

FINDINGS OF FACT
and
CONCLUSIONS

Windsong Farm Golf Club North Course
CITY OF INDEPENDENCE

Responsible Government Unit: City of Independence

Contact Person:

Mark Kaltsas, City Administrator / Planner
1920 County Road 90
Independence, MN 55359
mkaltsas@ci.independence.mn.us

Proposer: Fox Lake, LLC

Contact Person:

Jon Dailing, Golf Course Superintendent
18 Golf Walk
Maple Plain, MN 55359
763-479-7161
jdailing@wsfarm.com

September 2022

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I. STATEMENT OF ISSUE

Fox Lake, LLC proposes to construct an 18 hole golf course north of the existing Windsong Farm Golf Club south course which will be located on a 125.6-acre tract of land. The land is comprised of rolling farmland, forests and wetlands. The project is privately owned and funded.

This EAW is mandatory under Minnesota Administrative Rule 4410.4300 subpart 36, Land Use Conversion, including golf courses, due to the fact that it will convert more than 80 acres of agricultural land. Fox Lake, LLC, is the project proposer, and the City of Independence is the Responsible Governmental Unit (RGU) for this project, as per Minnesota Rules 4410.4300, Subpart 19.a.C.

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

Based upon information in the record, which is comprised of the EAW for the Proposed Project, the issues raised during the public comment period, the responses to the comments, and other supporting documents, the City makes the following Findings of Fact and Conclusions:

II. ADMINISTRATIVE BACKGROUND

Fox Lake, LLC, is the proposer for the Windsong Farm Golf Club North Course Project. The RGU is the City of Independence. An EAW was prepared for this project as part of the Minnesota Environmental Policy Act (MEPA) to fulfill requirements M.S. 116D and Minnesota Rules Chapter 4410. The EAW is used to provide sufficient environmental documentation for the RGU to base a determination of need for a state EIS or that a Negative Declaration is appropriate.

The EAW was filed with the Minnesota Environmental Quality Board (EQB) and circulated for review to the required EQB Distribution List. A "notice of availability" was published in the EQB Monitor on May 10, 2022. Appendix A contains a copy of the EQB Monitor listing for the project and members on the EAW Distribution List. A media release was made available to the Crow River News April 8, 2022 (see Appendix A).

The EAW was posted on the City of Independence's website at: <https://www.ci.independence.mn.us/community/news/windsongfoxlake-llc-eaw>. The EAW was also made available for public review at the City of Independence city hall. Comments were formally received through June 9, 2022.

The City of Independence received two comment letters from different government agencies in response to the EAW prepared for the Windsong Farm Golf Club North Course Project. In addition, the City's consultants provided comments. All comments received during the EAW comment period were considered in determining the potential for significant environmental impacts. Comments received during the comment period are provided in Appendices B and C.

III. FINDINGS OF FACT

A. Project Description

Fox Lake, LLC proposes to construct an 18 hole golf course north of the existing Windsong Farm Golf Club south course which will be located on a 125.6-acre tract of land. The land is comprised of rolling farmland, forests and wetlands. The project is privately owned and funded.

The Project proposes to construct the golf course expansion on six contiguous parcels located on the northeast corner of Watertown Road (CSAH 6) and Copeland Road in Hennepin County, MN. This 125.6- acre tract will be referred to as the Project. The project will consist of an 18-hole golf course, an irrigation pond, and several supporting structures; a starter building, a maintenance building, and a satellite restroom. These buildings will be connected to the electrical grid, have separate septic systems and derive their drinking water from groundwater wells. The starter house and the maintenance building will require natural gas pipes for heating. During operation, irrigation water will be provided from wells and from an irrigation pond that is proposed with the Project.

In preparation for construction, the Project will require removal of a majority of the trees from the Project site, as well as the demolition of an abandoned barn. Landscaping will include grading, grassing, excavating an irrigation pond, installation of irrigation pipes & heads, and establishing native vegetation outside of the fairway. The Project will require construction of paved and unpaved cart paths, cart path bridges, buildings, and the infrastructure mentioned above.

Construction of the Project is anticipated to take 2 years from start to finish: beginning in 2022 and continuing in phased steps until spring 2024. Grubbing the site and mass grading would begin in late 2022. Then the drainage would be installed, and outlying areas would be stabilized with temporary/permanent seed and mulch. Construction would continue in April 2023 with installation of additional drainage and irrigation, as well as utilities, cart paths, and buildings. Finally, grassing and any remaining revegetation would occur from August to September 2023.

B. Corrections to the EAW or Changes in the Project since the EAW was Published

No corrections to the EAW or changes in the project took place since the EAW was published.

C. Agency and Public Comments on the EAW and Responses

The City of Independence received two comment letters from different government agencies in response to the EAW prepared for the Windsong Farm Golf Club North Course Project. Those agencies include: Metropolitan Council and Minnesota Department of Natural Resources. In addition, the City's consultants provided comments. All comments received during the EAW comment period were considered in determining the potential for significant environmental impacts. A listing of the comments and responses from the Project Proposer is found in Appendix B. Refer to Appendix C for agency comment letters in their entirety.

IV. DECISION REGARDING NEED FOR ENVIRONMENTAL IMPACT STATEMENT

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

A. Type, extent, and reversibility of environmental impacts

The City of Independence finds that the analysis completed for the EAW is adequate to determine whether the project has the potential for significant environmental effects.

