is proposed to travel through the study area. The planned Vermillion Highlands Greenway Trail will connect Lebanon Hills Regional Park in Eagan to Whitetail Woods Regional Park in Empire. This regional trail is part of the Metropolitan Regional Parks System and is governed by the Council's 2040 Regional Parks Policy Plan. **Figure 9** of the 2018 AUAR update shows the most up to date existing and proposed trail network within the study area.

V. MITIGATION SUMMARY AND UPDATE

The mitigation measures developed in the original AUAR are outlined below. If a mitigation measure has been revised, the changes are shown with underlined or stricken text.

1. Fish, Wildlife, and Ecologically Sensitive Resources



- A. Wetlands will need to be delineated in conformance with the Wetland Conservation Act and US Army Corps of Engineers (COE) guidance as part of the development process. Depending on the location of the wetlands, either the City of Rosemount or the Dakota County SWCD and the COE will review and verify the wetland delineation. The City of Rosemount Comprehensive Wetland Management Plan and the National Wetland Inventory Map shows visual representation of identified wetland resources within the study area.
- B. Wetland impact is anticipated to be minimized to the maximum extent practical and feasible throughout the review area. If wetland impacts are proposed, wetland mitigation will be required of the project proposer pursuant to current wetland regulations and City and Soil and Water conservation District requirements.
- C. The City of Rosemount ~~and the City Empire~~ will require buffers around wetlands at a width dependent upon the wetland's management classification, per ~~their respective~~ City ordinances.
- D. Stormwater management features should incorporate native plantings of grasses, trees, and shrubs.
- E. A loggerhead shrike survey by a qualified surveyor is required by the DNR as part of a development project if tree and shrub removal cannot be avoided during the breeding season within the study area if ~~suitable habitat areas~~ (breeding season is generally April through July). The survey must follow the standards contained in the Rare Species Survey Process and results will be sent to the NH Review Team at Reports.NHIS@state.mn.us.
- F. While ideally suited habitat for Blanding's turtles is not apparent within the study area, they have been noted in the vicinity of study area and some habitat within the area could be marginally suitable. Development projects should take into consideration the use of oversized culverts, surmountable curbs, and revegetation with native species. The DNR has required avoidance measures, outlined in the NHIS letter, for this species.
- G. The lark sparrow, purple martin and Bell's vireo are all state-listed bird species of special concern that have been documented within the vicinity of the study area. The DNR recommends avoiding disturbance to undisturbed grassland areas and tree and shrub removal from May 15th through August 15th to avoid disturbance of nesting birds, if feasible.
- H. The northeastern corner of the site is below the minimum threshold for statewide significance but is ranked as an Area with Potential Local Conservation Value. Development plans for the northeastern corner of the site will consider incorporating the oak woodland that has been identified on the County Biological Survey as open space to protect or enhance this habitat to the extent practical.



- I. Development plans will consider incorporating the existing or remaining wildlife habitat areas within the Regionally Significant Ecological Areas (RSEA) and other areas within the site as open space to the extent practical. However, depending on environmental remediation that may be required, disturbance of these areas may be necessary.
- J. Tree removal within the study area that occurs as part of development will need to meet the requirements of the Cities' Tree Preservation Ordinance.
- K. The rusty patched bumble bee (*Bombus affinis*) is federally listed as endangered and is likely to be present in suitable habitat within High Potential Zones. The study area overlaps with a Rusty Patched Bumble Bee High Potential Zone. The DNR recommends reseeding disturbed soils with native species or grasses and forbs using BWSR Seed Mixes or MnDOT Seed Mixes
- L. The northern long eared bat is a federally listed species and has the potential to occur within the area. The U.S. Fish and Wildlife Service (USFWS) changed the status of the northern long-eared bat (NLEB; *Myotis septentrionalis*) under the federal Endangered Species Act from federally Threatened to Endangered on November 29, 2022 (Department of the Interior 2022). The NLEB's federal status change became effective on March 31, 2023. As a federally endangered species, the NLEB will no longer be eligible for inclusion under the 4(d) Rule. The 4(d) Rule does not prohibit certain activities (e.g., tree removal) from incidental take (i.e., non-intentional take) of federally threatened species. However, the USFWS issued an Interim Consultation Framework on March 17, 2023 for projects that involve tree removal in the NLEB's range to reduce impediment to projects that will involve tree removal prior to April 1, 2024. The USFWS (2023) Interim Consultation Framework extends the 4(d) Rule guidelines for tree removal until April 1, 2024. The new NLEB guidance will take effect on April 2, 2024, and the new tree removal guidelines must be followed at that time.

2. Water Use Mitigation Plan

- A. Extend trunk water main services as shown in Figures 13-3 through 13-5 of the original AUAR consistent with the Comprehensive Water Plan (CWP). For Scenario 1, an additional 16" trunk main may be extended from the intersection of Akron Avenue and CSAH 42 to approximately 2,600 feet east of the intersection of CSAH 42 and Blaine Avenue.
- B. ~~Six to eight (6-8) municipal wells are recommended as a result of this development, with up to 2 of the wells being in addition to what was planned as part of the CWP. For Scenario 1, one well may be located within the study area depending upon the trunk water mains extended to the development (see Figure 13-3 — Alt. 2 in original AUAR). Well fields have been preliminarily allocated to the north and to the east of the study area close to the future water treatment plants, in accordance with the~~



CWP. The City of Rosemount adopted its 2040 Comprehensive Plan in 2020 and the Local Water Supply Water plan (LWSP) was approved by the DNR in 2019. The City plans to add fifteen (15) municipal wells, four (4) storage facilities and three (3) water treatment plants concurrent with developments ; however, the LWSP forecasts that there is no need for future wells within the study area based on projections. The City plans to install a future tank within the study area and will continue to expand the water distribution (lateral) system in conjunction with development. The City will utilize existing rural wells and will supplement water supplied through pressure reducing valve to serve projected growth of East side Service area.

- C. 2,750,000 to 3,500,000 gallons of water system storage is recommended as a result of this development, with up to 700,000 gallons being in addition to what was planned as part of the City's CWP. The storage should be constructed in a location to best serve the entire City and overall water system.
- D. Any abandoned wells found within the study area will be sealed in accordance with Dakota County Ordinance No.114, Well and Water Supply Management, and Minnesota Department of Health guidelines.
- E. In accordance with the Rosemount's Wellhead Protection Plan (WHPP), continue protection of the existing Drinking Water Supply Management Area (DWSMA) located in the study area as shown in Figure 13-2 in the original AUAR. A DWSMA will be established for future wells as they are constructed and the WHPP is updated.
- F. There exists potential for future interconnection of the proposed water system in the study area between the City of Rosemount and the City of Empire. Additional water system assessments and agreements between the City of Rosemount and the City of Empire may be required if further development interests beyond the presented material were to arise.
- G. Industrial and Business Park land use water demands can be highly variable depending upon the business operation or manufacturing process employed at each property. At the time of the five-year AUAR evaluation, water demands from individual properties in the Industrial and Business Park land use areas should be evaluated and estimated future demands revised if necessary.
- H. Any new wells (supply, dewatering, monitoring, or other) shall be constructed in accordance with Dakota County Ordinance 114, Minnesota Statutes Chapter 103I and Minnesota Rules Chapter 4725.
- I. The City of Rosemount will collaborate with the DNR to ensure availability of local water resources for current and future developments before developments occur.



- J. Any update to the City of Rosemount LWSP will be submitted to the Metropolitan Council as a comprehensive plan amendment for further review.
- K. The City of Rosemount will require and implement strategies mentioned in its [LWSP](#) and [Environment and Sustainability Commission Goals](#) for all developments within the area to reduce water consumption and promote water reuse where feasible.
- L. 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.
- M. Well plans are required to be submitted to the DNR for review through the Well Construction Assessment for a well that is capable of producing more than 10,000 gallons of water in a day, or one million gallons of water in a year.

3. Erosion and Sedimentation Mitigation Plan

- A. A Storm Water Pollution Prevention Plan (SWPPP) to the extent required by NPDES regulations will be needed for any development in the study area. Review of the SWPPP for each development will be required by each City.
- B. Street sweeping will occur as needed to remove dirt that has been tracked on to adjacent roads during construction.
- C. Mitigation includes conformance with the City spill response plan. Spills will be reported to the fire chief and/or applicable City staff. The fire chief and/or applicable City staff will in turn notify any other appropriate officials depending on the nature of the spill, such as the State Duty Officer.
- D. All DNR requirements listed within the NHIS letter (**Appendix C**) must be adhered to and all recommendations must be considered regarding state-listed species from the July 10, 2023 Natural Heritage letter and must be incorporated into the SWPPP and construction plan details. These include the use of weed-free, native state seed mixes, and the timing of ground disturbance and tree and shrub removal, and the use of wildlife-friendly erosion control.

4. Water Quantity and Quality Mitigation Plan

- A. Each new development within the AUAR area will need to incorporate BMPs to meet applicable water quantity and water quality regulatory requirements. These policies are outlined in the local stormwater



management requirements section. The soils within the AUAR area are primarily comprised of Hydrologic Soil Group A and B soils; therefore, it is likely that these policies will be met using infiltration.

- B. Infiltration to the Rosemount or Empire standards will be provided on each development site or in a regional infiltration system that is created to serve a defined drainage area. The selection of a development-specific or regional system will be based on identifying feasible areas that take into consideration soils, drainage patterns, existing and past land use, and other factors. Areas where infiltration is not feasible or where contamination is possible will not be used for infiltration practices.

Based on the Rosemount's Wellhead Protection Plan, infiltration outside the Emergency Response Area (ERA) within the Drinking Water Supply Management Area (DWSMA) (1-10-year travel zone) shown on **Figure 10**, of the 2018 AUAR Update can be allowed with the following restrictions:

- Require NURP ponding pretreatment prior to infiltration. Encourage developer to line NURP pond to reduce infiltration and retain a wet pool volume.
 - If the infiltration practice is constructed in industrial, commercial, or transportation land uses, ensure that emergency procedures for containment of spills are established and acceptable.
 - Infiltration is not recommended in areas that receive discharges from vehicle fueling and maintenance.
 - Infiltration is not recommended in areas that receive discharges from industrial facilities that are not authorized to infiltrate industrial stormwater under an NPDES/SDS Industrial Stormwater Permit issued by the MPCA.
 - Infiltration is not recommended in areas where soil infiltration rates are more than 8.3 inches per hour unless soils are amended to slow the infiltration rate below 8.3 inches per hour or as allowed by a local unit of government with a current MS4 permit. This can be accomplished by providing a biofiltration compost mix at the bottom of the infiltration basin or through the use of a spray on mulch.
 - Utilize additional guidance from MDH and MPCA for infiltration activities within the DWSMA.
- C. To protect adjacent structures, an overflow from Lake 2162 will be developed that would allow water to overflow either to the east toward pond 3074 or to the South toward the Vermillion River. This overflow could potentially occur if a rainfall event occurs that exceeds a 100-year 24-hour event, and/or water elevations reach extremely high levels. Based on this analysis and the installation of the proposed BMP'S, the volume of runoff generated within the AUAR area will be significantly reduced in the future, and the corresponding probability of this overflow



occurring will be also reduced from that which exists today. Discharge rates to the east will be in accordance with the City of Rosemount Comprehensive Stormwater Management Plan. Discharges to the Vermillion River from the City of Rosemount will not exceed the intercommunity flowrate standards established by the most current version of Vermillion River Watershed Joint Powers Organization (VRWJPO) model or follow the procedures outlined in the VRWJPO rules.

- D. If any storm water in the study area within the City of Empire is to be directed to the City of Rosemount, the Rosemount infiltration standard will be applied to the development.
- E. Design considerations for comprehensive stormwater management should include regional ponding.
- F. Approved TMDL load reductions and implementation plans shall be addressed by a development's stormwater management plan. These will need to be addressed per the schedule identified in the current version of the MS4 permit. The proposed language states "For TMDLs approved prior to the effective date of the MS4 permit the Waste Load Allocation (WLA) discharge requirement will become a requirement of the permittee".
- G. In the City of Rosemount, for newly developing areas, no discharge or infiltration can be assumed for purposes of establishing the 100-year, 24-hour storm event high water elevation. Storage of the runoff from the 100-year, 24-hour storm event is required to be provided on-site or in a regional basin and an appropriately sized infiltration area is required capable of infiltrating captured runoff at a rate of 1/12 of an acre-foot/acre/day. For events with longer duration, a maximum peak stormwater discharge rate will be limited to 0.05cfs/acre.
- H. In the City of Empire, development that creates one or more acres of new impervious surface must incorporate volume control practices into the design sufficient to prevent an increase in the runoff volume for the 2-year 24-hour storm above 2005 land cover conditions unless waived in accordance with Runoff Volume Control Criteria 6.04 of the City's Water Resources Management Ordinance. It will be required that post-development discharge rates will not be greater than pre-development discharge rates for the 1-year, 10-year and 100-year, 24-hour storm critical duration events to reduce erosion impacts downstream of the site.
- I. The developer will be responsible for grading the site appropriately to provide adequate stormwater management to the extent necessary and will be required to obtain the necessary permits for stormwater management and grading, to preserve the existing natural features, and to provide water quality protection to meet MPCA Construction General Permit requirements in addition to City of Rosemount, City of Empire, and VRWJPO requirements.



