



## Final Environmental Assessment **560<sup>th</sup> Lane Township Road Relocation**

*Lyra Township, Blue Earth County, MN  
December 2021*

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Disaster #DR-4442-MN, Project # 118553, PW 1518



# FEMA

## List of Acronyms, Chemical Formulas, and Abbreviations

AADT	Average Annual Daily Traffic	NEPA	National Environmental Policy Act
ACS	American Community Survey	NHPA	National Historic Preservation Act
APE	Area of Potential Effect	NO <sub>2</sub>	Nitrogen Dioxide
BCC	Birds of Conservation Concern	NO <sub>x</sub>	Nitrogen Oxides
BMP	Best Management Practice	NPDES/SDS	National Pollution Discharge Elimination System/State Disposal System
CAA	Clean Air Act	NRCS	Natural Resources Conservation Service
CBRS	Coastal Barrier Resource System	NRHP	National Register of Historic Places
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act	NWI	National Wetland Inventory
CEQ	Council on Environmental Quality	OSHA	Occupational Safety and Health Administration
C.F.R.	Code of Federal Regulations	O <sub>3</sub>	Ozone
CO	Carbon Monoxide	PA	FEMA's Public Assistance Program
CSAH	County State Aid Highway	Pb	Lead
cu yd	Cubic Yard	PCA	Minnesota Pollution Control Agency
CWA	Clean Water Act	PM	Particulate Matter
EA	Environmental Assessment	PMP	Private Nonprofit Organizations
EDSMapS	Early Detection and Distribution Mapping System	RCRA	Resource Conservation and Recovery Act
EFH	Essential Fish Habitat	SHPO	Minnesota State Historic Preservation Office
EJ	Environmental Justice	SMSC	Shakopee Mdewakanton Sioux Community
EO	Executive Order	SO <sub>2</sub>	Sulfur Dioxide
EPA	Environmental Protection Agency	SWPPP	Stormwater Pollution Prevention Plan
ESA	Endangered Species Act	THPO	Tribal Historic Preservation Office
FEMA	Federal Emergency Management Agency	TMDL	Total Daily Maximum Load
FIRM	Flood Insurance Rate Map	USC	Upper Sioux Community of Minnesota
FONSI	Finding of No Significant Impact	USACE	U.S. Army Corp of Engineers
IPaC	Information for Planning and Consultation	U.S.C.	United States Code
MAPO	Mankato/North Mankato Area Planning Organization	USDA	U.S. Department of Agriculture
MBTA	Migratory Bird Treaty Act	USFWS	U.S. Fish and Wildlife Service
MnDOT	Minnesota Department of Transportation	USGS	U.S. Geological Survey
MNOSHA	Minnesota Occupational Safety and Health Administration	VOC	Volatile Organic Compound
NAAQS	National Ambient Air Quality Standards		

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# 1 BACKGROUND

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## 1.1 Project Authority

Between March 12 and April 28, 2019, high winds and heavy rains resulted in flooding throughout the state of Minnesota. Effects of the storm in Lyra Township, located in Blue Earth County, included significant erosion to the bank of the Maple River adjacent to 560<sup>th</sup> Lane, jeopardizing the safety of the road. President Trump issued disaster declaration DR-4442-MN for the State of Minnesota on June 12, 2019, which made disaster recovery assistance available through the Federal Emergency Management Agency (FEMA). Lyra Township applied for funding from FEMA's Public Assistance (PA) Program to underwrite the proposed project to repair damages and mitigate against future damages by relocating the road. FEMA's PA grant program provides federal assistance to government organizations and certain private nonprofit (PNP) organizations following a Presidential disaster declaration. Public Assistance is authorized by Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law [P.L.] 93-288), 42 U.S.C. §§ 5121-5207.

This environmental assessment (EA) was prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, 42 U.S.C. §§ 4321 -4370h; President's Council on Environmental Quality (CEQ) regulations to implement NEPA (40 Code of Federal Regulations [C.F.R.] Parts 1500 to 1508); U.S. Department of Homeland Security (DHS) Directive No. 023-01; rev. 1, *Implementation of the National Environmental Policy Act* (Oct. 31, 2014); DHS Instruction Manual No. 023-01-001-01, rev. 1, *Implementation of the National Environmental Policy Act* (Nov. 6, 2014); FEMA Directive No. 108-01, *Environmental Planning and Historic Preservation Responsibilities and Program Requirements* (Aug. 22, 2016); and FEMA Instruction 108-01-1, *Instruction on Implementation of the Environmental and Historic Preservation Responsibilities and Program Requirements* (Aug. 22, 2016). FEMA is required to consider potential environmental impacts before funding or approving actions and projects. The purpose of this EA is to meet FEMA's responsibilities under NEPA and to analyze the potential environmental impacts of the proposed project. FEMA will use the findings in this EA to determine whether to prepare an environmental impact statement for the proposed project or to issue a finding of no significant impact (FONSI).

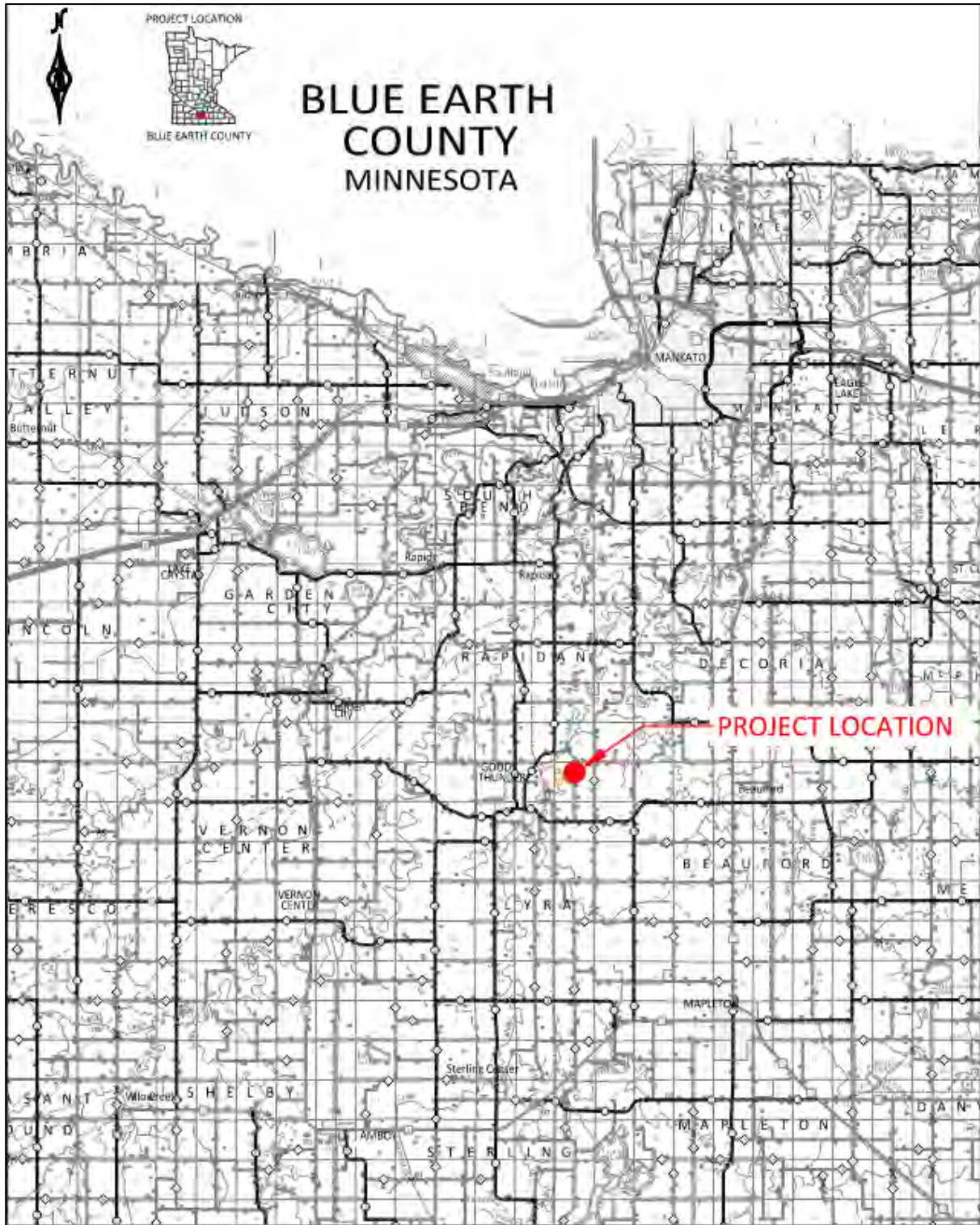
In accordance with federal laws and FEMA regulations, the EA process for a proposed federal action must include an evaluation of alternatives and a discussion of the potential environmental impacts. As part of this NEPA review, the requirements of other environmental laws and executive orders are addressed.

## 1.2 Project Location

The proposed project is located along 560<sup>th</sup> Lane in Section 2 in Lyra Township, Blue Earth County, Minnesota (**Figure 1**). Lyra Township consists of 36-square miles with a population of 324 based on the 2018 5-year American Community Survey (ACS) estimates (U.S. Census Bureau 2018).



**Figure 1 Project Location**



**Table 1-1 Existing Road Location and Coordinates**

Roadway	Midpoint		Start		End	
	Latitude	Longitude	Latitude	Longitude	Latitude	Longitude
560 <sup>th</sup> Lane	44.018727	-94.044662	44.01916	-94.04514	44.01816	-94.04476

The project area includes approximately 400-linear feet of 560<sup>th</sup> Lane where the Maple River has eroded the riverbank and encroached on 560<sup>th</sup> Lane. The roadway provides access to approximately 50 acres which includes four residences. That portion of 560<sup>th</sup> Lane beyond the project location is a dead-end road with no other access.

Maple River is a major waterway that meanders through Blue Earth County and parts of Lyra Township. The curved river channel in this project area creates a constant scouring action on the side slope. Over years of erosion the Maple River channel has moved and has now impacted the roadway of 560<sup>th</sup> Lane.

### **1.3 Purpose and Need**

FEMA's PA Grant Program provides disaster recovery funds to repair damage caused by natural or man-made disasters and to help prevent similar future damages. The project is needed because of historically unprecedented riverbank erosion and flooding caused by the fluctuations of the Maple River water levels and increased frequency and intensity of storm events. These storm events cause flooding and winter ice and debris buildup that result in scouring of the riverbank and loosening the soil structure. The most recent of these flooding events in 2019 resulted in the edge of the riverbank erosion progressing to the westerly edge of the roadway. No data has been recorded to document the amount of erosion after this flooding event. The existing roadway has remained open to travel following the erosion caused by the 2019 flooding despite the progression of the near vertical drop-off to the edge of the roadway. The township has installed concrete barriers along the edge of the roadway as a temporary measure to provide protection to the traveling public. These barriers will be removed once the new roadway is constructed. Examination of Google Earth maps show the historical migration of the river towards 560<sup>th</sup> Lane in this location. Historical maps indicate that the roadway was previously relocated away from the river around 2006. No FEMA funds were used for the previous relocation of the road.

On March 19, 2020, Lyra Township Board Members and their consultants conducted a site inspection. A summary of existing conditions from the site inspection follows, which illustrates the need for the project.

- Visual observation was made of the steep bank of the Maple River along 560<sup>th</sup> Lane adjacent to the property owned by Derrick Ballman.
- The near vertical slope is approximately 90 feet in height with no vegetative cover and extends for over 400 feet at this location.



- Visual observations indicated significant groundwater seepage at various levels on the riverbank. It appears that erosion and the steep and unstable bank have been caused by a combination of the ground water seepage and the erosive effects of the river current.
- 560th Lane is an existing gravel road that provides access to the Ballman property as well as several other properties. The unstable slope has encroached into the road right-of-way and is now approximately 20 feet from the edge of the traveled roadway. Concrete barriers have been placed along the roadway for safety of motorists.

The purpose of the project is to ensure the continued access to the residences and other properties served by 560<sup>th</sup> Lane. Maintaining that access will address the need to provide access to the properties beyond this failed location, which have no alternative means of access.

## 2 ALTERNATIVE ANALYSIS

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NEPA requires FEMA to evaluate alternatives to the proposed project and describe the environmental impacts of each alternative. NEPA also requires an evaluation of the No Action alternative, which is the future condition without the project. This section describes the No Action alternative, the Proposed Action, and alternatives considered but eliminated from further consideration.

### 2.1 Alternative 1 – No Action

Under the No Action alternative, the proposed segment of 560<sup>th</sup> Lane would not be relocated. The proximity of the erosion to the roadway poses an immediate safety concern. It is anticipated that within less than 5 years, the continuing erosion of the Maple River riverbank would encroach into the township road, necessitating the closure of the road and cutting off access to the four residences and agricultural property beyond the impacted area of the roadway.

### 2.2 Action Alternative 2 – Proposed Action

The Proposed Action includes the relocation of approximately 650 feet of 560<sup>th</sup> Lane approximately 200 feet eastward. The relocation of the roadway will provide over 200 feet of separation from the edge of the riverbank, and it is anticipated that this separation will be adequate to protect the roadway from river encroachment for at least 50 years. As such, no stabilization work, seeding or other stabilization efforts on the eroded area of the riverbank are proposed with this project.

The relocated roadway would be located on property that would be acquired from two privately owned parcels, referred to as the Ballman property and the Mann property. It is anticipated that the entire 1.9 acres of the Ballman property located east of the river, and approximately 0.15 acres of the Mann property would need to be acquired (**Figure 2**). The Township Board has initiated discussions with the owners of the Ballman property, and they have indicated their willingness to work with the Township on the acquisition of their property for the proposed road relocation. The access to the Mann residence would need to be reconfigured with the relocated road. Township officials anticipate that the owners of the Mann property would also be willing to work cooperatively to provide the property needed to accommodate the roadway relocation. **Figure 3** depicts a concept plan of the proposed road relocation.

The road relocation would occur in four stages:

- Stage 1: Acquisition of the Property
- Stage 2: Mobilization, Maintenance of Traffic, and Erosion Control
- Stage 3: Earthwork and Roadbed Relocation
- Stage 4: Roadway Surfacing

**Figure 2 Property Owners**





*Figure 3 Proposed Alignment*



**Stage 1: Acquisition of the Property**

Stage 1 would involve the acquisition of the property required for the proposed road relocation. It is anticipated that this will be accomplished through a negotiated purchase agreement and not through the eminent domain process.

**Stage 2: Mobilization, Maintenance of Traffic, and Erosion Control**

Stage 2 would involve the mobilization of construction equipment and materials, temporary erosion control, clearing and grubbing trees, and demolition of the existing house and garage. This stage would include the following activities:

- Mobilize equipment and secure materials for the construction. It is anticipated that the Ballman property will be used as the construction staging site.
- Provide temporary erosion control for the relocation of the road and related work.
- Demolish the Ballman house and garage; cap well; decommission septic system; disconnect power source; and dispose of debris at construction and/or sanitary landfills as required.
- Clear and grub trees within construction limits, disposing of wood and debris in accordance with all regulations.
- Maintain temporary access along the alignment of the existing road.

**Stage 3: Earthwork and Roadbed Relocation**

Stage 3 would involve earthwork and relocation of the roadbed, and would include the following activities:

- Relocate the roadbed approximately 200-feet easterly from the river. The disturbed area for the relocated road segment would be approximately 600-feet long and approximately 80-feet wide.
- Grade the roadbed to elevate the road 4 to 5 feet and then sloping the shoulders to match the slope of the surrounding area. The raised roadbed would be approximately 26-feet wide and surfaced with aggregate.
- Add topsoil and grass seed adjacent to the graded roadbed (20 feet on each side) to match the additional height of the fill and sloped down toward the base of the graded earthwork.
- Relocate the driveway to the Mann property.
- Remove temporary concrete barriers.

**Stage 4: Roadway Surfacing, Final Grading and Turf Restoration**

Stage 4 would involve road surfacing, turf restoration, and landscaping. This stage of the project would include the following activities:

- Install a 24-feet wide and 8-inch-deep aggregate surfacing.
- Grade and shape topsoil, turf restoration, and permanent erosion control measures.

## 2.3 Alternatives Considered and Eliminated from Further Consideration

The three conceptual alternatives described below were considered but dismissed from further analysis because of cost and community impact.

- The armoring and/or stabilization of the riverbank without relocating the roadway was considered as an alternative. Due to the height and severity of the slope and the presence of groundwater seepage, it was determined that stabilizing the riverbank in its current state without excavating the bank to a more stable slope would not be feasible. Any excavation to stabilize the slope would require the relocation of the roadway, and so this alternative was not considered further.
- The abandonment of the portion of 560th Lane adjacent to the eroded area of the Maple River and the construction of a new township road from the east to serve the agricultural property and the four residences was considered as an alternative. The new township road alignment would connect to Ivy Road and extend southwesterly approximately 2000-feet, connecting to the portion of 560th Lane located east of the eroded area of the river. Access to the Mann property would need to be reconfigured. The access to the Ballman property would also need to be reconfigured but would be more problematic due to the proximity of the existing access to the eroded riverbank. The new township road alignment would be extended across private property (Pongratz property) and the acquisition of property for the new road right of way would be required. The options for the new township road alignment would be limited due to heavily wooded areas and severe topography, and the alignment would cross areas that are subjected to flooding on a regular basis. The only feasible alignment in the area of the Pongratz homestead would be located very close to the residence and other buildings. What is now a dead-end road that terminates at the Pongratz homestead would become a through-roadway that would carry traffic to points beyond. Due to the proximity of the roadway to the buildings and increased traffic, it is anticipated that the owners of the Pongratz property would not willingly provide the property required for the new township road alignment, and it is likely that condemnation would be necessary (**Figure 2**).
- The permanent closure of the portion of 560th Lane adjacent to the eroded area of the Maple River and purchasing all properties beyond the impacted area so no further access would be required was also considered. This alternate would require purchase of four homes and associated land, the relocation and/or demolition of the existing buildings, as well as decommissioning of wells and septic systems. This alternative was not considered for further evaluation because of the extensive costs.

