

FINDINGS OF FACT, CONCLUSIONS, AND RECORD OF DECISION

Hentges Industrial Park
EAW

For:

City of Shakopee

February 3, 2021

Prepared by:



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ADMINISTRATIVE BACKGROUND

Pursuant to Minnesota Rule 4410.4300, the City of Shakopee has prepared an Environmental Assessment Worksheet (EAW) for the proposed Hentges Industrial Park (Project). This Record of Decision addresses the State of Minnesota environmental review requirements as established in Minnesota Rule 4410.1700. WPT Industrial REIT is the project proposer and City of Shakopee is the Responsible Governmental Unit (RGU).

The EAW was filed with the Minnesota Environmental Quality Board (EQB) and circulated for review and comments to the required EAW distribution list. A Notice of Availability for the initial EAW was published in the EQB Monitor on December 21, 2020. Notices of Availability were published on the City of Shakopee website on December 21, 2020 and in the *Shakopee Valley News* on December 19, 2020. No public hearing was held.

The public comment period ended January 20, 2021. Comments were received from the Minnesota Department of Natural Resources (DNR), Minnesota Pollution Control Agency (MPCA), Minnesota Office of Administration State Archaeologist (OSA), Lower Minnesota River Watershed District (LMRWD), Metropolitan Council, Minnesota State Historic Preservation Office (SHPO), US Army Corps of Engineers, and Scott County Transportation Services. All comments were considered in determining the potential for significant environmental impacts. Comments received and the City of Shakopee responses to those comments are provided in **Appendix A**.

FINDINGS OF FACT AND CONCLUSIONS

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

PROJECT DESCRIPTION

The proposed Hentges Industrial Park development will include development of five parcels within the existing approximately 61-acre site. This will include construction of an approximately 505,000 square foot industrial building on the western 39 acres of the project area. On the eastern 16 acres of the project area, two industrial developments, approximately 70,000 square feet and 175,000 square feet in size will be constructed north and south, respectively, of the proposed Hentges Way. Associated features such as parking areas, stormwater management basins, and utilities are also proposed. A new roadway, Hentges Way, will be extended southwest from Stagecoach Road via a round-a-bout and be terminated at a cul-de-sac. The remaining two parcels, totaling approximately 6 acres on the southeast side, may be acquired by an adjacent landowner and Shakopee Public Utilities Commission (SPUC) to support their existing operations.

PROJECT HISTORY

- The project was subject to a mandatory EAW per Minnesota Rule 4410.4300 Subpart 36: Land use conversion and subpart 14 (B), Industrial, commercial, and institutional facilities, other than a warehousing or light industrial facility in a second class city.
- The EAW was distributed to the EQB and to the EQB mailing list on December 21, 2020.
- Public notices containing information about the availability of the EAW for public review were provided to City of Shakopee Website on December 21, 2020 and were published in the *Shakopee Valley News* on December 19, 2020.

- Hard copies of the EAW were provided for public review at Shakopee City Hall. An electronic copy of the EAW was available on the City’s website.
- A notice was published for the EAW in the December 21, 2020 *EQB Monitor*. The public comment period ended January 20, 2021. Comments were received from the Minnesota DNR, MPCA, Minnesota OSA, LMRWD, Metropolitan Council, Minnesota SHPO, US Army Corps of Engineers, and Scott County Transportation Services. Copies of these comment letters are hereby incorporated for reference and included in **Appendix A**.

CRITERIA FOR DETERMINING THE POTENTIAL FOR SIGNIFICANT ENVIRONMENTAL EFFECTS.

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

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

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

Cover Types:

	Before	After		Before	After
Wetlands	0	0	Lawn/landscaping	0.95	4.64
Deep water/streams	0	0	Impervious surface	35.39	52.07
Wooded/forest	13.45	0	Stormwater Pond	0.23	4.55
Brush/Grassland	11.24	0	Other (describe)	0	0
Cropland	0	0			
			TOTAL	61.26	61.26

Zoning and Special Districts:

The northwestern and northeastern portions of the project area are within a Federal Emergency Management Agency (FEMA) 500-year floodplain.

A pipeline easement bisects the project area. An easement encroachment agreement with the pipeline owner has also been identified and added to the permits table. This agreement will be required for any new roadway, utility, or other structure that encroaches on the easement.

Geology:

The EAW indicated that based on the preliminary data review there was potential for karst conditions within the project area. While the EAW was out for comment additional data were received and reviewed, including more site-specific geotechnical data. Because of the general landscape position of the project area and the presence of perched water over the

bedrock, the potential for karst conditions is low. Infiltration and wet sedimentation basins will be feasible.

Soil Disturbance:

The project proposes to grade approximately 272,105 cubic yards of soil. During construction activities, a Stormwater Pollution Prevention Plan (SWPPP) will be implemented as part of the National Pollutant Discharge Elimination System (NPDES) permit requirements and will outline site-specific erosion control best management practices (BMPs). The project will require a permit for grading and erosion control from the City of Shakopee and Lower MN River Watershed District.

Water Resources:

The project is located within one mile and ultimately drains to the Minnesota River, an impaired water. Additional erosion control BMPs will be required, including stabilizing exposed soil areas within seven calendar days after the construction activity in that portion of the site temporarily or permanently ceases and providing a temporary sediment basin for common drainage locations that serve an area with five or more acres disturbed at one time.