The EAW described the type and extent of impacts to the natural and built environment anticipated to result from the proposed project. This document provides any corrections, changes, and new information since the EAW was published. The proposed design for the project includes features to mitigate the identified impacts.

B. Cumulative potential effects of related or anticipated future projects

This topic was addressed throughout the EAW and in Section 19. The City of Independence's 2040 Comprehensive Plan addresses cumulative impacts to City infrastructure such as roads. Zoning and all permits and approval requirements will be secured prior to construction.

C. The extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority

There are several Federal, State, and local permits required to ensure that specific environmental effects are mitigated. The mitigation of environmental impacts will be designed and implemented in coordination with regulatory agencies and will be subject to permitting processes. Permits and approvals that have been or may be required prior to project construction are included in Table 1. Permits and Approvals Required.

Table 1. Permits and Approvals Required

| Unit of Government | Type of Application | Status |
|--|---|--|
| City of Independence | Environmental Assessment Worksheet | Decision Requested |
| City of Independence/Board of Water and Soil Resources (BWSR)/U.S. Army Corps of Engineers (USACE) | Joint Permit Application (Wetland Delineation Review) | Approved |
| City of Independence/BWSR/USACE/Minnesota Pollution Control Agency (MPCA) | Wetland Impact and Replacement Plan | To Be Applied For |
| City of Independence | Conditional Use Permit | To Be Amended |
| City of Independence | Grading Permit / Stormwater Permit / Floodplain Review | To Be Applied For |
| City of Independence | Demolition Permit | To Be Applied For |
| City of Independence | Building Permit: New Construction | To Be Applied For |
| City of Independence | Building Permit: Septic | To Be Applied For |
| City of Independence | Tree Clearing Permit | To Be Applied For |
| City of Independence (West Hennepin Public Safety) | Burn Permit | To Be Applied For |
| Hennepin County | Access Permit | To Be Applied For |
| Minnesota Department of Natural Resources (MnDNR) | Water Appropriation Permit | To Be Applied For |
| MnDNR | Natural Heritage Information System Review | Request Submitted. |
| Minnesota Pollution Control Agency (MPCA) | NPDES/SDS Permit | To Be Applied For |
| Pioneer-Sarah Creek Watershed Management Commission (PSCWMC) | Land Development Review | To Be Applied For |
| State Historical Preservation Office (SHPO) | Letter of Response from SHPO | Initial Response Letter Received. Additional Work Requested. |
| State of Minnesota | Electrical Permit | To Be Applied For |
| U.S. Fish and Wildlife | Section 7 Consultation | To Be Initiated |
| Minnesota Department of Health (MDH) | Water Supply Well Permit | To Be Applied For |
| Utility Providers | Electrical Service, Natural Gas Service, Telecommunications | To Be Applied For |

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

The City of Independence finds:

1. The Proposed Project includes various measures to reduce adverse impacts to the environment and existing natural resources.
2. The Proposed Project is subject to City, County, State, and Federal requirements.
3. The Project Proposer will secure all necessary permits and will adhere to all requirements of the permits.
4. Considering the results of environmental review and permitting processes for similar projects, the City of Independence finds that environmental effects of the Proposed Project can be adequately anticipated, controlled, and mitigated.

V. CONCLUSIONS

1. All requirements for environmental review of the Proposed Project have been met.
2. The EAW and the permit development processes related to the project have generated information which is adequate to determine whether the project has the potential for significant environmental effects.
3. Areas where potential environmental effects have been identified will be addressed during the final design and site plan approvals of the project. Mitigation will be provided where impacts are expected to result from project construction, operation, or maintenance. Mitigation measures are incorporated into project design and have been or will be coordinated with state and federal agencies during the permit process.
4. Based on the criteria in Minnesota Rules part 4410.1700, the Proposed Project does not have the potential for significant environmental effects.
5. An Environmental Impact Statement is not required for the proposed Windsong Farm Golf Club North Course Project in Independence, Minnesota.

For the City of Independence



Mark Kaltsas

City Administrator / Planner
City of Independence

11.15.2022

Date

**APPENDIX A – EAW PUBLICATION AND
NOTIFICATION MATERIALS**

EQB Notice of Availability

May 10, 2022

Windsong Farm Gold Club North Course

Location: Independence, Hennepin County

Process: Environmental assessment worksheet (EAW)

Step: Environmental assessment worksheet available

End of comment period: June 9, 2022

Project description: Fox Lake, LLC proposes to construct an 18 hole golf course north of the existing Windsong Farm Golf Club south course which will be located on a 125.6-acre tract of land. The land is comprised of rolling farmland, forests and wetlands. The project is privately owned and funded.

