

FINDINGS OF FACT  
and  
CONCLUSIONS - ADDENDUM

Windsong Farm Golf Club North Course  
CITY OF INDEPENDENCE

**Responsible Government Unit: City of Independence**

**Contact Person:**

Mark Kaltsas, City Administrator / Planner  
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**Proposer: Fox Lake, LLC**

**Contact Person:**

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February 2023

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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 Delano Herald Journal and Laker Pioneer on 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 three 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.

On November 15, 2022, the City of Independence, as the RGU, issued a Negative Declaration on the

need for an EIS. That decision along with the Findings of Fact and Conclusions documentation was distributed to the EAW Distribution List and published in the November 29, 2022 edition of the EQB Monitor. Following the issuance of the Negative Declaration and FOF&C packet, it was brought to the City's attention that the MPCA comment letter had been omitted. As a result, this addendum to the FOF&C has been prepared and a new Negative Declaration decision has been issued by the RGU.

### 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 2023 and continuing in phased steps until approximately fall 2024.

#### 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 three comment letters from different government agencies in response to the EAW prepared for the Windsong Farm Golf Club North Course Project. Those agencies include: the Metropolitan Council, the Minnesota Department of Natural Resources, and the Minnesota Pollution Control Agency. 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

3.13.2023

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

**Lucas Bulger**

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**From:** Lucas Bulger  
**Sent:** Monday, May 9, 2022 1:31 PM  
**To:** stephan.roos@state.mn.us; raymond.kirsch@state.mn.us; health.review@state.mn.us; jill.townley@state.mn.us; Karen.kromar@state.mn.us; annie.felix-gerth@state.mn.us; katherine.lind@state.mn.us; mn.osa@state.mn.us; melissa.cerda@state.mn.us; ENVReviewSHPO@state.mn.us; govdoc@hclib.org; Marquardt, Shauna R; mvp-reg-inquiry@usace.army.mil; westlake.kenneth@epa.gov; govdoc@hclib.org; reviewscoordinator@metc.state.mn.us; amy@jass.biz; chad.ellos@hennepin.us; environment@hennepin.us; dlash@eorinc.com  
**Cc:** Mark Kaltsas; Bob Rogers; Andrew Budde  
**Subject:** City of Independence - Windsong Farm Golf Club North Course EAW

Dear Interested Party,

This message is being sent on behalf of the City of Independence, Minnesota.

The City of Independence has completed an Environmental Assessment Worksheet (EAW) for the proposed Windsong Farm Golf Club North Course project. The proposed project would construct an 18-hole golf course, an irrigation pond, and several supporting structures 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 be privately owned and funded.

**The public comment period for this EAW will begin on May 10, 2022, and will close on June 8, 2022, at 4:30 PM.**

Comments should be emailed to Mark Kaltsas, City Administrator, City of Independence, at [mkaltsas@ci.independence.mn.us](mailto:mkaltsas@ci.independence.mn.us). Please do not hesitate to contact Mark (763-479-0527) for more information.

The EAW Document and Appendices are available for review at the following link:

[https://www.ci.independence.mn.us/Windsong\\_EAW\\_final\\_042622.pdf](https://www.ci.independence.mn.us/Windsong_EAW_final_042622.pdf)

Most sincerely,

**Lucas Bulger**  
*he/him/his*  
Environmental Planner  
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## 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](mailto: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](mailto:ADArequest.dot@state.mn.us). (Please make your request at least one week in advance).



## **APPENDIX B – RESPONSE TO COMMENTS**

**Project Name** | Windsong Farm Golf Club North Course  
**To / Contact info** | Mark Kaltsas - City of Independence  
**Cc / Contact info** | Jon Dailing - Fox Lake, LLC (Windsong Farm Golf Club)  
**Cc / Contact info** | Jason Naber / EOR  
**From / Contact info** | Derek R. Lash, PE  
**Regarding** | Response to EAW Comments (Revision 1 for PCA Comments)

**Date** | Original:  
9/07/2022  
Revision 1:  
1/13/2023

## Summary

The City of Independence received ~~two~~ three 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. The comments have been compiled and categorized by agency. Following are responses to each of the subjects for which comments were received.

### 1.0 Metropolitan Council

The Metropolitan Council submitted one comment letter (Ms. Angela R. Torres) with comments regarding Section 11. Water Resources AND Section 18. Transportation.

#### 1.1 Item 11. Water Resources – Surface Water

**Comment 1:** 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.

**Response:** The proposer (Fox Lake LLC) submitted a Joint Permit Application (JPA) to the Local Government Unit (LGU) and US Army Corps of Engineers (Corps) for permitting of wetland impacts. The proposer indicated in the original JPA they intend to enter into an agreement to purchase credits from an approved and established wetland bank but have not reached a tentative agreement to utilize specific bank credits yet. The review of the Board of Water and Soil Resources (BWSR) database indicates there are credits available in the major watershed (South Fork Crow River), but none in the minor watershed (Pioneer Sarah Creek) or in Hennepin County. Since submitting the original JPA the proposer has entered into a tentative purchase agreement to purchase credits from a bank in the same major watershed.

**Comment 2:** 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.

**Response:** Golf course staff are trained and licensed by the Minnesota Department of Agriculture (MDA) to apply pesticides with a non-commercial pesticide applicators license. All handling and usage of pesticides and fertilizers are done in accordance with the written label and Safety Data Sheets (SDS) of the products. All Environmental Protection Agency (EPA) and MDA rules and regulations are followed. In addition, the golf course does intend to use Milorganite Fertilizer and Humic Coated Urea organic fertilizers as well as only 1.80 pounds of Nitrogen per 1000 square feet for the entire year. Furthermore, all wetlands including Fox Lake are required to have vegetated buffers that minimize impacts from runoff.

**Comment 3:** The developer should consider placing a small layer of sand on greens to improve aeration and water drainage.

**Response:** The greens construction will be based on United States Golf Association (USGA) guidelines with 12" of approved sand mix over 4" of gravel and drain tile.

**Comment 4:** 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.

**Response:** To ensure the irrigation ponds capture the most drainage possible, they are being placed at the lowest points on the site that capture the most runoff while being located outside of wetlands to ensure no impact. This will ensure the most runoff water is reused.

## **1.2 Item 11. Water Resources – Water Supply**

**Comment 1:** 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.

**Response:** The proposer will work with the Minnesota Department of Health (MDH) and the Department of Natural Resources (DNR) to secure permits to properly repurpose, seal, and drill new wells, as well as for water appropriations for water usage.

**Comment 2:** The EAW should be more explicit about any potable water needs beyond the maintenance building or if no additional potable water is needed.

**Response:** The proposer will repurpose an existing well for the maintenance building, drill a new well for the starter building, and drill a new well for the satellite restroom.

**Comment 3:** 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.

**Response:** The proposer intends to irrigate only during evening hours and pump groundwater during the same hours.

**Comment 4:** 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.

**Response:** The proposer intends to irrigate only during evening hours. Each sprinkler head is adjustable to dial in the water arc of the heads and minimize wasted water usage. In addition, the heads can be controlled based on the current evapotranspiration rates. Lastly the golf course has been designed to have less irrigated areas that will reduce water usage by 30 to 40% compared to the existing south golf course.

**Comment 5:** 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/>

**Response:** All bent grass species proposed to be used are bred for drought tolerance and disease resistance. The strength of these species is evaluated by the National Turfgrass Evaluation Program (NTEP). Information such as turfgrass quality, color, density, resistance to diseases and insects, tolerance to heat, cold, drought and traffic is collected and summarized by NTEP annually. The golf course is a member of the Minnesota Golf Course Superintendents Association, which works closely with the University of Minnesota to ensure golf courses are properly maintained (including grass species) that minimizes impacts on the environment.

**Comment 6:** 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.

**Response:** The proposer intends to plant non-maintained turf areas with a native grass blend. A grassing plan has been prepared that indicates locations for bluegrass, bentgrass, native grass blend, and trees or landscaping.

**Comment 7:** 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.

**Response:** The cart paths are intended to be asphalt pavement where a hard surface is necessary. This course has been designed to mirror golf as it was played before there were golf carts. Therefore, cart paths are limited to strongly encourage walking on the course, as there are also no long walks between greens and tees.