Wastewater/Water Supply:

Wastewater will be conveyed through the City sanitary sewer system to the Metropolitan Council Environmental Services (MCES) Blue Lake Wastewater Treatment Plant (WWTP) just north of the site. The Blue Lake WWTP has ample residual capacity for the projected wastewater flow.

Depending on the type of heavy industrial development and its wastewater characteristics, the site will likely require a MCES Industrial Discharge Permit which may include pretreatment requirements.

Stormwater/Water Quality:

A preliminary stormwater management report for the site prepared in September 2020 discussed the possibility of providing an outlet to the landlocked ditch on the south side of CSAH 101. If an outlet is proposed as part of this project, coordination with Scott County Transportation Department and LMRWD will be required to confirm acceptability of all stormwater routing.

Volume Reduction

It is assumed that the site will be developed with an impervious coverage of 85%. This is consistent with the City's "Heavy Industrial Zoning" impervious limits. For the anticipated 52.07 acres of proposed impervious surface, the required volume reduction is 4.78 acre-feet (~208,000 cubic feet). One stormwater management basin exists within the project area. This stormwater management basin will be expanded as a part of this project to treat runoff from the addition of impervious surfaces. The project will be required to meet the City's and Watershed District's requirements for volume reduction.

Water Quality

The primary environmental concerns from stormwater discharges from a site like this one include TP, TSS, and the potential for erosion. The project will be required to meet the water quality standards required by the MPCA, City, and Watershed District. Meeting the

volume control, water quality, and rate control requirements reduces the potential for detrimental impacts downstream from the site due to stormwater discharges.

To reduce the potential for erosion, a Stormwater Pollution Prevention Plan (SWPPP) will need to be prepared in accordance with MPCA guidelines and the City of Shakopee's Stormwater Management criteria and will be required to be submitted and approved prior to construction.

Contamination/Hazardous Materials/Wastes:

Based on review of the MPCA and MDA listings and the Phase I ESA findings, the potential to encounter contaminated soil and/or groundwater at the proposed project area is high. Three listings were found on site and an additional 26 sites are listed within 1,000 feet of the project area.

Multiple rail lines are located just south of the project area and an active petroleum pipeline is located within the project area. Commonly identified soil and groundwater impacts associated with railroad properties include heavy metals, PAHs, and petroleum/DRO associated with transport of industrial products.

Prior to project area redevelopment, MPCA and MDA regulatory file reviews should be reviewed and/or investigated for environmental planning purposes. A Construction Contingency Plan (CCP) is recommended for the proper management of contamination and/or regulated material if encountered during construction. If contaminated materials are encountered during excavation, construction activities will cease and the CCP will be implemented.

Fish and Wildlife:

This project will remove trees onsite. Several of the oak trees on site have a diameter at breast height greater than 15 inches which is consistent with the oak savanna DNR native plant communities listed nearby the site. The City's tree ordinance encourages the preservation of trees, especially oak trees. The developer intends to preserve as many trees as possible. Additionally, approximately 4 acres of wooded area in the southeastern corner of the project area is expected to remain intact.

The lark sparrow and northern long-eared bat have the potential to be using the trees within the project area for reproduction. Timed clearing and grubbing of trees to avoid the lark sparrow nesting season and the northern long-eared bat maternity season will avoid impacts to these species. Sandy soils of the site may be used by the plains pocket mouse, gopher snake and the plains hognose snake; however, similar habitats are available on lands adjacent to this project area and habitat loss from the development of this site will not likely have adverse effects on these species. The City will encourage the avoidance of winter land-disturbing activities which could impact these species when they are less mobile.

The SWPPP will be followed to prevent the spread of invasive species on or off the site.

Re-development of the site will not likely impact wildlife and plant communities or sensitive ecological resources.

Noise:

Construction noise levels and types typical of construction equipment will occur as a result of this project. Construction noise will be limited to daytime hours consistent with the City of Shakopee's construction and noise ordinances. Construction equipment will be fitted with mufflers that would be maintained throughout the construction process. Overall, noise impacts are not anticipated.

Transportation:

The proposed project will generate additional traffic that will require improvements to the local transportation system. Several improvements are detailed in the EAW and associated traffic study and will be implemented to mitigate traffic impacts. These improvements include access to the site via roundabout and future traffic monitoring to determine if additional improvements to the CSAH 101 and Stagecoach Road intersection are needed. The emergency access currently shown off 70th Street will be revised to more clearly show it is designed as emergency-only.

Any work within the County right-of-way will require a permit from the Scott County Transportation Department.