Link to public documents: [Windsong Farm Gold Club North Course EAW](#)

Location of public documents: Independence City Hall, 1920 County Road 90, Independence, MN 55359

Responsible governmental unit and contact: City of Independence, [Mark Kaltsas](#), 612-567-8786

EAW Distribution List

| EQB Distribution List for City of Independence - Windsong EAW | | |
|--|---------------------|--|
| Agency | Distribution | Email Submission |
| Environmental Quality Board | 1 copy by email | *Please use the EQB Monitor Submission Form |
| Dept of Agriculture | 1 copy by email | stephan.roos@state.mn.us |
| Dept of Commerce | 1 copy by email | raymond.kirsch@state.mn.us |
| Dept of Health | 1 copy by email | health.review@state.mn.us |
| Dept of Natural Resources | 1 copy by email | jill.townley@state.mn.us |
| Pollution Control Agency | 1 copy by email | karen.kromar@state.mn.us |
| Board of Soil & Water Resources | 1 copy by email | annie.felix-gerth@state.mn.us |
| Dept of Transportation | 1 copy by email | katherine.lind@state.mn.us |
| State Archaeologist | 1 copy by email | mn.osa@state.mn.us |
| Indian Affairs Council | 1 copy by email | melissa.cerda@state.mn.us |
| State Historic Preservation Office | 1 copy by email | ENReviewSHPO@state.mn.us |
| Environmental Conservation Library | 1 copy by email | govdoc@hclib.org |
| US Fish & Wildlife Service | 1 copy by email | Shauna_Marquardt@fws.gov |
| US Army Corps of Engineers | 1 copy by email | mvp-reg-inquiry@usace.army.mil |
| US Environmental Protection Agency | 1 copy by email | westlake.kenneth@epa.gov |
| Region 11: Hennepin County Library | 1 copy by email | govdoc@hclib.org |
| Metropolitan Council | 1 copy by email | reviewscoordinator@metc.state.mn.us |
| City of Independence | | MKaltsas@ci.independence.mn.us |
| Bolton & Menk | | Bob.Rogers@bolton-menk.com; Andrew.Budde@bolton-menk.com |
| Other interested parties | 1 copy by email | amy@jass.biz; chad.ellos@hennepin.us; environment@hennepin.us; dlash@eorinc.com |

EAW Distribution Letter

Media Release Provided to:

April 28, 2022

MEDIA RELEASE

FOR IMMEDIATE USE – April 28, 2022



Windsong Farm Golf Club North Course – Environmental Review

Independence, MN – The City of Independence has received a development proposal, known as Windsong Farm Golf Club North Course, on an approximately 125.6-acre parcel located on the northeast corner of Watertown Road/County State Aid Highway 6 and Copeland Road in Hennepin County, MN. The proposed project would construct an 18-hole golf course, an irrigation pond, and several supporting structures. The proposed project would be privately owned and funded.

As part of the planning and design phase of project development, an Environmental Assessment Worksheet (EAW) has been prepared and will be available for public and agency review beginning May 10, 2022. The EAW documents the purpose and need of the project along with the anticipated social, economic, and environmental effects. An electronic copy of the EAW is available for review at the City's website at:

<https://www.ci.independence.mn.us/community/news/windsongfoxlake-llc-eaw>

The deadline for submitting comments is Wednesday, June 8, 2022. All comments should be directed to: Mark Kaltsas, City Administrator, City of Independence, 1920 County Road 90, Independence, MN 55359, or via e-mail at: mkaltsas@ci.independence.mn.us

To request this document in an alternative format, please contact the Affirmative Action Office at 651-366-4718 or call 1-800-657-3774 (Greater Minnesota). For Minnesota Relay, call 711 or 1-800-627-3529. You may also send an e-mail to ADArequest.dot@state.mn.us. (Please make your request at least one week in advance).

**APPENDIX B – RESPONSE TO
COMMENTS**

APPENDIX C – COMMENTS RECEIVED



June 7, 2022

Mark Kaltsas, City Administrator/Planner
City of Independence
1290 County Road 90
Independence, MN 55359

**RE: City of Independence - Environmental Assessment Worksheet (EAW) –
Windsong Farm Golf Club North Course**
Metropolitan Council Review No. 22759-1
Metropolitan Council District 1

Dear Mark Kaltsas:

The Metropolitan Council received the EAW for the Windsong Farm Golf Club North Course project on May 9, 2022. The Project proposes to construct a golf course expansion to the existing Windsong Golf Club on six contiguous parcels located on the northeast corner of Watertown Road (CSAH 6) and Copeland Road in Independence. The proposed development consists of 125.6 acres with plans for an 18-hole golf course, an irrigation pond, several supporting structures, starter building, maintenance building, and a satellite restroom. The land is comprised of farmland, forests, and wetlands.

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. We offer the following comments for your consideration.

Item 11. Water Resources - Surface Water (Maureen Hoffman, 651-602-1279)

- The developer noted they will be working with the City as the Wetland Conservation Act (WCA) authority and will be applying for wetland banking credits. We encourage the developer look within the same watershed/sub-watershed to do the wetland banking replacement.
- The applicant makes note of how the project would improve stormwater management from the land's current agricultural state. The applicant does not address how the use of pesticides and fertilizers for golf course maintenance would impact surrounding waters. The developer should use organic fertilizers when possible and apply fertilizers in a safe way that protects air, water, and soil quality.
- The developer should consider placing a small layer of sand on greens to improve aeration and water drainage.
- We commend the applicant for the use of an irrigation pond to limit stress on groundwater sources. We recommend the applicant look into water reuse to further conserve water, and reuse water when possible.

Item 11. Water Resources - Water Supply (John Clark, 651-602-1452)

- The project should work with the Minnesota Department of Health (MDH) and Department of Natural Resources (DNR) to ensure that the repurposing of the identified unsealed well is of condition to be repurposed and acquire any necessary permits for new wells and water appropriation.