### **1.3 Item 18. Transportation - Transit**

**Comment 1:** Transit service in the area is available with Transit Link through the Metropolitan Council.

**Response:** There are currently no pedestrian or bicycle facilities along the parcel on Watertown Road or Copeland Road due to the location's rural setting. Additionally, there is no routine transit service that is provided to this area of Hennepin County. Because of this, it is assumed that all trips to the site would be vehicle trips. It should be noted that the Metropolitan Council operates Transit Link in this area, which is a shared ride service available in parts of the metro where routine transit service is unavailable.

## **2.0 Department of Natural Resources**

The Department of Natural Resources (Ms. Melissa Collins) submitted one comment letter with comments regarding Section 11. Water Resources, Section 13 Fish, Wildlife, Plant Communities, and Ecological Resources AND Section 16 Air.

### **2.1 Section 11. Water Resources**

**Comment 1:** Page 11, Groundwater. If unknown wells are encountered onsite, they should be sealed in accordance with guidance from the Minnesota Department of Health.

**Response:** The proposer will work with the Minnesota Department of Health (MDH) to secure permits to properly seal unknown wells if encountered onsite.

**Comment 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.

**Response:** A grading plan has been prepared that indicates mound septic system locations. There is a primary and secondary septic field location for the satellite restroom, as well as a primary and secondary septic field location to be used jointly by the maintenance and starter buildings. These areas will be marked off during construction with silt fence or a similar measure.

**Comment 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.

**Response:** The proposer intends to plant non-maintained turf areas with a native grass blend. A grassing plan has been prepared that indicates locations for bluegrass, bentgrass, native grass blend, and trees or landscaping. All of the seed is certified to be 99.99% weed free from the seed manufacturer.

**Comment 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.

**Response:** The proposer will work with the Department of Natural Resources (DNR) to secure permits for water appropriations for temporary and long-term water usage.

**Comment 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.

**Response:** The proposer will work with the Department of Natural Resources (DNR) to secure permits for water appropriations for temporary water usage if dewatering exceeds 10,000 gallons in a day or one million gallons in a year.

## 2.2 Section 13. Fish, Wildlife, Plant Communities, and Ecological Resources

**Comment 6:** Page 19, Rare Features. DNR concurs that impacts to rare features are not anticipated as a result of this project.

**Response:** The DNR concurs with the approach to the project. The proposer will avoid impacts to ecological resources in the manner described in the EAW; primarily avoiding wetlands and conducting tree removal in the winter.

**Comment 7a:** 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.

**Response:** A grassing plan has been prepared that indicates locations for bluegrass, bentgrass, native grass blend, and trees or landscaping as well as pollinator blends. Regarding maintenance of the unmaintained areas: once they are established, the unmaintained areas will be mowed once per year, as well as receive one application of preemergent treatment in the spring followed by spot treatments of broad leaf herbicide throughout the season.

**Comment 7b:** Page 21, Ecological Impact Mitigation. 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.

**Response:** The proposer intends to plant non-maintained turf areas with a native grass blend. A grassing plan has been prepared that indicates locations for bluegrass, bentgrass, native grass blend, and trees or landscaping. The grassing plan indicates areas proposed for pollinator species.

## 2.3 Section 16. Air

**Comment 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.

**Response:** The proposer will only use water for controlling dust. The proposer will work with the Department of Natural Resources (DNR) to secure permits for water appropriations for temporary water usage if dewatering exceeds 10,000 gallons in a day or one million gallons in a year.

### **3.0 City of Independence**

The City of Independence (Mr. Mark Kaltsas) submitted one comment letter with comments regarding Section 7 Cover Types AND Section 11 Water Resources.

#### **3.1 Section 7. Cover Types**

**Comment 1:** Provide more information related to overall site vegetation (areas planned for native fescue versus unmaintained areas).

**Response:** A grassing plan has been prepared that indicates locations for bluegrass, bentgrass, native grass blend, and trees or landscaping as well as pollinator blends.

#### **3.2 Section 11. Water Resources**

**Comment 2:** Provide details for post construction stormwater management.

**Response:** The proposer has prepared a stormwater management plan that includes hydrology and water quality calculations. Based on the land cover changes, which are converting the existing agricultural area on the site to either maintained grass areas or unmaintained native grass or landscaping areas, the proposed project will be improving land cover conditions by retaining more water on the site and decreasing runoff rates and volumes. There are no proposed structural stormwater BMPs for the site as the land cover change will meet the stormwater management requirements for PSCWMC and the City.

**Comment 3:** Will the site preserve/protect an area for replacement septic/mounds?

**Response:** A grading plan has been prepared that indicates mound septic system locations. There is a primary and secondary septic field location for the satellite restroom, as well as a primary and secondary septic field location to be used jointly by the maintenance and starter buildings. These areas will be marked off during construction with silt fence or a similar measure.

**Comment 4:** What types of fertilizers (organic?) are planned to be used on the course?

**Response:** The golf course does intend to use Milorganite Fertilizer and Humic Coated Urea organic fertilizers as well as only 1.80 pounds of Nitrogen per 1000 square feet for the entire year.



## 4.0 Other

In addition to the comments received from the Metropolitan Council, the Department of Natural Resources, and the City of Independence, additional information was submitted by the Department of Natural Resources (Ms. Samantha Bump) for the Natural Heritage Information System review, as well as from Nienow Cultural Consultants, LLC for the Phase 1A Archaeological and Cultural Resources review, both a part of preparing the EAW.

### 4.1 Minnesota Department of Natural Resources

#### 4.1.1 Section 13. Fish, Wildlife, Plant Communities, and Ecological Resources

**Comment 1:** 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.

**Response 1:** This letter is the response to the Natural Heritage Information System (NHIS) review that was requested by the proposer. The letter was not received until after the EAW was published and is included in the comments for informational purposes.

**Response 2:** The proposer produced an IPaC Resource list from the U.S. Fish and Wildlife Service (USFWS's) online tool that was the basis for the discussion and conclusions in Section 13 of the EAW.

**Comment 2:** 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.

**Response:** To avoid an impact to the wetlands as it meets the definition by the U.S. Army Corps of Engineers, tree removal will be completed under frozen ground conditions or with equipment that does not impact the wetlands / Waters of the US. This work will be completed outside of the months of June and July.

**Comment 3:** 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.

**Response 1:** This letter is the response to the Natural Heritage Information System (NHIS) review that was requested by the proposer. The letter was not received until after the EAW was published and is included in the comments for informational purposes.

**Response 2:** The letter's conclusions underline the conclusions from the proposer's internal review which was conducted via a licensed access to the same database. The proposer concluded that no impacts to rare natural features are anticipated by the project. Notably, these conclusions were also supported by the previous DNR letter authored by Ms. Melissa Collins (see 2.0 Department of Natural Resources, 2.2 Section 13. Fish, Wildlife, Plant Communities, and Ecological Resources, Comment 6).

## **4.2 Nienow Cultural Consultants, LLC**

### **4.2.1 Section 14. Historic Properties**

**Comment 1:** To address Section 14. Historic Properties, the proposer (Fox Lake LLC) completed a Phase 1A Archaeological and Cultural Resources Desktop Assessment technical memorandum. The technical memorandum was submitted to the MnSHPO with a request for Project Review and photographs of the farmstead. The MnSHPO responded to the request to comment on the effects the Project may have on potentially historic properties and resources. Because modeling indicates a moderate to high probability of pre-contact archaeological sites in the Project site, they requested that the Project area be inventoried by a professional archaeologist for archaeological resources. The proposer (Fox Lake LLC) contracted with Nienow Cultural Consultants LLC to review the project area, which they did not identify any cultural materials during the survey.

## **5.0 Minnesota Pollution Control Agency**

The Minnesota Pollution Control Agency submitted one comment letter (Ms. Karen Kromar) with comments regarding Section 8. Permits and Approvals, Section 11. Water Resources AND Section 12 Contamination/Hazardous Materials/Waste.

### **5.1 Item 8. Permits and Approvals Required**

**Comment 1:** The US Army Corps of Engineers (USACE) Wetland Conservation Act (WCA) Section 404 Permit is included in Table 3, Permits and Approvals Required, Please be aware that is a USACE Section 404 Individual Permit is required for any project activity, then an MPCA Clean Water Act Section 401 Water Quality Certification must also be obtained as part of the permitting process.