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

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

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

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

Unit of Government	Type of Application	Status
State		
Department of Natural Resources	Water Appropriation Permit	To be obtained, if needed
Pollution Control Agency	NPDES Construction Permit	To be obtained
	Sanitary Sewer Extension permit	To be obtained
	10-Day Notice of Demolition of a Structure	To be obtained
	Stormwater Permit	To be obtained
	Asbestos/Abatement	To be obtained
Department of Health	Watermain Extension/Plan Review	To be obtained
Local		
City of Shakopee	Development Application/Land Disturbance Permit	To be obtained
	Building Permits	To be obtained
	Preliminary and Final Plat Approval	To be obtained

Unit of Government	Type of Application	Status
	Demolition Permit/disconnect of utility	To be obtained
	Grading permit	To be obtained
	Right-of-way permit	To be obtained, if needed
Lower Minnesota River Watershed District	Development Plan Review (LMRWD Rules)	To be obtained
Shakopee Public Utilities Commission	Drinking Water Supply Connection	To be obtained
Scott County Department of Transportation	Highway 101/Traffic Analysis	To be obtained, if needed
	Right-of-way permit	To be obtained, if needed
Metropolitan Council	Sanitary Sewer Extension Regional Review	To be obtained
	Industrial Discharge Permit	To be obtained, if needed
Magellan Midstream Partners	Easement Encroachment Agreement	To be obtained

b) The City of Shakopee finds that the potential impacts identified as part of the proposed Hentges Industrial Park project can be addressed through the regulatory agencies as part of the permitting process.

- MINNESOTA RULE 4410.1700, SUBP. 7.D – THE EXTENT TO WHICH ENVIRONMENTAL EFFECTS CAN BE ANTICIPATED AND CONTROLLED AS A RESULT OF OTHER AVAILABLE ENVIRONMENTAL STUDIES UNDERTAKEN BY PUBLIC AGENCIES OR THE PROJECT PROPOSER, INCLUDING OTHER EISs.

The City finds:

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

CONCLUSIONS

The Hentges Industrial Park EAW and comments received have generated information adequate to determine that the proposed project does not have the potential for significant environmental effects.

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

Based on the criteria established in Minnesota Rule 4410.1700, and the Findings of Fact and Conclusions, the project does not have the potential for significant environmental effects to trigger the need for an Environmental Impact Statement (EIS). Therefore, an EIS is not required for the Hentges Industrial Park project. City Council concurrence by Resolution No. R2021-014, declaring a negative need for an Environmental Impact Statement, is included in **Appendix B**.


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


AGENCY COMMENTS AND CITY OF SHAKOPEE RESPONSES

A 30-day comment period for the Hentges Industrial Park EAW ended on January 20, 2021. The comments obtained through the EAW process can inform the permitting process and future steps for projects like this one. Comments were received from the Minnesota Department of Natural Resources, Minnesota Pollution Control Agency, Minnesota Office of Administration State Archaeologist, Lower Minnesota River Watershed District, Metropolitan Council, Minnesota State Historic Preservation Office, US Army Corps of Engineers, and Scott County Transportation Services. Responses are provided to comments related to the environmental review and analysis of the project. These letters and responses are provided in **Appendix A**.

APPENDIX A

Comments and Responses

Comment	Response
 <p>Division of Ecological and Water Resources Region 3 Headquarters 1200 Warner Road Saint Paul, MN 55106</p> <p>January 20, 2021</p> <p>Mark Noble Senior Planner City of Shakopee 485 Gorman Street Shakopee, MN 55379</p> <p>Dear Mr. Noble,</p> <p>Thank you for the opportunity to review the Hentges Industrial Park EAW. The DNR respectfully submits the following comments for your consideration:</p> <p><u>Section 13, Fish, Wildlife, plant communities, and sensitive ecological resources (rare features)</u></p> <ol style="list-style-type: none"> 1. The EAW states that the DNR Natural Heritage Information System was queried, however no concurrence was requested from our Endangered Species Review Coordinator, as is standard when rare features are identified within the vicinity of a project that triggers formal environmental review. This correspondence is usually included in Appendix B. 2. This section does not identify or address the plains pocket mouse, a state-listed species of special concern (SPC). It also does not identify the approximately 20 acres of forest/grassland located in the eastern portion of the site as a Regionally Significant Ecological Area. 3. The EAW states that tree clearing, which includes oak, will not take place during the breeding season of the Lark Sparrow (April-July). In addition, removal of oak trees is not advised between April and July because of oak wilt concerns and further spreading infection to any residual oak trees or oak trees on neighboring properties. 4. We recommend that construction activities on the forest/grassland area do not occur during the winter season when the animals will be less mobile and unable to escape. 5. Due to entanglement issues with small animals, use of erosion control blankets should be limited to 'bio-netting' or 'natural netting' types, and specifically not products containing plastic 	<ol style="list-style-type: none"> 1. The NHIS database was queried via a license agreement. The developer will follow up with the DNR regarding identified features. 2. The occurrence of the Plains Pocket Mouse that is located within 1 mile of the project site was from 1997 and therefore considered historic during the assessment of the existing site. Portions of the 20-acres on the eastern side of the project may provide habitat to the Plains Pocket Mouse, in particular the open areas that have only sparse grassy or brushy vegetation. Similar habitats exist directly south and southwest of this site, near Quarry Park. Avoidance of ground-disturbing construction activities during the winter will minimize risk to the mouse during construction. Adverse impacts to the plains pocket mouse are not expected as a result of this project. <p>The site is shown as a Regionally Significant Ecological Area with an ecological score of 1, meaning that it is a smaller area with likely lower diversity of cover types. Lands of similar cover type and quality exist directly south and southwest of this site, some of which is part of a park system that is not expected to be developed. Approximately 4 acres of the southeastern forest/grassland area are expected to remain mostly intact, with the only proposed development potential from a substation on the western side of that parcel. Additionally, City code encourages the preservation of trees and the City will strongly recommend preservation of oaks. Developer plans to preserve as many trees as possible.</p> <ol style="list-style-type: none"> 3. Comment noted. 4. The developer will be encouraged to avoid ground-disturbing construction activities during the winter months. 5. The use of natural erosion control netting will be required at the site.