- The EAW should be more explicit about any potable water needs beyond the maintenance building or if no additional potable water is needed.
- Pumping of groundwater for course irrigation should be limited to those times when the irrigation pond cannot meet the course needs. Pumping groundwater into the irrigation pond for storage or future need should be avoided to limit evaporative loss and limit unnecessary energy consumption. Utilizing best practices to help limit evaporation from the irrigation pond surface will help preserve the water needed for irrigation and conserve the energy needed to pump additional water.
- Ensuring the course irrigation system is "smart" will help the course managers to be efficient in the water and energy use. Smart irrigation systems utilize real-time weather data and other information to determine the need for irrigated water helping landscape managers to take the guesswork out of irrigation. If such a system is not feasible for the course itself the development would still benefit from including these controllers for any irrigated non-course areas.
- We recommend working with the University of Minnesota Extension Turfgrass Science Program to identify grass species that will meet the course needs, work well in Minnesota, and help limit the need for irrigation and lower fertilizer use. The extension will also be able to provide information regarding smart irrigation systems. <https://turf.umn.edu/>
- Planting native prairie plants and pollinator species where feasible will contribute natural beauty to the course, increase area biodiversity, while lowering the carbon footprint of the course. Limiting herbicide, pesticide, and fertilizer use and considering chemical alternatives where feasible will also help to maintain habitat and limit negative impacts to wildlife, insects, groundwater, and surface waters.
- Cart paths and other impervious surfaces could be developed with pervious pavement or other pervious materials to lower runoff and promote shallow groundwater recharge. This may also help limit the need for groundwater pumping by ensuring adequate infiltration that replenishes the shallow aquifer and maintains surface water levels, particularly during periods of high heat or drought.

Item 18. Transportation -Transit (Patrick Haney, 612-349-7451)

Transit service in the area is available with Transit Link through the Metropolitan Council.

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 Freya Thamman, Principal Reviewer, at 651-602-1750 or via email at Freya.Thamman@metc.state.mn.us.

Sincerely,



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

CC: Tod Sherman, Development Reviews Coordinator, MnDOT - Metro Division
Judy Johnson, Metropolitan Council District 1
Freya Thamman, Sector Representative/Principal Reviewer
Reviews Coordinator

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

Transmitted by Email

June 9, 2022

Mark Kaltsas, City Administrator/Planner
City of Independence
1920 County Road 90
Independence, MN 55359

Dear Mark Kaltsas,

Thank you for the opportunity to review the Windsong Farm Golf Club North Course EAW located in Hennepin County. The DNR respectfully submits the following comments for your consideration:

1. Page 11, Groundwater. If unknown well are encountered onsite, they should be sealed in accordance with guidance from the Minnesota Department of Health.
2. Page 12, Wastewater. We appreciate that mound systems will be used and that the depth to the surficial water table has been verified. It would be helpful to identify the placement of the mound system drainfields on figure maps, as well as any secondary drainfield locations preserved for when the life of the initial system has been exhausted. It will be important that these areas are sectioned off and excluded from grading activities and spoil pile/equipment storage in order to preserve soil structure and function and extend the longevity of the system.
3. Page 13, Post construction Site Runoff. This section states that unmaintained vegetation will be utilized throughout the golf course. We strongly encourage the development to use weed-free, suitable, native seed mixes and plants in project stormwater features and landscaping in order to provide pollinator habitat and reduce the loss of wildlife habitat onsite. Native species also require very little fertilizing or irrigation. The Board of Soil and Water Resources' [website](#) contains many great resources for choosing seed mixes and establishing native plants.
4. Page 14, Water Appropriations. A single DNR Water Appropriation Permit can be used for establishing the turf and providing the long-term irrigation of the golf course provided the proposer uses the same well and pond for the irrigation. We appreciate that portions of the golf course will utilize native fescues in order to reduce irrigation needs.
5. Page 14, Water Appropriations. It is likely that a temporary DNR Water Appropriation Permit will be required for the construction of the golf course. If construction dewatering exceeds 10,000 gallons in a day or one million gallons in a year, a DNR Water Appropriation Permit will be required.

6. Page 19, Rare Features. DNR concurs that impacts to rare features are not anticipated as a result of this project.
7. Page 21, Ecological Impact Mitigation. It is still unclear from the EAW how much of the site will be planted in native fescue versus what portion of the site will be "unmaintained" as described in the Stormwater section. It is also unclear how the unmaintained areas will be managed for invasive species.

From an ecological perspective, traditional golf courses are essentially "green deserts" that maintain turf monocultures while providing very little wildlife habitat. Some golf courses have found ways to maintain necessary turf while utilizing rough and landscaped areas to actually improve wildlife habitat. This course is located within a Regional Ecological Corridor as well as a Low Potential Zone for the federally-listed Rusty patched bumble bee, which could become a High Potential Zone as maps are revised in the near future. Given that, there is an opportunity to improve habitat for pollinators and other wildlife utilizing the site by actively planting more diverse native vegetation that includes flowering plants, and managing it to prevent the spread of invasive species.

8. Page 25, Dust and Odors. Please do not use products that contain calcium chloride or magnesium chloride for dust control in areas that drain to public waters. Please note that the use of more than 10,000 gallons of water in a day, or one million gallons in year, for dust control requires a DNR Water Appropriation Permit.