**Response:** The proposer has reduced wetland impacts to fall under the threshold of Nationwide Permit 42. Recreational Facilities therefore a USACE Section 404 Individual Permit is not required.

## 5.2 Item 11. Water Resources – Stormwater

**Comment 1:** The 125-acre golf course is a continuation of a previous portion of the Project constructed in 2001. The EAW indicates that 100 acres will be graded. Since the Project will disturb more than 50 acres and also has the ability to discharge to waters with construction-related impairments, the Stormwater Pollution Prevention Plan (SWPPP) for the Project will require review and approval from the MPCA before National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Construction Stormwater Permit (CSW Permit) coverage is obtained.

**Response:** The proposer has prepared a Stormwater Pollution Prevention Site Plan and Binder (narrative) to include with their NPDES/SDS CSW Permit Application.

**Comment 2:** The EAW does not adequately describe the best management practices (BMPs) to be utilized during construction or additional BMPs required for discharges to impaired waters. The EAW only states soils will be seeded as soon as feasible after grading and does not mention plans for temporary stabilization except for the steep slopes. Temporary stabilization of any exposed soils must be initiated immediately and completed within 7 days on any portions of the site where soils will not be actively worked for 7 or more days. The Project proposer should also phase the grading to limit the amount of soils exposed at one time. Also, temporary sediment ponds will be required where 5 or more acres drain to a common location.

**Response 1:** The Erosion & Sediment Control Plan and the SWPPP Site Plan includes locations, labels, and quantities for installing erosion control blanket on steep slopes, single & double row silt fence surrounding wetlands and at the perimeter of the project, construction exits to access the site, and other BMPs such as sediment control logs, filter berms, bale barriers, and sediment traps.

**Response 2:** The Erosion & Sediment Control Plan and the SWPPP Site Plan includes notes that reference specific NPDES/SDS CSW Permit Section 23.9 –

*Permittees must immediately initiate stabilization of exposed soil areas, as described in item 8.4, and complete the stabilization within seven (7) calendar days after the construction activity in that portion of the site temporarily or permanently ceases. [Minn. R. 7090]*

AND Section 8.4 with adjustments for the seven (7) calendar day requirement –

*Permittees must stabilize all exposed soil areas, including stockpiles. Stabilization must be initiated immediately to limit soil erosion when construction activity has permanently or temporarily ceased on any portion of the site and will not resume for a period exceeding ~~14~~ seven (7) calendar days.*

*Stabilization must be completed no later than ~~14~~ seven (7) calendar days after the construction activity has ceased. Stabilization is not required on constructed base components of roads, parking lots and similar surfaces. Stabilization is not required on temporary stockpiles without significant silt, clay or organic components (e.g., clean aggregate stockpiles, demolition concrete stockpiles, sand stockpiles) but permittees must provide sediment controls at the base of the stockpile. [Minn. R. 7090].*

**Response 3:** The Erosion & Sediment Control Plan and the SWPPP Site Plan includes a note that states the Contractor should also phase the grading to limit the amount of soils exposed at one time.

**Response 4:** The Erosion & Sediment Control Plan and the SWPPP Site Plan includes notes that reference specific NPDES/SDS CSW Permit Section 23.10 –

*Permittees must provide a temporary sediment basin as described in Section 14 for common drainage locations that serve an area with five (5) or more acres disturbed at one time. [Minn. R. 7090]*

AND Section 14.2 with adjustments for the five (5) or more acre of disturbed soils threshold requirement –

*Where ~~ten (10)~~ five (5) or more acres of disturbed soil drain to a common location, permittees must provide a temporary sediment basin to provide treatment of the runoff before it leaves the construction site or enters surface waters. Permittees may convert a temporary sediment basin to a permanent basin after construction is complete. The temporary basin is no longer required when permanent cover has reduced the acreage of disturbed soil to less than ~~ten (10)~~ five (5) acres draining to a common location. [Minn. R. 7090]*

**Comment 3:** The Project will result in several acres of new impervious surfaces which the EAW states will be “disconnected” but does not specifically describe how stormwater will be managed in a manner that meets CSW Permit requirements. The Project requires use of a permanent stormwater management method meeting MPCA requirements to retain 1 inch of stormwater volume from all impervious surfaces via a volume reduction method, such as through use of an infiltration practice, unless prohibited for reasons specified in the CSW Permit. The EAW includes plans for an irrigation pond but does not specify whether the pond is also intended to serve as a stormwater treatment system for the new impervious surfaces. The wetlands on the site cannot be utilized for retention of stormwater unless they have gone through the wetland mitigation process. Questions regarding Construction Stormwater Permit requirements should be directed to Roberta Getman at 507-206-2629 or Roberta.Getman@state.mn.us..

**Response 1:** The Natural Resource Conservation Service soil survey results for the area indicate Hydrologic Soil Groups (HSG) C, C/d, and D soils. In addition, soil borings were drilled and the results indicate yellow and blue clay.

To meet the regulations for volume control stormwater runoff volume must be infiltrated/abstracted onsite in the amount equivalent to 1.1-inch of runoff generated from new impervious surface. As described above the project area has soils that are unsuitable for infiltration, therefore biofiltration BMPs are proposed. The proposed project utilizes disconnection of impervious surfaces with the cart paths construction to meet this requirement, as well as biofiltration BMPs to provide a water quality treatment volume. Additionally, the land cover change from cultivated cropland areas, which is considered a managed and disturbed vegetation type, to a native grassland for the “Outer Rough” areas of the course, will reduce runoff volume from the project area.

**Response 2:** The irrigation ponds are not being used for stormwater treatment.

**Response 3:** The wetlands on the site are not being used for stormwater treatment.

### **5.3 Item 11. Water Resources – Surface Waters & Wetlands**

**Comment 1:** Final wetland impacts have not been determined. However, the EAW indicates that approximately 2 acres of wetland may be impacted. If wetlands are impacted, there must be a mitigation plan that includes the replacement ratios and location. The mitigation plan must be submitted to all appropriate agencies and approved by each agency before construction can begin.

In addition, as defined by MN Stat. § 115.01, subd. 22 Waters of the state, even though there may be surface waters that are determined to be US Army Corp of Engineer non-jurisdictional or exempt from the Wetland Conservation Act, all surface waters are regulated by the MPCA, and any surface water impact, needs to be described in the application and may require mitigation.

Also, a recent Supreme Court decision overruled the vacatur of the 2020 Federal 401 rule. In response, the MPCA has reinstated the process steps defined in that rule, and applicants must request a pre-filing meeting with the MPCA at least 30 days prior to making a request for a 401 Certification. In addition, the applicant must also submit to the MPCA the Antidegradation Assessment in accordance with water quality standards Minn R. 7050.0265 and should review the antidegradation requirements in 7050.0285.

For further information about the 401 Water Quality Certification process, please contact Jim Brist at 651-757-2245 or Jim.Brist@state.mn.us or Bill Wilde at 651-757-2825 or William.wilde@state.mn.us.

**Response 1:** The proposer (Fox Lake LLC) submitted a Joint Permit Application (JPA) to the Local Government Unit (LGU) and US Army Corps of Engineers (Corps) for permitting of wetland impacts. The proposer indicated in the original JPA they intend to enter into an agreement to purchase credits from an approved and established wetland bank but have not reached a tentative agreement to utilize specific bank credits yet. The review of the Board of Water and Soil Resources (BWSR) database indicates there are credits available in the major watershed (South Fork Crow River), but none in the minor watershed (Pioneer Sarah Creek) or in Hennepin County. Since submitting the original JPA the

proposer has entered into a tentative purchase agreement to purchase credits from a bank in the same major watershed. The mitigation plan is included in the JPA.

**Response 2:** As stated in Response 1, the proposed submitted a JPA to the LGU and Corps. The quantity of impacts falls within the threshold of Nationwide Permit 42, Recreational Facilities therefore a Corps Section 404 Individual Permit is not required.

#### **5.4 Item 12. Contamination, Hazardous Materials, and Waste**

**Comment 1:** Please be aware that farmsteads have the potential for releases or threatened releases of agricultural chemicals. The Minnesota Department of Agriculture (MDA) is the regulatory agency charged with managing the response and cleanup of fertilizers and pesticides. Information regarding the MDA is available on the website at: <https://www.mda.state.mn.us/pesticide-fertilizer/spills-cleanup>. For questions regarding agricultural chemicals, please contact Cathy Villas-Horns with the MDA at 651-201-6697. For questions regarding waste pesticide containers, please contact Jane Boerboom with the MDA at 651-201-6540.