### 3 AFFECTED ENVIRONMENT AND CONSEQUENCES

This section describes the natural and human environment of the study area potentially affected by the alternatives, evaluates potential impacts, and recommends measures to avoid or reduce those impacts. When possible, quantitative information is provided to establish potential impacts, but qualitative information may also be used where data are unavailable. Potential impacts are then evaluated qualitatively based on the criteria listed in **Table 3.1**.

The “study area” generally includes the improvements area and access and staging areas needed for the proposed action. If the study area for a particular resource category is different from the project area, the differences will be described in the appropriate subsection.

**Table 3-1 Evaluation Criteria for Potential Impacts**

Impact Scale	Criteria
None/Negligible	The resource area would not be affected, or changes or benefits would be either nondetectable or, if detected, would have effects that would be slight and local. Impacts would be well below regulatory standards, as applicable.
Minor	Changes to the resource would be measurable, although the changes would be small and localized. Impacts or benefits would be within or below regulatory standards, as applicable. Mitigation measures would reduce any potential adverse effects.
Moderate	Changes to the resource would be measurable and have either localized or regional scale impacts/benefits. Impacts would be within or below regulatory standards, but historical conditions would be altered on a short-term basis. Mitigation measures would be necessary, and the measures would reduce any potential adverse effects.
Major	Changes would be readily measurable and would have substantial consequences on a local or regional level. Impacts would exceed regulatory standards. Mitigation measures to offset the adverse effects would be required to reduce impacts, but long-term changes to the resource would be expected.

#### 3.1 Preliminary Screening of Assessment Categories

Based on a preliminary screening of resources and the project’s geographic location, the following resources do not require a detailed assessment.

- *Coastal Barrier Resources System (CBRS)*. The Coastal Barrier Resources Act, 16 U.S.C. §§ 3501-3510, is not applicable because the project is not within or near a CBRS unit (U.S. Fish and Wildlife Service [USFWS] 2019a). Note, full citations to reference documents are found in Section 7.3 to this Environmental Assessment, listing source documents by author, or agency and year.
- *Coastal Zone Management*. The Coastal Zone Management Act (CZMA), 16 U.S.C. §§ 1451-1464, ch. 33, enacted in 1972, is not applicable because the project is not near a coast.
- *Seismic Risks*. Executive Order (EO) 12699, Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction, does not apply because there is low



seismic risk in the project area based on seismic hazard maps developed by the U.S. Geological Survey (USGS). This includes less than 1 percent chance of potentially minor damage ground shaking in the 2018 Short-Term Seismicity Model (2018a), and the lowest hazard in the 2018 Long-Term National Seismic Hazard Map (2018b).

- *Sole Source Aquifers*. There are no sole-source aquifers regulated by the Safe Drinking Water Act of 1974, 42 U.S.C. §§ 300f *et seq.*, in the vicinity of the project area (EPA, 2019).
- *Essential Fish Habitat (EFH)*. The Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. §§ 1801 *et seq.*, does not apply because there are no Habitat Areas of Particular Concern and no EFH Areas identified at the project site according to the NOAA Essential Fish Habitat Mapper (NOAA, 2020).
- *Wild and Scenic Rivers*. The Wild and Scenic Rivers Act, 16 U.S.C. §§ 1271 *et seq.*, is not applicable because there are no federally designated wild and scenic rivers in the project areas based on a review of the National Wild and Scenic Rivers System website maintained by the National Park Service (NPS, 2019). The closest federally designated wild and scenic river is the St. Croix River, approximately 79.3 miles northeast of the project area.

## **3.2 Physical Environment**

### **3.2.1 Geology, Soils, and Topography**

Bedrock geology was characterized using the Minnesota Geological Survey map of Bedrock Geology of the Good Thunder Quadrangle, Blue Earth County, MN (Map M-146, 2004). Underlying bedrock in the project area consists of dolomite-cemented, very fine-grained sandstone and siltstone, with laminated green shale and pink to red, finely- to coarsely-crystalline dolostone occurring as interbeds. The bedrock is part of the St. Lawrence Formation dating to the Late Cambrian period (515 to 485.4 million years ago). The St. Lawrence Formation is from 60 to 80 feet thick where it is not dissected by erosion and is covered by Quaternary glacial drift and alluvium and does not crop up in this area.

Soils in the project area were identified using the U.S. Department of Agriculture (USDA) Natural Resource and Conservation Service (NRCS) Web Soil Survey (accessed May 2021). The majority of the area on which the current alignment of 560<sup>th</sup> Lane is situated contains Shorewood silty clay loam. This soil type consists of very deep, moderately well-drained and somewhat poorly drained soils that formed in clayey glacial lacustrine sediments and underlying loamy calcareous till on glacial lake plains and moraines (NRCS Web Soil Survey, 2021). The web soil survey characterizes slopes ranging from 1 to 6 percent.

East of 560<sup>th</sup> Lane and west along the Maple River some areas consist of Storden complex soils and are very steep. This soil type consists of very deep, well-drained soils that formed in calcareous loamy glacial till on glacial moraines (NRCS Web Soil Survey, 2021). The web soil survey characterizes slopes ranging from 45 to 65 percent. This includes much of the area where significant erosion has occurred adjacent to 560<sup>th</sup> Lane. Soil types in the project area are

identified in **Figure 4**, with Shorewood silty clay loam labeled as 286, and Storden complex labeled as 961.

**Figure 4 Soils**



Another of the features of soils is their suitability for farming. The purpose of the Farmland Protection Policy Act of 1981, 7 U.S.C. §§ 4201 *et seq.*, is to minimize the extent that federal programs contribute to the unnecessary and irreversible conversion of prime and important farmland to non-agricultural uses. The conversion of prime or unique farmland must be considered whenever Federal funding or time is used in the direct or indirect conversion of prime farmland unless an exemption exists.

Topography in the project area was determined using the Minnesota Department of Natural Resources MnTOPO Viewer (MnDNR, 2021a). Topography consists of the Maple River basin (909 feet NAD83 UTM 15 per MnTOPO), steeply sloped banks and relatively flat upland areas interspersed with other steeply sloped ravines. The existing alignment of 560<sup>th</sup> Lane is perched atop the relatively flat upland area (989 feet NAD83 UTM 15), but steeply sloped riverbanks are quickly approaching the road due to increasingly frequent storms and high water levels eroding the bank. The slope from the center of the road to the edge of the Maple River at a near point is

approximately 48 percent. The edge of the eroding slope is in some places only 20 feet from the edge of 560<sup>th</sup> Lane.

### ***Alternative 1 – No Action***

Under the No Action alternative, it is estimated that within less than five years continued erosion will encroach into the township road, necessitating closure of 560<sup>th</sup> lane and cutting off access to the four residences and agricultural property beyond the immediately impacted area of the roadway. For soils and topography, erosion is expected to continue. No impacts to prime or unique farmland would be expected.

### ***Action Alternative 2 – Proposed Action***

This alternative requires earthwork and relocation of the roadbed approximately 200 feet to the east of the existing roadway. The disturbed area is expected to be approximately 600 feet long and 80 feet wide. Earthwork will include compaction of soils, added materials and grading to elevate the road 4 to 5 feet and then slope the shoulders to match the surrounding topography. A relocated driveway will be added to the Mann property at the north end of the new roadway segment.

The Proposed Action includes the abandonment of a portion of the existing roadway nearest the Maple River. Gravel pavement will be removed. As portions of the roadbed are expected to be directly impacted by erosion, soil will be added and the area will be seeded.

Bedrock depth is more than 80 inches in this area and it is not anticipated that the geology would be impacted by the Proposed Action (U.S. Geological Survey, 2004).

The relocation of 560<sup>th</sup> Lane would have minor short-term impacts on soils and topography resulting from the excavation of the existing road and placement of on-site clean fill to construct and elevate the relocated road. Preliminary estimates have been calculated for soil to be excavated and additional soil or material to be brought on site. Relocation of 560<sup>th</sup> Lane would involve the excavation of 500 cubic yards (cu yd) to remove the existing road. The new 560<sup>th</sup> Lane would require the excavation and removal of 2,600 cu yd. Approximately 500 cu yd of the excavated material from the new road would be used as fill to elevate the old road 4 to 5 feet above its existing grade to elevations ranging from 980' to 992' NAD83 UTM 15, which would result in a minor long-term impact on the topography in the project area. The aggregate base for the new road would require an additional 420 cu yd of fill.

The removal of the existing house basement, garage slab, and sidewalks would require approximately 600 cu yd of fill, which will be either salvaged aggregate base from the existing road or imported granular fill.

No bank restoration is planned with the Proposed Action, and erosion would be expected to continue until a point where a more resilient slope would be stabilized by naturally establishing vegetation.

Though a portion of the project area contains approximately 3.8 acres of prime and important farmland that will be directly converted for this project, the NRCS has determined that the project area meets the small acreage exemption. This exemption permits the conversion of small acreages, i.e. 10 acres or less per linear mile or 3 acres where there is a project for an existing bridge or interchange), where a local Land Evaluation and Site Assessment system has been approved by a state conservationist. NRCS established this exemption to encourage improvements to existing linear projects, such as highways [NRCS, Farmland Protection Policy Act Manual, § 523.11.E(1) (Aug. 2012)]. Correspondence related to the Farmland Conversion Impact Rating and small acreage exemption is included in **Appendix A**.

### **3.2.2 Water Resources and Water Quality**

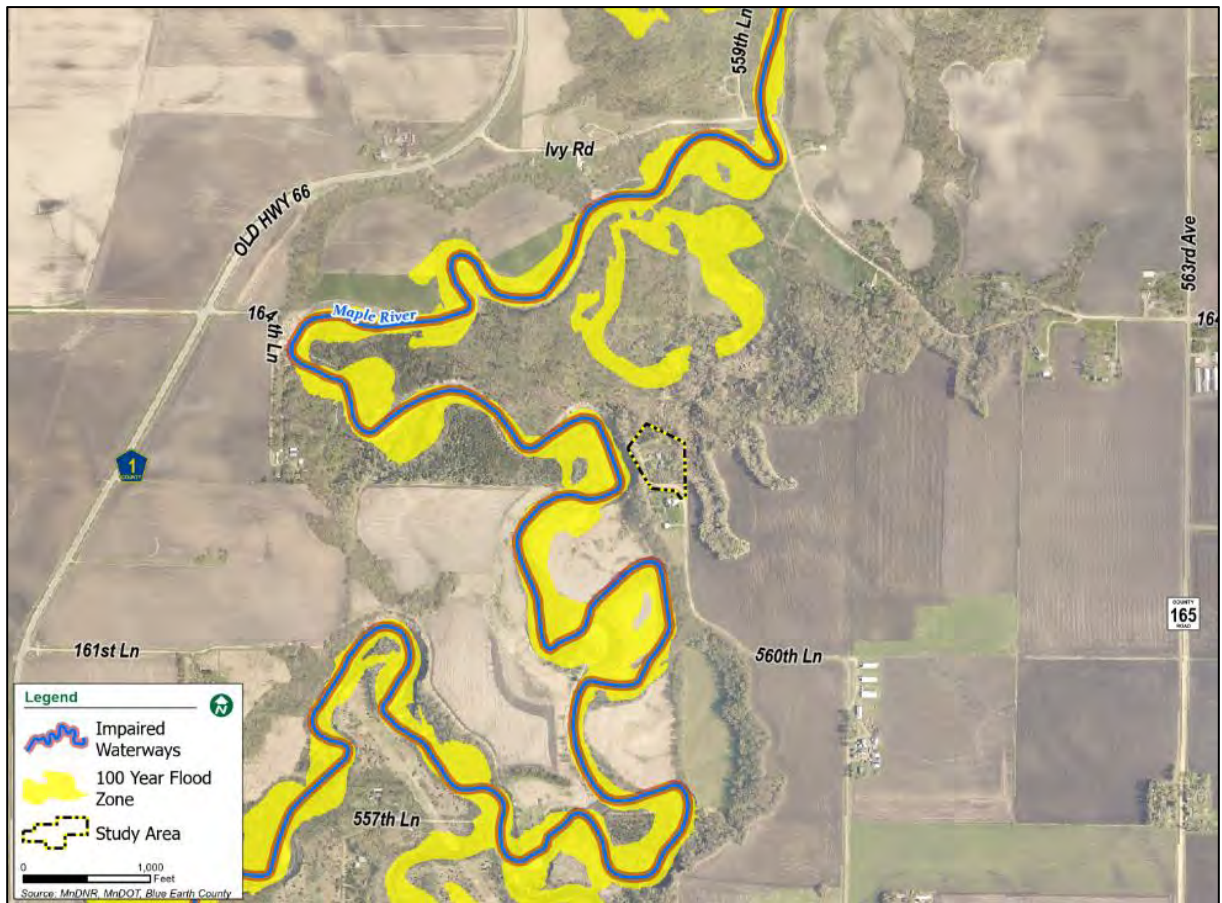
Water resources include surface water, groundwater, stormwater, and drinking water (wetlands are evaluated in **Section 3.3.2**). The project area is adjacent to the Maple River, which is regulated as a water of the United States and water of the state of Minnesota under federal and state law. The Maple River is an 80.3-mile-long tributary of the Le Sueur River, which subsequently drains into the Blue Earth and Minnesota Rivers, and is part of the greater Mississippi River Watershed.

The Clean Water Act (CWA) of 1977, 33 U.S.C. §§ 1251 *et seq.*, regulates the discharge of pollutants into water, with various sections falling under the jurisdiction of U.S. Army Corps of Engineers (USACE) and the U.S. Environmental Protection Agency (EPA) or as delegated to the state. Section 404 of the CWA establishes USACE permit requirements for discharge of dredged or fill materials into waters of the United States. Section 401 of the CWA is administered by Minnesota Pollution Control Agency (MPCA) and provides regulations for the protection of water quality on projects that involve dredge or fill in waters of the United States (Minnesota Statutes 2020, section 115.01 to 115.09, Water Pollution Control Act). Under the National Pollution Discharge Elimination System/SDS (NPDES/SDS) (Section 402 of the CWA), regulation of both point and nonpoint pollutant sources, including stormwater and stormwater runoff, has been delegated to the state and is administered by the MPCA. As part of the NPDES/SDS, a Stormwater Pollution Prevent Plan (SWPPP) is required. USACE regulation of activities within navigable waters is also authorized under the Rivers and Harbors Act of 1899, 33 U.S.C. §§ 403 *et seq.*

The MPCA manages the Total Daily Maximum Load (TMDL) List and Inventory of Impaired Waters per Section 303(d) of the CWA. The 2020 TMDL List and Inventory of Impaired Waters show the Maple River is listed as impaired in the project area (between Rice Creek and the Le Sueur River) (**Figure 5**). Turbidity is listed as the pollutant of concern. A TMDL plan was approved in 2020 (TMDL ID PRJ00012-002A). The Le Sueur River downstream between the Maple River and Blue Earth River was delisted in 2014 with applicable water quality standards attained due to restoration activities. The Blue Earth River and Minnesota River are included on the impaired waters list.



**Figure 5 Impaired Waterways**



Groundwater underlying the project area is contained within buried sand and gravel and Quaternary deposits, with additional aquifers associated with deeper bedrock layers. Municipalities and commercial operations more commonly use the aquifers associated with the non-Cretaceous bedrock layers because of their thickness, extent, predictability, and features that affect water yield. The Maple River basin is underlain by the Jordan aquifer, the St. Lawrence Formation (considered an aquitard) and the Tunnel City Group. An enhanced permeability zone is generally found in the uppermost 50 feet of all sedimentary bedrock units. Shallow water table conditions (0-10 feet) are common across Blue Earth County, with the exception of uplands along the incised lower reaches of the Maple River. Depth to the water table here may be much greater than the estimated shallow depth across the rest of the county. The surficial sand aquifer is a minor source of human water supply but a critical water source for most aquatic habitats. (MnDNR, 2016).

The Minnesota Department of Natural Resources evaluated groundwater pollution sensitivity across Blue Earth County, including for each buried sand aquifer and bedrock surface. The buried sand aquifers under the Maple River Valley in the project area generally have very low pollution sensitivity, but locations within the river valley where aquifers come close to the surface or are hydraulically connected to the surface through interconnected aquifers have been shown to

have moderate to very high pollution sensitivity. Bedrock aquifers in the project area have been shown to have very low pollution sensitivity (MnDNR, 2016).

EPA defines “water quality” as “the condition of a water body as it relates to purposes such as recreation, scenic enjoyment, aquatic habitat, and human health.” Water quality is regulated by both the CWA and Minnesota State Statutes.

Stormwater runoff affects water quality in surface waters, such as the Maple River and its distributaries. The watershed in which the project area is located is predominantly rural and adjacent upland areas are in agricultural use. Contaminants, including eroded soils, fertilizers (synthetic and manure), herbicides, pesticides and road chemicals can be transported from adjacent farm fields and roads to the Maple River and tributary creeks during storm events and flooding.