- J. Stormwater will be required to be pretreated to achieve NURP standards as outlined in the City of Rosemount Engineering Guidelines prior to discharge to wetlands and Lake 2162.
- K. A SWPPP required by the NPDES regulations will be needed for any development in the study area. Review of the SWPPP for each development will be required by each City.
- L. The city will consider options for reducing chloride use throughout the study area and will encourage developers to consider chloride-reduction measures.

5. Wastewater Mitigation Plan

- A. **Figures 18-3, 18-4, and 18-5** in the original AUAR show conceptual layout of gravity sewers, lift stations and forcemains to serve the proposed study area under each scenario. In 2019, the City of Rosemount updated its Comprehensive Sewer Plan (Sewer Plan), and sewer districts were re-delineated and pipe layout networks and Rosemount Interceptor connection points were modified from the original AUAR. Updates are shown in Figure 5, Appendix A.
- B. The Southcentral sewer district, previously the East sewer district, was re-delineated in 2019 and is generally within the study area. The sewer district is bound by CR 42 on the north, 160th Street on the south, MWCC08 sewer district on the west, and TH 52 on the east. The area of the sewer district located within the UMore Study area consists of all gravity sewers that convey wastewater north to the Rosemount Interceptor along County Road (CR) 42. Sewers within the South-Central sewer district and within the UMore Park area range between 8" and 21" in diameter.
- C. The MWCC08 sewer district, previously the Central sewer district, was re-delineated in 2019. The area of the sewer district located within the study area, consists of primarily gravity sewers, and one lift station and forcemain that convey the wastewater west, where it then flows by gravity to the north and connect to the MCES interceptor under 145th St E. The lift station proposed capacity is 1,200 gpm. MWCC08 sewers within the UMore Park area range in size from 8" to 20" in diameter.
- D. The Southwest sewer district, previously the Northwest sewer district, is bound by Biscayne Avenue on the east, MWCC08 on the east, CR 42 on the north, and 160th Street on the south. Portions of the study area located outside of Rosemount City limits are now serviced by the City of Empire (Empire). The sewer district consists of gravity sewers which flow east to west where it is lifted by a proposed lift station to connect to the nearby MCES Interceptor along Biscayne Avenue. The gravity sewer ranges in size from 8" to 2" depending on the scenario.
- E. The Southwest sewer district is now located within the Empire city limits and utilities will be provided by Empire.



6. Geologic Hazards and Soil Conditions Mitigation Plan

- A. NPDES Phase II Construction Site permit will be required for development within the study area. This permit requires a site-specific Storm Water Pollution Prevention Plan (SWPPP) to be completed for construction. This SWPPP is required to include pollution prevention management measures for solid waste and hazardous material spills that occur during construction.
- B. Development or construction work will require conformance with the City spill response plan. Spills will be reported to the Minnesota State Duty Officer and 911, along with applicable City staff. Those authorities will in turn notify any other appropriate officials depending on the nature of the incident.
- C. For all gas stations with underground tanks, annual licensing from the MPCA will be needed.
- D. The area of partially hydric soils in the northeast corner of the site will be considered to remain as a natural open space area.
- E. Should any other conditions be identified during site development activities that have the potential to materially impact either groundwater recharge or groundwater quality, investigations will be conducted, and mitigation measures will be identified to address the impact consistent with applicable State and Federal requirements.
- F. Project contingency plans should be prepared and reviewed/approved by MPCA to address potential releases of hazardous substances identified during construction activities. These plans should include current Phase I evaluations prior to beginning construction activities to identify potential releases.
- G. The City of Rosemount requests project proposers prepare and submit to the MPCA Construction Contingency Plans (“CCPs”) to help identify and address any potential releases of hazardous substances that may be encountered during construction activities. Phase I Environmental Site Assessments should also be completed for the proposed project area and submitted to MPCA along with the CCPs.
- H. Any business or institutional uses that use or store petroleum or other hazardous products will be subject to local and state rules regulating such uses.
- I. Developers are to contact Rosemount and Empire City Staffs and Dakota County to address any on-site contamination associated with the former Gopher Ordinance Works (GOW) site. Soil contamination cleanup is required for areas within the extent of contamination identified by Dakota County during the development phase in order to address any long-term impacts to water resources.

7. Transportation Mitigation Plan



- A. Evaluate and compare the traffic analysis prepared as part of the AUAR in coordination with the City of Rosemount, City of Empire and Dakota County with detailed roadway mitigation. Evaluations will occur with each large-scale development plan submitted for approval, the City, and County Comprehensive Plan updates and/or with each five-year AUAR review. The city is currently preparing a Traffic Analysis for the Akron Avenue and Connemara Trail area. This study will include the impacts from the future UMore development area.
- B. Expansion of CSAH 42 from Biscayne Avenue to US 52 from 4 lanes to 6 lanes when warranted by traffic volumes.
- C. Construction of an interchange to replace the existing TH 3/CSAH 42 intersection. Interchange geometry will be proposed with future studies.
- D. Upgrade Blaine Ave & CR81/ Clayton Ave to a Regional 2-lane roadway and expand to 4-lanes where needed based on 2010 Rosemount/Empire/Umore Area Transportation System Study.
- E. Connect Biscayne to Akron Ave via a 2-4 lane road based on 2010 Rosemount/Empire/Umore Area Transportation System Study.
- F. Reconstruction of the existing interchange at CSAH 42 and US 52 as a system interchange to accommodate higher turning movements. The City of Rosemount's and Dakota County's 2030 Comprehensive Plans have identified this interchange as potentially serving a rerouted alignment of TH 55 in the future. Interchange configuration and lane geometry will be determined in future studies. – This item has been partially completed. The US 52 and CSAH 42 interchange was reconstructed to extend the 4-lane section on CSAH 42 through the interchange and to include east and westbound left turn lanes.
- G. Addition of intersection control (signal, roundabout, etc.), documented in an Intersection Control Evaluation report, at locations that meet the required traffic warrants and intersection spacing guidelines in accordance with either City or County, including the updated CSAH 42 Segment 15 recommendations adopted by the County Board which was an adopted amendment to the original 1999 County Road 42 Corridor Study.
- H. The intersection of Akron and CSAH 42 has had a traffic signal installed since the last AUAR update.
- I. Addition of potential frontage roads off CR 42, realignment of Blaine Avenue will be considered as needed as traffic volume increases ~~for intersection improvement and signalization~~
- J. Provide right-of-way required for future roadway expansion adjacent to and within the UMore property.



- K. Construction of trails to fill existing gaps in between S. Robert Trail and Akron Avenue will be considered based on recommendation noted in the 2040 Corridor Management Plan for Dakota County Highway 42
- L. The intersection of 145th Street is not recommended as a future full-access intersection in the current location and configuration. Planned access along Highway 42 to accommodate future roadway network as development occurs should be studied further to address safety concerns of full-access locations.
- M. Potential signals at Auburn Avenue and Audrey Avenue should be considered based on future traffic and new, local roadway connections to Hwy 42. Signal justification will be dependent on actual development and traffic growth
- N. Potential signals at Auburn Avenue, Audrey Avenue and Blaine Avenue should be considered based on future traffic and new, local roadway connections to Hwy 42. Signal justification will be dependent on actual development and traffic growth.
- O. Design and construction of the internal roadway system within the UMore development providing adequate service to each zone of development with turn lanes and traffic control as needed for safe and efficient traffic flow.
- P. Preparation of a Travel Demand Management (TDM) plan for the site, or portions thereof, prior to the first large scale development proposal. This would include, but is not limited to, action items for: transit (both bus and rail), non-motorized, and new technologies.
- Q. Preparation of an Access Management Plan for the affected arterial and collector roadways prior to the first development proposal.

8. Noise Mitigation Plan

- A. Site plans for future developments should include measures such as appropriate setback distances, earthen berms, noise walls, and appropriate site design (such as outdoor activity areas being developed away from major noise sources). Each of these items should be considered on a case-by-case basis. The site plans developed for specific projects should show the proposed locations and types of mitigation, with the estimated noise reductions for all areas projected to exceed noise standards.

9. Nearby Resources Mitigation Plan



- A. Currently, UMore Park is not receiving federal funding or permitting. Should federal funding or permitting be required in the future, the project:
 - Must comply with Section 106 of the National Historic Preservation Act of 1966 (Section 106);
 - The lead federal agency will be required to initiate consultation with applicable Native American Tribes; and
 - Additional architectural surveys may be required.
- B. Erosion control measures will be required during construction to control the loss of Waukegan soils and other soil types susceptible to erosion. All disturbed areas will be required to be re-seeded and mulched as needed.
- C. As appropriate, site and building plans will reflect and enhance any significant views of natural features.
- D. Park dedication will be in conformance to the codes and requirements of the City of Rosemount and the City of Empire.

10. Visual Impact Mitigation Plan

- A. Through the development review process, both cities will require appropriate screening of development in the study area to control adverse visual impacts.
- B. The DNR recommends that any project within the study area using LED luminaries follow the MnDOT Approved Products for luminaries, which limits the Uplight rating to 0 to avoid impacts to birds, insects and fish.

11. Compatibility with Land Use Regulations Mitigation Plan

- A. If the AUAR area develops as shown in Scenarios 1, 2 or 3, changes will be needed to the City of Rosemount's Comprehensive Plan, City of Empire's Comprehensive Plan, the Metropolitan Council's 2030 Regional Development Framework, and both Cities' zoning ordinances through the respective amendment processes.
- B. The City of Rosemount has developed its 2040 Comprehensive Plan. The 2040 Comprehensive Plan reflects land uses analyzed in this AUAR.
- C. The City of Empire developed its 2040 Township's Comprehensive Plan in 2020 and is currently updating its 2040 Township's Comprehensive Plan to reflect changes made since its incorporation. The current 2040 Comprehensive Plan reflects land uses analyzed in this AUAR.
- D. While no impacts to floodplain are anticipated, if impacts occur, mitigation in conformance with the City of Empire regulations will be required.



- E. The Metropolitan Council will be contacted if there is a need to change future land use designations within the stud area to ensure consistency with the 2040 Comprehensive Plan.
- F. The City of Rosemount urges the inclusion of Solar-Ready design and construction for all new developments within the AUAR Update area to better align with the City's 2040 Plan resilience goals.

VI. AUAR UPDATE REVIEW

Pursuant to Minnesota Rules 4410.3610 Subp. 7, this AUAR Update has followed the appropriate review and comment process. The AUAR will remain valid for an additional five years from the adoption date.

APPENDIX A – FIGURES

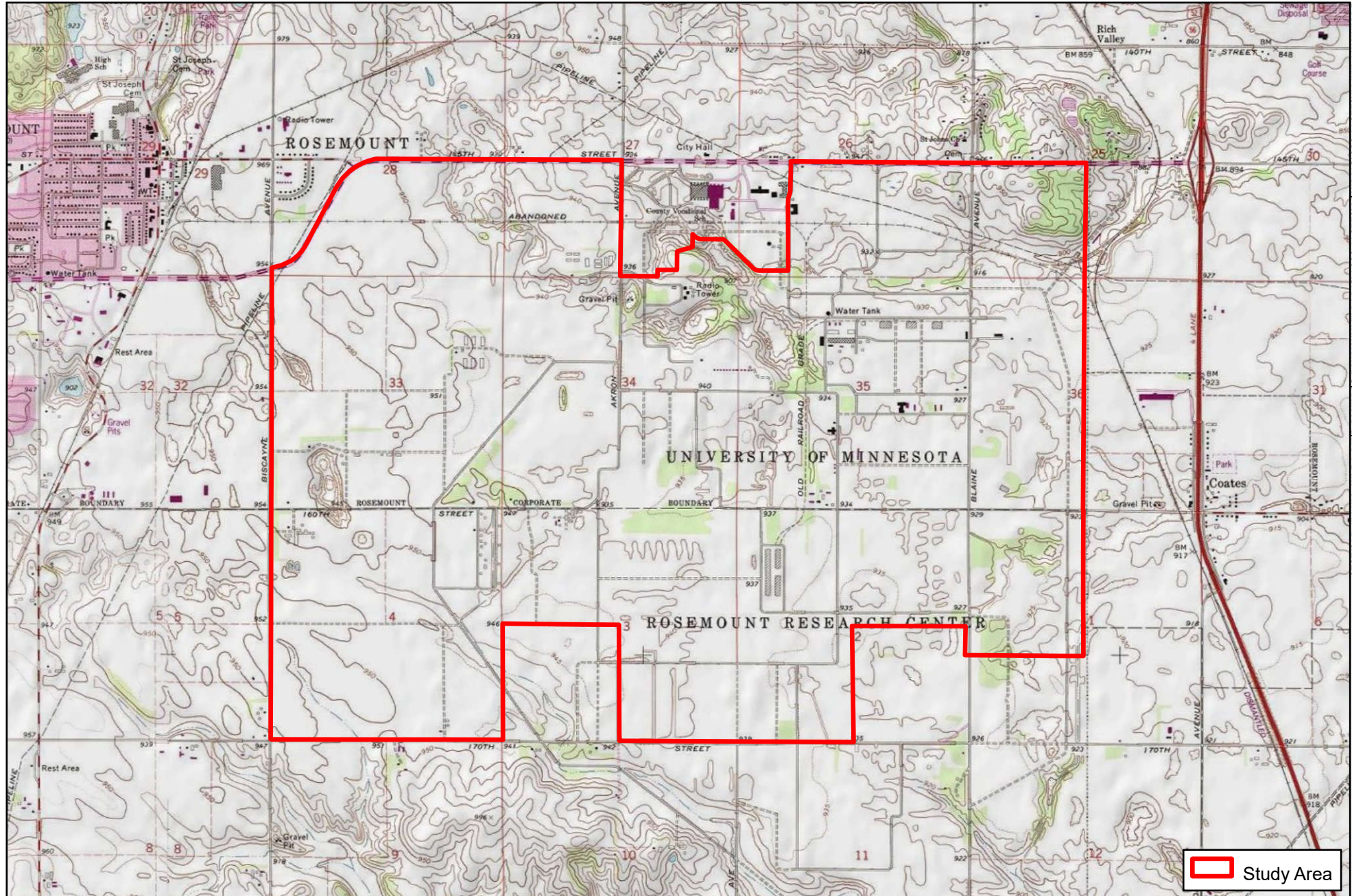
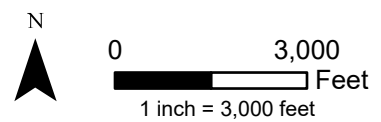