**Response:** If any agricultural chemicals are discovered, the proposer will work with the MDA to manage the response and cleanup of fertilizers and pesticides at the existing farmstead.

**Comment 2:** In the event the existing barn was/is painted with lead-based paint, please be aware that the soil in the area around the barn may be impacted with elevated concentrations of lead due to past scraping or peeling of the barn paint. The MPCA recommends that the Project proposer obtain an environmental consultant and work with the MPCA Voluntary Investigation and Cleanup (VIC) Program to identify the presence of contamination in the location of the barn and prepare a plan for any remediation or mitigation that may be necessary. Information regarding the MPCA's VIC Program can be found on the MPCA's website at: <http://www.pca.state.mn.us/cleanup/vic.html>.

**Response:** The proposer will obtain an environmental consultant and work with the MPCA VIC Program to identify the presence of contamination in the location of the barn and prepare a plan for any remediation or mitigation that may be necessary.

## **Appendix: Comment Letters**

## **Appendix A: Metropolitan Council**





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](mailto: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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## **Appendix B: Department of Natural Resources**

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.

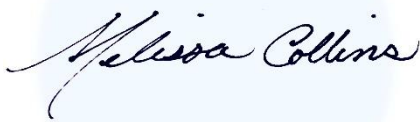
6. Page 19, Rare Features. DNR concurs that impacts to rare features are not anticipated as a result of this project.
7. Page 21, Ecological Impact Mitigation. It is still unclear from the EAW how much of the site will be planted in native fescue versus what portion of the site will be “unmaintained”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

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

Melissa Collins

Regional Environmental Assessment Ecologist | Ecological and Water Resources  
Minnesota Department of Natural Resources

Phone: 651-259-5755

Email: [melissa.collins@state.mn.us](mailto:melissa.collins@state.mn.us)

CC: Jon Dailing, Fox Lake, LLC

*Equal Opportunity Employer*

## **Appendix C: City of Independence**

## Derek Lash

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**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](mailto:mkaltsas@ci.independence.mn.us)  
D: 763.479.0044 | O: 763.479.0527

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**From:** Derek Lash <dlash@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 CUP comments.

Thanks,

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

## **Appendix D: Other - Department of Natural Resources**





## 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 IPaC 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.

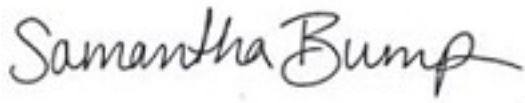
The Natural Heritage Information System (NHIS), a collection of databases that contains information about Minnesota's rare natural features, is maintained by the Division of Ecological and Water Resources, Department of Natural Resources. The NHIS is continually updated as new information becomes available, 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,

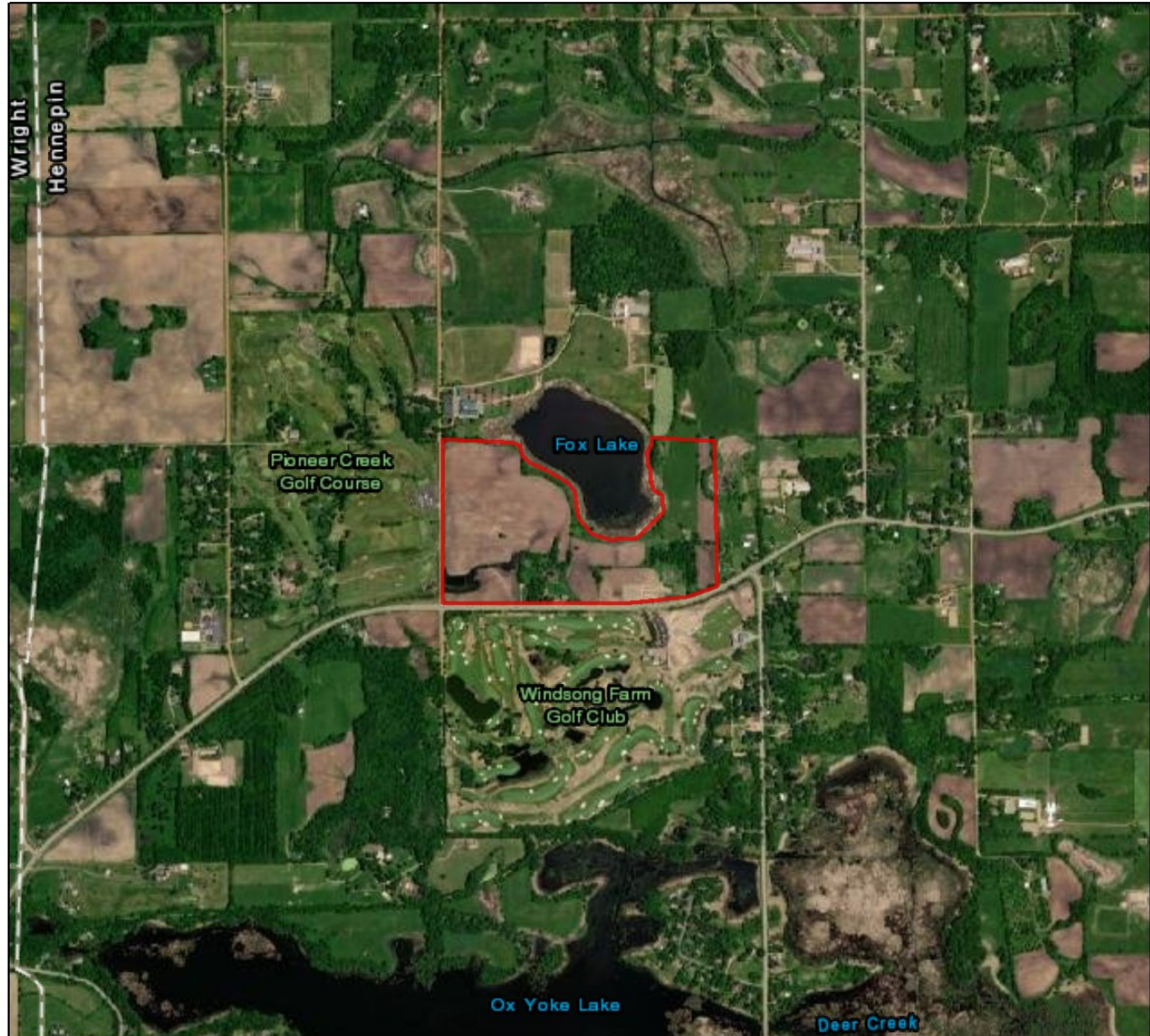
A handwritten signature in black ink that reads "Samantha Bump". The signature is written in a cursive, flowing style.

Samantha Bump  
Natural Heritage Review Specialist  
[Samantha.Bump@state.mn.us](mailto: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](https://www.dnr.state.mn.us/eco/ereview/erp_regioncontacts.html)