Comment	Response
<p>mesh netting or other plastic components. These are Category 3N or 4N in the 2016 & 2018 MnDOT Standards Specifications for Construction. Please see the attached flyer.</p> <p>6. This section states that the site has minimal desirable wildlife habitat resources, yet also describes the presence of large oaks tree on the site and states that the forested area is consistent with the Dry Barrens Oak Savanna DNR Native Plant Community (NPC) located directly south of the project area. Even when degraded, these small fragmented remnants of habitat are crucial to preserve because of the rare species that are associated with them. The adjacent properties to the north and south are identified as Minnesota Biological Survey (MBS) Sites of Biodiversity Significance and NPCs. Many of the rare species in the vicinity of the project are dependent on the rare NPCs that historically fell in and around this site (characteristics of these NPCs may still exist on-site). The site falls in close proximity to two imperiled or critically imperiled NPCs (Dry Barrens Prairie-southern type [s1s2 ranking] and Dry Sand Gravel Oak Savanna-southern type [s1s2 ranking]). These community types, with their sandy/gravelly and/or dry soils, sparse vegetation and often open or barren character support a variety of herptiles and grassland birds, including the plains hog nosed snake (SPC), gopher snake (SPC) and lark sparrow (SPC), as well as several rare plant species that associate with sand prairies with blowouts and oak savannas. These community types and the species they support have declined substantially since the 1890's, with only a fraction remaining in the Big Woods Subsection.</p> <p>A number of these rare or declining species, including the Lark sparrow, depend on sparsely vegetated prairie/savanna habitat for critical life history stages, including nesting. They often nest select nest sites on bare or sparsely vegetated ground as well as isolated trees. This type of critical nesting habitat is increasingly rare in these types of areas that fall between agricultural and urban/industrial development. The plains hog-nosed snake and gophersnake use similar areas of bare soil for thermoregulation and for optimal egg laying sites.</p> <p>Urban/Industrial development, agriculture and habitat loss/fragmentation are all listed as major threats to the lark sparrow, gopher snake and plains hog nosed snake in Minnesota. However, these open habitat types also support a variety of other state-listed rare species, including regal fritillary, Henslow's sparrow and the plains pocket mouse. This site may be adjacent to industrial development and fragmented by a road and railroad tracks separating it from other habitat, but it is likely that even if degraded, it still serves as valuable wildlife habitat. We recommend that as much of the approximately 20 acres of forest/grassland be preserved as possible.</p> <p>Thank you again for the opportunity to comment. Please let me know if you have any questions.</p> <p>Sincerely,</p> 	<p>6. City code encourages the preservation of trees and the City strongly recommends preservation of oaks. The developer plans to preserve as many trees as possible. Also, approximately 4 acres in the SE corner will mainly remain intact.</p>

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Comment	Response
<p>Melissa Collins Regional Environmental Assessment Ecologist Ecological and Water Resources Minnesota Department of Natural Resources 1200 Warner Road St. Paul, MN 55106 Phone: 651-259-5755 Email: melissa.collins@state.mn.us</p> <p>CC: Pat Qualley, WBT Industrial Reit</p> <p><i>Equal Opportunity Employer</i></p>	

Wildlife Friendly Erosion Control

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

Know Your Options

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



Woven 100% natural fiber erosion control materials being utilized along a central Minnesota stream. ©MN DNR, Nick Proulx

Know the Landscape

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



Fish trapped and killed by welded-plastic square erosion control mesh improperly placed along a small central Minnesota stream. Photo courtesy of Ben Lowe.

Protect Wildlife

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



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



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

Literature Referenced

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

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

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

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

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





Technical Memorandum

To: Linda Loomis, Administrator
Lower Minnesota River Watershed District

From: Aaron Pietsch, EIT
Katy Thompson, PE, CFM
Della Schall Young, CPESC, PMP

Date: January 13, 2021

Re: Hentges Industrial Park Environmental Assessment Worksheet Review

WBT Industrial REIT (WBT) is proposing the subdivision of an existing 61-acre industrial site located south of CSAH 101 in Shakopee and construction of the future Hentges Industrial Park development. Development areas within the site include industrial buildings, parking areas, stormwater basins, utilities, warehouses, substations, and new roadways (Figure 1).

On December 16, 2020, WSB & Associates provided the Lower Minnesota River Watershed District (LMRWD or District) with an Environmental Assessment Worksheet (EAW) for comment. Young Environmental Consulting Group, LLC (Young Environmental) reviewed the EAW. Additionally, Young Environmental requested and reviewed the Stormwater Management Plan (SWMP) referenced in the EAW, which was prepared by Wenck Associates, Inc. for the city of Shakopee in September 2020. The project is not located within the High Value Resource Areas, Steep Slopes Overlay Districts, or 100-year FEMA floodplain. A project summary and comments on the EAW and SWMP follow.