Figure 1: USGS Topographic Map

UMore Area AUAR Update
City of Rosemount, City of Empire MN



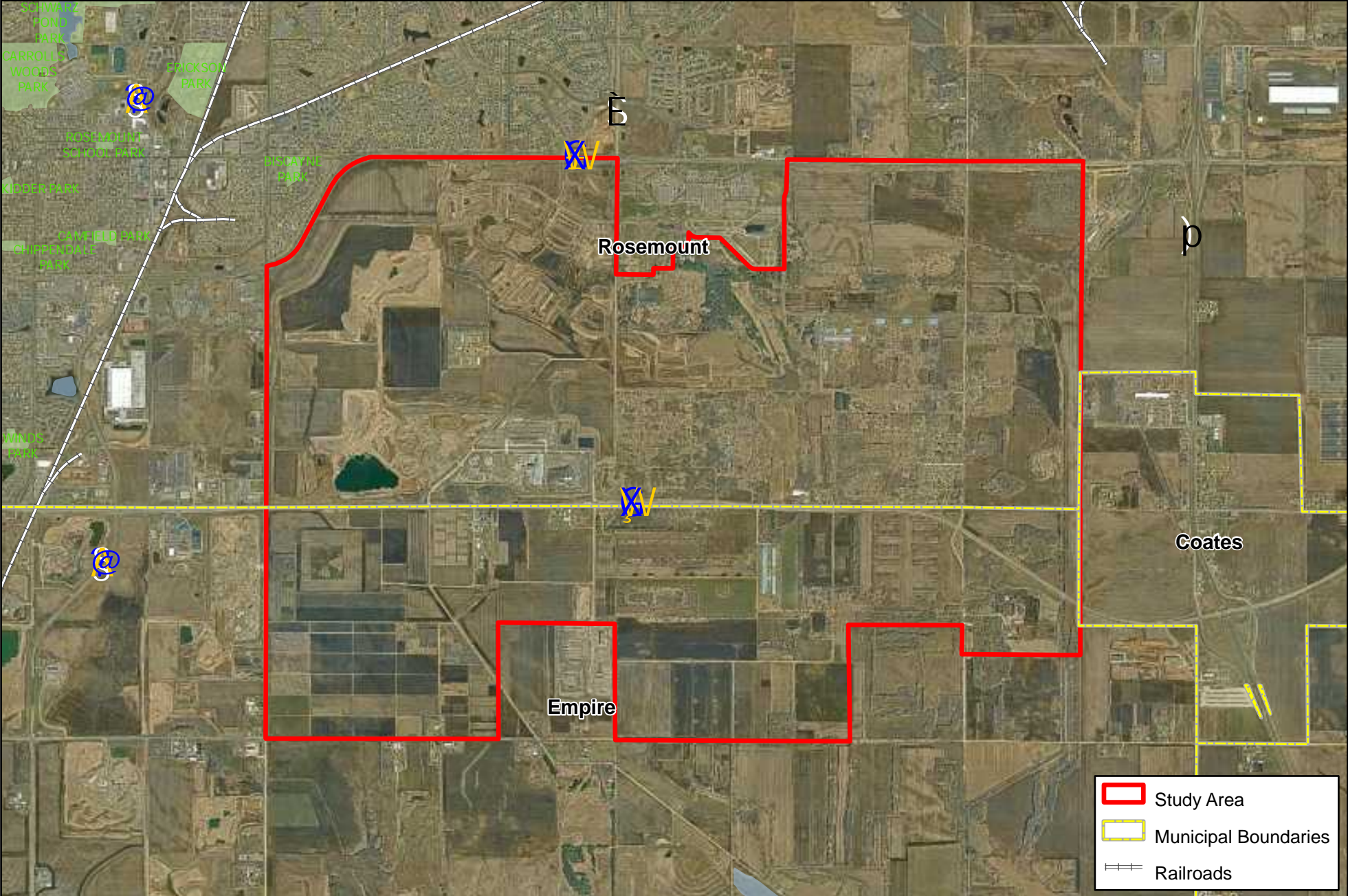


Figure 2: Aerial Photo
UMore Area AUAR Update
City of Rosemount, City of Empire, MN

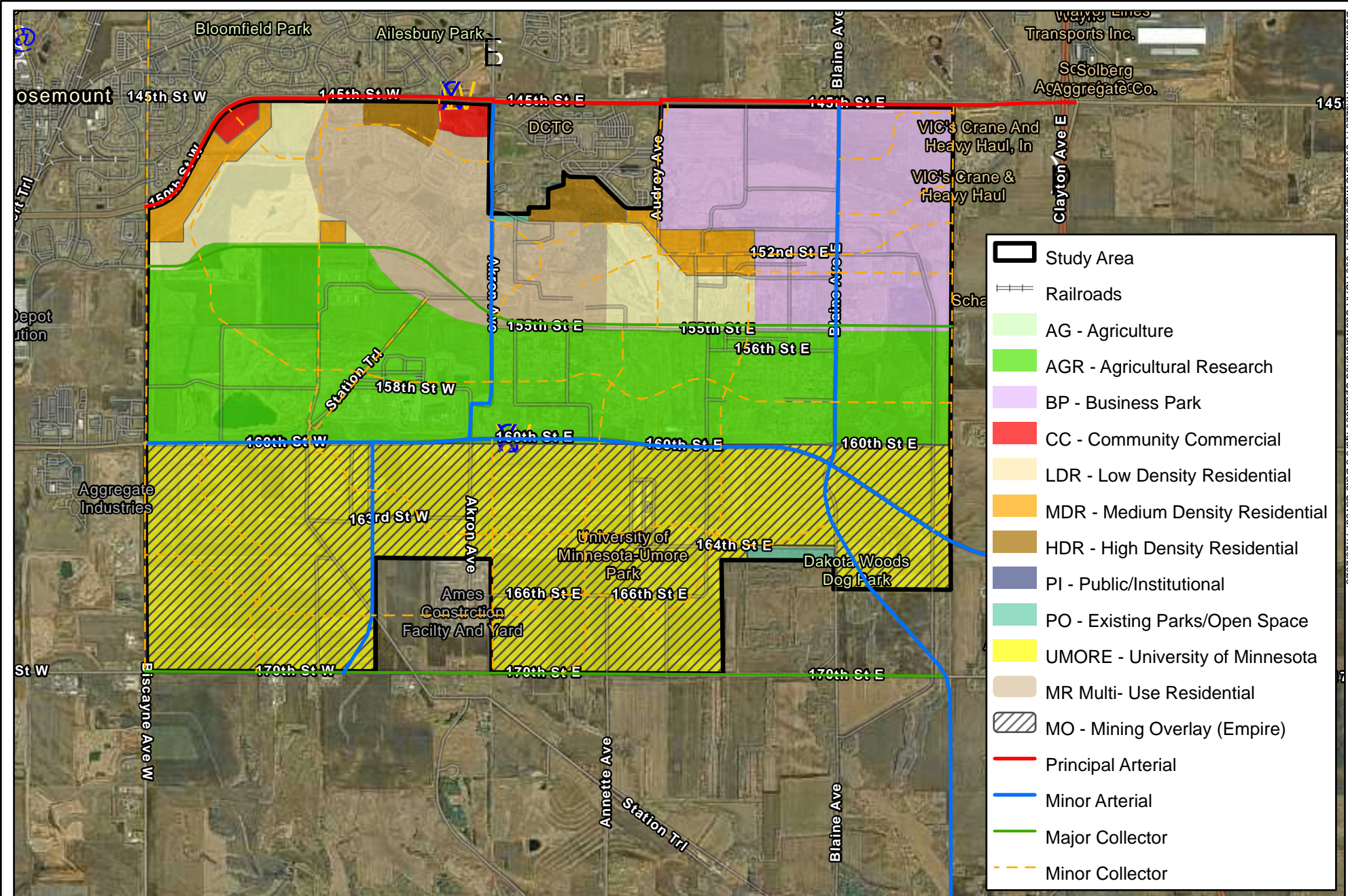
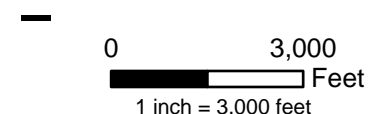