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

Sincerely,



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: Jon Dailing, Fox Lake, LLC

Equal Opportunity Employer

Derek Lash

From: Mark Kaltsas <MKaltsas@ci.independence.mn.us>
Sent: Thursday, June 23, 2022 2:24 PM
To: Derek Lash
Cc: John Dailing ; Chris Long
Subject: Re: Windsong EAW Next Steps

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Blue Category

Derek,

See request for additional information below (from City engineer)...let me know if you have any additional questions. Based on the list of comments that you noted as received, I think that you have everything that the City does.

The applicant (golf course owners/developer) can provide additional details on a couple items it would be good to do so...such as post construction stormwater management, overall site vegetation (areas planned for native fescue vs. "unmaintained areas"), will the site preserve/protect an area for replacement septic/mounds, and what type of fertilizers (organic?) are planned to be used on the course. These items should be addressed in the "Response to Comments" section of the Findings of Fact and Conclusions (FOF&C) document. The new information regarding the cultural resource survey findings and MNDNR NHIS findings should go in the portion of the document meant to provide "Additional Information Obtained Since Publication of the EAW."

Thanks,

Mark Kaltsas | City Administrator | City of Independence
mkaltsas@ci.independence.mn.us
D: 763.479.0044 | O: 763.479.0527

From: Derek Lash <dslash@eorinc.com>
Date: Thursday, June 23, 2022 at 2:18 PM
To: Mark Kaltsas <MKaltsas@ci.independence.mn.us>
Cc: John Dailing <jdailing@wsfarm.com>, Chris Long <clong@eorinc.com>
Subject: RE: Windsong EAW Next Steps

Good afternoon Mark,

I thought I would quickly check-in to see when you might be sending over EAW or CLUP comments.

Thanks,

Derek R. Lash, PE, CPESC, ICSD, ICCSPPI
Senior Civil Engineer
EOR: water | ecology | community



Formal Natural Heritage Review - Cover Page

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

Project Name: Windsong Farm Golf Club North Course

Project Proposer: Fox Lake, LLC

Project Type: Development, Recreational/Entertainment

Project Type Activities: Tree Removal/Wetland impacts (e.g., discharge, runoff, sedimentation, fill, excavation)

TRS: T118 R24 S29, T118 R24 S32

County(s): Hennepin

DNR Admin Region(s): Central

Reason Requested: State EAW

Project Description: The Project is an expansion of the Windsong Farm Golf Club that lies directly to the south of the Project Site across Watertown Highway. The Project proposes ...

Existing Land Uses: A majority of the Project Site is in corn-soybean rotation (~93 acres). Wetlands with the Project Site (which excludes Fox Lake) account for about 14 acres, ...

Landcover / Habitat Impacted: A majority of land that will be impacted is cropland. About 10 acres of trees will be removed from the Project Site which includes areas of forest, brushland, and tree lines along field margins.

Waterbodies Affected: Between 1-2 acres of wetlands will be impacted. Impacts include fill (from grading), tree removal, and excavation to create an irrigation pond and a narrow ...

Groundwater Resources Affected: Yes, The Project will require a permanent groundwater permit for irrigation, and likely a temporary permit for construction.

Previous Natural Heritage Review: No

Previous Habitat Assessments / Surveys: No

SUMMARY OF AUTOMATED RESULTS

| Category | Results | Response By Category |
|--|-------------|--------------------------------|
| Project Details | No Comments | No Further Review Required |
| Ecologically Significant Area | No Comments | No Further Review Required |
| State-Listed Endangered or Threatened Species | No Comments | No Further Review Required |
| State-Listed Species of Special Concern | No Comments | No Further Review Required |
| Federally Listed Species | No Records | Visit IP aC For Federal Review |



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

April 22, 2022

Natural Heritage Review #: 2022-00259

Christopher Long
Emmons & Olivier Resources, Inc.
1919 University Avenue West, Suite 300
St. Paul, MN 55104

RE: Automated Natural Heritage Review of the proposed Windsong Farm Golf Club North Course
See Cover Page for location and project details.

Dear Christopher Long,

As requested, the above project has been reviewed for potential effects to rare features. Given the project details provided on the cover page, I do not believe the proposed project will negatively affect any known occurrences of rare features. 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](#).

Project Type and/or Project Type Activity Comments

- The Natural Heritage Information System (NHIS) tracks bat roost trees and hibernacula plus some acoustic data, but this information is not exhaustive. Even if there are no bat records listed below, all seven of Minnesota's bats, including the federally threatened northern long-eared bat ([Myotis septentrionalis](#)), can be found throughout Minnesota. 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 during the months of June and July.

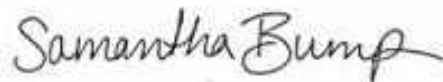
The Natural Heritage Information System (NHIS), a collection of databases that contains information about Minnesota's rare natural features, is maintained by the Division of Ecological and Water Resources, Department of Natural Resources. The NHIS is continually updated as new information becomes available,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

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

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 effects to these rare features. For information on the environmental review process or other natural resource concerns, you may contact your [DNR Regional Environmental Assessment Ecologist](#).