### ***Alternative 1 – No Action***

Under the No Action alternative, erosion of the existing eastern bank of the Maple River will continue, adding to turbidity in the Maple River. No additional construction activities will add to any surface water pollutants. The No Action alternative would not have an impact on groundwater.

### ***Alternative 2 – Proposed Action***

Minor short-term impacts on water quality would occur for both the removal of the exiting roadbed and the installation of a new alignment for 560<sup>th</sup> Lane. The existing roadway would be seeded for soil stabilization. The new alignment would be compacted, and the new road would be elevated 4 to 5 feet, with shoulders graded gradually to match surrounding areas and seeded.

During construction, exposed soil is vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of habitat for aquatic species. Clearing and grading during construction would cause the temporary loss of vegetation and exposure of soil to the elements. To mitigate potential impacts from erosion during construction, the project sponsors would be responsible for preparing a Stormwater Prevention Plan (SWPPP) and obtaining a National Pollutant Discharge Elimination System (NPDES) Permit from the PCA as well as all other applicable permits. An SWPPP will likely be required due to the area likely to be disturbed in the construction of a new road alignment, removal of the old roadway, and proximity to highly erodible areas (MSS 130F.411).

Minor, short-term impacts on water resources and water quality from construction runoff would be minimized with the implementation of Best Management Practices (BMPs), and mitigation measures specified in the NPDES/SDS permit.

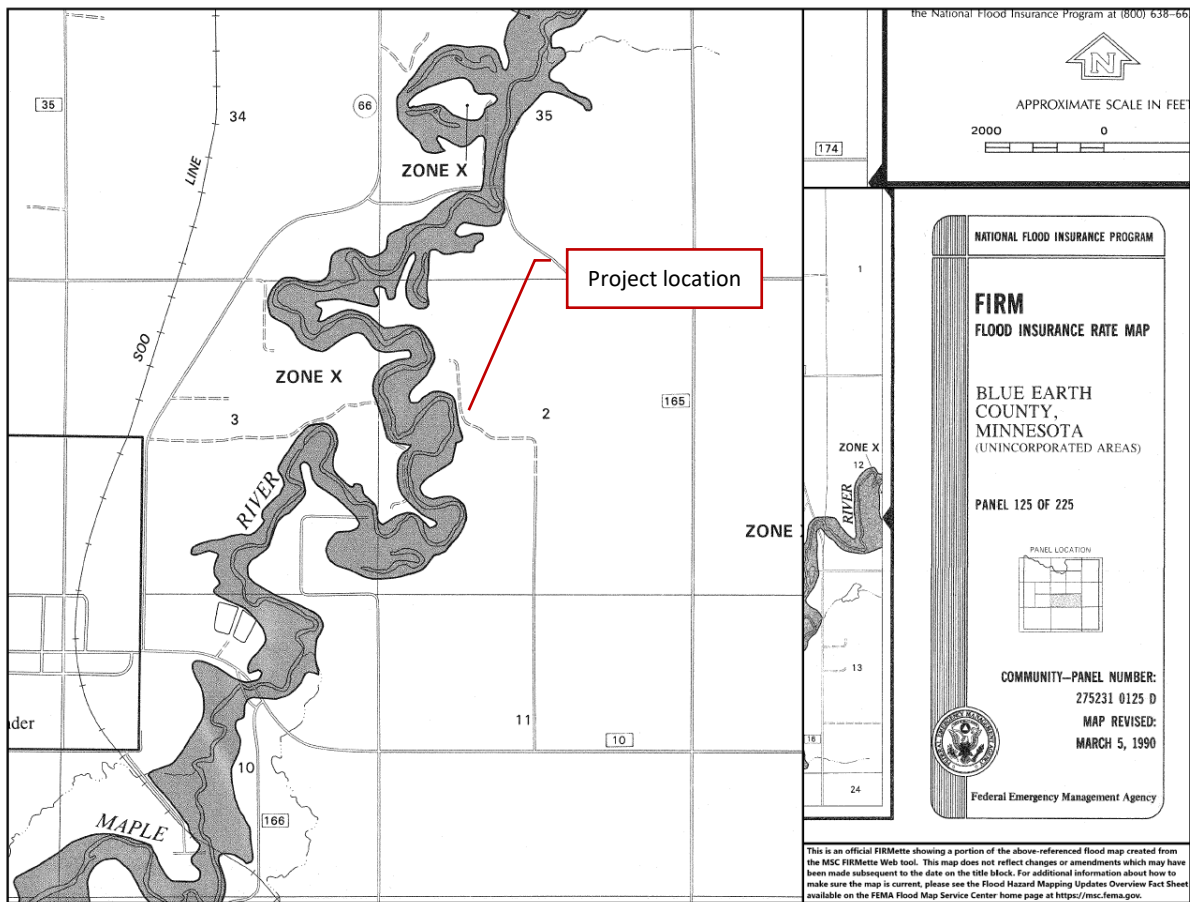
The proposed action does not include any bank stabilization along the Maple River. Erosion would be expected to continue due to storm events and flooding, though not as a result of the proposed action.

### 3.2.3 Floodplain Management (Executive Order 11988)

Executive Order (EO) 11988, Floodplain Management, requires federal agencies to minimize occupancy and modification of the floodplain. Specifically, EO 11988 prohibits federal agencies from funding construction in the 100-year floodplain unless there are no practicable alternatives. FEMA's regulations for complying with EO 11988 are promulgated in 44 C.F.R Part 9. Based on those regulations, no Floodplain Management checklist is required.

The bank of the Maple River adjacent to the proposed project area has experienced significant erosion due to scouring during storm events and flooding. The current effective FIRM panel (2752310125D, 3/5/1990) (**Figure 6**) shows the location of the existing roadway and proposed new alignment as outside of the mapped Maple River floodplain and considerably upgradient.

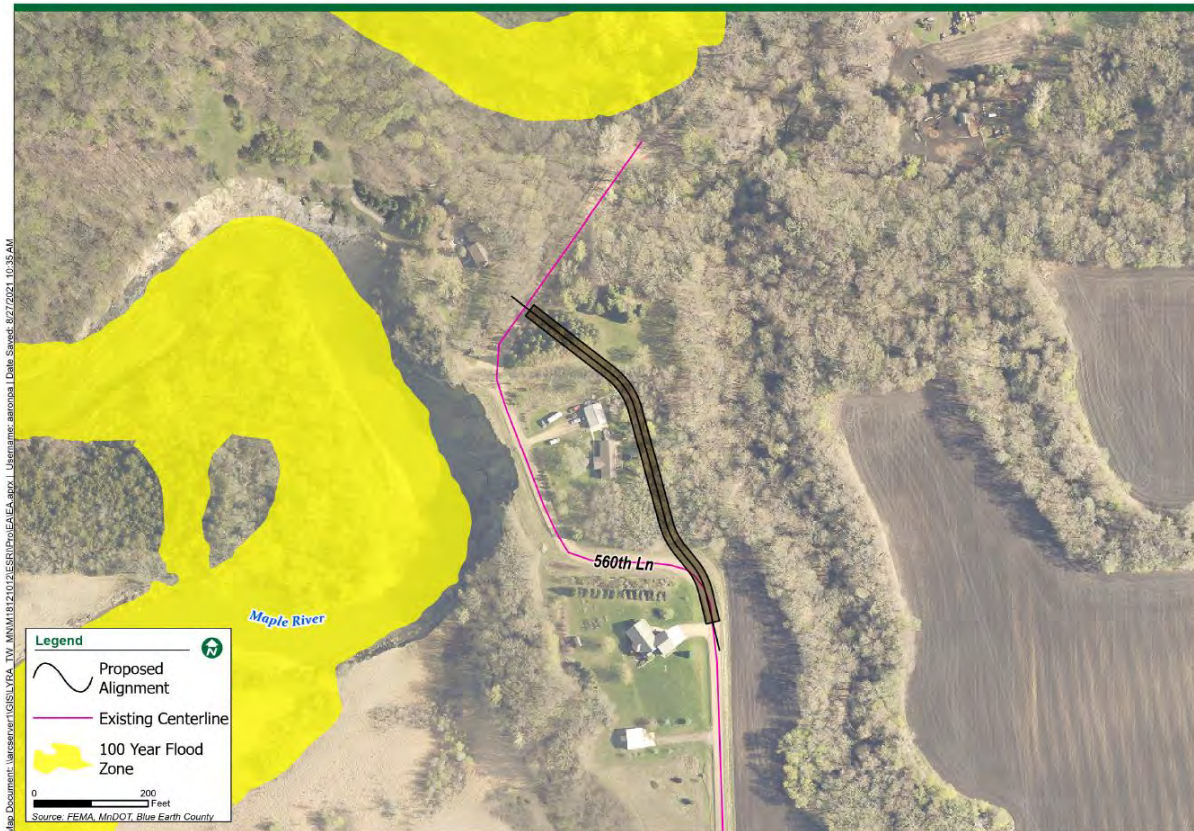
**Figure 6: Flood Insurance Rate Map**



The design flood or 1-percent-annual-chance (100-year) floodplain elevation at the proposed project area location adjacent to the Maple River has not been determined in the most recent preliminary Flood Insurance Rate Map (FIRM) panel (issued 8/28/20) (**Figure 7**).



**Figure 7: Preliminary Flood Insurance Rate Data**



### **Alternative 1 – No Action**

Under the No Action alternative, there would be no construction, and therefore, no direct modification of the floodplain. There would be long-term impacts from continued erosion of the Maple River bank adjacent to the existing 560<sup>th</sup> Lane. It is expected that erosion will encroach upon the roadway within five years and require full closure of the road, including road access to properties to the north.

### **Action Alternative 2 – Proposed Action**

Relocation of 560<sup>th</sup> Lane will require the removal of the existing road alignment and construction of a new road approximately 200 feet east. None of these activities are likely to take place within the known floodplain. Minor, short-term impacts on the floodplain are expected as a result of soil disturbance by excavators and other heavy equipment and due to the removal of vegetation in the area of the relocated roadway.

Overall, the relocation of 560<sup>th</sup> Lane would provide a long-term benefit by ensuring access to private properties is not endangered by immediate erosion encroaching on the roadway.

The proposed project does not include any bank stabilization along the Maple River. Erosion would be expected to continue due to storm events and flooding, though not as a result of the proposed action. As the proposed work is outside of the 100 year flood zone, there would be no impacts to the floodplain.

### **3.2.4 Air Quality**

The Clean Air Act (CAA), 42 U.S.C. §§ 7401 *et seq.*, requires EPA to set National Ambient Air Quality Standards (NAAQS) for pollutants considered harmful to public health and the environment. The CAA established two types of national air quality standards. Primary standards set limits to protect public health, including the health of sensitive populations such as asthmatics, children, and the elderly. Secondary standards set limits to protect public welfare, including protection against decreased visibility and damage to animals, crops, vegetation, and buildings. Current criteria pollutants are carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), ground-level ozone (O<sub>3</sub>), lead (Pb), particulate matter (PM), and sulfur dioxide (SO<sub>2</sub>).

Federally funded actions in nonattainment and maintenance areas are subject to EPA conformity regulations, 40 C.F.R. Parts 51 and 93. The air conformity analysis process ensures that emissions of air pollutants from planned federally funded activities would not affect the state's ability to achieve the CAA goal of meeting the NAAQS. Section 176(c) of the CAA requires that federally funded projects must not cause any violations of the NAAQS, increase the frequency or severity of NAAQS violations, or delay timely attainment of the NAAQS or any interim milestone. Activities that would cause emissions to exceed the NAAQS or cause an area to fall out of attainment status would be considered a significant impact. The emissions from construction activities are subject to air conformity review.

Under the general conformity regulations, a determination for federal actions is required for each criteria pollutant or precursor in nonattainment or maintenance areas where the action's direct and indirect emissions have the potential to emit one or more of the six criteria pollutants at rates equal to or exceeding the prescribed *de minimis* rates for that pollutant. The prescribed annual rates are 50 tons of volatile organic compounds (VOCs) and 100 tons of nitrogen oxides (NO<sub>x</sub>) (O<sub>3</sub> precursors) and 100 tons of PM<sub>2.5</sub>, SO<sub>2</sub>, or NO<sub>x</sub> (PM<sub>2.5</sub> and precursors).

An area is classified as nonattainment when it does not meet NAAQS standards. According to EPA's NAAQS county attainment record, Blue Earth County is in attainment for all NAAQS criteria pollutants (EPA, 2020).

#### ***Alternative 1 – No Action***

Construction activities would not occur under the No Action alternative. The existing 560<sup>th</sup> Lane would eventually need to be closed for safety purposes. This would have a minor, long-term positive impact on air quality due to decreased emissions from motor vehicles.

## ***Action Alternative 2 – Proposed Action***

The Proposed Action would have short-term impacts on air quality owing to the use of construction equipment with diesel and gasoline engines. During the construction phase, exposed soil could temporarily increase airborne particulate matter into the project area. Emissions from construction equipment could have minor temporary effects on the levels of some pollutants, including CO, VOCs, NO<sub>2</sub>, O<sub>3</sub>, and PM. Emissions would be temporary and localized, and only minor impacts to air quality in the project area would occur. BMPs and mitigation measures for air quality impacts are provided in **Section 6.2**.

Long-term operation of the road would have negligible impacts on air quality with only localized trips using 560<sup>th</sup> Lane. The Proposed Action would not increase traffic capacity.

## **3.3 Biological Environment**

### **3.3.1 Terrestrial and Aquatic Environment**

Most of the land (approximately 76 percent) in Blue Earth County consists of agricultural land uses. This is the predominant use in area surrounding the Proposed Project Area, though areas along the Maple River also include open water, wetlands, and shrub/grassland and some forested zones. Slopes near the Maple River and other nearby ravines are heavily forested.

The immediate area of the Proposed Project Area is zoned for conservation. The purpose of the conservation district zone is to provide for:

- Protection of environmentally sensitive areas,
- Preservation of natural ground cover, and
- Conservation of natural resources.

Most wetlands and forested lands in Blue Earth County are adjacent to river corridors, and the highest quality and greatest diversity of wetlands are in the river corridors. The Maple River Corridor terrestrial habitat consists primarily of river bottom forests with hardwood forests along slopes.

River bottom forest consists of tree species such as silver maple and cottonwood, with subcanopy trees such as willows, green ash, hackberry, American elm, box elder, and basswood. Vines may be abundant, including Virginia creeper, wild grape, bur cucumber, and Canada moonseed. The ground layer may include wood nettles, tall coneflower, cow parsnip, white grass, Ontario aster, false nettle, ambiguous sedge, and Virginia wild rye.

More upland hardwood forests include basswood, sugar maple, northern red oak, green ash, red elm, bitternut hickory, black ash, bur oak and white oak, with a subcanopy including ironwood and sugar maple. Shrubs may include prickly gooseberry, chokecherry, pagoda dogwood, and bitternut hickory. Common herbs include bloodroot, Virginia waterleaf, wild leek, large-flowered

bellwort, rugulose violet, yellow violet, puttyroot, nodding trillium, and blue cohosh. (MnDNR 2007).

The areas around the Minnesota River Valley forms part of a migratory corridor for songbirds, raptors, waterfowl, and congregations of bald eagles and tundra swans. Some areas have a high diversity of reptiles and amphibians.

Aquatic habitat in the project area includes the Maple River and bank areas, and lowland/wetland areas subject to periodic flooding. Known fish species in the river include bullhead, catfish, walleye and northern pike. Wetlands are essentially permanent habitat for species such as beaver, muskrat, wood duck, clapper rail, mud minnow, wild rice, cattail, broadleaf arrowhead and swamp rose. Some species use wetlands for important food, water, shelter, or nesting habitat (bluegill, largemouth bass, woodcock, hooded warbler, otter, raccoon, and meadow vole).

### ***Alternative 1 – No Action***

Under the No Action alternative, there would be minor, long-term, adverse impacts on the terrestrial and aquatic environment resulting from the continued erosion of the riverbank adjacent to 560<sup>th</sup> Avenue. This is a naturally occurring process which will damage and destroy upland areas while adding sediment contributing to high turbidity in the river. Note that in the area where recent scouring has occurred in the project area, very little viable terrestrial habitat is present.

### ***Alternative 2 – Proposed Action***

Relocation of 560<sup>th</sup> Lane would cause minor short-term impacts on terrestrial habitat, such as soil disturbance and removal of vegetation, while the existing roadway is being removed and the relocated road is constructed. Relocation will cause minor long-term impacts on terrestrial habitat through the removal of mature trees and shrubs, and the permanent loss of some forested areas.

The shoulders of the new roadway would be graded and seeded. The existing roadway will be removed, topsoil added, and seeded. The existing structure on the Ballman Property will be demolished and removed, and topsoil will be added and seeded. The establishment of additional grassy, shrubby or wooded areas in the location of the existing road and Mann Property would add some terrestrial habitat and be considered beneficial impacts.

### **3.3.2 Wetlands (Executive Order 11990)**

Executive Order (EO) 11990, Protection of Wetlands, requires federal agencies to take action to minimize the loss of wetlands. FEMA regulation 44 C.F.R. Part 9, *Floodplain Management and Protection of Wetlands*, sets forth the policy, procedures, and responsibilities to implement and enforce EO 11990. EO 11990 prohibits FEMA from funding activities in a wetland unless no practicable alternatives are available. The NEPA compliance process requires federal agencies to consider direct and indirect impacts on wetlands which may result from federally funded actions.

Based on the requirements of 44 C.F.R. Part 9, a Floodplain Management Checklist to ensure compliance with EO 11990 is not required.