Figure 3: 2040 Planned Land Use

UMore Area AUAR Update
City of Rosemount, City of Empire MN



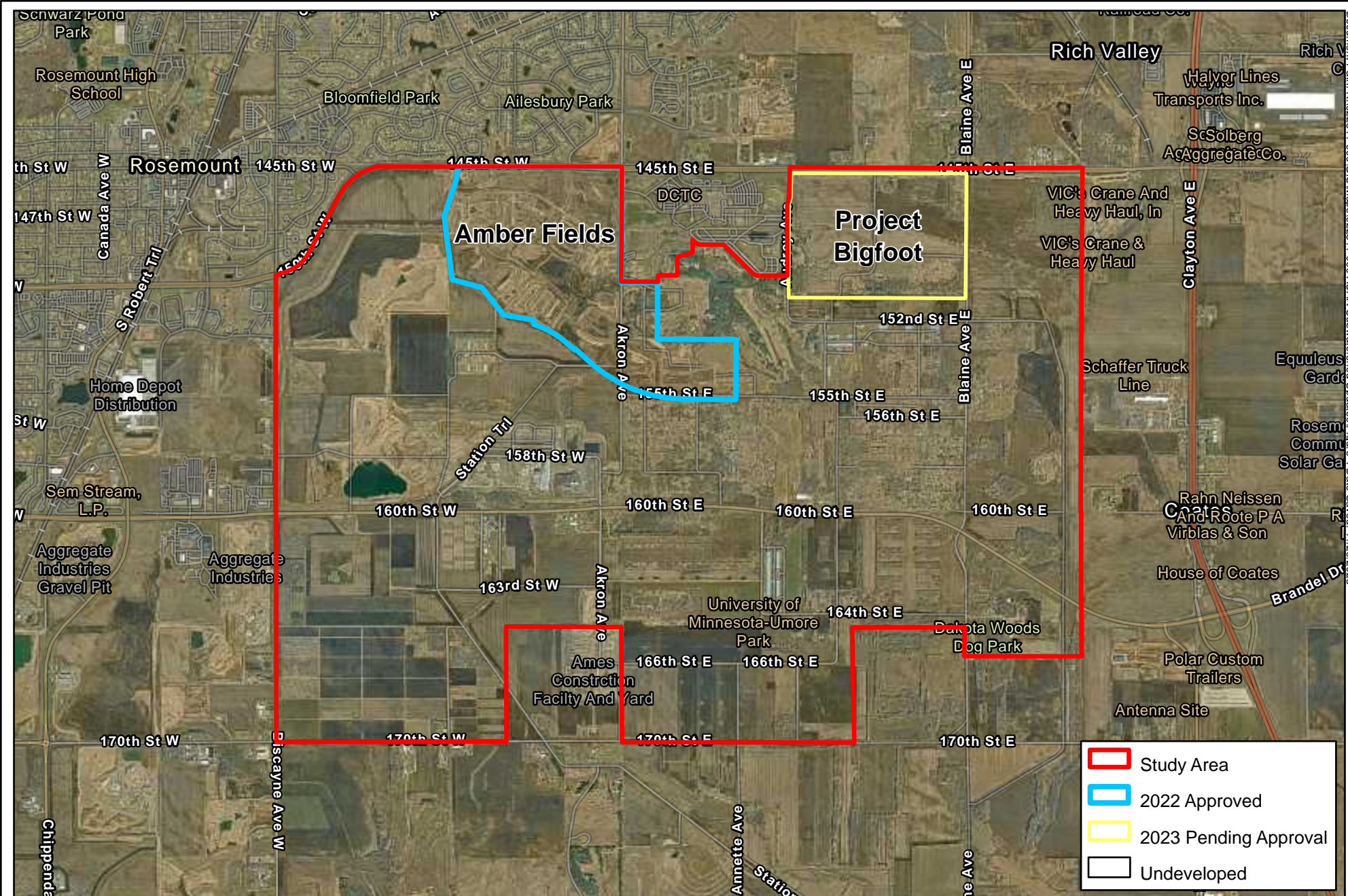


Figure 4: Developed & Undeveloped Areas

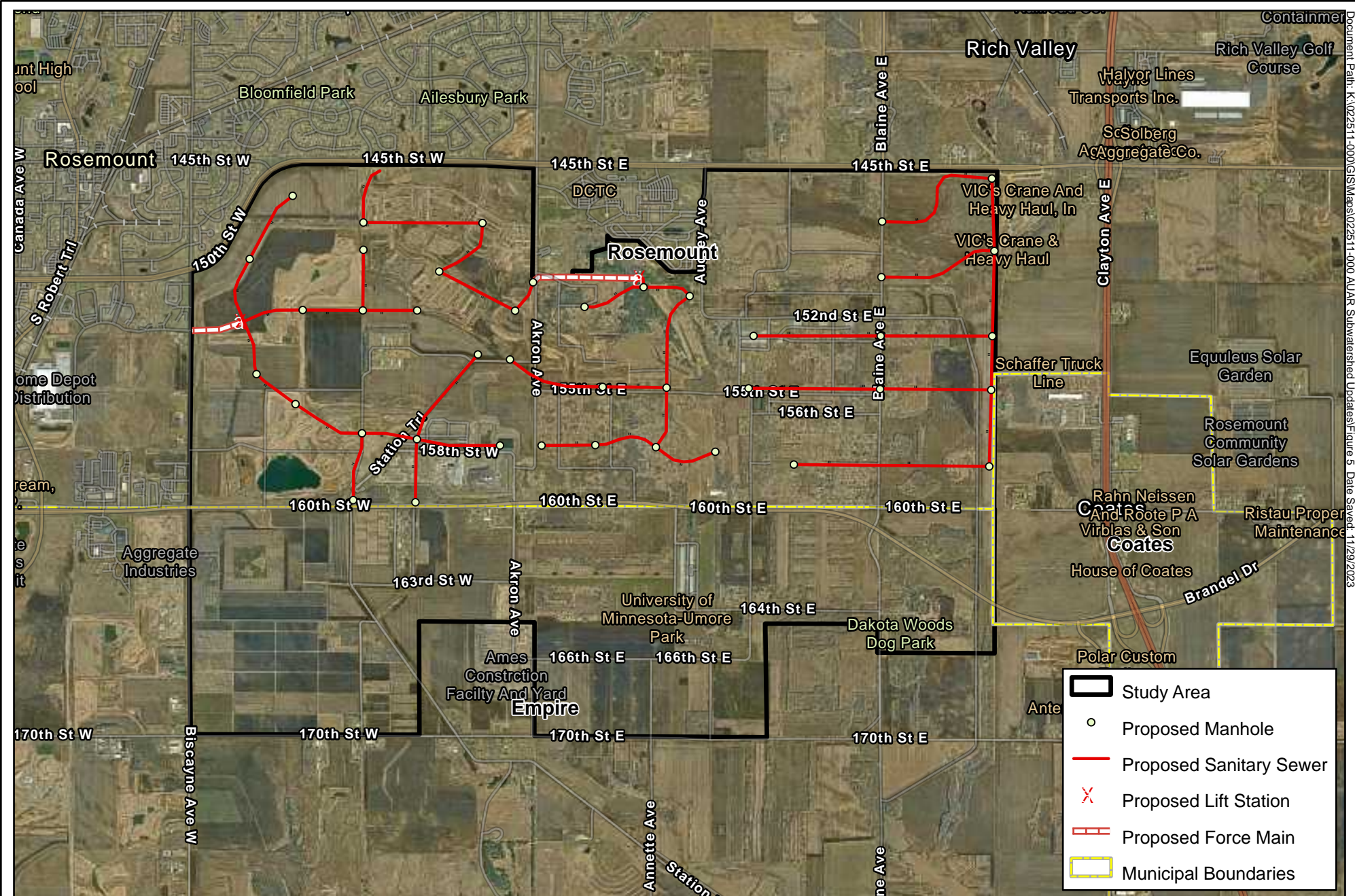
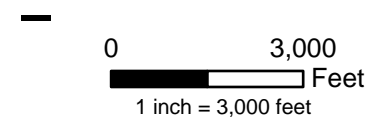


Figure 5: Sanitary Sewer System

UMore Area AUAR Update
City of Rosemount, City of Empire MN



APPENDIX B – USFWS IPAC Review



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Minnesota-Wisconsin Ecological Services Field Office
3815 American Blvd East
Bloomington, MN 55425-1659
Phone: (952) 858-0793 Fax: (952) 646-2873



In Reply Refer To:
Project Code: 2024-0028933
Project Name: UMore AUAR update

December 20, 2023

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

To Whom It May Concern:

This response has been generated by the Information, Planning, and Conservation (IPaC) system to provide information on natural resources that could be affected by your project. The U.S. Fish and Wildlife Service (Service) provides this response under the authority of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d), the Migratory Bird Treaty Act (16 U.S.C. 703-712), and the Fish and Wildlife Coordination Act (16 U.S.C. 661 *et seq.*).

Threatened and Endangered Species

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

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

Consultation Technical Assistance

Please refer to our [Section 7 website](#) for guidance and technical assistance, including [step-by-step instructions](#) for making effects determinations for each species that might be present and for specific guidance on the following types of projects: projects in developed areas, HUD, CDBG, EDA, USDA Rural Development projects, pipelines, buried utilities, telecommunications, and requests for a Conditional Letter of Map Revision (CLOMR) from FEMA.

We recommend running the project (if it qualifies) through our **Minnesota-Wisconsin Federal Endangered Species Determination Key (Minnesota-Wisconsin ("D-key"))**. A [demonstration video](#) showing how-to access and use the determination key is available. Please note that the Minnesota-Wisconsin D-key is the third option of 3 available d-keys. D-keys are tools to help Federal agencies and other project proponents determine if their proposed action has the potential to adversely affect federally listed species and designated critical habitat. The Minnesota-Wisconsin D-key includes a structured set of questions that assists a project proponent in determining whether a proposed project qualifies for a certain predetermined consultation outcome for all federally listed species found in Minnesota and Wisconsin (except for the northern long-eared bat- see below), which includes determinations of "no effect" or "may affect, not likely to adversely affect." In each case, the Service has compiled and analyzed the best available information on the species' biology and the impacts of certain activities to support these determinations.

If your completed d-key output letter shows a "No Effect" (NE) determination for all listed species, print your IPaC output letter for your files to document your compliance with the Endangered Species Act.

For Federal projects with a "Not Likely to Adversely Affect" (NLAA) determination, our concurrence becomes valid if you do not hear otherwise from us after a 30-day review period, as indicated in your letter.

If your d-key output letter indicates additional coordination with the Minnesota-Wisconsin Ecological Services Field Office is necessary (i.e., you get a "May Affect" determination), you will be provided additional guidance on contacting the Service to continue ESA coordination outside of the key; ESA compliance cannot be concluded using the key for "May Affect" determinations unless otherwise indicated in your output letter.

Note: Once you obtain your official species list, you are not required to continue in IPaC with d-keys, although in most cases these tools should expedite your review. If you choose to make an effects determination on your own, you may do so. If the project is a Federal Action, you may want to review our section 7 step-by-step instructions before making your determinations.

Using the IPaC Official Species List to Make No Effect and May Affect Determinations for Listed Species

1. If IPaC returns a result of "There are no listed species found within the vicinity of the project," then project proponents can conclude the proposed activities will have **no effect** on any federally listed species under Service jurisdiction. Concurrence from the Service is not required for **no effect** determinations. No further consultation or coordination is required. Attach this letter to the dated IPaC species list report for your records.
 2. If IPaC returns one or more federally listed, proposed, or candidate species as potentially present in the action area of the proposed project – other than bats (see below) – then project proponents must determine if proposed activities will have **no effect** on or **may affect** those species. For assistance in determining if suitable habitat for listed, candidate, or proposed species occurs within your project area or if species may be affected by project activities, you can obtain [Life History Information for Listed and Candidate Species](#) on our office website. If no impacts will occur to a species on the IPaC species list (e.g., there is no habitat present in the project area), the appropriate determination is **no effect**. No further consultation or coordination is required. Attach this letter to the dated IPaC species list report for your records.
-

3. Should you determine that project activities **may affect** any federally listed, please contact our office for further coordination. Letters with requests for consultation or correspondence about your project should include the Consultation Tracking Number in the header. Electronic submission is preferred.

Northern Long-Eared Bats

Northern long-eared bats occur throughout Minnesota and Wisconsin and the information below may help in determining if your project may affect these species.

This species hibernates in caves or mines only during the winter. In Minnesota and Wisconsin, the hibernation season is considered to be November 1 to March 31. During the active season (April 1 to October 31) they roost in forest and woodland habitats. Suitable summer habitat for northern long-eared bats consists of a wide variety of forested/wooded habitats where they roost, forage, and travel and may also include some adjacent and interspersed non-forested habitats such as emergent wetlands and adjacent edges of agricultural fields, old fields and pastures. This includes forests and woodlots containing potential roosts (i.e., live trees and/or snags ≥ 3 inches dbh for northern long-eared bat that have exfoliating bark, cracks, crevices, and/or hollows), as well as linear features such as fencerows, riparian forests, and other wooded corridors. These wooded areas may be dense or loose aggregates of trees with variable amounts of canopy closure. Individual trees may be considered suitable habitat when they exhibit the characteristics of a potential roost tree and are located within 1,000 feet (305 meters) of forested/wooded habitat. Northern long-eared bats have also been observed roosting in human-made structures, such as buildings, barns, bridges, and bat houses; therefore, these structures should also be considered potential summer habitat and evaluated for use by bats. If your project will impact caves or mines or will involve clearing forest or woodland habitat containing suitable roosting habitat, northern long-eared bats could be affected.

Examples of unsuitable habitat include:

- Individual trees that are greater than 1,000 feet from forested or wooded areas,
- Trees found in highly developed urban areas (e.g., street trees, downtown areas),
- A pure stand of less than 3-inch dbh trees that are not mixed with larger trees, and
- A monoculture stand of shrubby vegetation with no potential roost trees.

If IPaC returns a result that northern long-eared bats are potentially present in the action area of the proposed project, project proponents can conclude the proposed activities **may affect** this species **IF** one or more of the following activities are proposed:

- Clearing or disturbing suitable roosting habitat, as defined above, at any time of year,
- Any activity in or near the entrance to a cave or mine,
- Mining, deep excavation, or underground work within 0.25 miles of a cave or mine,
- Construction of one or more wind turbines, or
- Demolition or reconstruction of human-made structures that are known to be used by bats based on observations of roosting bats, bats emerging at dusk, or guano deposits or stains.

If none of the above activities are proposed, project proponents can conclude the proposed activities will have **no effect** on the northern long-eared bat. Concurrence from the Service is not required for **No**

Effect determinations. No further consultation or coordination is required. Attach this letter to the dated IPaC species list report for your records.

If any of the above activities are proposed, and the northern long-eared bat appears on the user's species list, the federal project user will be directed to either the range-wide northern long-eared bat D-key or the Federal Highways Administration, Federal Railways Administration, and Federal Transit Administration Indiana bat/ Northern long-eared bat D-key, depending on the type of project and federal agency involvement. Similar to the Minnesota-Wisconsin D-key, these d-keys help to determine if prohibited take might occur and, if not, will generate an automated verification letter.

Please note: On November 30, 2022, the Service published a proposal final rule to reclassify the northern long-eared bat as endangered under the Endangered Species Act. On January 26, 2023, the Service published a 60-day extension for the final reclassification rule in the Federal Register, moving the effective listing date from January 30, 2023, to March 31, 2023. This extension will provide stakeholders and the public time to preview interim guidance and consultation tools before the rule becomes effective. When available, the tools will be available on the Service's northern long-eared bat website (<https://www.fws.gov/species/northern-long-eared-bat-myotis-septentrionalis>). Once the final rule goes into effect on March 31, 2023, the 4(d) D-key will no longer be available (4(d) rules are not available for federally endangered species) and will be replaced with a new Range-wide NLEB D-key (range-wide d-key). For projects not completed by March 31, 2023, that were previously reviewed under the 4(d) d-key, there may be a need for reinitiation of consultation. For these ongoing projects previously reviewed under the 4(d) d-key that may result in incidental take of the northern long-eared bat, we recommend you review your project using the new range-wide d-key once available. If your project does not comply with the range-wide d-key, it may be eligible for use of the Interim (formal) Consultation framework (framework). The framework is intended to facilitate the transition from the 4(d) rule to typical Section 7 consultation procedures for federally endangered species and will be available only until spring 2024. Again, when available, these tools (new range-wide d-key and framework) will be available on the Service's [northern long-eared bat website](#).