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

Sincerely,




Samantha Bump
Natural Heritage Review Specialist
Samantha.Bump@state.mn.us

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

Windsong Farm Golf Club North Course Aerial Imagery With Locator Map



 Project Boundary

Project Type: Development, Recreational/Entertainment

Project Size (acres): 124.47

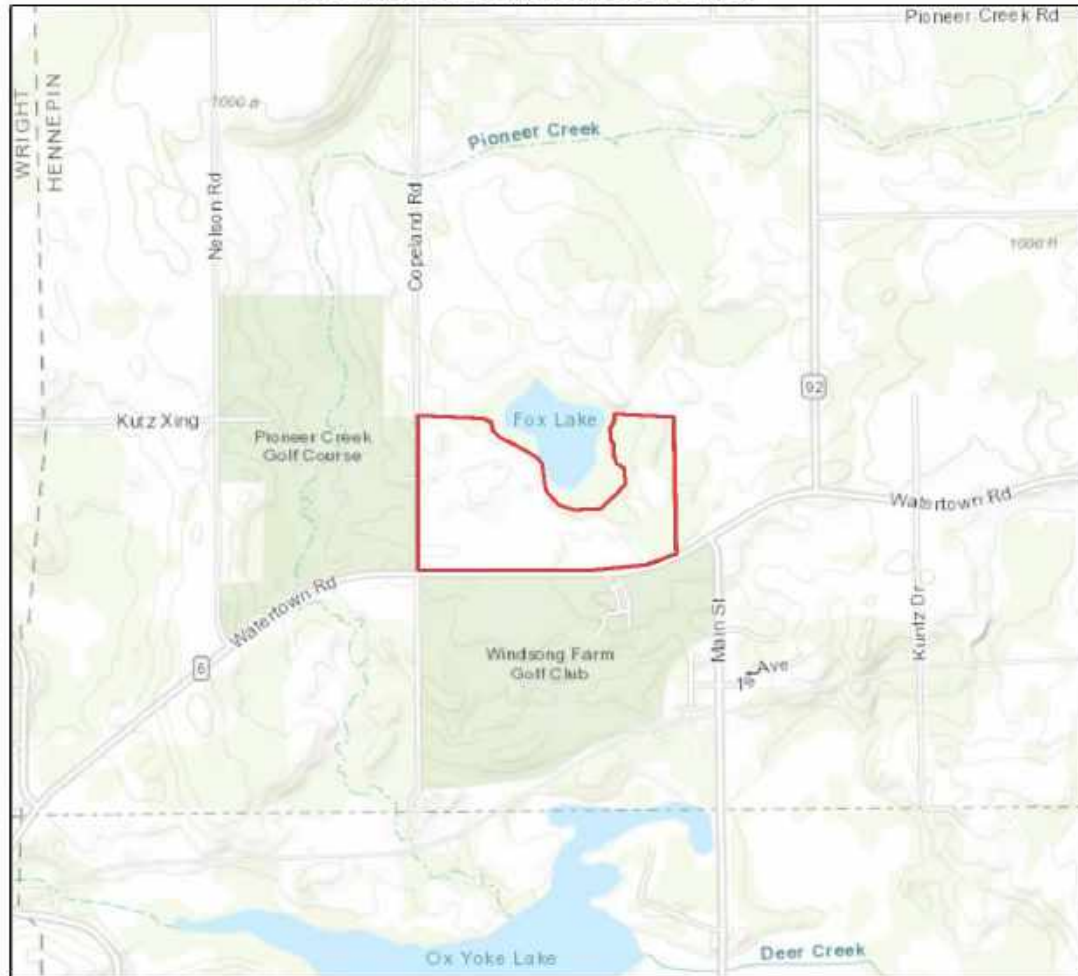
County(s): Hennepin


TRS: T118 R24 S29, T118 R24 S32

Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri



Windsong Farm Golf Club North Course USA Topo Basemap With Locator Map



 Project Boundary

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County(s): Hennepin

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Service Layer Credits: Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User



April 29, 2022

Jon Dailing
Fox Lake, LLC
18 Golf Walk
Maple Plain, MN 55359

Nienow Cultural Consultants
200 Plato Blvd. East
St. Paul, MN 55107



RE: NCC Phase I Archaeological Survey for Fox Lake, LLC, Maple Plain, Hennepin County,
Minnesota

Dear Mr. Dailing,

This letter is a summary of fieldwork completed by Nienow Cultural Consultants LLC (NCC) the week of April 25, 2022. This work is associated with the Fox Lake, LLC golf course expansion. The project area is located in Maple Plain, Minnesota in the N ½ of the NW ¼ and the E ½ of the NE ¼ of Section 32, Township 118N, Range 24W (Figure 1). The project proposes a northern expansion of the Windsong Golf Course. Fieldwork consisted of a surface survey of all cultivated areas followed by shovel testing in the northeast corner of the project area due to a lack of surface visibility. A total of six shovel tests were completed. No cultural materials were identified during survey.

Methodology

NCC's Principal Investigator for this project was Jeremy Nienow, PhD., RPA. A literature review was previously completed for this project by Emmons & Olivier Resources, Inc. in February of 2022. NCC conducted a brief literature review April 7, 2022 prior to fieldwork in order to identify any archaeological sites which may have been reported since the previous literature review was completed (see literature review results below).