Comment	Response
<p>Page 2 of 3</p> <p>Project Summary</p> <p><u>Project Name:</u> Hentges Industrial Park</p> <p><u>Purpose:</u> Industrial</p> <p><u>Project Size:</u> 61.26 acres, 35.39 acres of existing impervious, 16.68 acres of new impervious, 4.64 acres of green space, 4.55 acres of stormwater ponds</p> <p><u>Location:</u> Southeast corner of Cretex Avenue East and 70th Street South, Shakopee, MN (Parcel IDs 270730040 and 270730050)</p> <p><u>Applicable LMRWD Rules:</u> Rule B—Erosion and Sediment Control Rule D—Stormwater Management</p> <p><u>Recommended Board Action:</u> None, information only</p> <p>Comments on the EAW and SWMP</p> <p><u>Rule B—Erosion and Sediment Control</u></p> <p>The District regulates land-disturbing activities that affect one acre or more outside of the special overlay districts. The project will be required to obtain a District permit for erosion and sediment control.</p> <p><u>Rule D—Stormwater Management</u></p> <p>On page 8 of the EAW (section 10a), it is noted that the project is located in an area containing karst features and shallow limestone bedrock. It further notes that stormwater basins in these areas could cause groundwater contamination and potential sinkhole development. On page 12 of the EAW, in the Volume Reduction section, it is stated that alternative volume reduction methods should be considered because of the high potential for groundwater contamination. Additionally, in the Water Quality section on page 12, it is assumed that total phosphorus (TP) and total suspended solids (TSS) requirements will be met if the volume reduction requirement is met at the site.</p> <p>The provided <i>Cretex Site SWMP—Phase 1</i> memo, written by Wenck and dated September 17, 2020, however, proposes that stormwater management and volume reduction requirements for the site will be provided by a large infiltration basin. Because the data received is in conflict, we assume the EAW contains the most accurate information because it was produced the most recently (December 2020). If our assessment is accurate, how will the SWMP be amended to address the site's drainage challenges and meet the District's water quality and volume reduction requirements?</p>	<ol style="list-style-type: none"> 1. The developer will obtain a permit from the Watershed District for erosion and sediment control. This permit is identified in the permit table of the EAW. 2. While the EAW was out for comment additional data were received and reviewed, including more site-specific geotechnical data. Because of the general landscape position of the project area and the presence of perched water over the bedrock, the potential for karst conditions is low. Infiltration and wet sediment retention basins will be feasible.

1

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Comment	Response
<p data-bbox="289 175 405 198">Page 3 of 3</p> <p data-bbox="289 240 485 263">Recommendations</p> <p data-bbox="289 289 1125 363">No Board action is required at this time. WBT must obtain an LMRWD Individual Project Permit before the start of construction activities for the applicable District rules until such time as the city of Shakopee receives their municipal permit from the District.</p> <p data-bbox="289 389 1096 435">This memo will also be submitted to WSB & Associates as part of the EAW comment period.</p> <p data-bbox="289 467 411 490"><u>Attachment:</u></p> <ul data-bbox="323 516 632 539" style="list-style-type: none">• Figure 1. Proposed Features	


Comment

Response



Comment	Response
<p>January 20, 2021</p> <p>Mark Noble, Senior Planner City of Shakopee 485 Gorman Street Shakopee, MN 55379</p> <p>RE: City of Shakopee Environmental Assessment Worksheet (EAW) – Hentges Industrial Park Metropolitan Council Review No. 22523-1 Metropolitan Council District No. 4</p> <p>Dear Mr. Noble:</p> <p>The Metropolitan Council received the EAW for the Hentges Industrial Park project in the City of Shakopee on December 16, 2020. The proposed project is located east of 70th Street, south of Cretex Avenue, and north of the Union Pacific Railroad Line. The proposed development consists of 61 acres with three industrial buildings totaling approximately 750,000 square feet. The site will include parking areas, stormwater management basins, and utilities for each building, as well as a new roadway extension. Six acres on the south side of the site will also be acquired by an adjacent property owner and the City's Utilities Commission.</p> <p>The staff review finds that the EAW is complete and accurate with respect to regional concerns and does not raise major issues of consistency with Council policies. An EIS is not necessary for regional purposes.</p> <p>We offer the following comments for your consideration.</p> <p>Item 6 – Project Description (Todd Graham, 651-602-1322) The site plan describes development of three industrial buildings totaling 750,000 square feet and one commercial/industrial building with an additional 50,000 square feet. Transportation Analysis Zone (TAZ) allocations for 2040 have been prepared by City of Shakopee. The site is part of TAZ #2133. The City's 2040 Plan expects this zone to gain +320 jobs during 2018-2040. Given this proposed project, the number of jobs for TAZ #2133 may be insufficient. Should this redevelopment go forward, Council staff recommend the TAZ #2133 employment numbers be increased by a few hundred. The City can modify the TAZ allocation through correspondence with Council staff, separate from this EAW.</p> <p>Item 9 – Land Use (Colin Kelly, 651-602-1361) The EAW notes that "James W. Wilkie Regional Park" is north of the project area, across CSAH 101. Council staff note that the Wilkie unit is a portion of the Minnesota Valley National Wildlife Refuge and is not considered a part of the Regional Park System.</p> <p>Item 11 – Water: Stormwater (Cameran Bailey, 651-602-1212) Council staff recommend that the developers and the City consider incorporating green roofs as a complementary stormwater feature on the additional 745,000 square feet of proposed new impervious rooftop space. The Minnesota Pollution Control Agency's (MPCA) online Minnesota Stormwater</p>	<ol style="list-style-type: none"> 1. The TAZ allocation will be updated as necessary. 2. Comment noted. 3. The recommendation for green roofs will be provided to the developer.