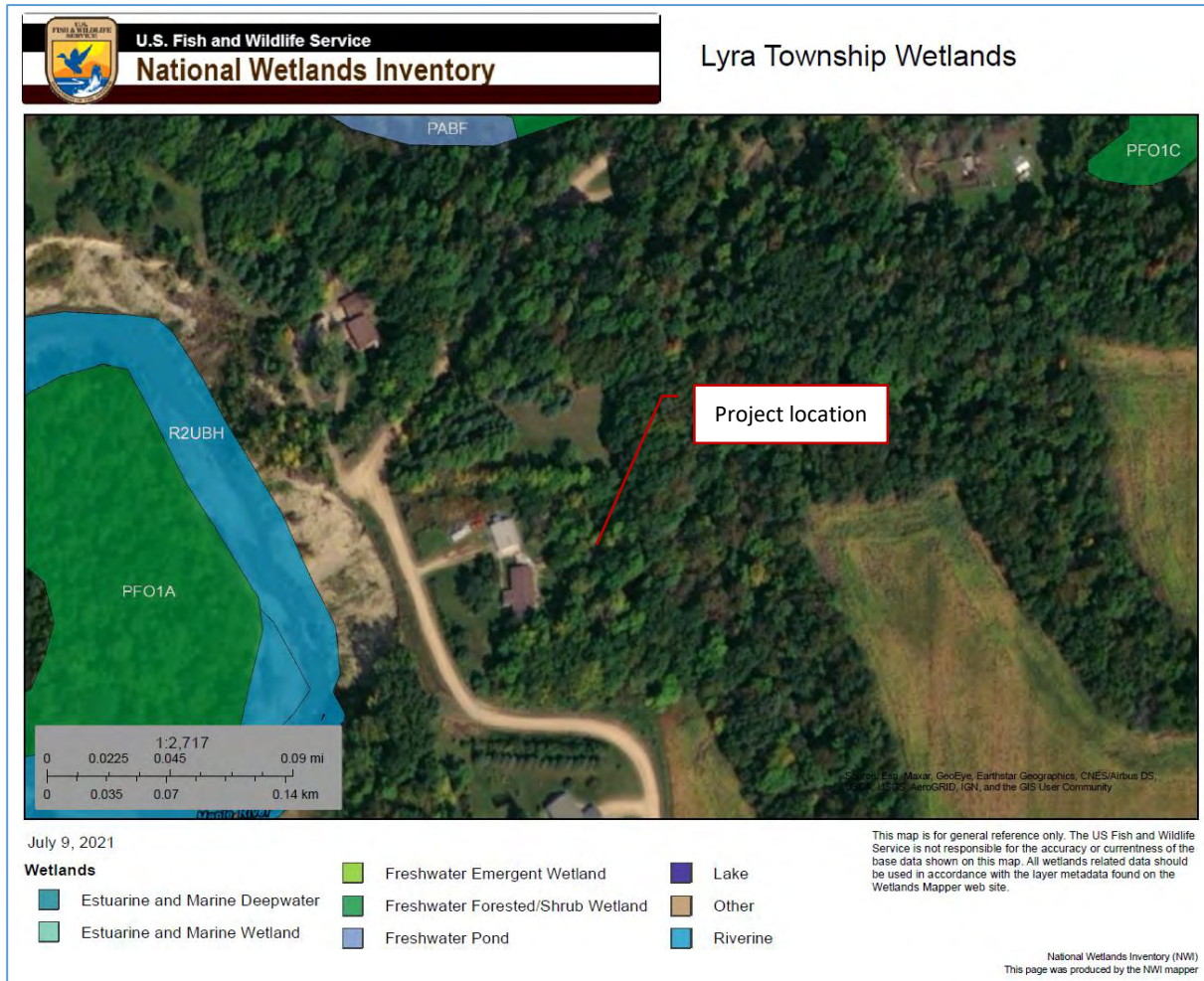
USACE and EPA define wetlands as “areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions” (40 C.F.R. § 122.2).

The National Wetlands Inventory (NWI) was reviewed to identify potential wetlands in the project area (U.S. Fish & Wildlife Services, 2021). The NWI classifies the Maple River as Riverine habitat, including all wetlands and deepwater habitats contained within a channel, with the exception of wetlands dominated by trees, shrubs, persistent emergent, emergent mosses, or lichens; and habitats with water containing ocean-derived salts of 0.5 ppt or greater. A channel is a naturally or artificially created open conduit which periodically or continuously contains moving water, or which forms a connecting link between two bodies of standing water. **Figure 8**, below, depicts the NWI wetlands near the project area.

The area just west of the river from the incised riverbank adjacent to the existing 560<sup>th</sup> Lane is designated a 4.09-acre Freshwater Forested/Shrub Wetland and part of the Palustrine classification. This groups the vegetated wetlands traditionally called by names such as marsh, swamp, bog, fen, and prairie, which are found throughout the U.S. It also includes small, shallow, permanent, or intermittent water bodies often called ponds. Palustrine wetlands may be situated shoreward of lakes, river channels or estuaries; on river floodplains; in isolated catchments; or on slopes (U.S. Fish & Wildlife Services, 2013).



**Figure 8 Wetlands**



This type of forested wetland is dominated by trees, shrubs, persistent emergent, emergent mosses, or lichens. Woody vegetation is 6 meters tall or taller, consisting of woody angiosperms (trees and shrubs) with relatively wide, flat leaves that are shed in the cold or dry season. Surface water is present for brief periods (several days to several weeks) during the growing season, but the water table usually lies well below the ground surface most of the season.

Both the designated riverine and palustrine areas are west of the proposed project area and significantly downgradient. The scouring of the riverbank is a clear indication that the river channel periodically floods and is much higher on occasion.

### **Alternative 1 – No Action**

Under the No Action alternative, there would be no project-related short- or long-term impacts on the identified riverine or palustrine wetlands because there would be no relocation of the roadway. Natural erosion would be expected to continue, adding sediment to the river and contributing to high turbidity. Some of this material would likely be deposited in wetland areas alongside the river channel.

## **Alternative 2 – Proposed Action**

Relocation of 560<sup>th</sup> Lane would result in only minor, short-term impacts to riverine and palustrine wetlands from the disturbed soils associated with the removal of the existing roadway and its relocation. A Stormwater Pollution Prevention Plan and effective best management practices initiated during construction would decrease construction-related impacts below the level of significance. Disturbed areas will be graded, topsoil added and seeded to stabilize soils.

Permanent impacts may occur to known riverine or palustrine wetlands. The proposed project does not include any bank stabilization along the Maple River. Erosion would be expected to continue due to storm events and flooding, though not as a result of the proposed action.

### **3.3.3 Threatened and Endangered Species**

The Endangered Species Act (ESA) of 1973, 16 U.S.C. §§ 1531 - 1544, provides a framework for the conservation of endangered and threatened species and their habitats. Federal agencies are required to ensure that actions they fund, authorize, or carry out are not likely to jeopardize the continued existence of any listed species (including plant species) or result in the destruction or adverse modification of designated critical habitats for such species.

In March 2021, via the Information for Planning and Consultation (IPaC) tool, FEMA obtained a list of species with the potential to occur in the project vicinity. This search found that there is no critical habitat in the vicinity, but there is potential for impacts to one listed mammal – the Northern Long-eared Bat (*Myotis septentrionalis*). This medium-sized bat is found across much of the eastern and north central United States and all Canadian provinces from the Atlantic coast west to the southern Northwest Territories and British Columbia.

The Northern Long-eared Bat is a threatened species. This bat has been affected by white-nose syndrome, a fungal disease known to affect bats. Population declines up to 99 percent from pre-white-nose-syndrome levels has been documented at some hibernation sites. White-nose-syndrome has been confirmed in Minnesota, though the Minnesota Department of Natural Resources does not report confirmation for Blue Earth County (MN DNR, 2021b). Habitat for this bat includes Fire Dependent Forest, Mesic Hardwood Forest, Floodplain Forest, and Subterranean areas, two of which are known to occur within and near the proposed project area.

In March 2021, the MnDNR was contacted to determine if any state-listed threatened or endangered species exist within the project area. The NHIS data identified one occurrence of the Blanding's turtle (*Emydoidea blandingii*), a state threatened species, within one mile of the project area. NHIS data shows the nearest potential boundary of an occurrence of Blanding's turtle approximately a mile from the project's center, located across two bends of the Maple River. Blanding's Turtles live in wetland complexes and adjacent sandy uplands. Wetlands include ponds, marshes, shrub swamps, bogs, and ditches and streams with slow-moving water, and rich with aquatic vegetation and muddy bottoms. They prefer calm, shallow water bodies. Females lay eggs within one mile of the wetland, usually in an open sandy upland. Nesting



typically occurs during the month of June, with hatchlings leaving the nest from mid-August to early-October. Blanding's turtles move between wetlands from April through November, with peak months in June and July, and again in September and October.

#### **Alternative 1 – No Action**

The No Action alternative would not directly impact federally listed threatened or endangered species because there would be no construction.

#### **Alternative 2 – Proposed Action**

The relocation of 560<sup>th</sup> Lane would require the clearing of approximately 0.6 acres of hardwood forest to provide the area required for the new road alignment. Northern Long-eared Bats are known to make use of tree roosts during the summer, especially near water sources. Loose bark, broken tree limbs, cavities, and cracks in a tree can all be used by bats as roosting sites. The removal of upland trees could remove existing or potential bat roosting sites. This would be considered a minor, permanent impact to a threatened species.

In March 2021, FEMA submitted an online Northern long-eared bat 4(d) determination key and received verification from USFWS that any take of the bats that may occur as a result of the Proposed Action is not prohibited under the ESA Section 4(d) rule adopted for the species at 50 C.F.R. § 17.40(o) and that FEMA's responsibilities for the project under ESA Section 7(a)(2) with respect to the Northern long-eared bat are concluded. Correspondence is included in **Appendix A**.

Two bends of the Maple River separate the identified occurrence of the Blanding's turtle from the project site. The river's banks include steep embankments, that closest to the project site are approximately 90 feet high. These embankments would form two natural barriers between the occurrence of the species and the project site, making it unlikely the species would reach the project area. Therefore, no impacts to this species is expected. However, a number of BMPs already provided for in this assessment, including providing erosion control and use of native seed mix and protection against invasive species prescribed for other environmental impacts, are also recommended to minimize potential impacts to this species.

### **3.3.4 Migratory Birds**

A migratory bird is any species or family of birds that live, reproduce, or migrate within or across international borders at some point during their annual life cycle. The Migratory Bird Treaty Act (MBTA) of 1918, as amended, 16 U.S.C. §§ 703–712, protects migratory birds and their nests, eggs, and body parts from harm, sale, or other injurious actions. All native birds, including common species such as American robin (*Turdus migratorius*) and American crow (*Corvus brachyrhynchos*) are protected by the MBTA. The project area would support migratory birds.

The Bald and Golden Eagle Protection Act of 1940, 16 U.S.C. §§ 668 *et seq.*, prohibits the take, possession, sale, or other harmful action of any golden (*Aquila chrysaetos*) or bald eagle (*Haliaeetus leucocephalus*), alive or dead, including any part, nest, or egg (16 U.S.C. § 668(a)).

The Minnesota County Biological Survey Map for Blue Earth County and adjacent counties identified a number of migratory bird species in Blue Earth and surrounding counties. The river corridors are important habitat for many birds.

**Table 3-2 Bird Species Identified in Blue Earth, Brown, Le Sueur, Nicollet and Sibley Counties**  
Source: Minnesota Department of Natural Resources, 2007.

Common Name	Scientific Name
Acadian Flycatcher	<i>Empidonax virescens</i>
Bald Eagle	<i>Haliaeetus leucocephalus</i>
Cerulean Warbler	<i>Dendroica cerulea</i>
Common Moorhen	<i>Gallinula chloropus</i>
Forster's Tern	<i>Sterna forsteri</i>
Franklin's Gull	<i>Larus pipixcan</i>
Henslow's Sparrow	<i>Ammodramus henslowii</i>
Loggerhead Shrike	<i>Lanius ludovicianus</i>
Louisiana Waterthrush	<i>Seiurus motacilla</i>
Marbled Godwit	<i>Limosa fedoa</i>
Red-shouldered Hawk	<i>Buteo lineatus</i>
Trumpeter Swan	<i>Cygnus buccinator</i>
Wilson's Phalarope	<i>Phalaropus tricolor</i>

The IPaC identified four migratory birds of concern either because they occur on the USFWS Birds of Conservation Concern (BCC) list or warrant special attention due to our projection location. The four birds are: the Bald Eagle (*Haliaeetus leucocephalus*), Black Tern (*Chlidonias niger*), Bobolink (*Dolichonyx oryzivorus*), and the Red-headed Woodpecker (*Melanerpes erythrocephalus*). The Bald Eagle is most likely going to be in the project area and/or breeding from December to August, while the other three migratory birds will be present and/or breeding approximately May through mid-September (see **Appendix A** for related USFWS correspondence and IPaC results).

#### **Alternative 1 – No Action**

The No Action alternative would not directly impact migratory birds because there would be no construction. The existing erosion west of 560<sup>th</sup> Lane would continue and could affect other habitat in the riverbank area nearby upland vegetation.

#### **Alternative 2 – Proposed Action**

Relocation of 560<sup>th</sup> Lane would have minor, permanent impacts on migratory bird species through the removal of approximately 0.6 acres of forested upland areas needed for the new roadway alignment that could serve as habitat for migratory birds. The removal and seeding of the existing 560<sup>th</sup> Lane roadway could result in some benefit of expanded migratory bird habitat.

There would be minor, short-term impacts from construction activities disturbing bird activities in the project area. A BMP to avoid and minimize impacts on migratory birds is provided in **Section 6.2**.

The proposed action has no riverbank restoration activities, so erosion of the riverbank would continue, with associated disturbance of vegetation on the riverbank and at the edge of the upland bluff overlooking the river that could serve as habitat for migratory birds.

### **3.3.5 Invasive Species**

Executive Order 13112, Invasive Species, requires federal agencies to prevent the introduction of invasive species and provide for their control to minimize the economic, ecological, and human health impacts caused by invasive species. The State of Minnesota has also established laws to prevent and curb the spread of invasive species of aquatic plants and wild animals (MINN. STAT. 84D (2020)). This program is managed by the Minnesota Department of Natural Resources, with the assistance of the Minnesota Department of Agriculture.

Per the Early Detection and Distribution Mapping System (EDDSMapS) and Blue Earth County, several invasive plants and animals are present in Minnesota and are also confirmed in Blue Earth County. This includes Eurasian watermilfoil (*Myriophyllum spicatum*), zebra mussel (*Dreissena polymorpha*), reed canary grass (*Phalaris arundinacea*), and purple loosestrife (*Lythrum salicaria*). (Center for Invasive Species and Ecosystem Health, 2021; Blue Earth County, 2021).

#### ***Alternative 1 – No Action***

The No Action alternative would have no project-related impacts because construction would not occur. However, there could be minor long-term, adverse impacts on the area as invasive plant species would continue to persist in open, disturbed areas.

#### ***Action Alternative 2 – Proposed Action***

Relocation of 560<sup>th</sup> Lane could have minor, short-term impacts from the potential spread of invasive weeds caused by construction activities. Construction activities on land could result in the transport of reed canarygrass, purple loosestrife or other invasive weed species outside of the project area as both cuttings and attached to vehicles. Disturbed soils associated with both the removal of the existing 560<sup>th</sup> Lane and the new alignment present invasive seeds with an opportunity to germinate and become established.

BMPs to avoid and minimize the spread of invasive species are provided in **Section 6.2**.

### **3.4 Hazardous Materials**

Hazardous materials are any items or agents (biological, chemical, radiological, or physical) that have the potential to cause harm to humans, animals, or the environment either by itself or through interaction with other factors. Sites within or adjacent to the project area, regulated by

federal hazardous materials laws such as the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §§ 9601 - 9675, and the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6901 *et seq.*, were identified using the EPA Envirofacts and NEPAassist websites (EPA, 2021a; EPA, 2021b).

Envirofacts and NEPAassist did not identify any regulated sites within 0.5 miles of the project area. Identified site are depicted on **Figure 9**.

**Figure 9 Potential Contaminant Sources**



### **Alternative 1 – No Action**

The No Action alternative would have no effect on hazardous materials or chemical because there would be no construction under the No Action alternative, and no sites were identified.

### **Action Alternative 2 – Proposed Action**

The Proposed Action, including former road removal, building demolition and removal, and proposed road construction, would not involve the addition of any hazardous materials or chemicals to the site, nor would it increase the overall risk of hazardous materials known to already exist in the environment. Construction equipment used for the project would have small

quantities of gasoline and fuel, but no releases are anticipated from these machines as they would be kept in good working order in accordance with state and local ordinances.

Hazardous materials are not known to be present at concentrations that pose a risk to human health or the environment. The possibility exists that additional source material could be encountered that would represent a moderate short-term impact to onsite workers through direct, dermal contact and inhalation of VOCs emanating from the source material, and a potential minor impact to residents near the site through inhalation of VOCs.

Contingency plans, in the form of design specifications, would be prepared if source material is encountered in any part of the project area and submitted to MPCA for approval. These specifications would detail the procedures that would be implemented by the subrecipient to identify, manage, and dispose of source material in accordance with applicable local, state, and federal regulations. If source material is encountered and removed, its removal would positively impact the project area by removing a source of contaminant loading to groundwater.

See **Section 6.2** for project conditions related to hazardous materials.