Whooping Crane

Whooping crane is designated as a non-essential experimental population in Wisconsin and consultation under Section 7(a)(2) of the Endangered Species Act is only required if project activities will occur within a National Wildlife Refuge or National Park. If project activities are proposed on lands outside of a National Wildlife Refuge or National Park, then you are not required to consult. For additional information on this designation and consultation requirements, please review "[Establishment of a Nonessential Experimental Population of Whooping Cranes in the Eastern United States](#)."

Other Trust Resources and Activities

Bald and Golden Eagles - Although the bald eagle has been removed from the endangered species list, this species and the golden eagle are protected by the Bald and Golden Eagle Act and the Migratory Bird Treaty Act. Should bald or golden eagles occur within or near the project area please contact our office for further coordination. For communication and wind energy projects, please refer to additional guidelines below.

Migratory Birds - The Migratory Bird Treaty Act (MBTA) prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when specifically authorized by the Service. The Service has the responsibility under the MBTA to proactively prevent the

mortality of migratory birds whenever possible and we encourage implementation of [recommendations that minimize potential impacts to migratory birds](#). Such measures include clearing forested habitat outside the nesting season (generally March 1 to August 31) or conducting nest surveys prior to clearing to avoid injury to eggs or nestlings.

Communication Towers - Construction of new communications towers (including radio, television, cellular, and microwave) creates a potentially significant impact on migratory birds, especially some 350 species of night-migrating birds. However, the Service has developed [voluntary guidelines for minimizing impacts](#).

Transmission Lines - Migratory birds, especially large species with long wingspans, heavy bodies, and poor maneuverability can also collide with power lines. In addition, mortality can occur when birds, particularly hawks, eagles, kites, falcons, and owls, attempt to perch on uninsulated or unguarded power poles. To minimize these risks, please refer to [guidelines](#) developed by the Avian Power Line Interaction Committee and the Service. Implementation of these measures is especially important along sections of lines adjacent to wetlands or other areas that support large numbers of raptors and migratory birds.

Wind Energy - To minimize impacts to migratory birds and bats, wind energy projects should follow the Service's [Wind Energy Guidelines](#). In addition, please refer to the Service's [Eagle Conservation Plan Guidance](#), which provides guidance for conserving bald and golden eagles in the course of siting, constructing, and operating wind energy facilities.

State Department of Natural Resources Coordination

While it is not required for your Federal section 7 consultation, please note that additional state endangered or threatened species may also have the potential to be impacted. Please contact the Minnesota or Wisconsin Department of Natural Resources for information on state listed species that may be present in your proposed project area.

Minnesota

[Minnesota Department of Natural Resources - Endangered Resources Review Homepage](#)

Email: Review.NHIS@state.mn.us

Wisconsin

[Wisconsin Department of Natural Resources - Endangered Resources Review Homepage](#)

Email: DNRERReview@wi.gov

We appreciate your concern for threatened and endangered species. Please feel free to contact our office with questions or for additional information.

Attachment(s):

- Official Species List
 - USFWS National Wildlife Refuges and Fish Hatcheries
 - Bald & Golden Eagles
 - Migratory Birds
 - Wetlands
-

OFFICIAL SPECIES LIST

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

This species list is provided by:

Minnesota-Wisconsin Ecological Services Field Office

3815 American Blvd East

Bloomington, MN 55425-1659

(952) 858-0793

PROJECT SUMMARY

Project Code: 2024-0028933

Project Name: UMore AUAR update

Project Type: Acquisition of Lands

Project Description: The UMore Study Area is approximately 4,900 acres located in the southern portion of the City of Rosemount and the northern portion of the City of Empire

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@44.7216487,-93.0805467,4618174,14z>



Counties: Dakota County, Minnesota

ENDANGERED SPECIES ACT SPECIES

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

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

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

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

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

MAMMALS

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

BIRDS

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

INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate
Rusty Patched Bumble Bee <i>Bombus affinis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9383 General project design guidelines: https://ipac.ecosphere.fws.gov/project/PACXLENODVGZMFLXADI74AJ7A/documents/generated/5967.pdf	Endangered

CRITICAL HABITATS

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

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

USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

BALD & GOLDEN EAGLES

Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act¹ and the Migratory Bird Treaty Act².

Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or their habitats³, should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the ["Supplemental Information on Migratory Birds and Eagles"](#).

-
1. The [Bald and Golden Eagle Protection Act](#) of 1940.
 2. The [Migratory Birds Treaty Act](#) of 1918.
 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

There are bald and/or golden eagles in your project area.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the PROBABILITY OF PRESENCE SUMMARY below to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Oct 15 to Aug 31
Golden Eagle <i>Aquila chrysaetos</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1680	Breeds elsewhere

PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "[Supplemental Information on Migratory Birds and Eagles](#)", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

Breeding Season (■)

Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

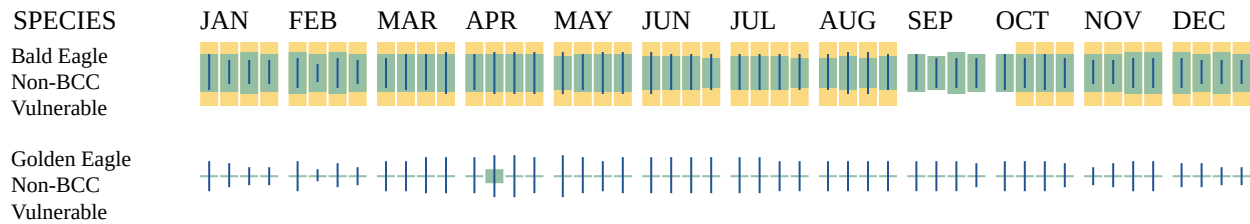
Survey Effort (|)

Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data (—)

A week is marked as having no data if there were no survey events for that week.

■ probability of presence ■ breeding season | survey effort — no data



Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

MIGRATORY BIRDS

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats³ should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the ["Supplemental Information on Migratory Birds and Eagles"](#).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the PROBABILITY OF PRESENCE SUMMARY below to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
American Golden-plover <i>Pluvialis dominica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/10561	Breeds elsewhere

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Oct 15 to Aug 31
Black-billed Cuckoo <i>Coccyzus erythrophthalmus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9399	Breeds May 15 to Oct 10
Bobolink <i>Dolichonyx oryzivorus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9454	Breeds May 20 to Jul 31
Chimney Swift <i>Chaetura pelagica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9406	Breeds Mar 15 to Aug 25
Golden Eagle <i>Aquila chrysaetos</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1680	Breeds elsewhere
Henslow's Sparrow <i>Ammodramus henslowii</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3941	Breeds May 1 to Aug 31
Hudsonian Godwit <i>Limosa haemastica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9482	Breeds elsewhere
Lesser Yellowlegs <i>Tringa flavipes</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9679	Breeds elsewhere
Pectoral Sandpiper <i>Calidris melanotos</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9561	Breeds elsewhere
Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9398	Breeds May 10 to Sep 10

NAME	BREEDING SEASON
Rusty Blackbird <i>Euphagus carolinus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9478	Breeds elsewhere
Short-billed Dowitcher <i>Limnodromus griseus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9480	Breeds elsewhere
Upland Sandpiper <i>Bartramia longicauda</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9294	Breeds May 1 to Aug 31
Wood Thrush <i>Hylocichla mustelina</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9431	Breeds May 10 to Aug 31

PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "[Supplemental Information on Migratory Birds and Eagles](#)", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

Breeding Season (■)

Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

Survey Effort (|)

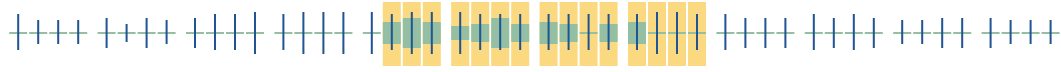
Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data (—)

A week is marked as having no data if there were no survey events for that week.

■ probability of presence ■ breeding season | survey effort — no data

Wood Thrush
BCC Rangewide
(CON)



Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

WETLANDS

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

FRESHWATER EMERGENT WETLAND

- PEM1A
- PEM1Af
- PEM1C

FRESHWATER FORESTED/SHRUB WETLAND

- PFO1/EM1A
- PFO1A

FRESHWATER POND

- PABHx
- PUBHx

RIVERINE

- R4SBC

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: Chaldelia Browne
Address: 701 Xenia Ave S
Address Line 2: Unit 300
City: Golden Valley
State: MN
Zip: 55416
Email: cbrowne@wsbeng.com
Phone: 6123942395

APPENDIX C– DNR NHIS REVIEW



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

July 10, 2023

Correspondence # MCE 2023-00276

Chaldelia Browne
WSB & Associates, Inc.

RE: Natural Heritage Review of the proposed UMore Study Area AUAR Update,
T114N R19W Sections 1-4, T115N R19W Sections 25-28, 33-36; Dakota County

Dear Chaldelia Browne,

As requested, the [Minnesota Natural Heritage Information System](#) has been reviewed to determine if the proposed project has the potential to impact any rare species or other significant natural features. Based on the project details provided with the request, the following rare features may be impacted by the proposed project:

Ecologically Significant Areas

- There is an area ranked as an *Area with Potential Local Conservation Value* in the northeastern corner of the project boundary (T115N R19W Section 25) that the Minnesota Biological Survey considered for Sites of Biodiversity Significance but was determined to be below the minimum biodiversity threshold for statewide significance. These areas, however, have conservation value at the local level as habitat for native plants and animals, corridors for animal movements, buffers surrounding higher quality natural areas, or as areas with high potential for restoration of native habitat.

MBS Sites of Biodiversity Significance and DNR Native Plant Communities can be viewed using the [Minnesota Conservation Explorer](#) or their GIS shapefiles can be downloaded from the [MN Geospatial Commons](#). Please contact the [NH Review Team](#) if you need assistance accessing the data. Reference the [MBS Site Biodiversity Significance](#) and [Native Plant Community](#) websites for information on interpreting the data.

State-listed Species

- Blanding's turtles (*Emydoidea blandingii*), a state-listed threatened species, have been documented in the vicinity of the proposed project. Blanding's turtles use upland areas up to and over a mile distant from wetlands, waterbodies, and watercourses. Uplands are used for nesting, basking, periods of dormancy, and traveling between wetlands. Factors believed to contribute to the decline of this species include collisions with vehicles, wetland drainage and degradation, and the development of upland habitat. Any added mortality can be detrimental to populations of Blanding's turtles, as these turtles have a low reproduction rate that depends upon a high survival rate to maintain population levels.

This project has the potential to impact this rare turtle through direct fatalities and habitat disturbance/destruction due to excavation, fill, and other construction activities associated with the project. Minnesota's Endangered Species Statute (*Minnesota Statutes*, section 84.0895) and associated Rules (*Minnesota Rules*, part 6212.1800 to 6212.2300 and 6134) prohibit the take of threatened or endangered species without a permit. As such, **the following avoidance measures are required:**

- Avoid wetland and aquatic impacts during hibernation season, between September 15th and April 15th, if the area is suitable for hibernation.
- The use of [erosion control](#) blanket shall be limited to 'bio-netting' or 'natural-netting' types, and specifically not products containing plastic mesh netting or other plastic components.
 - Also, be aware that hydro-mulch products may contain small synthetic (plastic) fibers to aid in their matrix strength. These loose fibers could potentially re-suspend and make their way into Public Waters. As such, please review mulch products and do not allow any materials with synthetic (plastic) fiber additives in areas that drain into Public Waters.
- Construction areas, especially aquatic or wetland areas, should be thoroughly checked for turtles before the use of heavy equipment or any ground disturbance.
 - The [Blanding's turtle flyer](#) must be given to all contractors working in the area.
 - Monitor for turtles during construction and report any sightings to the [DNR Nongame Specialist](#), Bridgette Timm (Bridgette.Timm@state.mn.us).
 - If turtles are in imminent danger they must be moved by hand out of harm's way, otherwise, they are to be left undisturbed.

If following the above avoidance measures is not possible, please contact NHIS.Review@state.mn.us as further action may be needed.

For additional information, see the [Blanding's turtle fact sheet](#), which describes the habitat use and life history of this species. The fact sheet also provides two lists of recommendations for

avoiding and minimizing impacts to this rare turtle. **Please refer to both lists of recommendations and apply those that are relevant to your project.** For further assistance regarding the Blanding's turtle, please contact the DNR Regional Nongame Specialist, Bridgette Timm.