## Windsong Farm Golf Club North Course

### Aerial Imagery With Locator Map



0 0.15 0.3 0.6 0.9 1.2 Miles

Project Boundary

Project Type: Development, Recreational/Entertainment

Project Size (acres): 124.47

County(s): Hennepin

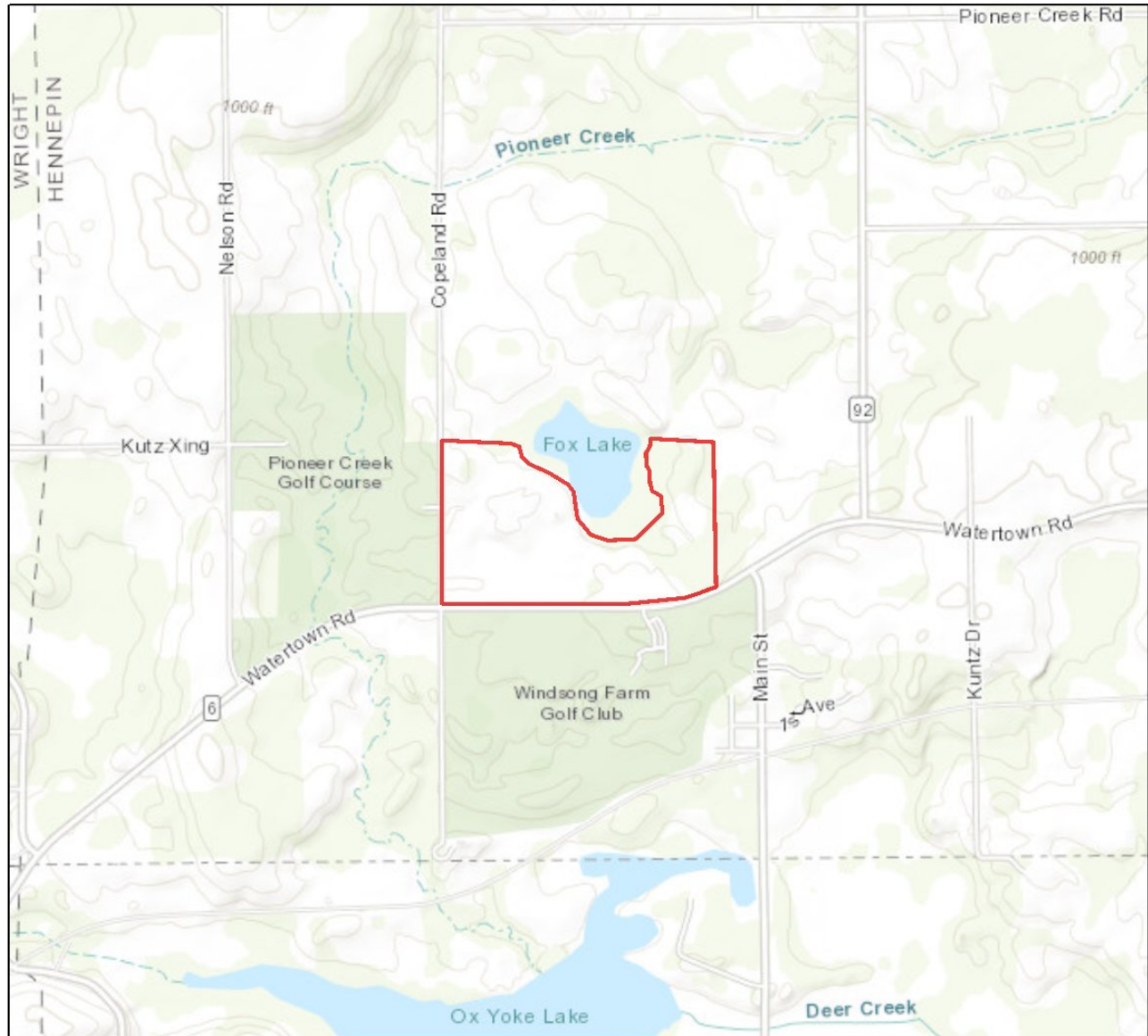
TRS: T118 R24 S29, T118 R24 S32

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



0 0.15 0.3 0.6 0.9 1.2 Miles

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: 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



## **Appendix E: Other - Nienow Cultural Consultants, LLC**

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 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 southeasternmost 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,

A handwritten signature in cursive script, reading "Jeremy L. Nienow". The signature is written in dark ink and is positioned above the printed name and title.

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

Included:      Figures 1-11





Figure 4: Project Area Map (provided by EOR)



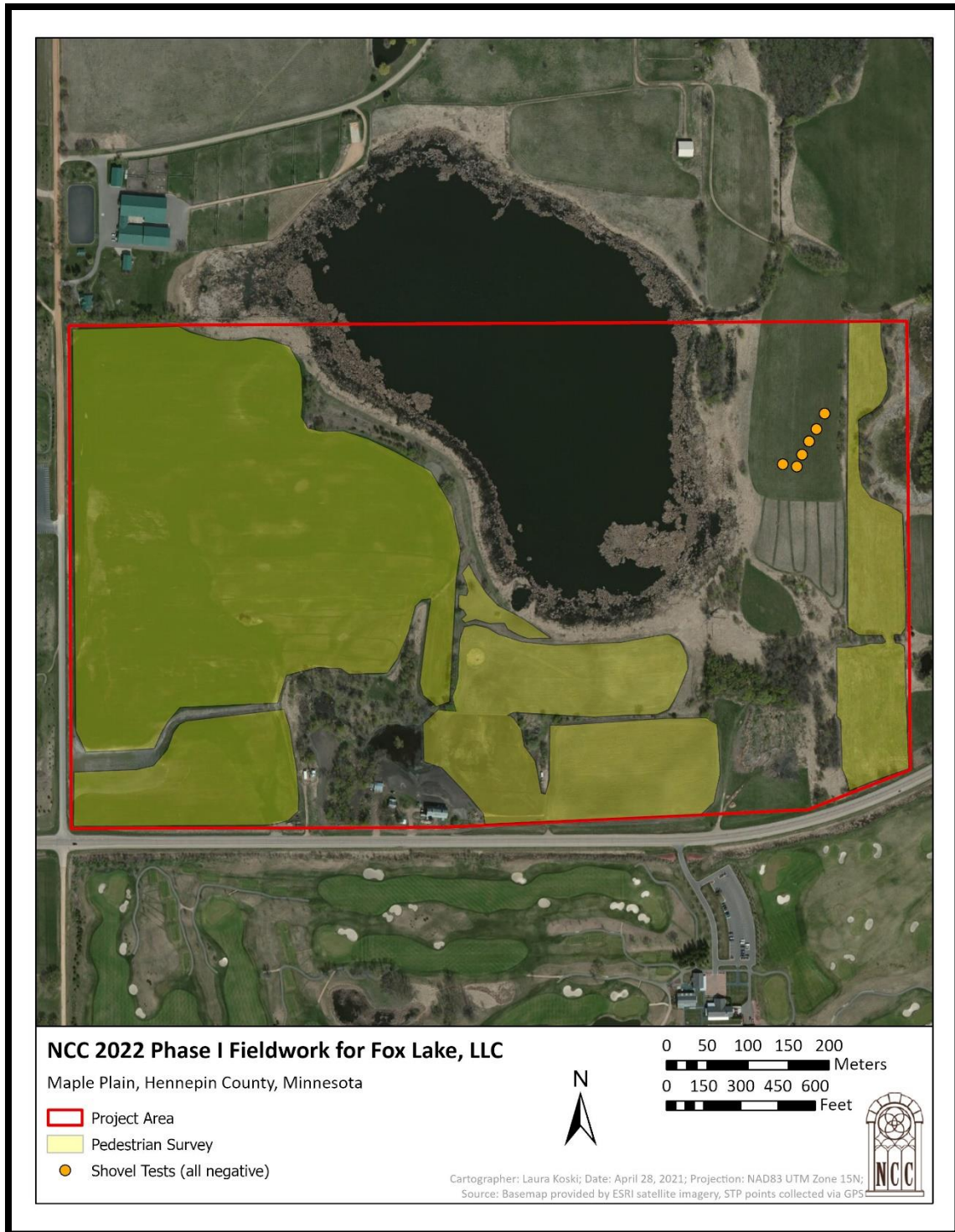


Figure 3: Close-Up Map of Shovel Testing Locations.



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 F: Other – Minnesota Pollution Control Agency**

June 1, 2022

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

Re: Windsong Farm Golf Club North Course Environmental Assessment Worksheet

Dear Mark Kaltsas:

Thank you for the opportunity to review and comment on the Environmental Assessment Worksheet (EAW) for the Windsong Farm Golf Club North Course project (Project) located in Independence, Hennepin County, Minnesota. The Project consists of the expansion of the golf course. Regarding matters for which the Minnesota Pollution Control Agency (MPCA) has regulatory responsibility and other interests, the MPCA staff has the following comments for your consideration.

**Permits and Approvals (Item 8)**

The US Army Corps of Engineers (USACE) Wetland Conservation Act (WCA) Section 404 Permit is included in Table 3, Permits and Approvals Required. Please be aware that if a USACE Section 404 Individual Permit is required for any project activity, then an MPCA Clean Water Act Section 401 Water Quality Certification must also be obtained as part of the permitting process.