## **3.5 Socioeconomics**

### **3.5.1 Zoning and Land Use**

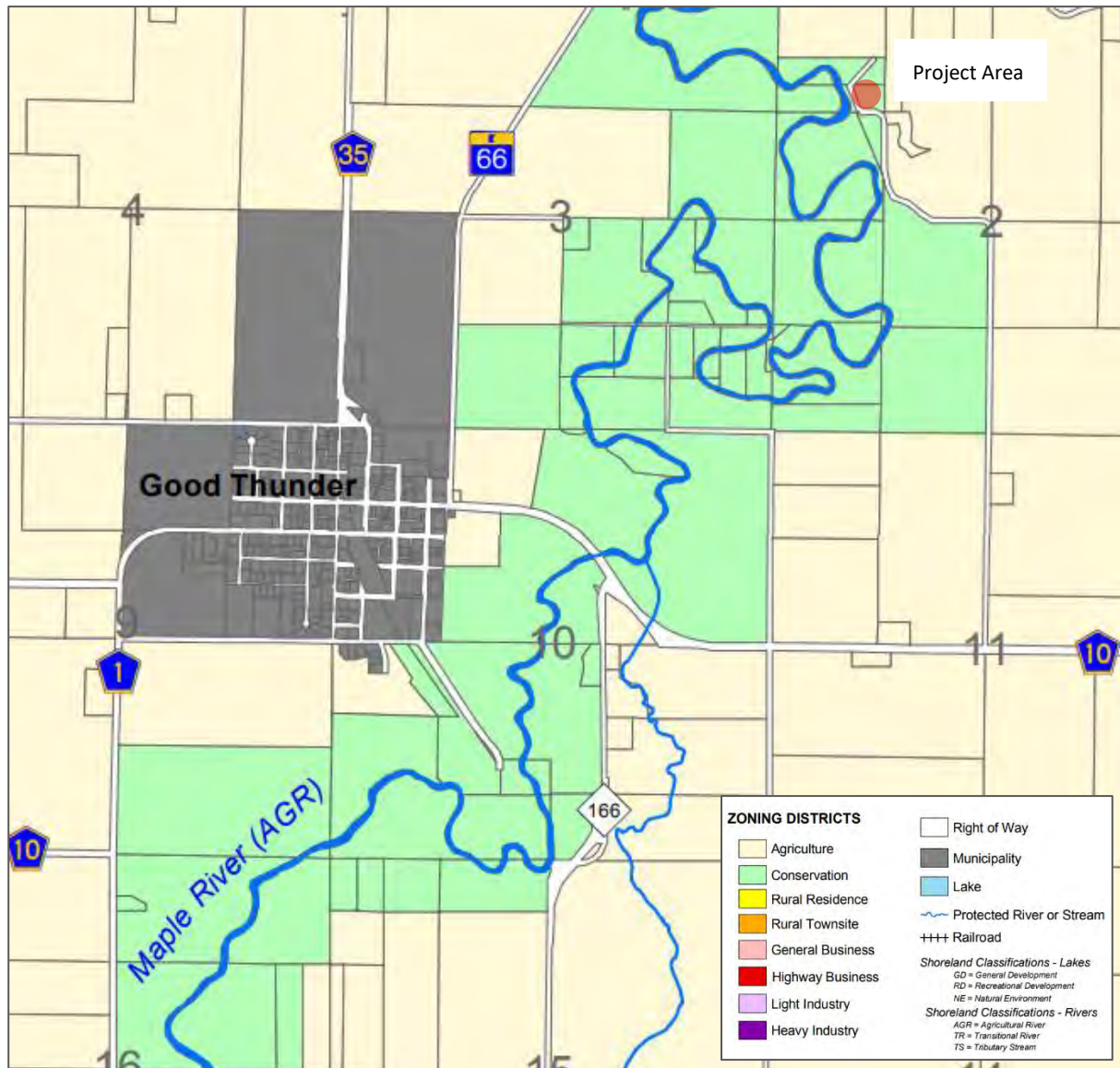
The Project Area is located in an unincorporated part of Blue Earth County and is subject to the county land use plan, zoning code, and zoning map. The zoning code and map specify the permitted land uses within the project area, while the land use plan guides policy decisions about the physical development of the county. These documents were used to evaluate the project's consistency with local zoning and land use.

The Project Area is located entirely within parcels zoned for conservation use. The county zoning code specifies that the purpose of this district is to provide:

- Protection of environmentally sensitive areas,
- Preservation of natural ground cover, and
- Conservation of natural resources.

The code sets out the permitted, interim and conditional uses for the conservation zoning district. **Figure 10** depicts the county zoning map.

**Figure 10 Blue Earth County Zoning Map**



The Blue Earth County Land Use Plan (2018) describes the analysis, future projections, goals, and strategies that Blue Earth County has developed about how decisions will be made over the next two decades. It sets objectives and strategies for areas including land use, transportation, water resources, parks, trails, and open space, housing, resilience, and economic development. The Land Use Plan adopted the following overarching vision:

*Blue Earth County will continue to provide a high quality of life for its residents, from agricultural production to urban living. A focus on agricultural preservation, natural resource protection, recreational opportunities, and well-planned growth throughout the county will preserve and secure diverse quality-of-life options for residents.*

The land use plan includes the Blue Earth County Greenprint Map, a representation of strategically planned, interconnected networks of waterways, wetlands, woodlands, wildlife habitats, and other natural areas; greenways, parks trails; conservation lands; and other open spaces that support natural ecosystem process and contribute to the health and quality of life for communities and people in the county. The area along the Maple River near the proposed Project is shown as a Greenprint Corridor. Criteria for inclusion as a Greenprint River Corridor includes:

- Floodplain
- Native Plant Communities in the Minnesota County Biological Survey that have ratings of Outstanding, High, or Moderate for level of biodiversity
- Steep slopes (18% slopes or greater that have connections to river corridors)
- Woodlands connected to floodplains, steep slopes, or native plant communities

### **Alternative 1 – No Action**

The No Action alternative would have no effect on conformity with the county's land use plan as no changes would occur. The parcels would remain zoned as conservation with dispersed rural residences.

### **Action Alternative 2 – Proposed Action**

The Proposed Action would require conformity with the county's land use plan. The project area is zoned for conservation use, and the Proposed Action does not introduce other features or structures to the conservation area. The Proposed Action will remove one residence from the conservation zone and remove the portion of roadway that is along the edge of the Maple River. These areas (where not within the footprint of the relocated roadway) would be seeded and any existing structures and impervious surfaces removed. The Proposed Action would relocate an existing road, as opposed to establishing a wholly new road in a conservation district.

Public roads are not a land use as defined in Blue Earth County Code. The public road system is provided for by county code to facilitate adequate traffic circulation to adjacent areas within the county. The Proposed Action location is one of many rural roads located within a designated conservation district in the county.

The conservation district code states that a minimum 30-foot setback from the top of bluff is required. The Proposed Action will relocate the edge of the existing road from less than 30 feet to greater than 200 feet from the edge of the eroding bluff face and will come into compliance with this portion of the conservation district code.

Community Resilience is an element discussed within the county's land use plan. This element covers a variety of natural and human influenced conditions that may pose a risk to the community through potential exposures in the air, surface water, groundwater, or soil. The most applicable issue for the proposed Project Area is ravine and near channel erosion. This is



common along all rivers in the county and along the Maple River adjacent to the project site. It is a natural process and will continue.

The Community Resilience element notes that the presence of subsurface drain tile or stormwater outlets at the head of a ravine can be a significant factor in ravine erosion. Altered hydrology in a ravine catchment can be the result of grading and filling or new impervious surfaces changing the rate or volume of drainage to the ravine or decreased water storage.

The US Geological Survey has mapped Blue Earth County with a moderate susceptibility for landslides (most of Minnesota is considered low susceptibility). Susceptibility to land sliding was defined as the probable degree of response of the areal rocks and soils to natural or artificial cutting or loading of slopes or to anomalously high precipitation. In addition to gravity on steep slopes, contributing factors include:

- Erosion by rivers creating over-steepened slopes
- Rock and soil slopes weakened through saturation by snowmelt or heavy rains
- Excess weight from accumulation of rain or snow, or from manmade structures that stress weak slopes to failure.

The US Geological Survey identifies the following areas as generally prone to landslide hazards:

- Existing old landslides
- At the base of slopes
- In or at the base of minor drainage hollows
- At the base or top of old fill slope
- At the base or top of steep cut slope
- Developed hillsides where leach field septic systems are used.

The proposed Project Area is located near the top of a steep cut slope, which is a contributing factor to landslides. Between 2010 and 2020, nine storm and flooding-related disasters were declared in Blue Earth County (2010, 2011, 2014, 2016, 2018, and 2019). Several townships in the county have relocated portions of roadways or stabilized erosion hazards affecting roads or other infrastructure, including the Ivy Road bridge in Rapidan Township just north of the proposed Project Area, which was severely damaged in a September 2010 flood on the Maple River.

The land use plan includes the following Community Resilience Goal:

*Maintain community resilience with sustainable lifeline systems to ensure potable water, wastewater treatment, and stormwater management systems to protect public health, public safety, and property.*

This is to be carried out via a series of actions specified in the Land Use Plan. The following strategies are consistent with the environmental impacts resulting from the proposed action:

- Erosion & Erosion Hazards Action #1: The County will review and consider increasing structure and other setbacks in areas with potential riverine and near-channel erosion hazards in incised reaches of rivers and streams and steep slopes to prevent future erosion hazards and reduce hazard mitigation costs.
- Erosion & Erosion Hazards Action #2: The County will consider requiring site-specific assessment of vulnerability prior to land development and alterations in areas with eroding bluffs and steep slopes.
- Stormwater Management Action #1: Continue to require site owners/contractors obtain required MPCA NPDES construction stormwater permits.
- Stormwater Management Action #4: Support increasing water storage by enhancing and restoring wetlands and developing green infrastructure to increase water storage and provide other benefits.

### **3.5.2 Noise**

The Noise Control Act of 1972 defines “noise” as an undesirable sound. Noise is regulated at the federal level by the Noise Control Act of 1972, 42 U.S.C. §§ 4901, *et seq.* Noise standards developed by EPA (EPA, 1974) provide a basis for state and local governments’ judgments in setting local noise standards. Lyra Township and Blue Earth County do not have noise ordinances that limit construction noises. The nearest residence is approximately 80 feet northwest of the proposed realigned 560<sup>th</sup> Lane. Two additional residences are approximately 675 and 1000 feet, north and northeast (respectively) of the proposed realigned 560<sup>th</sup> Lane. These residences are defined as noise-sensitive land uses using Federal Highway Administration noise abatement criteria (23 C.F.R. § 772.5).

#### ***Alternative 1 – No Action***

The No Action alternative would not change ambient noise levels in the project area. Closure of 560<sup>th</sup> Lane, resulting from erosion, would require a new route for traffic, but that noise would likely not exceed local ordinance thresholds. There would be no short- or long-term changes in noise levels.

#### ***Action Alternative 2 – Proposed Action***

The Proposed Action would cause short-term changes in the ambient noise levels in the area associated with former road and building removals and construction activities. Short-term impacts related to removal and construction activities would include trucks hauling materials to and from the site and the operation of equipment for demolition, excavation, and fill activities. Minor traffic noise would also be expected from construction vehicles and haul trucks arriving and departing from the project area. It is anticipated that demolition and construction activities will take place during the less noise-sensitive daylight hours. Traffic is not anticipated to increase on 560<sup>th</sup> Lane, therefore there will be no long-term change in noise levels.

### **3.5.3 Public Services and Utilities**

Lyra Township is served by Blue Earth County Sheriff's Office and the City of Good Thunder Fire Department. The public school district is Maple River Schools, with elementary in Good Thunder and middle and high schools in Mapleton, MN. The hospital closest to the project area, May Clinic Health System (formerly Immanuel St. Joseph Hospital), is 10.5 miles northeast in Mankato, MN. No police, fire, public schools, or municipal facilities are located within or adjacent to the project area.

The Blue Earth County Public Works Department provides street repair services to the project site and bordering areas. Homeowners maintain a typical septic system permitted through Blue Earth County. Existing water and electric utilities are currently present in the project area.

#### ***Alternative 1 – No Action***

The No Action alternative would have short-term minor impact on public services in the project area. If 560<sup>th</sup> Lane continues to erode, it will eventually prevent access to the residences at the end of the road causing long-term impacts. Emergency vehicles or public utility vehicles would eventually not be able to serve those residences.

#### ***Action Alternative 2 – Proposed Action***

The Proposed Action would have a minor short-term impact on public services during the construction phase. Current water and electric utilities would not be expected to be shut down during construction, and construction would likely not cause any short-term impacts on utility services in the area. If utilities do need to be temporarily shut off during construction, the subrecipient would follow local ordinances regarding shut down procedures and notification.

The Proposed Action would provide minor long-term benefits to public services by reducing the potential for future road closures due to erosion, which would provide a more reliable route for emergency vehicle access.

### **3.5.4 Traffic and Circulation**

Data on roads was obtained from the Minnesota Department of Transportation (MnDOT). 560<sup>th</sup> Lane is classified as a township road that provides access to private residences from County State Aid Highway (CSAH) 10. 560<sup>th</sup> Lane functions as a local roadway and CSAH 10 functions as a Major Collector. MnDOT does not maintain Average Annual Daily Traffic (AADT) volume for 560<sup>th</sup> Lane, however the CSAH 10 has an AADT of 1,300 (MnDOT, 2018). 560<sup>th</sup> Lane is currently a gravel roadway, with no pedestrian or bicycle accommodations. Eight residences are located along the length of 560<sup>th</sup> Lane, with four current residences using 560<sup>th</sup> Lane within the project area.

#### ***Alternative 1 – No Action***

The No Action alternative would have both minor short- and major long-term impacts on traffic and circulation in the area. 560<sup>th</sup> Lane would remain in its current location. Road damage would likely continue and potentially cause closure of 560<sup>th</sup> Lane which would inhibit access to the private residences in the area. Since 560<sup>th</sup> Lane is a dead-end road, any road closure would impact access to the four residences.

#### ***Action Alternative 2 – Proposed Action***

The relocation of 560<sup>th</sup> Lane would result in minor, short-term increases in construction vehicle traffic on surrounding roadways resulting from the operation of construction vehicles and equipment to and from the site. Since 560<sup>th</sup> Lane is a dead-end road, a detour will not be provided, access will be limited to local traffic only. Relocation of 560<sup>th</sup> Lane would provide minor long-term benefits to traffic and circulation in and around the project area. Once the road is completed, road closures from the erosion of Maple River would be reduced and potentially eliminated. The Proposed Action would not increase the capacity of the road, but it would increase the reliability of travel along the road. Traffic mitigation measures would not be required as the project is not expected to cause increased roadway traffic in the area.

#### **3.5.5 Environmental Justice (Executive Order 12898)**

The purpose of Executive Order 12898 is to identify, address, and avoid disproportionately high and adverse human health or environmental effects on minority and low-income populations. Minorities are defined as anyone who identifies as black or African American, American Indian or Alaska Native, Asian American, Native Hawaiian or Pacific Islander, Hispanic, or multiracial. Low-income populations are those with incomes at or below the federal poverty level.

The Environmental Protection Agency's (EPA) Environmental Justice Screening and Mapping tool (EJScreen) was used to investigate the presence of readily identifiable low income or minority populations within a 0.25 mile buffer of the project improvements. This 0.25-mile buffer is considered the "project area" for the environmental justice analysis. Low-income or minority populations in a project area can be identified by meeting either one or both of the following criteria:

- The affected area (e.g., census block group) contains 50 percent or more minority persons or 25 percent or more low-income persons.
- The percentage of minority or low-income persons in an affected area (e.g., census block group) is more than 10 percent greater than the average of the surrounding county.

The project area is located within a single census block group (ID# 270130003), it crosses into three census blocks: 3001, 3004, and 3017. The EJScreen did not have data at the census block level and could not provide data for the 0.25-mile buffer project area. According to the American Community Survey (ACS), data was available at the township level for both low-income populations and minority populations. Low-income composition is summarized in **Table 3-3**, racial composition is summarized in **Table 3-4**.

**Table 3-3 Low-Income Populations**

Source: 2019 ACS.

	Lyra Township		Blue Earth County	
	Population	Percentage	Population	Percentage
<b>Poverty</b>	<b>875</b>	--	<b>66,973</b>	--
Children (under 18)	4	6.6	1,527	11.8
Seniors (65 and over)	6	11.1	626	7.4
<b>Total Minority Population</b>	<b>23</b>	<b>2.6</b>	<b>8,481</b>	<b>12.7</b>

**Table 3-4 Minority Populations**

Source: 2019 ACS.

Race	Lyra Township		Blue Earth County	
	Population	Percentage	Population	Percentage
<b>Total Population</b>	<b>294</b>	--		--
White	286	97.3	58,714	87.9
Black or African American	0	0	2,578	3.9
Asian	0	0	1,443	2.2
American Indian and Alaska Native	4	1.4	177	0.3
Native Hawaiian and Other Pacific Islander	0	0	11	0
Some Other Race/Multiracial	1	0.3	1,434	2.2
Hispanic <sup>1</sup>	3	1.0	2,438	3.7
<b>Total Minority Population<sup>2,3</sup></b>	<b>8</b>			

**Alternative 1 – No Action**

Under the No Action alternative, damages to, and closure of, 560<sup>th</sup> Lane would likely continue. There are no identifiable EJ populations within Lyra Township, and it is unlikely that there are

<sup>1</sup> The terms Hispanic and Latino can apply to members of any race, including respondents who self-identified as “White.” The total numbers of Hispanic and Latino residents for each geographic region are tabulated separately from the racial distribution by the U.S. Census Bureau.