- The loggerhead shrike (*Lanius ludovicianus*), a state-listed endangered bird, has been documented in the vicinity of the project site. Loggerhead shrikes use grasslands that contain short grass and scattered perching sites such as hedgerows, shrubs, or small trees. They can be found in native prairie, pastures, shelterbelts, old fields or orchards, cemeteries, grassy roadsides, and farmyards. **Given the potential for this species to be found in the vicinity of the project, tree and shrub removal is required to be avoided during the breeding season, April through July.** If you cannot avoid tree removal during loggerhead shrike breeding period, a qualified surveyor needs to conduct a survey for active nests before any trees or shrubs will be removed. Surveys must follow the standards contained in the [Rare Species Survey Process](#). Survey results should be sent to the NH Review Team at Reports.NHIS@state.mn.us. The list of approved DNR Animal Surveyors is attached to this MCE project. Project planning should take into account that the survey needs to be conducted during the appropriate time of the year, which may be limited.
- The lark sparrow (*Chondestes grammacus*), purple martin (*Progne subis*), and Bell's vireo, all state-listed bird species of special concern, have been documented in the vicinity of the project. Lark sparrows are found in open, grassland areas with scattered trees and shrubs. They build their nest on the ground, in a shrub or a small tree. Purple martins nest in colonies and typically near water. In urban areas, they nest almost exclusively in nest boxes; while in rural areas they can be found nesting in cavities, such as woodpecker holes. In Minnesota, Bell's vireo prefers shrub thickets within or bordering open habitats such as grasslands or wetlands. This bird suspends its nests from forks of low branches of small trees or shrubs. If feasible, avoid disturbance to undisturbed grassland areas and tree and shrub removal from May 15th through August 15th to avoid disturbance of nesting birds.
- The Natural Heritage Information System (NHIS) tracks bat roost trees and hibernacula plus some acoustic data, but this information is not exhaustive. Even if there are no bat records listed nearby, all seven of Minnesota's bats, including the federally endangered northern long-eared bat ([Myotis septentrionalis](#)), can be found throughout Minnesota. During the active season (approximately April-November) bats roost underneath bark, in cavities, or in crevices of both live and dead trees. Tree removal can negatively impact bats by destroying roosting habitat, especially during the pup rearing season when females are forming maternity roosting colonies and the pups cannot yet fly. To minimize these impacts, the DNR recommends that tree removal be avoided from June 1 through August 15.

- Please visit the [DNR Rare Species Guide](#) for more information on the habitat use of these species and recommended measures to avoid or minimize impacts. For further assistance with these species, please contact the appropriate [DNR Regional Nongame Specialist](#) or [Regional Ecologist](#).

Federally Protected Species

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

Environmental Review and Permitting

- Given the potential presence of state protected species, and the fact that new records are added periodically, we encourage submission of Natural Heritage Review requests to ensure avoidance of take for these species and to determine survey needs as individual projects are planned.
- Please include a copy of this letter and the MCE-generated Final Project Report in any state or local license or permit application. Please note that measures to avoid or minimize disturbance to the above rare features may be included as restrictions or conditions in any required permits or licenses.

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

additional information becomes available regarding rare features in the vicinity of the project, further review may be necessary.

For environmental review purposes, the results of this Natural Heritage Review are valid for one year; the results are only valid for the project location and project description provided with the request. If project details change or the project has not occurred within one year, please resubmit the project for review within one year of initiating project activities.

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

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

Sincerely,

A handwritten signature in cursive script that reads "James Drake".

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

Cc: Melissa Collins

DNR List of Surveyors Endangered and Threatened Animals

Surveyor	Phone Number	Email Address	Mammals	Birds	Herpetofauna	Fishes	Mussels**	Insects	Prairie Skippers
Aquatic Engineering, Inc.									
PO Box 3634 La Crosse, WI 54602									
Thomas Doolittle	#866-781-8770	info@aquaticengineering.org	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Glenn Miller	#866-781-8770	info@aquaticengineering.org	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Becca Winterringer									
521 Sycamore Drive Euclid, OH 44132									
Becca Winterringer	#636-544-4754	beccawint6@gmail.com	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carver County Water Management Organization									
600 E 4th Street Chaska, MN 55318									
Andrew Edgcumbe	#952-361-1037	aedgcumbe@co.carver.mn.us	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Daguna Consulting, LLC									
617 20th Street NE Rochester, MN 55906									
Brett Ostby	#540-230-1042	dagunaconsulting@gmail.com	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Heath									
109 Hillside Street Westby, WI 54667									
David Heath	#608-634-4183	davidjheath@hotmail.com	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dean Hansen									
402 S 6th Street Stillwater, MN 55082									
Dean Hansen	#612-439-8770	hanse112@umn.edu	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Dennis Schlicht									
1108 First Avenue Center Point, IA 52213									
Dennis Schlicht	#319-849-1489	dws1108@aol.com	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Dennis Skadsen									
RR1 Box 113 Grenville, SD 57239									
Dennis Skadsen	#605-345-4661	dlskadsen@sullybuttes.net	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>



DNR List of Surveyors Endangered and Threatened Animals

Surveyor	Phone Number	Email Address	Mammals	Birds	Herpetofauna	Fishes	Mussels**	Insects	Prairie Skippers
EcoAnalysts, Inc.									
1417 Hoff Industrial Drive O'Fallon, MO 63366									
Eric Belt	#636-281-1982	contactmo@ecoanalysts.com	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Heidi Dunn	#636-281-1982	contactmo@ecoanalysts.com	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Ford	#636-281-1982	contactmo@ecoanalysts.com	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lesley Sneed	#636-281-1982	contactmo@ecoanalysts.com	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kristin Stockton	#636-281-1982	kstockton@ecoanalysts.com	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ecological & GIS Services									
1410 W Euclid Avenue Indianola, IA 50125									
Jerry Selby	#515-961-0718	jselby@mchsi.com	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Emmons & Olivier Resources, Inc.									
1919 University Avenue West, Suite 300 St. Paul, MN 55104									
Mike Majeski	#651-770-8448	mmajeski@eorinc.com	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jason Naber	#651-770-8448	.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Endangered Resource Services, LLC									
572 North Day Road St. Croix Falls, WI 54024									
Matthew Berg	#715-338-7502	saintcroixdfly@gmail.com	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
EnviroScience, Inc.									
5070 Stow Road Stow, OH 44224									
Emily Grossman	#847-269-4159	egrossman@enviroscienceinc.com	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Greg Zimmerman	#614-738-6175	gzimmerman@enviroscienceinc.com	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Frederick Jannett									
12 Sunset Lane St. Paul, MN 55127									
Frederick Jannett	#651-484-9238	.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
GEI Consultants, Inc.									
3159 Voyager Drive Green Bay, WI 54311									
Demetri Lafkas	#920-455-8200	dlafkas@geiconsultants.com	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Helms and Associates									
814 North 7th Street Bellevue, IA 52031-9321									
Don Helms	#563-872-4563	helmsdon@cistelecom.net	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DNR List of Surveyors Endangered and Threatened Animals

Surveyor	Phone Number	Email Address	Mammals	Birds	Herpetofauna	Fishes	Mussels**	Insects	Prairie Skippers
HRM									
1101 South Main Street, Suite 110 Chelsea, MI 48118									
David Mifsud	#517-522-3524	dmifsud@herprman.com	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Huff & Huff, Inc.									
915 Harger Road, Suite 330 Oak Brook, IL 60523									
Roger Klocek	#630-684-9100	conserve@sbcglobal.net	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Russell									
4887 Wilderness Ridge Road Nisswa, MN 56468-2863									
Jim Russell	#218-568-4413	.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Macalaster College									
1600 Grand Avenue St. Paul, MN 55105									
Daniel Hornbach	#651-696-6160	hornbach@macalester.edu	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Midwest Natural Resources (main contact: Scott Milburn)									
1032 West 7th Street, Suite 150 St. Paul, MN 55102									
John Bourne	#330-601-6241	john.bourne@mnrinc.us	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Otto Gockman	#612-310-6260	otto.gockman@mnrinc.us	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Dylan Lueth	#612-310-6260	dylan.lueth@mnrinc.us	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sarah Rosche	#434-222-7832	sarah.rosche@mnrinc.us	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jake Walden	#612-310-6260	jacob.walden@mnrinc.us	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Minnesota Department of Transportation (MnDOT)									
395 John Ireland Boulevard St. Paul, MN 55155									
Ryan Foley (not for hire)	#651-366-3597	ryan.foley@state.mn.us	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Moorhead State University, Department of Biology									
Building KH, Room 206 Moorhead, MN 56560									
Donna Stockrahm	#218-236-2576	.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Normandeau Associates, Inc.									
400 Old Reading Pike, Building A, Suite 101 Stowe, PA 19464									
Joseph Snavelly	#484-945-2631	jsnavelly@normandeau.com	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Science Museum of MN									
120 W Kellogg Boulevard St. Paul, MN 55102									
Dick Oehlenschlager	#651-221-9450	.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DNR List of Surveyors Endangered and Threatened Animals

Surveyor	Phone Number	Email Address	Mammals	Birds	Herpetofauna	Fishes	Mussels**	Insects	Prairie Skippers
Southwest State University, Department of Biology									
Marshall, MN 56258			<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Betsy Desy	#507-537-7315								
St. Croix Watershed Research Station									
16910 152nd Street North Marine on St. Croix, MN 55047			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toben Lafrancois	#651-433-5953	toben@smm.org							
Stantec Consulting Services Inc.									
10200 Alliance Road, Suite 300 Blue Ash, OH 45242			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cody Fleece	#513-262-3994	cody.fleece@stantec.com							
Rachel Fox	#513-635-4511	rachel.fox@stantec.com							
2080 Wooddale Drive Suite 100 Woodbury, MN 55125-2920			<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Scott Krych	#651-395-5211	scott.krych@stantec.com							
209 Commerce Parkway Cottage Grove, WI 53527			<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Bub	#608-839-2037	brian.bub@stantec.com							
2300 Swan Lake Boulevard, Suite 202 Independence, IA 50644-9708			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Terry VanDeWalle	#319-334-3755	terry.vandewalle@stantec.com							
SWCA Environmental Consultants									
1892 Sheridan Avenue Sheridan, WY 82801			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jake Powell	#307-673-4303	jpowell@swca.com							
Tetra Tech, Inc.									
2001 Killebrew Drive, Suite 141 Bloomington, MN 55425			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kate Schindler	#612-643-2240	kate.schindler@ttemi.com							
University of Minnesota, Department of Fisheries, Wildlife & Conservation Biology									
143 Hodson Hall, 1980 Folwell Avenue St. Paul, MN 55108			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Hove	#612-472-3182	mark_hove@umn.edu							

DNR List of Surveyors Endangered and Threatened Animals

Surveyor	Phone Number	Email Address	Mammals	Birds	Herpetofauna	Fishes	Mussels**	Insects	Prairie Skippers
Western EcoSystems Technology (WEST), Inc.									
415 West 17th Street, Suite 200 Cheyenne, WY 82001									
Greg Johnson	#307-632-2972	gjohnson@west-inc.com	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7575 Golden Valley Road, Suite 300 Golden Valley, MN 55427									
Alaini Schneider Cossette	#612-839-5280	acossette@west-inc.com	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kirsten Frahm	#612-750-5295	kfracm@west-inc.com	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Westwood Professional Services, Inc.									
12701 Whitewater Drive, Suite 300 Minnetonka, MN 55343									
David Kuhlmann	#952-697-5780	david.kuhlmann@westwoodps.com	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wildlife Research & Consulting Services, LLC									
PO Box 803 Lakeland, MN 55043									
Christopher Smith	#612-275-9737	christopher.smith@fieldecology.com	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Winona State University									
175 Mark Street Winona, MN 55987									
Neal Mundahl	#507-457-5695	nmundahl@vax2.winona.edu	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**The identification of mussel species can be difficult; qualified surveyors must pass a mussel identification exam. A permit is required to handle live mussels. Please contact Bridget Henning-Randa, at bridget.henning-randa@state.mn.us, prior to any mussel survey work.

The above is a list of individuals who are considered qualified by the Minnesota Department of Natural Resources (DNR) to conduct surveys for endangered and threatened plants within the state of Minnesota. Please note that the DNR qualifies individuals, not firms. The DNR maintains this list to ensure reliable survey results, which ensures the DNR's ability to uphold the Minnesota Endangered Species Statute (Minnesota Statutes, section 84.0895) and associated rules (Minnesota Rules, part 6212.1800 to 6212.2300 and 6134), and avoids any potential delays due to misidentified or overlooked threatened or endangered species.

This list is not intended as an endorsement of any one individual over another. There may be other individuals who are qualified to do rare species surveys. Individuals who would like to be placed on the list should contact Bruce Carlson at bruce.carlson.state.mn.us.

APPENDIX D – Agency Comments and Responses

Memorandum

To: EQB Agency Distribution List

Copy: Anthony Nemcek, City of Rosemount

From: Chaldelia Browne, WSB

Date: December 20, 2023

Re: UMore Study Area AUAR Update – Responses to Comments
WSB Project No. 22511-000

The City of Rosemount issued the Draft UMore Study Area AUAR Update for review to the EQB's distribution list on December 6, 2023. The comment period ended on December 19, 2023 and the city received comments from the Department of Natural Resources, Metropolitan Council, Vermillion River Watershed Joint Powers Organization and Dakota County regarding the Umore Study Area AUAR Update. Each comment, and the city's responses are provided below. Agency comment letters are attached.