**Water Resources (Item 11)*****Stormwater***

- The 125-acre golf course is a continuation of a previous portion of the Project constructed in 2001. The EAW indicates that 100 acres will be graded. Since the Project will disturb more than 50 acres and also has the ability to discharge to waters with construction-related impairments, the Stormwater Pollution Prevention Plan (SWPPP) for the Project will require review and approval from the MPCA before National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Construction Stormwater Permit (CSW Permit) coverage is obtained.
- The EAW does not adequately describe the best management practices (BMPs) to be utilized during construction or additional BMPs required for discharges to impaired waters. The EAW only states soils will be seeded as soon as feasible after grading and does not mention plans for temporary stabilization except for the steep slopes. Temporary stabilization of any exposed soils must be initiated immediately and completed within 7 days on any portions of the site where soils will not be actively worked for 7 or more days. The Project proposer should also phase the grading to limit the amount of soils exposed at one time. Also, temporary sediment ponds will be required where 5 or more acres drain to a common location.

- The Project will result in several acres of new impervious surfaces which the EAW states will be “disconnected” but does not specifically describe how stormwater will be managed in a manner that meets CSW Permit requirements. The Project requires use of a permanent stormwater management method meeting MPCA requirements to retain 1 inch of stormwater volume from all impervious surfaces via a volume reduction method, such as through use of an infiltration practice, unless prohibited for reasons specified in the CSW Permit. The EAW includes plans for an irrigation pond but does not specify whether the pond is also intended to serve as a stormwater treatment system for the new impervious surfaces. The wetlands on the site cannot be utilized for retention of stormwater unless they have gone through the wetland mitigation process. Questions regarding Construction Stormwater Permit requirements should be directed to Roberta Getman at 507-206-2629 or [Roberta.Getman@state.mn.us](mailto:Roberta.Getman@state.mn.us).

### *Surface Water*

Final wetland impacts have not been determined. However, the EAW indicates that approximately 2 acres of wetland may be impacted. If wetlands are impacted, there must be a mitigation plan that includes the replacement ratios and location. The mitigation plan must be submitted to all appropriate agencies and approved by each agency before construction can begin.

In addition, as defined by MN Stat. § 115.01, subd. 22 Waters of the state, even though there may be surface waters that are determined to be US Army Corp of Engineer non-jurisdictional or exempt from the Wetland Conservation Act, all surface waters are regulated by the MPCA, and any surface water impact, needs to be described in the application and may require mitigation.

Also, a recent Supreme Court decision overruled the vacatur of the 2020 Federal 401 rule. In response, the MPCA has reinstated the process steps defined in that rule, and applicants must request a pre-filing meeting with the MPCA at least 30 days prior to making a request for a 401 Certification. In addition, the applicant must also submit to the MPCA the Antidegradation Assessment in accordance with water quality standards Minn R. 7050.0265 and should review the antidegradation requirements in 7050.0285. For further information about the 401 Water Quality Certification process, please contact Jim Brist at 651-757-2245 or [Jim.Brist@state.mn.us](mailto:Jim.Brist@state.mn.us) or Bill Wilde at 651-757-2825 or [William.wilde@state.mn.us](mailto:William.wilde@state.mn.us).

### **Contamination/Hazardous Materials/Wastes (Item 12)**

- Please be aware that farmsteads have the potential for releases or threatened releases of agricultural chemicals. The Minnesota Department of Agriculture (MDA) is the regulatory agency charged with managing the response and cleanup of fertilizers and pesticides. Information regarding the MDA is available on the website at: <https://www.mda.state.mn.us/pesticide-fertilizer/spills-cleanup>. For questions regarding agricultural chemicals, please contact Cathy Villas-Horns with the MDA at 651-201-6697. For questions regarding waste pesticide containers, please contact Jane Boerboom with the MDA at 651-201-6540.
- In the event the existing barn was/is painted with lead-based paint, please be aware that the soil in the area around the barn may be impacted with elevated concentrations of lead due to past scraping or peeling of the barn paint. The MPCA recommends that the Project proposer obtain an environmental consultant and work with the MPCA Voluntary Investigation and Cleanup (VIC) Program to identify the presence of contamination in the location of the barn and prepare a plan for any remediation or mitigation that may be necessary. Information regarding the MPCA's VIC Program can be found on the MPCA's website at: <http://www.pca.state.mn.us/cleanup/vic.html>.

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 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](mailto:Karen.kromar@state.mn.us) or by telephone at 651-757-2508.

Sincerely,

*Karen Kromar*

*This document has been electronically signed.*

Karen Kromar  
Project Manager  
Environmental Review Unit  
Resource Management and Assistance Division

KK:rs

cc: Dan Card, MPCA, St. Paul  
Roberta Getman, MPCA, Rochester  
Bill Wilde, MPCA, St. Paul  
Cathy Villas-Horns, MDA, St. Paul  
Jane Boerboom, MDA, St. Paul

## **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](mailto: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

*N:\CommDev\LP\Communities\Independence\Letters\Independence 2022 Windsong Golf Course EAW Complete 22759-1.docx*





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,

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

Melissa Collins

Regional Environmental Assessment Ecologist | Ecological and Water Resources  
Minnesota Department of Natural Resources

Phone: 651-259-5755

Email: [melissa.collins@state.mn.us](mailto: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](mailto: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 CUP comments.

Thanks,

**Derek R. Lash, PE, CPESC, ICSD, ICCSPPI**

Senior Civil Engineer

EOR: water | ecology | community

Windsong Farm Golf Club North Course

MCE #: 2022-00259

Page 1 of 5



## 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 IPaC 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.

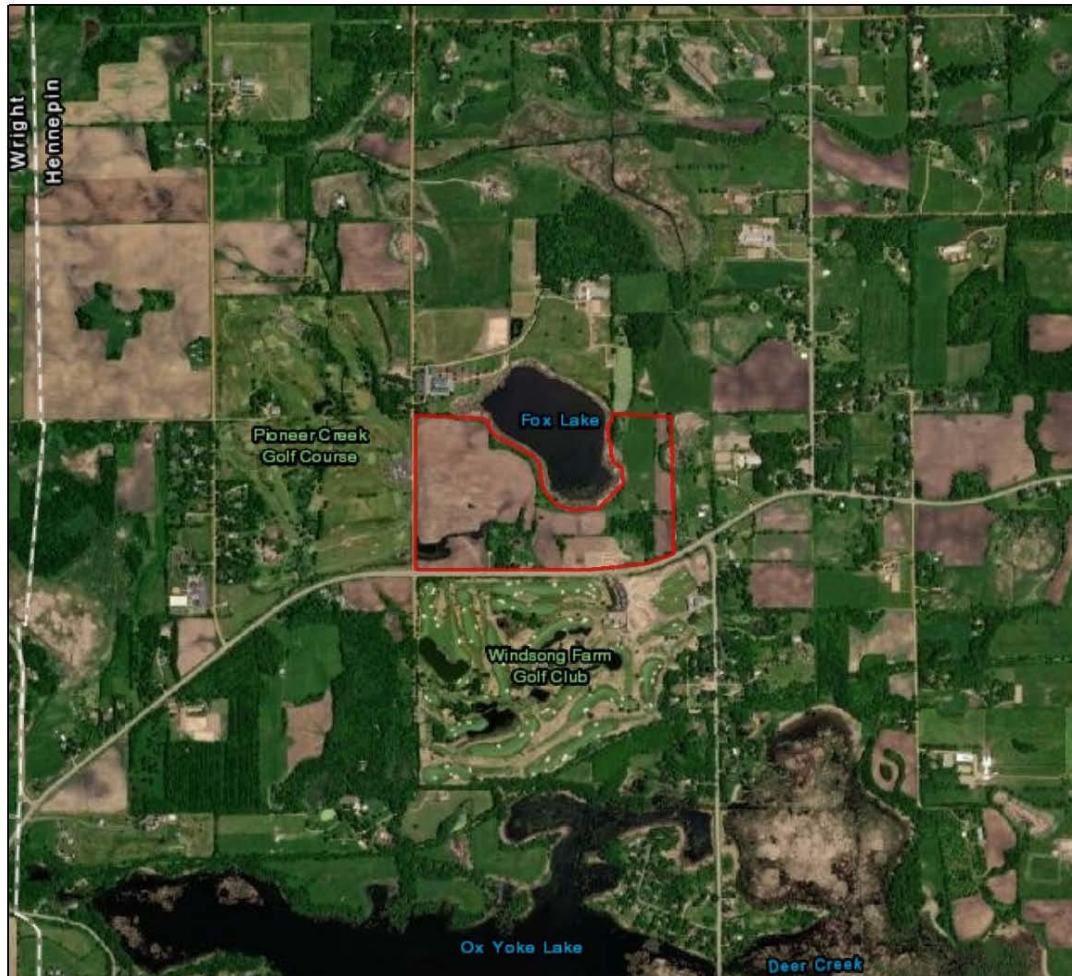
Sincerely,



Samantha Bump  
Natural Heritage Review Specialist  
[Samantha.Bump@state.mn.us](mailto: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](https://www.dnr.state.mn.us/eco/ereview/erp_regioncontacts.html)