<sup>2</sup> A minority is defined in CEQ’s environmental justice guidance as a member of the following population groups: American Indian/Alaskan Native, Asian or Pacific Islander, Black (non-Hispanic), or Hispanic (CEQ 1997).

<sup>3</sup> “Total Minority” includes all people who are not “White alone,” plus Hispanics and Latinos who identify as white alone. This number may capture individuals who identify as both “not white” and those who identify as Hispanic or Latino, essentially counting those individuals twice.

any EJ populations that access residences on 560<sup>th</sup> Lane. Therefore, road damages and closures would have a negligible effect on the EJ populations.

#### ***Action Alternative 2 – Proposed Action***

The Proposed Action would not have any disproportionately high and adverse effects on EJ populations. Minor short-term construction-related effects would include noise, traffic, and air quality impacts. One residential relocation is proposed, and no long-term impacts from traffic, noise or air quality on EJ populations are anticipated.

### **3.5.6 Safety and Security**

The Occupational Safety and Health Act, 29 U.S.C. §§ 651 – 678, requires safe and healthful conditions for working men and women by setting and enforcing standards; and providing training, outreach, and education and compliance assistance. The act created the Occupational Safety and Health Administration (OSHA) which established construction standards under 29 C.F.R. Part 1926. The Minnesota Department of Labor and Industry has adopted Minnesota Occupational Safety and Health Administration (MNOSHA) as conferred by MN Statutes Chapter 182 Occupation Safety and Health. The construction and safety standards set forth general rules for the safe use, operation, and maintenance of equipment, and for safe work practices pertaining to all employers and employees performing construction operations.

#### ***Alternative 1 – No Action***

Under the No Action alternative, Maple River would continue to erode 560<sup>th</sup> Lane, perpetuating hazardous conditions which would have a long-term impact on safety at 560<sup>th</sup> Lane.

#### ***Action Alternative 2 – Proposed Action***

Standard construction-related safety risks would occur for construction workers at the project site. During construction, site safety from the equipment would be ensured by the contractors performing the work following standard industry safety practices and those stated in MN Statutes 182.

Post-construction, the project would reduce natural hazard impacts to 560<sup>th</sup> Lane through the realignment away from Maple River, potentially reducing safety risks to the public using the road.

### **3.6 Historic and Cultural Resources**

Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended, 54 U.S.C. §§ 300101 - 307108, requires that federal agencies consider the potential effects on cultural resources of actions it proposes. Cultural resources are defined as prehistoric or historic archaeology sites, historic standing structures, historic districts, objects, artifacts, cultural properties of historic or traditional significance—referred to as Traditional Cultural Properties—that may have religious or cultural significance to federally-recognized Indian Tribes (Tribes), or



any other physical evidence of human activity considered important to a culture, subculture, or community for scientific, traditional, religious, or other reasons.

Cultural resources listed, eligible for listing, or potentially eligible for listing on the National Register of Historic Places (NRHP) are subject to protection from adverse impacts resulting from a federally funded undertaking.

Pursuant to 36 C.F.R. § 800.4(a)(1), the Area of Potential Effects (APE) is defined as the geographic area(s) within which the undertaking may directly or indirectly affect cultural resources. Within the APE, impacts on cultural resources are evaluated for both historic structures (aboveground cultural resources) and archaeology (belowground cultural resources).

In addition to the NHPA, FEMA must also comply with other federal laws that relate to historic and cultural resources:

- American Indian Religious Freedom Act of 1978, 42 U.S.C. § 1996, which provides for the protection and preservation of American Indian sites, possessions, and ceremonial and traditional rites.
- Archaeological Resources Protection Act of 1979, 16 U.S.C. §§ 470aa–470 mm, which provides for the protection of archaeological resources on public lands and Indian lands.
- Native American Graves Protection and Repatriation Act, 25 U.S.C. §§ 3001–3013, in cases where Native American cultural Items are found on federal and tribal lands.

To comply with the NHPA, Lyra Township completed a Phase I Survey for historic and archaeological properties in the spring of 2021. The investigation defined an APE that included the existing road removal, building removal, the new road alignment, and construction staging areas defined for the project being evaluated in this EA. Following the 2021 investigation, FEMA initiated consultation with the SHPO to confirm the finding that no historic properties would be affected if the project were implemented. The SHPO concurred with the finding of No Historic Properties Affected on May 24, 2021 (see correspondence in **Appendix A**).

### **3.6.1 Historic Structures**

The County Assessor Office indicates the property located at 16241 560<sup>th</sup> Lane was constructed in 1998. The home is a single-story, single family home with a walk-out lower level. The property contains one garage, also built in 1998. No other structures are located within the project's Area of Potential Effect (APE).

#### ***Alternative 1 – No Action***

The No Action alternative would have no effect on historic structures listed or eligible for listing in the NRHP because none were identified in the APE.

### ***Action Alternative 2 – Proposed Action***

The Proposed Action would have no effect on historic structures listed or eligible for listing in the NRHP because none were identified in the APE. Consultation documentation is included in **Appendix A**.

### **3.6.2 Archaeological Resources**

A Phase I Survey was conducted in April 2021 of the APE. No significant cultural materials nor archaeological sites were identified during the survey and no further archaeological investigations are recommended.

### ***Alternative 1 – No Action***

The No Action alternative would have no effect on known archaeological resources as no construction or ground disturbance activities would occur and such resources are not expected to be present.

### ***Action Alternative 2 – Proposed Action***

The Proposed Action would have no effect on any known archaeological sites or resources. Consultation documentation is included in **Appendix A**. The following project conditions, also included in **Section 6.2**, would provide additional protection to unknown archaeological sites:

- The contractor will monitor ground disturbance during the construction phase. Should human skeletal remains or historic or archaeological materials be discovered during construction, all ground-disturbing activities on the project site shall cease and Lyra Township will notify the coroner's office (in the case of human remains), the Minnesota State Police, and FEMA. FEMA will notify the SHPO and the Office of the State Archaeologist.
- All borrow or fill material must come from pre-existing stockpiles, material reclaimed from maintained roadside ditches (provided the designed width or depth of the ditch is not increased), or commercially procured material from a source existing prior to the event. For any FEMA-funded project requiring the use of a non-commercial source or a commercial source that was not permitted to operate prior to the event (e.g. a new pit, agricultural fields, road ROWs, etc.) in whole or in part, regardless of cost, the Lyra Township must notify FEMA and HSEM prior to extracting material. FEMA must review the source for compliance with all applicable federal environmental planning and historic preservation laws and executive orders prior to a subrecipient or their contractor commencing borrow extraction. Consultation and regulatory permitting may be required. Non-compliance with this requirement may jeopardize receipt of federal funding. Documentation of borrow sources utilized is required at closeout.

### 3.6.3 Tribal Coordination and Religious Sites

Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, directs federal agencies, “to establish regular and meaningful consultation and collaboration with tribal officials in the development of federal policies that have tribal implications, to strengthen the United States government-to-government relationships with Indian tribes, and to reduce the imposition of unfunded mandates upon Indian tribes....”

Requests for information on the presence or absence of known archaeological and Indian religious sites within the proposed project area were submitted to federally recognized tribal nations with potential interests in the project. On March 2, 2021, FEMA initiated consultation with the following tribal nations:

- Flandreau Santee Sioux Tribe of South Dakota
- Ho-Chunk Nation
- Lower Sioux Indian Community of Minnesota
- Prairie Island Indian Community
- Santee Sioux Tribe
- Shakopee Mdewakanton Sioux Community of Minnesota
- Spirit Lake Tribe of Fort Totten
- Upper Sioux Community of Minnesota
- Winnebago Tribe of Nebraska

FEMA sent a letter to each tribe with details about the project location and proposed activity and requested comments from each tribal government within 30 days of the date of the letter. FEMA received responses from three tribal nations. The Shakopee Mdewakanton Sioux Community of Minnesota responded, asking to be informed of project progress and requested a copy of the Phase I archaeological report. The Phase I archaeological report was provided to the SMSC Cultural Resources contact. The Winnebago Tribe of Nebraska acknowledged their ancestors may have lived on or passed through the project area. The tribe noted that they are aware that if the ground has already been disturbed, findings during ground disturbance activities may be minimal to zero and requested, “if anything is found please contact me immediately: Sunshine Thomas-Bear, Cultural Preservation Director.” The Tribal Historic Preservation Office (THPO) from Upper Sioux Community of Minnesota (USC) acknowledged that the area is a place where Dakota lived, prayed, hunted, gathered, battled, and buried their relatives. The tribe states, “in the event that ground disturbance from this project inadvertently uncovers any human remains, funerary objects or artifacts; ongoing work must stop and the SHPO and the USC THPO should be contacted as soon as possible.” Correspondence with the tribal nations is provided in **Appendix B**.

#### ***Alternative 1 – No Action***

The No Action alternative would have no effect on known archaeological or Indian religious sites as no construction or ground disturbance activities would occur.

### ***Action Alternative 2 – Proposed Action***

The Proposed Action would have no effect on known archaeological or Indian religious sites. If any human or archaeological remains are encountered during project construction, work will stop immediately and FEMA and SHPO will be notified. FEMA will then notify the Shakopee Mdewakanton Sioux Community of Minnesota, Upper Sioux Community and Winnebago Tribe of Nebraska Tribal Historic Preservation Offices.

## **3.7 Comparison of Alternatives**

***Table 3-5 Comparison of Alternatives***

<b>No Action Impacts</b>	<b>Relocation of 560<sup>th</sup> Lane Impacts</b>	<b>Mitigation</b>
<b>Geology, Soils, and Topography</b>		
<ul style="list-style-type: none"><li>• Long-term impacts from continued erosion.</li></ul> Negligible impacts to topography	<ul style="list-style-type: none"><li>• Minor short-term impacts from road removal and new road construction.</li><li>• Minor long-term impacts from continued soil erosion.</li><li>• Negligible impacts to topography.</li><li>• Less than ten acres of farmland to be converted to non-agricultural use, within the limits of the small acreage exemption.</li></ul>	<ul style="list-style-type: none"><li>• See <b>Section 6.2</b>, Condition 4.</li></ul>
<b>Water Resources and Water Quality</b>		
<ul style="list-style-type: none"><li>• Minor long-term impacts from sedimentation, soil erosion, and pollutants from stormwater runoff.</li></ul> No impact on groundwater.	<ul style="list-style-type: none"><li>• Minor short-term impact on water quality during construction caused by excavators and other heavy equipment for fill and excavation.</li></ul>	<ul style="list-style-type: none"><li>• See <b>Section 6.2</b>, Condition 4.</li></ul>
<b>Floodplain Management</b>		
<ul style="list-style-type: none"><li>• Minor long-term impacts from continued erosion of the soil and riverbank.</li></ul>	<ul style="list-style-type: none"><li>• Minor short-term impacts from disturbance of sediments.</li><li>• Minor long-term benefits from the reduction in damages and road closures caused by flooding.</li></ul>	<ul style="list-style-type: none"><li>• None</li></ul>
<b>Air Quality</b>		

<ul style="list-style-type: none"> <li>Minor short and long-term impacts from continued equipment emissions for road repairs.</li> </ul>	<ul style="list-style-type: none"> <li>Minor, short-term impacts from construction equipment emissions and exposed soils.</li> <li>Negligible long-term impact.</li> </ul>	<ul style="list-style-type: none"> <li>See <b>Section 6.2</b>, Conditions 5 and 6.</li> </ul>
<b>Terrestrial and Aquatic Environment</b>		
<ul style="list-style-type: none"> <li>Minor long-term impacts from continued erosion of the riverbank, resulting in soil disturbance and surface runoff.</li> </ul>	<ul style="list-style-type: none"> <li>Minor short-term impacts while the existing 560<sup>th</sup> Lane is being demolished and the relocated road is being constructed resulting in soil disturbance and removal of vegetation.</li> <li>Minor long-term impacts from the removal of trees.</li> <li>The existing roadway will be reseeded after removal, and the removed structure on the Mann property will be reseeded.</li> </ul>	<ul style="list-style-type: none"> <li>None</li> </ul>
<b>Wetlands</b>		
<ul style="list-style-type: none"> <li>No project-related short or long-term impacts.</li> </ul>	<ul style="list-style-type: none"> <li>Minor short-term impacts to riverine and palustrine wetlands from the disturbed soils associated with the removal of the existing roadway and its relocation.</li> </ul>	<ul style="list-style-type: none"> <li>None</li> </ul>
<b>Threatened and Endangered Species</b>		
<ul style="list-style-type: none"> <li>No Effect</li> </ul>	<ul style="list-style-type: none"> <li>No impacts to the NLEB and Blanding's turtle.</li> </ul>	<ul style="list-style-type: none"> <li>None.</li> </ul>
<b>Migratory Birds</b>		
<ul style="list-style-type: none"> <li>No direct short- or long-term impacts.</li> </ul>	<ul style="list-style-type: none"> <li>Minor short-term impacts on trees and vegetation that may serve as migratory bird habitat. The trees removed to relocate 560<sup>th</sup> Lane would not be replaced.</li> </ul>	<ul style="list-style-type: none"> <li>See <b>Section 6.2</b>, Condition 10.</li> </ul>
<b>Invasive Species</b>		
<ul style="list-style-type: none"> <li>No short- or long-term impacts.</li> </ul>	<ul style="list-style-type: none"> <li>Minor short-term impact from the potential spread of invasive weeds outside of the project area as both cuttings and attached to construction equipment and vehicles.</li> </ul>	<ul style="list-style-type: none"> <li>See <b>Section 6.2</b>, Conditions 11 through 13.</li> </ul>
<b>Hazardous Materials</b>		

<ul style="list-style-type: none"> <li>• No impact</li> </ul>	<ul style="list-style-type: none"> <li>• The Proposed Action would not involve the addition of any hazardous materials or chemicals to the site, nor would it increase the overall risk of hazardous materials known to already exist in the environment.</li> <li>• Minor short-term impact from construction equipment used for the project will have small quantities of gasoline and fuel, but no releases are anticipated.</li> </ul>	<ul style="list-style-type: none"> <li>• See <b>Section 6.2</b>, Conditions 8 and 9.</li> </ul>
<b>Zoning and Land Use</b>		
<ul style="list-style-type: none"> <li>• No impact on zoning and land use.</li> </ul>	<ul style="list-style-type: none"> <li>• Negligible impact on zoning and land use.</li> <li>• Inconsistent with the Blue Earth County land use plan.</li> </ul>	<ul style="list-style-type: none"> <li>• None</li> </ul>
<b>Noise</b>		
<ul style="list-style-type: none"> <li>• No impacts to ambient noise levels.</li> </ul>	<ul style="list-style-type: none"> <li>• Minor short-term impacts associated with construction.</li> <li>• Negligible long-term impact.</li> </ul>	<ul style="list-style-type: none"> <li>• See <b>Section 6.2</b>, Condition 7.</li> </ul>
<b>Public Services and Utilities</b>		
<ul style="list-style-type: none"> <li>• Minor short-term impacts to public services resources and utilities.</li> <li>• Long-term impacts on public services and utilities if the erosion continues.</li> </ul>	<ul style="list-style-type: none"> <li>• Minor short-term impact on public services during the construction.</li> <li>• Minor long-term benefits from the removal of the threat of erosion that could impact services.</li> </ul>	<ul style="list-style-type: none"> <li>• None</li> </ul>
<b>Traffic and Circulation</b>		
<ul style="list-style-type: none"> <li>• Minor short- and long-term impacts on traffic and circulation as the riverbank continues to erode.</li> </ul>	<ul style="list-style-type: none"> <li>• Minor short-term impact from the operation of construction vehicles and equipment to and from the site.</li> <li>• Minor long-term benefit from the reduction in road closures.</li> </ul>	<ul style="list-style-type: none"> <li>• None</li> </ul>
<b>Environmental Justice</b>		
<ul style="list-style-type: none"> <li>• Negligible effect</li> </ul>	<ul style="list-style-type: none"> <li>• Negligible effect, not disproportionate or adverse.</li> </ul>	<ul style="list-style-type: none"> <li>• None</li> </ul>



<b>Safety and Security</b>		
• The long-term minor impact from hazardous conditions and damages at 560 <sup>th</sup> Lane.	• Negligible short-term impact as long as all construction safety measures are followed.	• See <b>Section 6.2</b> , Conditions 14 through 17.
<b>Historic Structures</b>		
• No Effect	• No Effect	• None
<b>Archaeological Resources</b>		
• No Effect	• No Effect	• See <b>Section 6.2</b> , Conditions 18 and 19.
<b>Tribal and Religious Sites</b>		
• No Effect	• No Effect	• None

## 4 CUMULATIVE IMPACTS

This section evaluates the potential cumulative impacts associated with the implementation of the Proposed Action. Cumulative impacts are defined in CEQ regulations for implementing NEPA (40 C.F.R. § 1508.7) as:

“The impacts of a proposed action when combined with impacts of past, present, or reasonably foreseeable future actions undertaken by any agency or person.”

CEQ regulations require an assessment of cumulative effects during the decision-making process for federal projects. Cumulative impacts can result from individually minor but collectively significant actions.

The Proposed Action is an effort to mitigate from flooding and erosion damages of the Maple River. However, there are no recently completed or proposed mitigation or natural restoration projects within one mile of the project site. Additionally, there are no other known proposed projects within one mile of the project area led by Blue Earth County, MnDOT, City of Good Thunder, or Lyra Township. There are no additional projects that may cause cumulative impacts.