Fieldwork consisted of surface survey of all cultivated fields, followed by shovel testing in the northeastern corner of the project area due to a lack of surface visibility. Shovel tests were excavated in a single transect on a 15-meter interval. The tested transect was placed on the highest area of the field overlooking the wetland located north-center within the project area. Shovel tests were typically 35-40 centimeters (cm) wide and at least 70cm deep. All soils were screened through ¼" mesh screen, detailed profile notes completed, photographs taken, and GPS points collected for each shovel test. All shovel tests were negative for prehistoric cultural materials.

Updated Literature Review

The archaeological site search includes all sites within a 2-mile radius of the edges of the project area. There are no known archaeological sites previously recorded within the project area. Six formally identified archaeological sites have been recorded within two miles of the project area, along with a single alpha site (Table 1.) Alpha sites are potential site leads identified via literature or mapping resources (i.e. *The History of Hennepin County* cited below). These have not been field-verified through archaeological survey. SHPO records contained no previously recorded architectural sites within the project area.

Table 1: Archaeological Sites Within Two Miles of the Fox Lake LLC Project Area

| Site Number | Site Name | Site Type/ Details | Time Period/ Cultural Tradition | T/R/S | Distance from Project Area | Reference |
|-------------|-----------------------------|--|---------------------------------|---------------------------------------|----------------------------|--|
| 21HE0171 | Burkett | Artifact Scatter and Possible Human Burial | Pre-Contact | T118N, R24W, S20 NE ¼ of NE ¼ of SW ¼ | 1.37 Miles | Mather (1995) Phase I Cultural Resources Report... Alternative Construction Corridors for Reconstruction of T.H. 12 from Wayzata to Montrose |
| 21HE0172 | Evans Mounds and Habitation | Earthwork and Artifact Scatter | Pre-Contact: Woodland Period | T118N, R24W, S20 SE ¼ of SW ¼ of NW ¼ | 1.5 Miles | Mather (1995) Phase I Cultural Resources Report... Alternative Construction Corridors for Reconstruction of T.H. 12 from Wayzata to Montrose |
| 21CR0066 | - | Artifact Scatter | Pre-Contact | T117N, R25W, S1 SW ¼ of SE ¼ of NE ¼ | 1.55 Miles | Lofstrom (1980) An Archaeological Survey of Carver County |
| 21HE0176 | Pioneer Creek Overlook | Isolated Lithic Core | Pre-Contact | T118N, R24W, S27 NW ¼ of NW ¼ of NW ¼ | 1.55 Miles | Mather (1995) Phase I Cultural Resources Report... Alternative Construction Corridors for Reconstruction of T.H. 12 from Wayzata to Montrose |
| 21CR0067 | Lukes Mounds | Mounds and Lithic Scatter | Pre-Contact | T117N, R25W, S1 S ½ of SW ¼ of NE ¼ | 1.66 Miles | Lofstrom (1980) An Archaeological Survey of Carver County |
| 21HE0173 | Brick Kiln | Remnants of a brick kiln | Post-Contact | T118N, R24W, S19 W ½ of NE ¼ of NW ¼ | 1.91 Miles | Mather (1995) Phase I Cultural Resources Report... Alternative Construction Corridors for Reconstruction of T.H. 12 from Wayzata to Montrose |
| 21HEbd | Armstrong | Ghost Town | Post-Contact | T118N, R24W, S22 | 1.61 Miles | Neill (1881) History of Hennepin County |

Five of the identified sites are Pre-Contact in origin, with the remaining formal site and the alpha site having originated in the Post-Contact Period. The Pre-Contact sites include a combination of artifact scatters (21HE0172, 21CR0066), isolated lithics (21HE0176), one earthwork (not-verified as burial-related, 21HE0172), one burial mounds site (21CR0067), and one artifact scatter with a potential human burial (21HE0171). The Post-Contact sites include a brick kiln (21HE0173) and a Ghost Town alpha site (21HEbd) for the town of Armstrong. None of these sites are within a mile of the project area, and the majority are located along the south fork of the Crow River to the west.

An historic farmstead is located along the southern edge of the project area just west of center. The farmstead appears to be first marked in Section 32 on the 1898 Plat of Independence Township (T118N, R24W) in Hennepin County. A 1937 aerial illustrates a large barn and at least five other structures, including two silos, present at the farmstead. Aerials between 1937 and today indicate structures were added and removed over time, but between 2012 and 2016, all farmstead structures besides the original barn, its shed addition, and the adjacent silo (also present since pre-1937) were demolished. The barn, attached shed, and adjacent silo were confirmed standing during the field survey on April 25, 2022 (Figures 8 through 11). A small wetland just north of the farmstead and another in the north-central portion of the project area are both present in the earliest aerials and appear to be majorly unchanged through today. The remainder of the project area was consistently cultivated historically. A monopole cell tower was installed just to the west of the farmstead between 2003 and 2004. NCC does not currently complete historic architectural reviews. NCC recommends the client communicate with a qualified architectural historian to see if evaluation of the barn is necessary.

Fieldwork Results

At the time of survey, the majority of the fields had been previously plowed (save for a section in the northeastern corner of the project area) allowing for a surface visibility of between 50% and 90% (see Figures 4 and 5 for examples of surface visibility). In areas of lowest visibility (50% to 60%) surface survey was completed on a 7 to 10-meter interval. In areas of highest visibility (60% to 90%) surface survey was completed on a 15-meter interval (See Figures 4 and 5 for visibility examples). Recent historic farmstead materials (i.e. shotgun shells, stoneware, whiteware), and modern debris (i.e. plastics, aluminum cans, golf balls) were encountered, but not collected. The project area contains several wetland areas containing thick brush. During survey, it was observed brush removal had begun adjacent to the southeastermost wetland (Figure 6).