## Windsong Farm Golf Club North Course Aerial Imagery With Locator Map



0 0.15 0.3 0.6 0.9 1.2 Miles

 Project Boundary

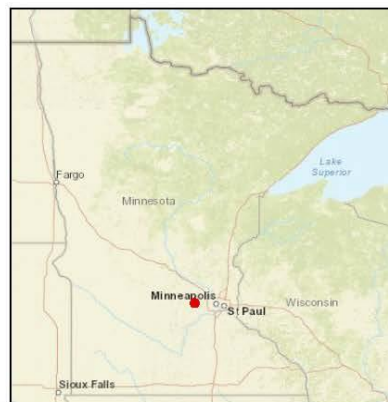
Project Type: Development, Recreational/Entertainment

Project Size (acres): 124.47

County(s): Hennepin

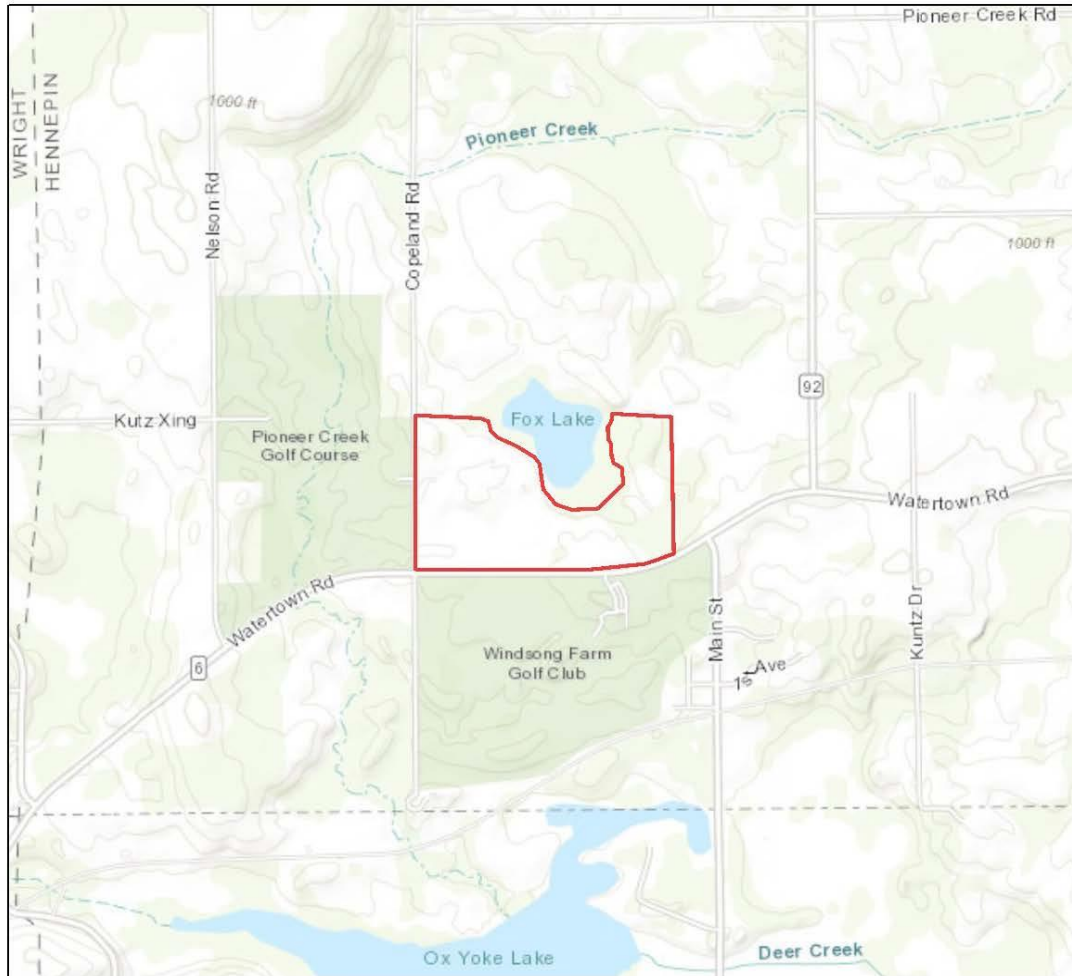
TRS: T118 R24 S29, T118 R24 S32

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



0 0.15 0.3 0.6 0.9 1.2 Miles

 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: 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 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 southeasternmost 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,

A handwritten signature in black ink, reading "Jeremy L. Nienow". The signature is written in a cursive, flowing style with a large initial "J" and "N".

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

Included:      Figures 1-11

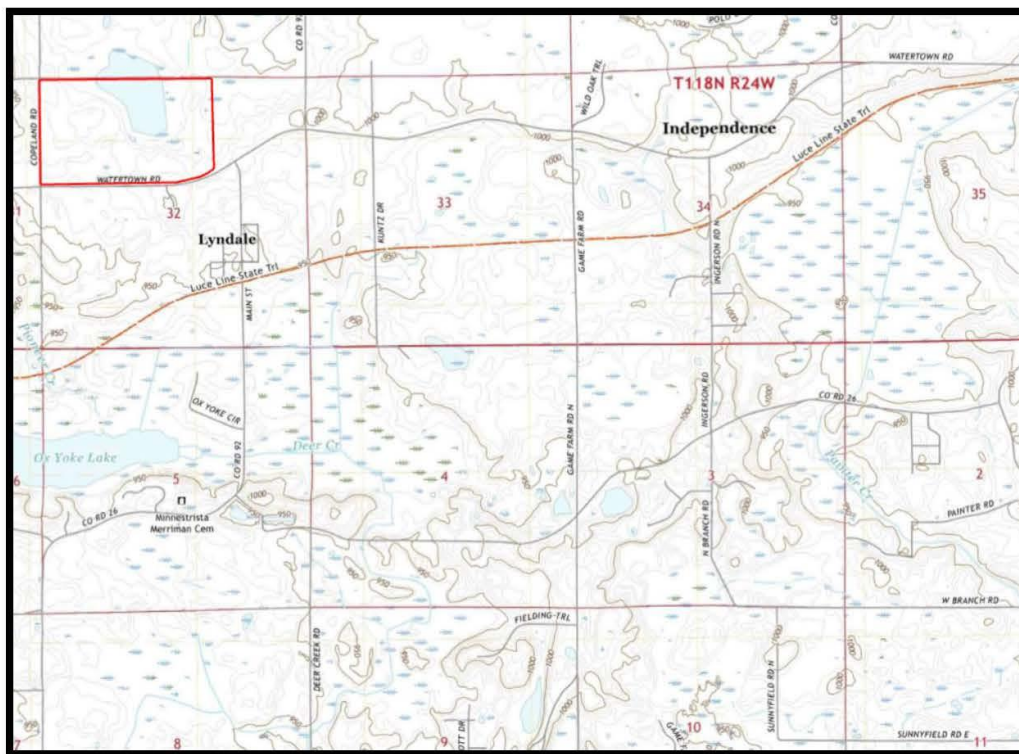


Figure 1: USGS Map of Project Area (red polygon).  
7.5' Mound Quadrangle 2022, 1:24,000





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.



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](mailto:info.pca@state.mn.us) | Equal Opportunity Employer

June 1, 2022

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

Re: Windsong Farm Golf Club North Course Environmental Assessment Worksheet

Dear Mark Kaltsas:

Thank you for the opportunity to review and comment on the Environmental Assessment Worksheet (EAW) for the Windsong Farm Golf Club North Course project (Project) located in Independence, Hennepin County, Minnesota. The Project consists of the expansion of the golf course. Regarding matters for which the Minnesota Pollution Control Agency (MPCA) has regulatory responsibility and other interests, the MPCA staff has the following comments for your consideration.