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<p>Manual offers guidance for designing and calculating stormwater retention and detention values. The Council's Surface with Purpose Tool offers technical assistance for projecting green roof stormwater retention capabilities. Doing so is not only an excellent complementary stormwater management system mechanism, but also supports another opportunity for climate change and GHG mitigation and adaptation listed by the City in item 16 of the EAW form, "Air: Use energy efficient building materials that reduce needs for heating and cooling."</p> <p>Item 16 – Air: Stationary Source & Vehicle Emissions (Cameran Bailey, 651-602-1212) This item discusses and lists various opportunities for climate change and GHG mitigation and adaptation. Council staff recommend including the following additional opportunity strategies: Install on-site renewable energy systems, install green roof system, and install combined solar and green roof systems. Doing so would be in alignment with resilience strategies in the City's 2040 Plan as listed below:</p> <ul style="list-style-type: none"> 1C. Require solar-supportive practices for new development; 2A. Encourage private renewable energy production systems; 2C. Allow for and encourage green roofs on residential and commercial buildings; 2D. Allow for and encourage electronic vehicle charging stations. <p>Additional guidance can be found in the Great Plains Institute's "Becoming Electric Vehicle Ready" guideline document.</p> <p>This concludes the Council's review of the EAW. The Council will not take formal action on the EAW. If you have any questions or need further information, please contact Raya Esmaili, Principal Reviewer, at 651-602-1616.</p> <p>Sincerely,</p>  <p>Angela R. Torres, AICP, Manager Local Planning Assistance</p> <p>CC: Tod Sherman, Development Reviews Coordinator, MnDOT - Metro Division Deb Barber, Metropolitan Council District 4 Raya Esmaili, Sector Representative/Principal Reviewer Reviews Coordinator</p> <p><small>N:\CommDev\LPA\Communities\Shakopee\Letters\Shakopee 2021 Hentges Industrial Park EAW 22523-1.docx</small></p>	<p style="text-align: center; border: 1px solid black; width: 40px; margin: 0 auto;">4</p> <p>4. The additional recommended strategies listed will be provided to the developer. The City will coordinate with the developer on meeting the intent of the resilience strategies listed in the 2040 Comprehensive Plan.</p>

Comment	Response
<p data-bbox="289 175 636 215">  MINNESOTA POLLUTION CONTROL AGENCY </p> <p data-bbox="289 240 909 285"> 520 Lafayette Road North St. Paul, Minnesota 55155-4194 651-296-6300 800-657-3864 Use your preferred relay service info.pca@state.mn.us Equal Opportunity Employer </p> <p data-bbox="289 326 428 347">January 19, 2021</p> <p data-bbox="289 399 464 513"> Mark Noble Senior Planner City of Shakopee 485 Gorman Street Shakopee, MN 55379 </p> <p data-bbox="289 540 837 561">Re: Hentges Industrial Park Environmental Assessment Worksheet</p> <p data-bbox="289 589 434 610">Dear Mark Noble:</p> <p data-bbox="289 638 1119 751"> Thank you for the opportunity to review and comment on the Environmental Assessment Worksheet (EAW) for the Hentges Industrial Park project (Project) in the city of Shakopee, Scott County, Minnesota. The Project consists of industrial development of five parcels within the existing site. Regarding matters for which the Minnesota Pollution Control Agency (MPCA) has regulatory responsibility or other interests, the MPCA staff has the following comments for your consideration. </p> <p data-bbox="289 781 510 802"><u>Water Resources (Item 11)</u></p> <ul data-bbox="289 805 1119 1230" style="list-style-type: none"> <li data-bbox="289 805 1119 1109"> • The EAW states that the Project site is underlain by shallow and soluble bedrock suggestive of karst conditions that would prohibit the use of infiltration for stormwater management and may also present an issue for wet sediment retention basins. They acknowledge that the local watershed management organization requires volume reduction via infiltration or other methods, such as water reuse, as does the MPCA General Construction Stormwater Permit. However, the EAW only identifies construction of two wet sediment basins for stormwater management, which includes enlarging an existing stormwater basin for the increase in new impervious surfaces. The Project proposer should consider other means to achieve volume reduction in addition to the basins for part or all of the stormwater volume to minimize stormwater and pollutant runoff. These can include water reuse for toilet flushing and/or irrigation and green infrastructure such as installation of pervious pavements, tree trenches, shallow bioinfiltration areas and green roofs. Preserving the mature trees or replanting trees and replacing turf with native vegetation also help to absorb stormwater onsite. <li data-bbox="289 1138 1119 1230"> • It should also be noted that the existing basin will need to comply with current requirements and also cannot be a wetland that had not gone through the wetland mitigation process prior to use for stormwater treatment. Please direct questions regarding Construction Stormwater Permit requirements to Roberta Getman at 507-206-2629 or Roberta.Getman@state.mn.us. <p data-bbox="289 1260 1119 1349"> We appreciate the opportunity to review this Project. Please provide your specific responses to our comments and notice of decision on the need for an Environmental Impact Statement. Please be aware that this letter does not constitute approval by the MPCA of any or all elements of the Project for the purpose of pending or future permit action(s) by the MPCA. Ultimately, it is the responsibility of the </p>	<p data-bbox="1329 110 1944 386"> 1. While the EAW was out for comment additional data were received and reviewed, including more site-specific geotechnical data. Because of the general landscape position of the project area and the presence of perched water over the bedrock, the potential for karst conditions is low. Infiltration and wet sediment retention basins will be feasible. </p> <p data-bbox="1329 415 1944 505"> The additional recommendations for water reuse and green infrastructure will be provided to the developer. </p> <p data-bbox="1329 540 1944 686"> 2. A No Loss determination was approved for the stormwater basin on site, documenting that it was a pond created in upland and not subject to regulation by the Wetland Conservation Act. </p>