## 5 PUBLIC PARTICIPATION

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This EA is available for agency and public review and comment for a period of 30 days. The public information process includes a public notice with information about the Proposed Action in the Maple River Messenger. This EA is available on FEMA's website at <https://www.fema.gov/emergency-managers/practitioners/environmental-historic/region/5>. The EA is also available on the Blue Earth County website at <https://blueearthcountymn.gov>.

A hard copy of this EA is available for review at:

Lyra Township Hall  
115 S. Houk Street  
Good Thunder, MN 56037

This EA reflects the evaluation and assessment of the federal government, the decision-maker for the federal action; however, FEMA will take into consideration any substantive comments received during the public review period to inform the final decision regarding grant approval and project implementation. The public is invited to submit written comments by emailing [fema-r5-environmental@fema.dhs.gov](mailto:fema-r5-environmental@fema.dhs.gov) or via mail to:

Duane Castaldi, Regional Environmental Officer  
Attn: Lyra Township 560<sup>th</sup> Lane Road Improvement Project EA Comments  
FEMA Region 5  
536 South Clark Street, 6th Floor  
Chicago, IL 60605

If FEMA receives no substantive comments from the public and/or agency reviewers, this EA will be adopted as final, and FEMA will issue a FONSI. If FEMA receives substantive comments, it will evaluate and address those comments as part of the FONSI documentation and may consider whether changes to the grant or project implementation are appropriate.

### 5.1 Subrecipient Outreach

Lyra Township discussed the damages to the road and this proposed project at several of their township board meetings, starting in the fall of 2018 and extending into 2019. The board meetings are open to the public. Documentation of these meetings is provided in **Appendix C**.

During the October 8, 2018 meeting, 560<sup>th</sup> Lane was among the roads discussed regarding damage from the June rains. The November 12, 2018 meeting included 560<sup>th</sup> Lane as an agenda item. Subsequent meetings in December and January addressed conversations with HSEM and FEMA regarding the damages. The 560<sup>th</sup> Lane repairs remained on the agenda without discussion for two months, and from April through December of 2019, discussion regarding the relocation, necessary property acquisition, and other requirements of the project, including short-term safety measures were regular agenda items.

## 6 MITIGATION MEASURES AND PERMITS

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### 6.1 Permits

The MPCA requires the NPDES/SDS permit for construction projects that disturb more than one acre of soil. The proposed project is anticipated to exceed this threshold for the removal of the old roadway, realignment of 560<sup>th</sup> Lane, and the removal of the Ballman residence. No other permits are required at this time.

**Table 6-1** summarizes the necessary permits to implement the Proposed Action and their status.

**Table 6-1 Permit Summary**

Issuing Agency	Resource	Permit Title	Applicable Regulation/Law	Status
MPCA	Soils (Erosion)	NPDES/SDS	Minn. R. 7090.2040	Not complete. To be obtained by construction contractor following project award and prior to commencing construction.

### 6.2 Project Conditions

The subrecipient is responsible for compliance with federal, state, and local laws and regulations, including obtaining any necessary permits prior to beginning construction activities, and adhering to any conditions laid out in these permits. Any substantive change to the scope of work will require re-evaluation by FEMA for compliance with NEPA and any other laws or EOs. Failure to comply with FEMA grant conditions may jeopardize federal funding.

#### **General Project Conditions**

1. The subrecipient is responsible for obtaining and complying with all required local, state, and federal permits and approvals.
2. A SWPPP will be submitted to the MPCA and will be adhered to.
3. If deviations from the proposed scope of work result in substantial design changes, the need for additional ground disturbance, additional removal of vegetation, or any other unanticipated changes to the physical environment, the subrecipient must contact FEMA so that the revised project scope can be evaluated for compliance with NEPA and other applicable environmental laws.

The following conditions address mitigation of impacts to **Water Resources and Water Quality**, **Wetlands**, and **Soils**:

4. Prior to beginning work, the subrecipient will coordinate with the MPCA to determine permitting needs under NPDES, National Pollutant Discharge Elimination System, and a SWPPP, Stormwater Pollution Prevention Plan.

#### ***Air Quality***

5. To reduce the emission of criteria pollutants, construction equipment engine idling will be minimized to the extent practicable, and engines will be kept properly maintained.
6. Open construction areas will be minimized and watered as needed to minimize particulates such as fugitive dust.

#### ***Noise***

7. Construction activities to take place during the less noise-sensitive daylight hours.

#### ***Hazardous Materials***

8. If hazardous source materials are encountered during building removal, former road removal, or construction activities for the proposed action, contingency plans will be prepared that detail the procedures that the contractors will follow to identify, manage, and dispose of source materials, or other heavily contaminated materials, in accordance with all local, state, and federal regulations. These specifications sections should include, but are not limited to, procedures that address Safety, Health, and Emergency Response Procedures; Environmental Protection Procedures; Contaminated Soil Excavation; Transportation and Disposal of Contaminated Material; and Contaminated Dewatering and Drainage.
9. MPCA will be notified if source material or other heavily contaminated material is encountered.

#### ***Migratory Birds***

10. Vegetation removal should be avoided during the migratory bird nesting season (approximately February 15 to August 15) to the extent practicable.

#### ***Invasive Species***

11. Graded areas will be revegetated with native grasses and forbs, or native seed mixes.
12. All equipment will be cleaned (including but not limited to vehicles, clothing, and gear) at a site prior to moving to another site. All soil, aggregate material, mulch, vegetation, seeds, animals, etc. need to be removed using a hand tool, brush, compressed air, pressure washer, or otherwise.
13. If equipment is not cleaned before arriving to the work site, then clean the equipment in the parking or staging area, ensuring no material is deposited at the new site. Material cleaned from equipment should be disposed of legally.

### ***Safety and Security***

14. To minimize risks to safety and human health, construction activities will be performed using qualified personnel trained to use the required equipment properly.
15. The construction site will be secured from public access.
16. All construction activities will be conducted in accordance with the standards specified in the Occupational Safety and Health Administration (OSHA) regulations.
17. All conditions of the project Health and Safety Plan will be adhered to.

### ***Archeological, Tribal, and Religious Sites***

18. The subrecipient will monitor ground disturbance during the construction phase. Should human skeletal remains or historic or archaeological materials be discovered during construction, all ground-disturbing activities on the project site shall cease and the subrecipient will notify the coroner's office (in the case of human remains), the recipient (Minnesota HSEM), and FEMA. FEMA will notify the SHPO and the Shakopee Mdewakanton Sioux Community of Minnesota, Upper Sioux Community and Winnebago Tribe of Nebraska Tribal Historic Preservation Offices.
19. All borrow or fill material must come from pre-existing stockpiles, material reclaimed from maintained roadside ditches (provided the designed width or depth of the ditch is not increased), or commercially procured material from a source existing prior to the event. For any FEMA-funded project requiring the use of a non-commercial source or a commercial source that was not permitted to operate prior to the event (e.g. a new pit, agricultural fields, road ROWs, etc.) in whole or in part, regardless of cost, Lyra Township must notify FEMA and HSEM prior to extracting material. FEMA must review the source for compliance with all applicable federal environmental planning and historic preservation laws and executive orders prior to a subrecipient or their contractor commencing borrow extraction. Consultation and regulatory permitting may be required. Non-compliance with this requirement may jeopardize receipt of federal funding. Documentation of borrow sources utilized is required at closeout.

## **7 CONSULTATIONS AND REFERENCES**

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The following agencies were consulted during the preparation of this EA:

### **7.1 Federal, State, and Local Agencies**

- Minnesota Department of Natural Resources (DNR), Regional Environmental Assessment Ecologist
- Minnesota State Historic Preservation Office (SHPO)
- U.S. Fish and Wildlife Service, Minnesota-Wisconsin Ecological Services Field Office
- U.S. Environmental Protection Agency Region V, NEPA Implementation Section
- Minnesota Pollution Control Agency (MPCA)
- Natural Resources Conservation Service (NRCS)

- U.S. Army Corps of Engineers, St. Paul District
- Minnesota Board of Water and Soil Resources (BWSR)

## 7.2 Tribal Nations

- Flandreau Santee Sioux Tribe of South Dakota
- Ho-Chunk Nation
- Lower Sioux Indian Community of Minnesota
- Prairie Island Indian Community
- Santee Sioux Tribe
- Shakopee Mdewakanton Sioux Community of Minnesota
- Spirit Lake Tribe of Fort Totten
- Upper Sioux Community of Minnesota
- Winnebago Tribe of Nebraska

## 7.3 References

- Blue Earth County. 2018. Land Use Plan. Prepared by Blue Earth County in cooperation with SRF. Prepared for Blue Earth County Environmental Services Department.
- \_\_\_\_\_. 2021. Aquatic Invasive Species. Accessed May 2021.  
<https://www.blueearthcountymn.gov/1162/Aquatic-Invasive-Species>
- Center for Invasive Species and Ecosystem Health, University of Georgia. 2021. Early Detection and Distribution Mapping System (EDDMapsS). Minnesota DNR Infested Waters Map. Accessed May 2021. <https://www.eddmaps.org/midwest/tools/infestedwaters/>
- U.S. Environmental Protection Agency (EPA). 1974. Information on Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety. Accessed May 2021.  
<https://nepis.epa.gov/Exe/ZyPDF.cgi/2000L3LN.PDF?Dockkey=2000L3LN.PDF>
- \_\_\_\_\_. 2019. Sole Source Aquifer Mapper. Accessed May 2021.  
<https://www.epa.gov/dwssa/map-sole-source-aquifer-locations>
- \_\_\_\_\_. 2020. Counties Designated Nonattainment. Accessed May 18, 2021.  
<https://www3.epa.gov/airquality/greenbook/mapnpoll.html>
- \_\_\_\_\_. 2021a. Envirofacts Website. Accessed May 2021. <https://enviro.epa.gov/>
- \_\_\_\_\_. 2021b. NEPAassist Website. Accessed May 2021. <https://www.epa.gov/nepa/nepassist>
- Federal Emergency Management Agency (FEMA). 2020. Flood Insurance Rate Map, Blue Earth County (Unincorporated Areas). Accessed May 2021.  
<https://map1.msc.fema.gov/firm?id=2752310125D>
- Minnesota Department of Natural Resources. 2007. Minnesota County Biological Survey, Map Series 25: Native Plant Communities and Rare Species of Blue Earth, Le Sueur, Nicollet,



- and Sibley Counties. Accessed May 18, 2021.  
[https://files.dnr.state.mn.us/eco/mcbs/maps/mnriver\\_map2.pdf](https://files.dnr.state.mn.us/eco/mcbs/maps/mnriver_map2.pdf)
- \_\_\_\_\_. 2016. Geologic Atlas of Blue Earth County, Minnesota. Accessed May 2021.  
[https://files.dnr.state.mn.us/waters/groundwater\\_section/mapping/cga/c26\\_blueearth/report.pdf](https://files.dnr.state.mn.us/waters/groundwater_section/mapping/cga/c26_blueearth/report.pdf)
- \_\_\_\_\_. 2021a. MnTOPO Viewer. Accessed May 2021.  
<http://arcgis.dnr.state.mn.us/maps/mntopo/>
- \_\_\_\_\_. 2021b. White-nose Syndrome and Minnesota's Bats. Accessed May 19, 2021.  
<https://www.dnr.state.mn.us/wns/index.html>
- Minnesota Department of Transportation. 2018. Traffic Mapping Application. Accessed July 2021.  
<https://mndot.maps.arcgis.com/apps/webappviewer/index.html?id=7b3be07daed84e7fa170a91059ce63bb>
- National Oceanic and Atmospheric Administration (NOAA). 2020. Essential Fish Habitat Mapper, Accessed May 2021. <https://www.fisheries.noaa.gov/resource/map/essential-fish-habitat-mapper>
- National Park Service (NPS). 2019. Interactive Map of NPS Wild and Scenic Rivers. Accessed May 2021. <https://www.nps.gov/orgs/1912/plan-your-visit.htm>
- National Resource Conservation Service (NRCS). 2012. Farmland Protection Policy Act Manual. Accessed May 2021.  
[https://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb1049240.pdf](https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1049240.pdf)
- U.S. Department of Agriculture (USDA). 2021. Web Soil Survey. Accessed on May, 2021.  
<https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>
- U.S. Fish and Wildlife Service (USFWS). 2013. Classification of Wetlands and Deepwater Habitats of the United States. Accessed May 19, 2021.  
<https://www.fws.gov/wetlands/documents/Classification-of-Wetlands-and-Deepwater-Habitats-of-the-United-States-2013.pdf>
- \_\_\_\_\_. 2019a. Coastal Barrier Resources System Mapper. Accessed May 2021.  
<https://www.fws.gov/CBRA/Maps/Mapper.html>
- \_\_\_\_\_. 2021. National Wetlands Inventory Wetlands Mapper. Accessed May 19, 2021.  
<https://www.fws.gov/wetlands/data/mapper.html>
- U.S. Geological Survey (USGS). 2004. Map of Bedrock Geology of Good Thunder Quadrangle, Blue Earth County, MN. Accessed May 2021.  
<https://collection.mndigital.org/catalog/mgs:863#/image/0>
- \_\_\_\_\_. 2018a. Short-Term Seismicity Model. Accessed May 2021.
- \_\_\_\_\_. 2018b. Long-Term National Seismic Hazard Map. Accessed May 2021.

## 8 LIST OF PREPARERS

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***Table 8-1 Federal Emergency Management Agency Preparers***

<b>Reviewers</b>	<b>Experience and Expertise</b>	<b>Role in Preparation</b>
Anne Bansley	Infrastructure Branch Director	Public Assistance
Brian Miller	Program Delivery Manager	Public Assistance
Duane Castaldi	Regional Environmental Officer (REO)	Project Monitor
Karie Roach	Environmental Protection Specialist	Technical Monitor
Nicholas Dorochoff	Deputy REO	Technical Editor

***Table 8-2 Bolton & Menk, Inc. Preparers***

<b>Preparers</b>	<b>Experience and Expertise</b>	<b>Role in Preparation</b>
Gina Aulwes	Environmental Planner	NEPA Documentation
Lyle Femrite	Civil Engineer	Project Manager
Aaron Padilla	GIS Specialist	GIS/Graphics
Dan Sarff	Civil Engineer	Project Manager & Technical Review

## **APPENDICES**

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**Appendix A    Agency Consultation**

**Appendix B    Tribal Nation Consultation**

**Appendix C    Township Meeting Notes**

**Appendix D    Public Notice and Comments**

**Appendix A**

**Agency Consultation**



FEMA

March 31, 2021

Brandon DeFoe  
Resource Soil Scientist  
Natural Resource Conservation Service  
110 2nd Street S, Suite 128  
Waite Park, MN 56387

Re: 560<sup>th</sup> Lane Realignment, Lyra Township, Blue Earth County  
DR-4442-MN, PW 1518 - 118553  
Start: 44.01916, -94.04514, End: 44.018160, -94.044760  
T106N R27W S2

Dear Mr. DeFoe:

In accordance with the Farmland Protection Policy Act (FPPA) and other legislation, FEMA has determined that the captioned project constitutes a federally assisted undertaking, requiring review under FPPA. In response to severe storms, straight-line winds, and flooding between March 12, 2019 and April 28, 2019, the President declared disaster DR-4442-MN on June 12, 2019. Under this declaration, Lyra Township has applied for FEMA's Public Assistance (PA) program funding to repair and mitigate future flooding damage to 560<sup>th</sup> Lane, a rural gravel road.

During the event, the Maple River flooded and significantly eroded its bank near 560<sup>th</sup> Lane and undermined 560<sup>th</sup> Lane, leaving the road's edge approximately 20 feet from the riverbank edge at its closest, creating a risk to public safety. Stabilizing the nearly vertical eroding riverbank is both cost prohibitive and technically infeasible. Doing nothing will likely result in future erosion and continuing risk to the roadway; while creating an alternate route for a new roadway will take up a significantly larger land area.

Lyra Township proposes to use FEMA funding to offset the cost of relocating 560<sup>th</sup> Lane approximately 200 feet eastward of its current alignment, providing over 200 feet of distance from the eroded riverbank. This realignment will best serve public safety concerns and prevent potential future damage to the roadway.

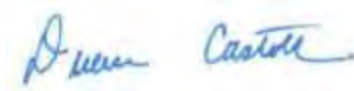
The new 650-foot-long and 66-foot-wide right-of-way (ROW) will contain a 24-foot wide centered two-lane gravel roadway, ditched both sides. The township will remove the old roadway's gravel base and gravel surface. The modular dwelling and garage on the property through which the new roadway will travel will be removed, and the township will grade and seed the disturbed land with native species, allowing it to naturalize. The land through which the new roadway passes is not currently used for agricultural uses; it is a residential yard and small woodlot. The existing 600-foot-long and 66-foot-wide ROW was already converted from farmland to road use. The land between the new road alignment and the riverbank, including the existing ROW, will not be used for agricultural uses. The land area for the project is approximately 2.0 acres, 1.5 acres of which are classified as prime farmland.

Please find attached Farmland Conversion Impact Rating, Form AD-1006. FEMA requests your assistance in evaluating potential conversion of prime, unique or important farmland outside that existing ROW and within the proposed project location.

560<sup>th</sup> Lane Realignment, Lyra  
Township, Blue Earth County  
DR-4442-MN, PW 1518 - 118553  
Start: 44.01916, -94.04514,  
End: 44.018160, -94.044760  
T106N R27W S2  
March 31, 2021  
Page 2

If you have questions or information that will help us fulfill our responsibility under the Farmland Protection Policy Act, do not hesitate to contact Karie Roach of my staff at (312) 408-5549 or [FEMA-R5-Environmental@fema.dhs.gov](mailto:FEMA-R5-Environmental@fema.dhs.gov). We would appreciate a response by email from your office within thirty (30) days. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Duane Castaldi".