**Permits and Approvals (Item 8)**

The US Army Corps of Engineers (USACE) Wetland Conservation Act (WCA) Section 404 Permit is included in Table 3, Permits and Approvals Required. Please be aware that if a USACE Section 404 Individual Permit is required for any project activity, then an MPCA Clean Water Act Section 401 Water Quality Certification must also be obtained as part of the permitting process.

**Water Resources (Item 11)**

*Stormwater*

- The 125-acre golf course is a continuation of a previous portion of the Project constructed in 2001. The EAW indicates that 100 acres will be graded. Since the Project will disturb more than 50 acres and also has the ability to discharge to waters with construction-related impairments, the Stormwater Pollution Prevention Plan (SWPPP) for the Project will require review and approval from the MPCA before National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Construction Stormwater Permit (CSW Permit) coverage is obtained.
- The EAW does not adequately describe the best management practices (BMPs) to be utilized during construction or additional BMPs required for discharges to impaired waters. The EAW only states soils will be seeded as soon as feasible after grading and does not mention plans for temporary stabilization except for the steep slopes. Temporary stabilization of any exposed soils must be initiated immediately and completed within 7 days on any portions of the site where soils will not be actively worked for 7 or more days. The Project proposer should also phase the grading to limit the amount of soils exposed at one time. Also, temporary sediment ponds will be required where 5 or more acres drain to a common location.



- The Project will result in several acres of new impervious surfaces which the EAW states will be “disconnected” but does not specifically describe how stormwater will be managed in a manner that meets CSW Permit requirements. The Project requires use of a permanent stormwater management method meeting MPCA requirements to retain 1 inch of stormwater volume from all impervious surfaces via a volume reduction method, such as through use of an infiltration practice, unless prohibited for reasons specified in the CSW Permit. The EAW includes plans for an irrigation pond but does not specify whether the pond is also intended to serve as a stormwater treatment system for the new impervious surfaces. The wetlands on the site cannot be utilized for retention of stormwater unless they have gone through the wetland mitigation process. Questions regarding Construction Stormwater Permit requirements should be directed to Roberta Getman at 507-206-2629 or [Roberta.Getman@state.mn.us](mailto:Roberta.Getman@state.mn.us).

#### *Surface Water*

Final wetland impacts have not been determined. However, the EAW indicates that approximately 2 acres of wetland may be impacted. If wetlands are impacted, there must be a mitigation plan that includes the replacement ratios and location. The mitigation plan must be submitted to all appropriate agencies and approved by each agency before construction can begin.

In addition, as defined by MN Stat. § 115.01, subd. 22 Waters of the state, even though there may be surface waters that are determined to be US Army Corp of Engineer non-jurisdictional or exempt from the Wetland Conservation Act, all surface waters are regulated by the MPCA, and any surface water impact, needs to be described in the application and may require mitigation.

Also, a recent Supreme Court decision overruled the vacatur of the 2020 Federal 401 rule. In response, the MPCA has reinstated the process steps defined in that rule, and applicants must request a pre-filing meeting with the MPCA at least 30 days prior to making a request for a 401 Certification. In addition, the applicant must also submit to the MPCA the Antidegradation Assessment in accordance with water quality standards Minn R. 7050.0265 and should review the antidegradation requirements in 7050.0285. For further information about the 401 Water Quality Certification process, please contact Jim Brist at 651-757-2245 or [Jim.Brist@state.mn.us](mailto:Jim.Brist@state.mn.us) or Bill Wilde at 651-757-2825 or [William.wilde@state.mn.us](mailto:William.wilde@state.mn.us).

#### **Contamination/Hazardous Materials/Wastes (Item 12)**

- Please be aware that farmsteads have the potential for releases or threatened releases of agricultural chemicals. The Minnesota Department of Agriculture (MDA) is the regulatory agency charged with managing the response and cleanup of fertilizers and pesticides. Information regarding the MDA is available on the website at: <https://www.mda.state.mn.us/pesticide-fertilizer/spills-cleanup>. For questions regarding agricultural chemicals, please contact Cathy Villas-Horns with the MDA at 651-201-6697. For questions regarding waste pesticide containers, please contact Jane Boerboom with the MDA at 651-201-6540.
- In the event the existing barn was/is painted with lead-based paint, please be aware that the soil in the area around the barn may be impacted with elevated concentrations of lead due to past scraping or peeling of the barn paint. The MPCA recommends that the Project proposer obtain an environmental consultant and work with the MPCA Voluntary Investigation and Cleanup (VIC) Program to identify the presence of contamination in the location of the barn and prepare a plan for any remediation or mitigation that may be necessary. Information regarding the MPCA's VIC Program can be found on the MPCA's website at: <http://www.pca.state.mn.us/cleanup/vic.html>.



Mark Kaltsas  
Page 3  
June 1, 2022

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 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](mailto:Karen.kromar@state.mn.us) or by telephone at 651-757-2508.

Sincerely,



*This document has been electronically signed.*

Karen Kromar  
Project Manager  
Environmental Review Unit  
Resource Management and Assistance Division

KK:rs

cc: Dan Card, MPCA, St. Paul  
Roberta Getman, MPCA, Rochester  
Bill Wilde, MPCA, St. Paul  
Cathy Villas-Horns, MDA, St. Paul  
Jane Boerboom, MDA, St. Paul

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



RESOLUTION OF THE  
CITY OF INDEPENDENCE  
HENNEPIN COUNTY, MINNESOTA

**RESOLUTION NO. 23-0307-02**

A RESOLUTION ISSUING A NEGATIVE DECLARATION OF THE NEED FOR AN  
ENVIRONMENTAL IMPACT STATEMENT FOR THE WINDSONG GOLF CLUB  
NORTH COURSE EXPANSION PROJECT

**WHEREAS**, the improvements proposed as part of the Windsong Golf Club North Course Expansion Project (the “project”) will allow for the development of a second golf course; and

**WHEREAS**, pursuant to Minnesota Environmental Quality Board (EQB) Rules, Chapter 4410.4300 Subpart 36, Land Use Conversion, the project meets the thresholds for an Environmental Assessment Worksheet (EAW), and the City of Independence as the Responsible Governmental Unit (RGU) completed an EAW for the project; and

**WHEREAS**, copies of the EAW were distributed to all persons and agencies on the official EQB mailing list; and

**WHEREAS**, a notice was published in the Crow River News on May 5, 2022, and also published in the EQB Monitor on May 10, 2022 to announce the availability of the EAW to interested parties; and

**WHEREAS**, the 30-day comment period ended on June 8, 2022, and comments received have been considered; and

**WHEREAS**, based upon the comments received, the City of Independence has prepared the Findings of Fact and Conclusions including written responses; and

**WHEREAS**, all requirements for environmental review of the project have been met; and

**WHEREAS**, the EAW and permit processes related to the project have generated information that is sufficient to determine whether the project has the potential for significant environmental effects; and

**WHEREAS**, the EAW, in conjunction with comment responses, identified permitting and mitigation commitments that, if met, will address environmental effects caused by the project; and

**WHEREAS**, based on the criteria in Minnesota Rules part 4410.1700, the project does not have the potential for significant environmental effects.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Independence hereby adopts the Findings of Fact and Conclusions (FOFC) for the Windsong Golf Club North Course Project EAW.

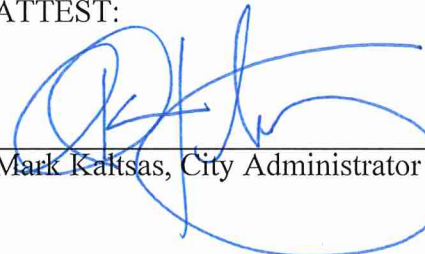
**BE IT FURTHER RESOLVED**, that based on the information contained in the EAW, comments received on the EAW, and the criteria in Minnesota Rules Chapter 4410.1700, the project does not have the potential for significant environmental impact and an Environmental Impact Statement (EIS) will not be prepared.

**BE IT FINALLY RESOLVED** that the City Council of the City of Independence hereby authorizes the distribution of a negative declaration on the need for an EIS to all parties included on the EAW distribution list and to all persons that commented in writing during the review period.

This resolution was adopted by the City Council of the City of Independence on this 7<sup>th</sup> day of March 2023, by a vote of 5 ayes and 0 nays.

  
\_\_\_\_\_  
Marvin Johnson, Mayor

ATTEST:

  
\_\_\_\_\_  
Mark Kaltsas, City Administrator