Comment	Response
<p data-bbox="289 175 430 245">Mark Noble Page 2 January 19, 2021</p> <p data-bbox="289 305 1108 375">Project proposer to secure any required permits and to comply with any requisite permit conditions. If you have any questions concerning our review of this EAW, please contact me by email at Karen.kromar@state.mn.us or by telephone at 651-757-2508.</p> <p data-bbox="289 399 373 418">Sincerely,</p> <p data-bbox="289 448 457 467"><i>Karen Kromar</i></p> <p data-bbox="289 500 667 594">Karen Kromar Project Manager Environmental Review Unit Resource Management and Assistance Division</p> <p data-bbox="289 618 342 638">KK:bt</p> <p data-bbox="289 667 604 711">cc: Dan Card, MPCA, St. Paul Roberta Getman, MPCA, Rochester</p>	

Comment



December 23, 2020

Mark Noble
Senior Planner
City of Shakopee
485 Gorman St
Shakopee, MN 55379
mnoble@shakopeemn.gov

RE: Hentges Industrial Park Environmental Assessment Worksheet

Dear Mark Noble:

I appreciate being given the opportunity to comment on the Hentges Industrial Park Environmental Assessment Worksheet. Our records indicate there are currently no recorded archaeological or cemetery sites within the proposed project area. However, the immediate vicinity of the proposed project is replete with archaeological and cemetery sites. Additionally, the site is very near the Minnesota River. As such, the proposed project area has a high potential for archaeological resources. Therefore, it is recommended that a qualified archaeologist conduct a survey to determine if the project will impact previously unrecorded archaeological or cemetery sites. The Minnesota Historical Society maintains a list of archaeologists at <https://www.mnhs.org/preservation/directory>.

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Please contact me if you have any questions or concerns.

Sincerely,

Jennifer Tworzynski
Assistant to the State Archaeologist
Kellogg Center
328 West Kellogg Blvd
St Paul, MN 55102
651.201.2265
jennifer.tworzynski@state.mn.us



Response

1. The developer is currently completing a Phase 1 archeological investigation and will provide the results to OSA as needed.

Comment



SCOTT COUNTY TRANSPORTATION SERVICES

600 COUNTRY TRAIL EAST · JORDAN, MN 55352-9339
(952) 496-8346 · Fax: (952) 496-8365 · www.scottcountymn.gov

January 20, 2021

Mark Noble
City of Shakopee
485 Gorman Street
Shakopee, MN 55379

**RE: Cretex Site EAW
CH 101**

Dear Mark:

We have reviewed the EAW and offer the following comments:

- ◆ The text in the EAW says 70th Street will not be used by the development. The proposed site plan in the EAW does not match the text as it shows parking and accesses to 70th Street. If 70th Street is not to be used, please update and replace the site plan in the approved EAW.
- ◆ Any improvements to Stagecoach shall be coordinated with Scott County during the plans preliminary and final design process.
- ◆ The EAW does not address the properties directly north of the EAW site adjacent to CH 101. Cretex Avenue was vacated and there is no proposed local street connection being provided between Stagecoach and 70th Street that could serve local access for the lots along CH 101. The County recommends a plan and mechanism be developed through the platting process to provide all the lots directly north of the EAW property an alternative option to direct CH 101 access in the future.
- ◆ Any work within the County right-of-way shall require a County permit.

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Thank you for the opportunity to comment. If you have any questions, please feel free to contact me.

Sincerely,

Craig Jenson
Transportation Planner

Response

1. The access shown along 70th Street is intended for emergency access only. No general access will be allowed from that street. The City will request that the developer revise how they are showing the emergency access, perhaps to more of a grass/pave type access.
2. The City will coordinate with Scott County regarding any improvements to Stagecoach.
3. The City will request these local street connections be considered by the developer during the platting process.
4. A right-of-way permit will be obtained from the County, if needed.

Comment



January 21, 2021

Mark Noble
City Planner
City of Shakopee
485 Gorman Street
Shakopee, MN 55379

RE: Hentges Industrial Park EAW
T115 R22 S2 SE, Shakopee, Scott County
SHPO Number: 2021-0678

Dear Mr. Noble:

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

Due to the nature and location of the proposed project, we recommend that a Phase I archaeological survey be completed. The survey must meet the requirements of the Secretary of the Interior's Standards for Identification and Evaluation and should include an evaluation of National Register eligibility for any properties that are identified. For a list of consultants who have expressed an interest in undertaking such surveys, please visit the website preservationdirectory.mnhs.org, and select "Archaeologists" in the "Search by Specialties" box.