Six shovel tests were placed in a 15-meter interval on a transect overlooking the wetland in the north-center portion of the project area. Shovel tests were placed targeting the length of a high knoll. Soils were relatively consistent with an average profile of 10YR 2/1 Silty Clay Loam from 0 to 25cmbs, followed by 10YR 2/1 Silty Clay Loam mottled with 10YR 3/6 Clay from 25cmbs to 30cmbs, and finished with 10YR 3/6 Clay from 30cmbs to shovel test termination at 70cmbs. Tests were stopped once they were determined to be at least 30cmbs into culturally sterile subsoils. No prehistoric cultural materials were identified during surface survey or shovel testing. See Figure 3 for pedestrian survey and shovel testing locations.

Summary and Recommendation

NCC completed a Phase I Archaeological Survey including both surface survey and shovel testing within the Fox Lake, LLC project area for the Windsong Golf Course expansion. Shovel testing demonstrated consistent agricultural soils. No prehistoric cultural materials were identified during survey. Based on these results, *Nienow Cultural Consultants does not recommend any additional archaeological fieldwork at this time.*

With any project there is the chance of unanticipated discovery. Should archaeological materials surface during any future construction, it is advised a professional archaeologist be consulted. Minnesota Statute 307.08 protects unplatted cemeteries (including burial mounds) and issues guidelines for dealing with unexpected finds. Should human remains be encountered during earth moving activity, all work must stop and local law enforcement must be called.

If you have any additional questions about this work, do not hesitate to contact me at your convenience.

Sincerely,



Jeremy L. Nienow, Ph.D., RPA
Nienow Cultural Consultants LLC.

Included: Figures 1-11

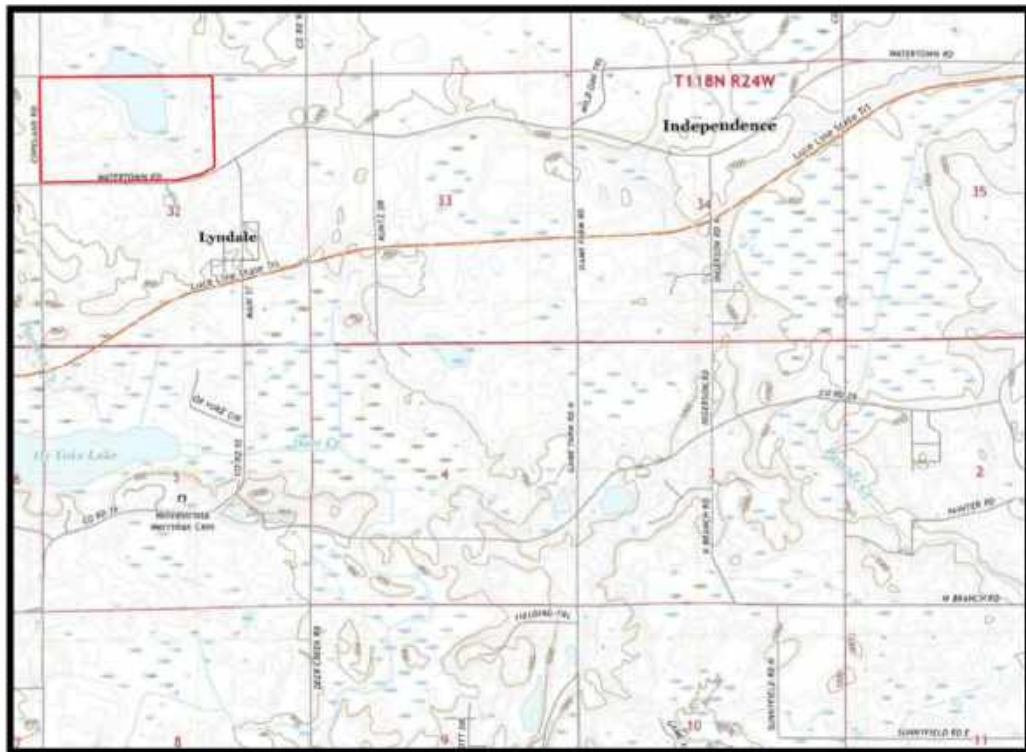


Figure 1: USGS Map of Project Area (red polygon).
7.5' Mound Quadrangle 2022, 1:24,000



Figure 4: Project Area Map (provided by EOR)



Figure 3: Close-Up Map of Shovel Testing Locations.



Figure 4: Surface visibility within easternmost fields within project area.



Figure 5: Field visibility and conditions in western and southern fields within project area.



Figure 6: Noted tree and brush removal within southeastern portion of project area.



Figure 7: Example shovel test pit.



Figure 8: Barn on Southern Edge of the Property Facing Northeast.



Figure 9: Barn on Southern Edge of the Property Facing Southeast.



Figure 10: Barn on Southern Edge of the Property Facing Southwest.



Figure 11: Barn on Southern Edge of the Property Facing Northwest.

**APPENDIX D – NEGATIVE DECLARATION
ON THE NEED FOR AN EIS**