Department of Natural Resources

Comment 1: Page 4, Fish, Wildlife, and Ecologically Sensitive Resources
Please note that mitigation measures for the state-endangered Loggerhead Shrike are required, not recommended. Given the potential for this species to be found in the vicinity of the project, tree and shrub removal is required to be avoided during the breeding season, April through July. If you cannot avoid tree removal during loggerhead shrike breeding period, a qualified surveyor needs to conduct a survey for active nests before any trees or shrubs will be removed. Surveys must follow the standards contained in the Rare Species Survey Process. Survey results should be sent to the NH Review Team at Reports.NHIS@state.mn.us. The list of approved DNR Animal Surveyors is attached to the MCE project. Project planning should take into account that the survey needs to be conducted during the appropriate time of the year, which may be limited.

Response: Comment noted. Mitigation measure V. 1. E. have been revised to reflect comment.

Comment 2: This section does not discuss federally-listed species. The area of interest overlaps with a Rusty Patched Bumble Bee High Potential Zone. The rusty patched bumble bee (*Bombus affinis*) is federally listed as endangered and is likely to be present in suitable habitat within High Potential Zones. From April through October this species uses underground nests in upland grasslands, shrublands, and forest edges, and forages where nectar and pollen are available. From October through April the species overwinters under tree litter in upland forests and woodlands. The rusty patched bumble bee may be impacted by a variety of land management activities including but limited to, prescribed fire, tree-removal, haying, grazing, herbicide use, pesticide use, land clearing, soil disturbance or compaction, or use of nonnative bees. The USFWS rusty patched bumble bee guidance provides guidance on avoiding impacts to rusty patched bumble bee and a key for determining if actions are likely to affect the species; the determination key can be found in the appendix. If applicable, the DNR also recommends reseeding disturbed soils with native species

or grasses and forbs using BWSR Seed Mixes or MnDOT Seed Mixes. Please visit the USFWS Rusty Patched Bumble Bee Map for the most current locations of High Potential Zones. To ensure compliance with federal law, conduct a federal regulatory review using the U.S. Fish and Wildlife Service's (USFWS) online Information for Planning and Consultation (IPaC) tool .

Response: Comment noted. Mitigation Measure V. 1.K. has been added for rusty patch bumble bee. An IPAC review was conducted and is within Appendix **B** of the AUAR update.

Comment 3: Page 5, Water Use Mitigation Plan

Water Appropriation. A DNR Water Appropriation Permit is required if the water pumped exceeds 10,000 gallons in a day, or one million gallons in one year. The DNR General Permit for Temporary Appropriation, with its lower permit application fee and reduced time for review, may be used for the dewatering if the dewatering volume is less than 50 million gallons and the time of the appropriation is less than one year. Before the construction of a well that is capable of producing more than 10,000 gallons of water in a day, or one million gallons of water in a year, the plans for the well are required to be reviewed by the DNR. The DNR review of a proposed well is done through the "Well Construction Assessment" process. At the end of the process, the DNR will notify the applicant of natural resource or sustainability issues that may impact the applicant's ability to use the well.

Response: Comment noted. Mitigation Measure V.2 L and M have been added to reflect this comment.

Comment 4: Page 6, Erosion and Sedimentation Mitigation Plan; Water Quantity and Quality Mitigation Plan. Please incorporate relevant recommendations and requirements regarding state-listed species from the July 10, 2023 Natural Heritage letter into the SWPPP and construction plan details. These include the use of weed-free, native state seed mixes, and the timing of ground disturbance and tree and shrub removal, and the use of wildlife-friendly erosion control .

Response: Comment Noted. Mitigation measure V.3.D has been added to the AUAR to reflect this comment.

Comment 5: We recommend that products containing chloride not be used for dust suppression within the project area. Chloride released into local surface water and groundwater does not dissipate, but instead accumulates to levels that are toxic to aquatic species.

Response: Comment Noted Mitigation measure V. 4. L pertains to this consideration

Comment 6: This section should discuss project lighting, and any affect it could have on migratory birds. Animals depend on the daily cycle of light and dark for behaviors such as hunting, migrating, sleeping, and protection from predators. Light pollution can affect their sensitivity to the night environment and alter their activities. In addition to the undesirable effects of upward facing lighting, the hue of lights can also affect wildlife. LED lighting has become increasingly popular due to its efficiency and long lifespan. However, these bright lights tend to emit blue light, which can be harmful to birds, insects, and fish. The DNR recommends that any projects using LED luminaries follow

the MnDOT Approved Products for luminaries, which limits the Uplight rating to 0. A nominal color temperature below 2700K is preferable for wildlife, and so we recommend choosing products that have the lowest number for backlight and glare (all approved products should already be 0 for Uplight).)

Response: Comment Noted. Mitigation measure 10. V B was also updated to reflect this recommendation.

Metropolitan Council

Comment 1: Section V. 4. Water Quantity and Quality Mitigation Plan (John Clark, 651-602-1452) The AUAR Update proposes the addition of six to eight new water supply wells to meet the water demand for a proposed development. However, this information contradicts the City of Rosemount's current Local Water Supply Plan (LWSP) approved by the Minnesota Department of Natural Resources (DNR) on May 2, 2019. The AUAR Update should acknowledge the potential unavailability of required water and propose alternative solutions in case reliance on municipal water supply services becomes problematic.

Response: The AUAR update has been updated to reflect the LWSP. The City plans to expand the water distribution (lateral) system in conjunction with development and has plotted a possible well site to be installed if needed. The City will utilize rural wells as needed to supply water to serve growth within the eastern side of the City.

Comment 2: The City had requested additional pumping infrastructure/capacity and revised future demand estimates to serve industrial customers. Council staff recommend the City collaborate with the DNR, before developing these parcels, to ensure availability of local water resources for current and future developments. Staff note that the approval of the LWSP does not automatically approve future appropriation permit requests. If the City obtains approval for an updated LWSP from the DNR, that updated plan needs to be submitted to the Metropolitan Council as a comprehensive plan amendment for further review.

Response: Comment noted. Mitigation Measure V2.I has been added to reflect collaboration with the DNR to ensure availability of local water resources for current and future developments. Mitigation Measure V2. J has been added to reflect the need for any approved LWSP update to be submitted to the Metropolitan Council as a comprehensive plan amendment for further review

Comment 3: The AUAR Update should explore strategies to reduce water consumption and promote water reuse where feasible. Council staff recommend that the AUAR Update explicitly outline the strategies and controls that the City plans to implement to ensure sustainable water use in the developing area.

Response: Comment noted. The City of Rosemount amended its Environment and Sustainability Commission Goals in 2023 and the LWSP explores strategies to reduce water consumption. Mitigation Measure V.2. K. has been added to reflect this consideration . Documents explicitly outlining strategies have been linked in the AUAR update.

Comment 4: The City should assess whether proposed site uses pose a risk of contaminating the drinking water supply and implement necessary precautions and best management

practices. Staff suggest exploring smart-salting requirements for chloride management to protect water supplies and nearby resources.

Response: Comment Noted. The city appreciates the need to chloride management and currently promotes smart salting within City. Mitigation measure V.4.L. has been added to the AUAR to reflect this consideration.

Comment 5: Section V. 11. Compatibility with Land Use Regulations Mitigation Plan: Housing (Olivia Boerschinger, 651-602-1327)
Since several different land use scenarios may occur in the study area, this could impact calculation of affordable housing need. To facilitate land for the development of affordable housing within the drafting of the 2040 Comprehensive Plan (Plan), the City chose to guide land following Option 2 outlined in the Council's Housing Policy Plan. Option 2 requires planning to accommodate its total share of regional need, which is 957 units, by guiding sufficient land at both a minimum of 6 units per acre to support households earning 51-80% Area Median Income (AMI), and at 12 units per acre to support households earning less than 50% AMI. The City currently has a narrow margin for land use with a minimum density of 12 units per acre or greater. If there is a need to change the future land use designations in the study area to accommodate a certain scenario, contact Council staff early to ensure consistency

Response: Comment Noted. Mitigation measure V.11.E. was added to reflect the recommendation.

Comment 6: Section V. 11. Compatibility with Land Use Regulations Mitigation Plan: Solar (Mackenzie Young-Walters, 651-602-1327)
Staff recommends the inclusion of Solar-Ready design and construction for all new developments within the AUAR Update area to better align with the City's 2040 Plan resilience goals: "Renewable Energy: Look for opportunities to remove barriers and increase renewable energy use in order to strengthen and diversify the energy grid and mitigate climate related impacts."

Response: Comment Noted. Mitigation measure V. 11. F was added to include this recommendation.

The city will encourage developers to implement the use of native plantings and seed mixes in vegetated areas of developments. Mitigation measure 31 was updated to include this recommendation.

Comment 7: Section V. 11. Compatibility with Land Use Regulations Mitigation Plan: Forecasts (Todd Graham, 651-602-1322)
All the scenarios in the AUAR Update describe development and intensities of use greater than what the Council has assumed for this area in its 2040 forecasts. In 2021, when Council staff met with City staff, City staff expected approximately 2,000 units to be added during 2018-2030, and another 2,000 during 2030-2040. City's communitywide forecast was adjusted as a result through the UMore Park Mixed Use Residential comprehensive plan amendment, authorized by the Council on September 22, 2021 (Business Item No. 2021-226). City staff should contact Council staff if that expectation has changed.

Response: Comment Noted. The City will contact Council staff to adjust , if necessary.

Vermillion River Watershed Joint Powers Organization

Comment 1: Page 4, Stormwater Management: On November 28, 2021, the City of Empire was delegated jurisdictional authority for stormwater management within its incorporated area. The VRWJPO suggests revising the language in this section to reflect this change.

Response: Comment noted. The language has been revised.

Comment 2: VRWJPO suggests that a Water Resources map/exhibit be included in Appendix A of the AUAR showing the locations of jurisdictional wetlands from the existing wetland delineation on record and the National Wetland Inventory.

Response: Comment noted. The documented wetlands identified in the City of Rosemount Comprehensive Wetland Management Plan and the National Wetland Inventory can be used for initial planning purposes. Section V.1 mentions that developments are required to delineate wetlands as part of the development process.

Comment 3: The VRWJPO suggests including language in the AUAR that the Cities will advise future developers to work with the City staff and Dakota County to address any on-site contamination associated with the former Gopher Ordinance Works (GOW) site. Dakota County has detailed information regarding locations and the extent of contamination on the site from GOW, and it is important that soil contamination cleanup takes place during the development phase in order to address any long-term impacts to water resources

Response: Comment noted. Mitigation measure V 6. I. has been added to the AUAR update to indicate soil contamination cleanup requirement for developments based on extent identified by Dakota County associated with the former GOW site.

Dakota County

Comment 1: Transportation
The mitigation plan should address and recognize that various traffic analyses on CSAH 42, associated with nearby development proposals, have occurred since the last AUAR update.

Response: Comment noted. Mitigation V. 7. H has been added.

Comment 2: The mitigation plan should recognize the recommendations of the 2010 Rosemount/Empire/Umore Area Transportation System Study.

Response: Comment noted. Mitigation Measure V.7. D and E have been added.

Comment 3: Section E. should include recommendations of the 2040 Corridor Management Plan for Dakota County Highway 42.

Response: Comment noted. Mitigation measures have been added to V. 7.

Comment 4: Please identify that the County Board adopted recommendations for CSAH 42 Segment 15 were an adopted amendment to the original 1999 County Road 42 Corridor Study

Response: Comment noted. Language has been updated.

Comment 5: Section F. identifies construction of frontage roads adjacent to CSAH 42. Generally, this is a positive benefit and directs access to county highways at appropriate locations. However, this measure should not be recognized as a stand-alone mitigation measure to address county highway traffic volumes. In addition, references to intersection improvement and signalization in Section F. should be removed as these are addressed in Section E.

Response: Comment noted. Edits have been made.

Comment 6: Dakota County is willing to work with the city to further discuss potential solutions that address our concerns and address the obstacles that the city has identified in providing a connected local roadway network.

Response: Comment noted.

Comment 7: Environmental Resources
Since the County provided comment on the 2018 AUAR update both the State and County have additional groundwater quality data from water wells. The municipal wells are likely to be constructed in the Jordan Aquifer. Nitrate, the herbicide cyanazine, trichloroethylene, and PFAS are over the drinking water guidelines in the Jordan aquifer, see enclosed map. Additional study and sampling of the groundwater quality is recommended. The original and subsequent updates to the AUAR do not provide detail on the treatment planned for the water treatment plants. Treatment to reduce the industrial and agricultural chemicals may be required by the MN Department of Health.

Response: Comment noted. Based on the City's LWSP, no wells are planned within the study area; however the city will conduct additional study and sampling of groundwater quality as needed.

This concludes the responses to comments on the AUAR Update. If you have questions, please contact me at 612-394-2395 or cbrowne@wsbeng.com.