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We will reconsider the need for survey if the project area can be documented as previously surveyed or disturbed. Any previous survey work must meet contemporary standards. **Note:** plowed areas and right-of-way are not automatically considered disturbed. Archaeological sites can remain intact beneath the plow zone and in undisturbed portions of the right-of-way.

According to the Office of the State Archaeologist's site inventory portal, there is a burial mound site identified in the project vicinity, archaeological site 21SC0025. We recommend that you consult with the Office of the State Archaeologist (OSA) and the Minnesota Indian Affairs Council (MIAC) due to the presence of this site, per Sec. 307.08 of the Minnesota Private Cemeteries Act.

Please note that this comment letter does not address the requirements of Section 106 of the National Historic Preservation Act of 1966 and 36 CFR § 800. If this project is considered for federal financial assistance, or requires a federal permit or license, then review and consultation with our office will need to be initiated by the lead federal agency. Be advised that comments and recommendations provided by our office for this state-level review may differ from findings and determinations made by the federal agency as part of review and consultation under Section 106.

If you have any questions regarding our review of this project, please contact Kelly Gragg-Johnson in our Environmental Review Program at kelly.graggjohnson@state.mn.us.

Sincerely,

Sarah J. Beimers
Environmental Review Program Manager

MINNESOTA STATE HISTORIC PRESERVATION OFFICE

50 Sherburne Avenue ■ Administration Building 203 ■ Saint Paul, Minnesota 55155 ■ 651-201-3287 mn.gov/admin/shpo ■ mnshpo@state.mn.us

AN EQUAL OPPORTUNITY AND SERVICE PROVIDER

Response

1. The developer is currently completing a Phase 1 archeological investigation and will provide the results to SHPO as needed.

Comment

Response



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, ST. PAUL DISTRICT
180 FIFTH STREET EAST, SUITE 700
ST. PAUL, MN 55101-1678

01/21/2021

Regulatory File No. MVP-2020-01013-DAS

THIS IS NOT A PERMIT

Meaghan Watson
Wenck Associates, Inc.
7500 Olson Memorial Highway, Suite 300
Golden Valley, Minnesota 55427

To: Meaghan Watson:

We have received your submittal described below. You may contact the Project Manager with questions regarding the evaluation process. The Project Manager may request additional information necessary to evaluate your submittal.

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File Number: MVP-2020-01013-DAS

Applicant: Todd Christopherson

Project Name: Hentges Industrial Park

Project Location: Section 11 of Township 115 North, Range 22, Scott County, Minnesota
(Latitude: 44.7923364142478; Longitude: -93.4247916469726)

Received Date: 01/19/2020

Project Manager: David Studenski
(651) 290-5902
david.a.studenski@usace.army.mil

Additional information about the St. Paul District Regulatory Program can be found on our web site at <http://www.mvp.usace.army.mil/missions/regulatory>.

Please note that initiating work in waters of the United States prior to receiving Department of the Army authorization could constitute a violation of Federal law. If you have any questions, please contact the Project Manager.

Thank you.

U.S. Army Corps of Engineers
St. Paul District
Regulatory Branch

1. Comment noted.

APPENDIX B

Resolution R2021-014

RESOLUTION NO. R2021-014

**RESOLUTION OF THE CITY OF SHAKOPEE,
SCOTT COUNTY, MINNESOTA**

**NEGATIVE DECLARATION OF NEED FOR AN ENVIRONMENTAL
IMPACT STATEMENT FOR HENTGES INDUSTRIAL PARK DEVELOPMENT**

WHEREAS, pursuant to Minnesota Environmental Quality Board (EQB) Rules, Chapter 4410, part 4410.1000, Subpart 3, the City of Shakopee as the responsible governmental unit completed an Environmental Assessment Worksheet (EAW) for the ten parcels as identified in the Hentges Industrial Park EAW; and

WHEREAS, pursuant to Minnesota EQB Rules, Chapter 4410, and as a result of common ownership and connected actions, the project meets the thresholds for an EAW for industrial projects; and

WHEREAS, copies of the EAW were distributed to all persons and agencies on the official EQB mailing list prior to December 21, 2020; and

WHEREAS, notice of the availability of the EAW for public review for a 30-day comment period was published in the *EQB Monitor* and on the City of Shakopee website on December 21, 2020; and

WHEREAS, the preparation of the Hentges Industrial Park EAW and comments received on the EAW have generated information adequate to determine whether the proposed project has the potential for significant environmental impacts; and

WHEREAS, the Hentges Industrial Park development is expected to comply with all the City of Shakopee and review agency standards; and

WHEREAS, based on the criteria established in Minnesota Rules 4410.1700, the project does not have the potential for significant environmental effects; and

WHEREAS, based on the Findings of Fact and Conclusions, the project does not have the potential for significant environmental impacts.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shakopee, Scott County, Minnesota as follows:

That it should and hereby does make a negative declaration on the need for an Environmental Impact Statement for the Hentges Industrial Park EAW.

Resolution No. R2021-014
February 2, 2021
Page 2

Adopted in regular session of the City Council of the City of Shakopee, Minnesota held
this _____ day of _____, 2021.

Bill Mars, Mayor

Attest:

Lori Hensen, City Clerk

(SEAL)