Division of Ecological and Water Resources
Region 3 Headquarters
1200 Warner Road
Saint Paul, MN 55106
December 19, 2023

Transmitted by Email

Anthony Nemcek
Senior Planner
City of Rosemount
2875 145th St. W.
Rosemount, MN 55068

Dear Anthony Nemcek,

Thank you for the opportunity to review the UMore Study Area Alternative Urban Areawide Review (AUAR) Update in Dakota County. The DNR respectfully submits the following comments for your consideration:

V. Mitigation Summary and Update

1. Page 4, Fish, Wildlife, and Ecologically Sensitive Resources:

- Please note that mitigation measures for the state-endangered Loggerhead Shrike are **required**, not recommended. Given the potential for this species to be found in the vicinity of the project, tree and shrub removal is **required** to be avoided during the breeding season, April through July. If you cannot avoid tree removal during loggerhead shrike breeding period, a qualified surveyor needs to conduct a survey for active nests before any trees or shrubs will be removed. Surveys must follow the standards contained in the [Rare Species Survey Process](#). Survey results should be sent to the NH Review Team at Reports.NHIS@state.mn.us. The list of approved DNR Animal Surveyors is attached to the MCE project. Project planning should take into account that the survey needs to be conducted during the appropriate time of the year, which may be limited.
- This section does not discuss federally-listed species. The area of interest overlaps with a Rusty Patched Bumble Bee *High Potential Zone*. The rusty patched bumble bee (*Bombus affinis*) is federally listed as endangered and is likely to be present in suitable habitat within *High Potential Zones*. From April through October this species uses underground nests in upland grasslands, shrublands, and forest edges, and forages where nectar and pollen are available. From October through April the species overwinters under tree litter in upland forests and woodlands. The rusty patched bumble bee may be impacted by a variety of land management activities including, but

not limited to, prescribed fire, tree-removal, haying, grazing, herbicide use, pesticide use, land clearing, soil disturbance or compaction, or use of non-native bees. The [USFWS rusty patched bumble bee guidance](#) provides guidance on avoiding impacts to rusty patched bumble bee and a key for determining if actions are likely to affect the species; the determination key can be found in the appendix. If applicable, the DNR also recommends reseeding disturbed soils with native species or grasses and forbs using [BWSR Seed Mixes](#) or [MnDOT Seed Mixes](#). Please visit the [USFWS Rusty Patched Bumble Bee Map](#) for the most current locations of *High Potential Zones*.

To ensure compliance with federal law, conduct a federal regulatory review using the U.S. Fish and Wildlife Service's (USFWS) online [Information for Planning and Consultation \(IPaC\) tool](#).

2. Page 5, Water Use Mitigation Plan.

- Water Appropriation. A DNR Water Appropriation Permit is required if the water pumped exceeds 10,000 gallons in a day, or one million gallons in one year. The DNR General Permit for Temporary Appropriation, with its lower permit application fee and reduced time for review, may be used for the dewatering if the dewatering volume is less than 50 million gallons and the time of the appropriation is less than one year.

Before the construction of a well that is capable of producing more than 10,000 gallons of water in a day, or one million gallons of water in a year, the plans for the well are required to be reviewed by the DNR. The DNR review of a proposed well is done through the "Well Construction Assessment" process. At the end of the process, the DNR will notify the applicant of natural resource or sustainability issues that may impact the applicant's ability to use the well.

3. Page 6, Erosion and Sedimentation Mitigation Plan; Water Quantity and Quality Mitigation Plan.

- Please incorporate relevant recommendations and **requirements** regarding state-listed species from the July 10, 2023 Natural Heritage letter into the SWPPP and construction plan details. These include the use of weed-free, native state seed mixes, and the timing of ground disturbance and tree and shrub removal, and the use of wildlife-friendly erosion control.
- We recommend that products containing chloride not be used for dust suppression within the project area. Chloride released into local surface water and groundwater does not dissipate, but instead accumulates to levels that are toxic to aquatic species.

4. Page 12, Visual Mitigation Plan.

- This section should discuss project lighting, and any affect it could have on migratory birds. Animals depend on the daily cycle of light and dark for behaviors such as hunting, migrating, sleeping, and protection from predators. Light pollution can affect their sensitivity to the night environment and alter their activities. In addition to the undesirable effects of upward facing lighting, the hue of lights can also affect wildlife. LED lighting has become increasingly popular due to its efficiency and long lifespan. However, these bright lights tend to emit blue light, which can be harmful to birds, insects, and fish. The DNR recommends that any projects using LED luminaries follow

the [MnDOT Approved Products for luminaries](#), which limits the Uplight rating to 0. A nominal color temperature below 2700K is preferable for wildlife, and so we recommend choosing products that have the lowest number for backlight and glare (all approved products should already be 0 for Uplight).

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

Sincerely,

A handwritten signature in cursive script that reads "Melissa Collins". The signature is written in dark ink on a light blue rectangular background.

Melissa Collins

Regional Environmental Assessment Ecologist | Ecological and Water Resources

Minnesota Department of Natural Resources

Phone: 651-259-5755

Email: melissa.collins@state.mn.us

CC:

Equal Opportunity Employer



December 19, 2023

Anthony Nemcek, Senior Planner
City of Rosemount
2875 145th Street W
Rosemount, MN 55068

RE: City of Rosemount – Alternative Urban Areawide Review Update (AUAR) – UMore Study Area
Metropolitan Council Review File No. 21138-4
Metropolitan Council District No. 12

Dear Anthony Nemcek:

Metropolitan Council received the UMore Study Area AUAR Update on December 1, 2023. The AUAR represents the 5-year update required under environmental rules for a study area of approximately 4,900 acres located in the southern portion of the City of Rosemount and the northern portion of the City of Empire. Of the 4,900 acres in the study area, approximately 715 acres have been approved for development. The City of Rosemount and the City of Empire anticipate development to occur over the next 15 to 25 years depending on market conditions.

Metropolitan Council staff completed its review of the AUAR Update to determine its accuracy and completeness in addressing regional concerns. Staff concludes that the AUAR Update is complete and accurate with respect to regional concerns and does not raise major issues of consistency with Council policies. However, staff offers the following comments for your consideration:

Section V. 4. Water Quantity and Quality Mitigation Plan (*John Clark, 651-602-1452*)

- The AUAR Update proposes the addition of six to eight new water supply wells to meet the water demand for a proposed development. However, this information contradicts the City of Rosemount's current Local Water Supply Plan (LWSP) approved by the Minnesota Department of Natural Resources (DNR) on May 2, 2019. The AUAR Update should acknowledge the potential unavailability of required water and propose alternative solutions in case reliance on municipal water supply services becomes problematic.
- The City has requested additional pumping infrastructure/capacity and revised future demand estimates to serve industrial customers. Council staff recommend the City collaborate with the DNR, before developing these parcels, to ensure availability of local water resources for current and future developments. Staff note that the approval of the LWSP does not automatically approve future appropriation permit requests. If the City obtains approval for an updated LWSP from the DNR, that updated plan needs to be submitted to the Metropolitan Council as a comprehensive plan amendment for further review.
- The AUAR Update should explore strategies to reduce water consumption and promote water reuse where feasible. Council staff recommend that the AUAR Update explicitly outline the strategies and controls that the City plans to implement to ensure sustainable water use in the developing area.
- The City should assess whether proposed site uses pose a risk of contaminating the drinking water supply and implement necessary precautions and best management practices. Staff suggest

exploring smart-salting requirements for chloride management to protect water supplies and nearby resources.

- Staff recommend that the City replace removed trees with new plantings on-site or offsite to offset environmental impacts, increase shade, and enhance environmental and public health factors.

Section V. 11. Compatibility with Land Use Regulations Mitigation Plan: Housing (*Olivia Boerschinger, 651-602-1327*)

Since several different land use scenarios may occur in the study area, this could impact calculation of affordable housing need. To facilitate land for the development of affordable housing within the drafting of the 2040 Comprehensive Plan (Plan), the City chose to guide land following Option 2 outlined in the Council's *Housing Policy Plan*. Option 2 requires planning to accommodate its total share of regional need, which is 957 units, by guiding sufficient land at both a minimum of 6 units per acre to support households earning 51-80% Area Median Income (AMI), and at 12 units per acre to support households earning less than 50% AMI. The City currently has a narrow margin for land use with a minimum density of 12 units per acre or greater. If there is a need to change the future land use designations in the study area to accommodate a certain scenario, contact Council staff early to ensure consistency.

Section V. 11. Compatibility with Land Use Regulations Mitigation Plan: Solar (*MacKenzie Young-Walters, 651-602-1327*)

Staff recommends the inclusion of Solar-Ready design and construction for all new developments within the AUAR Update area to better align with the City's 2040 Plan resilience goals: "Renewable Energy: Look for opportunities to remove barriers and increase renewable energy use in order to strengthen and diversify the energy grid and mitigate climate related impacts."

Section V. 11. Compatibility with Land Use Regulations Mitigation Plan: Forecasts (*Todd Graham, 651-602-1322*)

All the scenarios in the AUAR Update describe development and intensities of use greater than what the Council has assumed for this area in its 2040 forecasts. In 2021, when Council staff met with City staff, City staff expected approximately 2,000 units to be added during 2018-2030, and another 2,000 during 2030-2040. City's communitywide forecast were adjusted as a result through the UMore Park Mixed Use Residential comprehensive plan amendment, authorized by the Council on September 22, 2021 ([Business Item No. 2021-226](#)). City staff should contact Council staff if that expectation has changed.

The Council will not take formal action on the AUAR Update. If you have any questions or need further information, please contact Emma Dvorak, Principal Reviewer and Sector Representative, at 651-602-1399 or via email at emma.dvorak@metc.state.mn.us.

Sincerely,



Roya Esmaeili for:

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

CC: Tod Sherman, Development Reviews Coordinator, MnDOT - Metro Division
Susan Vento, Metropolitan Council District 12
Judy Sventek, Water Resources Manager
Emma Dvorak, Sector Representative/ Principal Reviewer
Reviews Coordinator

N:\CommDev\LP\Communities\Rosemount\Letters\Rosemount 2023 UMore Study Area Final AUAR Update 21138-4.docx



December 14, 2023

Anthony Nemcek, Senior Planner
City of Rosemount
2875 145th St W.
Rosemount, MN 55068

RE: UMORE Study Area AUAR Document Comments

The Vermillion River Watershed Joint Powers Organization (VRWJPO) appreciates the opportunity to review and comment on the Alternative Urban Areawide Review (AUAR) at UMore Study Area Update #2 dated December 1, 2023. Staff has reviewed updated document for the AUAR and have the following comments:

- Page 4, Stormwater Management: On November 28, 2021, the City of Empire was delegated jurisdictional authority for stormwater management within its incorporated area. The VRWJPO suggests revising language in this section to reflect this change.
- VRWJPO suggests that a Water Resources map/exhibit be included in Appendix A of the AUAR showing the locations of jurisdictional wetlands from existing wetland delineations on record and the National Wetland Inventory.
- The VRWJPO suggests including language in the AUAR that the Cities will advise future developers to work with City staff and Dakota County to address any on-site contamination associated with the former Gopher Ordinance Works (GOW) site. Dakota County has detailed information regarding locations and the extent of contamination on the site from the GOW, and it's important that soil contamination cleanup takes place during the development phase in order to address any long-term impacts to water resources.

Thank you for the opportunity to review and comment on the Updated UMore AUAR Document.

Sincerely,

Jeff Dunn
VRWJPO Water Resources Engineer

Travis Thiel
VRWJPO Administrator



December 19, 2023

Anthony Nemcek
City of Rosemount
2875 145th Street W
Rosemount, MN 55068

Thank you for the opportunity to review the updated UMore Study Area Alternative Urban Areawide Review (AUAR) update. County Physical Development staff reviewed the document and offer the following comments for consideration.

Transportation

- The mitigation plan should address and recognize that various traffic analyses on CSAH 42, associated with nearby development proposals, have occurred since the last AUAR update.
- The mitigation plan should recognize the recommendations of the 2010 Rosemount/Empire/Umore Area Transportation System Study. Section E. should include recommendations of the 2040 Corridor Management Plan for Dakota County Highway 42. Please identify that the County Board adopted recommendations for CSAH 42 Segment 15 were an adopted amendment to the original 1999 County Road 42 Corridor Study.
Section F. identifies construction of frontage roads adjacent to CSAH 42. Generally, this is a positive benefit and directs access to county highways at appropriate locations. However, this measure should not be recognized as a stand-alone mitigation measure to address county highway traffic volumes. In addition, references to intersection improvement and signalization in Section F. should be removed as these are addressed in Section E.

Environmental Resources –

Since the County provided comment on the 2018 AUAR update both the State and County have additional groundwater quality data from water wells. The municipal wells are likely to be constructed in the Jordan Aquifer. Nitrate, the herbicide cyanazine, trichloroethylene, and PFAS are over the drinking water guidelines in the Jordan aquifer, see enclosed map. Additional study and sampling of the groundwater quality is

Physical Development Division

recommended. The original and subsequent updates to the AUAR do not provide detail on the treatment planned for the water treatment plants. Treatment to reduce the industrial and agricultural chemicals may be required by the MN Department of Health.

Sincerely,

A handwritten signature in blue ink, appearing to read "Georg T. Fischer".

Georg T Fischer, Director
Physical Development Division

cc: Commissioner William Droste, District 4
Matt Smith, County Manager

Physical Development Division

P 952-891-7000 **F** 952-891-7031 **W** www.dakotacounty.us
A Dakota County Western Service Center • 14955 Galaxie Ave. • Apple Valley • MN 55124

Nitrate Results in Private Drinking Water Wells in Rosemount and Coates Including Known Contaminant Concerns in Vicinity