Duane Castaldi  
Regional Environmental Officer  
FEMA Region V

**Enclosures:** Maps and Figures, Farmland Conversion Impact Rating, and Farmland Classification



## FARMLAND CONVERSION IMPACT RATING FOR CORRIDOR TYPE PROJECTS

<b>PART I (To be completed by Federal Agency)</b>		3. Date of Land Evaluation Request <b>3/31/21</b>		4. Sheet 1 of <u>1</u>	
1. Name of Project <b>Lyra Township Road Relocation</b>		5. Federal Agency Involved <b>FEMA</b>			
2. Type of Project <b>Roadway Relocation</b>		6. County and State <b>Blue Earth County, Minnesota</b>			
<b>PART II (To be completed by NRCS)</b>		1. Date Request Received by NRCS <input type="checkbox"/> <input type="checkbox"/>		2. Person Completing Form	
3. Does the corridor contain prime, unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of this form).		YES <input type="checkbox"/> NO <input type="checkbox"/>		4. Acres Irrigated Average Farm Size	
5. Major Crop(s)		6. Farmable Land in Government Jurisdiction Acres: %		7. Amount of Farmland As Defined in FPPA Acres: %	
8. Name Of Land Evaluation System Used		9. Name of Local Site Assessment System		10. Date Land Evaluation Returned by NRCS	

<b>PART III (To be completed by Federal Agency)</b>		<b>Alternative Corridor For Segment</b>			
		Corridor A	Corridor B	Corridor C	Corridor D
A. Total Acres To Be Converted Directly		3.8			
B. Total Acres To Be Converted Indirectly, Or To Receive Services					
C. Total Acres In Corridor		3.8			
<b>PART IV (To be completed by NRCS) Land Evaluation Information</b>					
A. Total Acres Prime And Unique Farmland					
B. Total Acres Statewide And Local Important Farmland					
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted					
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value					
<b>PART V (To be completed by NRCS) Land Evaluation Information Criterion Relative value of Farmland to Be Serviced or Converted (Scale of 0 - 100 Points)</b>					
<b>PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.S(c))</b>	<b>Maximum Points</b>				
1. Area in Nonurban Use	15				
2. Perimeter in Nonurban Use	10				
3. Percent Of Corridor Being Farmed	20				
4. Protection Provided By State And Local Government	20				
5. Size of Present Farm Unit Compared To Average	10				
6. Creation Of Nonfarmable Farmland	25				
7. Availability Of Farm Support Services	5				
8. On-Farm Investments	20				
9. Effects Of Conversion On Farm Support Services	25				
10. Compatibility With Existing Agricultural Use	10				
<b>TOTAL CORRIDOR ASSESSMENT POINTS</b>	<b>160</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>PART VII (To be completed by Federal Agency)</b>					
Relative Value Of Farmland (From Part V)		100	0	0	0
Total Corridor Assessment (From Part VI above or a local site assessment)		160	0	0	0
<b>TOTAL POINTS (Total of above 2 lines)</b>		<b>260</b>	<b>0</b>	<b>0</b>	<b>0</b>
1. Corridor Selected:	2. Total Acres of Farmlands to be Converted by Project:	3. Date Of Selection:		4. Was A Local Site Assessment Used?	
				YES <input type="checkbox"/> NO <input type="checkbox"/>	

5. Reason For Selection:

Signature of Person Completing this Part:

DATE

**NOTE:** Complete a form for each segment with more than one Alternate Corridor

Soil Map-Blue Earth County, Minnesota  
(LyraTwpUTM83)



Map Scale: 1:1,150 if printed on A portrait (8.5" x 11") sheet.

N

0 15 30 60 90 Meters

0 50 100 200 Feet

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 15N WGS84



Natural Resources  
Conservation Service

Web Soil Survey  
National Cooperative Soil Survey

3/15/2021  
Page 1 of 3

## MAP LEGEND

### Area of Interest (AOI)



Area of Interest (AOI)

### Soils



Soil Map Unit Polygons



Soil Map Unit Lines



Soil Map Unit Points

### Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

### Water Features



Streams and Canals

### Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

### Background



Aerial Photography

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:12,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
Web Soil Survey URL:  
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Blue Earth County, Minnesota  
Survey Area Data: Version 18, Jun 5, 2020

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Aug 18, 2011-Sep 19, 2017

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
286	Shorewood silty clay loam, 1 to 6 percent slopes	1.5	76.5%
961	Storden complex, very steep	0.5	23.5%
<b>Totals for Area of Interest</b>		<b>2.0</b>	<b>100.0%</b>

Summary by Map Unit - Blue, Eart h County, Minnesot a (MN 013)

Map unit symbol	Map unit name	Rating
286	Shorewood ,ilty clay loam, 1 to 6 percent slopes	All areas are prime farmland
961	Storden complex,, mry steep	Not prime farmland

April 9<sup>th</sup>, 2021

Karie Roach, Environmental Protection Specialist  
Federal Emergency Management Agency  
536 South Clark St, 6<sup>th</sup> Floor  
Chicago, IL 60605

Re: 560<sup>th</sup> Lane realignment

Dear Ms. Roach,

The purpose of the Farmland Protection Policy Act (FPPA) as you are aware is to minimize the extent that federal programs contribute to the unnecessary and irreversible conversion of prime and important farmland to non-agricultural uses. The FPPA requires federal agencies involved in projects that may convert farmland to determine whether the proposed conversion is consistent with the FPPA. The FPPA is only a part of the EIS and NEPA process and compliance with the FPPA process does not guarantee compliance with other laws.

Upon reviewing the area of this project, I found that there is Prime Farmland in the proposed project area and meets exemption 523.11 E. (1). There is no attached AD-1006 as it is an exempt project.

If you have any questions, please contact me via e-mail or at the above number.

**DANIEL NATH**

Digitally signed by DANIEL  
NATH  
Date: 2021.04.09 11:44:17  
-05'00'

Daniel Nath, CPSS# 446666, MN PSS# 57667  
Resource Soil Scientist USDA/NRCS  
Rochester, MN





# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Minnesota-Wisconsin Ecological Services Field Office

4101 American Blvd E

Bloomington, MN 55425-1665

Phone: (952) 252-0092 Fax: (952) 646-2873

<http://www.fws.gov/midwest/Endangered/section7/s7process/step1.html>



In Reply Refer To:

March 12, 2021

Consultation Code: 03E19000-2021-SLI-1015

Event Code: 03E19000-2021-E-03122

Project Name: 4442-MN Lyra Township Road Realignment

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

### To Whom It May Concern:

The attached species list identifies any federally threatened, endangered, proposed and candidate species that may occur within the action area – the area that is likely to be affected by your proposed project. The list also includes any designated and proposed critical habitat that overlaps with the action area. This list is provided to you as the initial step of the consultation process required under section 7(c) of the Endangered Species Act, also referred to as Section 7 Consultation.

Section 7 of the Endangered Species Act of 1973 requires that actions authorized, funded, or carried out by Federal agencies not jeopardize federally threatened or endangered species or adversely modify designated critical habitat. To fulfill this mandate, Federal agencies (or their designated non-federal representatives) must consult with the Service if they determine their project may affect listed species or critical habitat. Agencies must confer under section 7(a)(4) if any proposed action is likely to jeopardize species proposed for listing as endangered or threatened or likely to adversely modify any proposed critical habitat.

Under 50 CFR 402.12(e) (the regulations that implement Section 7 of the Endangered Species Act) the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally. You may verify the list by visiting the ECOS-IPaC website <http://ecos.fws.gov/ipac/> at regular intervals during project planning and implementation and completing the same process you used to receive the attached list. As an alternative, you may contact this Ecological Services Field Office for updates.

Please use the species list provided and visit the U.S. Fish and Wildlife Service's Region 3 Section 7 Technical Assistance website at - <http://www.fws.gov/midwest/endangered/section7/s7process/index.html>. This website contains step-by-step instructions that will help you



determine if your project will have an adverse effect on listed species or critical habitat and will help lead you through the Section 7 process.

For all **wind energy projects** and **projects that include installing towers that use guy wires or are over 200 feet in height**, please contact this field office directly for assistance, even if no federally listed plants, animals or critical habitat are present within the action area.

Although no longer protected under the Endangered Species Act, be aware that bald eagles (*Haliaeetus leucocephalus*) are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*) and Migratory Bird Treaty Act (16 U.S.C. 703 *et seq.*), as are golden eagles (*Aquila chrysaetos*). Projects affecting these species may require measures to avoid harming eagles or may require a permit. If your project is near a bald eagle nest or winter roost area, see our Eagle Permits website at <http://www.fws.gov/midwest/midwestbird/EaglePermits/index.html>. The information available at this website will help you determine if you can avoid impacting eagles or if a permit may be necessary.

We appreciate your concern for threatened and endangered species. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- Migratory Birds

## Official Species List

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

This species list is provided by:

**Minnesota-Wisconsin Ecological Services Field Office**

4101 American Blvd E

Bloomington, MN 55425-1665

(952) 252-0092

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## Project Summary

Consultation Code: 03E19000-2021-SLI-1015

Event Code: 03E19000-2021-E-03122

Project Name: 4442-MN Lyra Township Road Realignment

Project Type: \*\* OTHER \*\*

Project Description: Start: 44.01916, -94.04514, End: 44.018160, -94.044760. Project is to realign the endangered portion of 560th Lane approximately 200 feet east of the affected area to best serve public safety concerns and prevent the potential for reoccurring damage. Construction of the new 66-foot wide gravel-surfaced road section will include clearing and grubbing of trees, excavation, and grading. The new roadway and shoulder will consist of Class 5 aggregate base, granular material, Class 1 shoulder base, and topsoil. Approximately six acres of turf establishment and restoration, installation of new road signage and construction-related erosion control will complete the new construction. The old roadway will be excavated and removed. The original alignment will be returned to its original condition by placing topsoil and planting grasses and other vegetation. The eroded riverbank will be allowed to naturally stabilize.

### Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@44.0188807,-94.04450602814492,14z>



Counties: Blue Earth County, Minnesota

## Endangered Species Act Species

There is a total of 1 threatened, endangered, or candidate species on this species list.

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

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

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

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

## Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Threatened

## Critical habitats

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

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## Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

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

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

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

NAME	BREEDING SEASON
<b>Bald Eagle <i>Haliaeetus leucocephalus</i></b> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. <a href="https://ecos.fws.gov/ecp/species/1626">https://ecos.fws.gov/ecp/species/1626</a>	Breeds Dec 1 to Aug 31
<b>Black Tern <i>Chlidonias niger</i></b> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA <a href="https://ecos.fws.gov/ecp/species/3093">https://ecos.fws.gov/ecp/species/3093</a>	Breeds May 15 to Aug 20

NAME	BREEDING SEASON
Bobolink <i>Dolichonyx oryzivorus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 20 to Jul 31
Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10

## Probability Of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

### Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is  $0.25/0.25 = 1$ ; at week 20 it is  $0.05/0.25 = 0.2$ .
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

### Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

### Survey Effort (I)

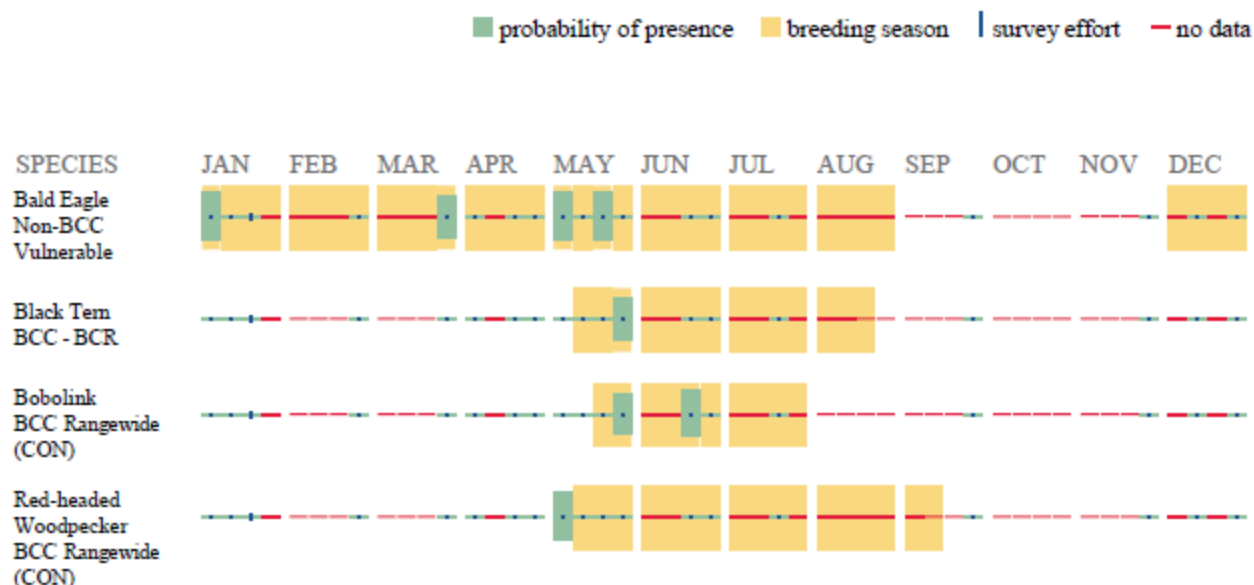
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

### No Data (→)

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

### Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

## Migratory Birds FAQ

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.



[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

### **What does IPaC use to generate the migratory birds potentially occurring in my specified location?**

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [AKN Phenology Tool](#).

### **What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?**

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

### **How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?**

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

### **What are the levels of concern for migratory birds?**

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Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

### **Details about birds that are potentially affected by offshore projects**

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

### **What if I have eagles on my list?**

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

### **Proper Interpretation and Use of Your Migratory Bird Report**

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of

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certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

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## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

Minnesota-Wisconsin Ecological Services Field Office

4101 American Blvd E

Bloomington, MN 55425-1665

Phone: (952) 252-0092 Fax: (952) 646-2873

<http://www.fws.gov/midwest/Endangered/section7/s7process/step1.html>



In Reply Refer To:

March 12, 2021

Consultation code: 03E19000-2021-TA-1015

Event Code: 03E19000-2021-E-03123

Project Name: 4442-MN Lyra Township Road Realignment

Subject: Verification letter for the '4442-MN Lyra Township Road Realignment' project under the January 5, 2016, Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-eared Bat and Activities Excepted from Take Prohibitions.

Dear seth bell:

The U.S. Fish and Wildlife Service (Service) received on March 12, 2021 your effects determination for the '4442-MN Lyra Township Road Realignment' (the Action) using the northern long-eared bat (*Myotis septentrionalis*) key within the Information for Planning and Consultation (IPaC) system. This IPaC key assists users in determining whether a Federal action is consistent with the activities analyzed in the Service's January 5, 2016, Programmatic Biological Opinion (PBO). The PBO addresses activities excepted from "take"<sup>[1]</sup> prohibitions applicable to the northern long-eared bat under the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based upon your IPaC submission, the Action is consistent with activities analyzed in the PBO. The Action may affect the northern long-eared bat; however, any take that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o). Unless the Service advises you within 30 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that the PBO satisfies and concludes your responsibilities for this Action under ESA Section 7(a)(2) with respect to the northern long-eared bat.

Please report to our office any changes to the information about the Action that you submitted in IPaC, the results of any bat surveys conducted in the Action area, and any dead, injured, or sick northern long-eared bats that are found during Action implementation. If the Action is not completed within one year of the date of this letter, you must update and resubmit the information required in the IPaC key.

If the Action may affect other federally listed species besides the northern long-eared bat, a proposed species, and/or designated critical habitat, additional consultation between you and this Service office is required. If the Action may disturb bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act is recommended.

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[1]Take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct [ESA Section 3(19)].

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**Action Description**

You provided to IPaC the following name and description for the subject Action.

**1. Name**

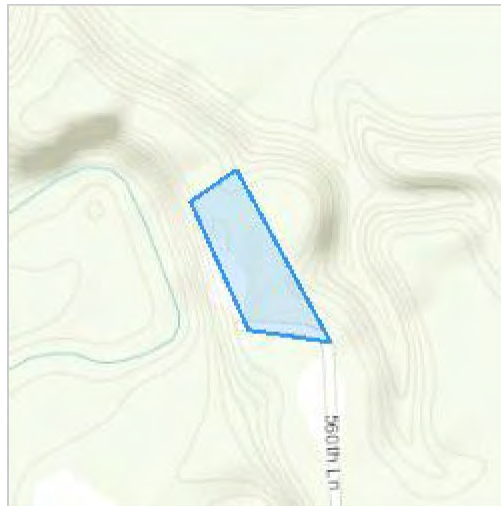
4442-MN Lyra Township Road Realignment

**2. Description**

The following description was provided for the project '4442-MN Lyra Township Road Realignment':

Start: 44.01916, -94.04514, End: 44.018160, -94.044760. Project is to realign the endangered portion of 560th Lane approximately 200 feet east of the affected area to best serve public safety concerns and prevent the potential for reoccurring damage. Construction of the new 66-foot wide gravel-surfaced road section will include clearing and grubbing of trees, excavation, and grading. The new roadway and shoulder will consist of Class 5 aggregate base, granular material, Class 1 shoulder base, and topsoil. Approximately six acres of turf establishment and restoration, installation of new road signage and construction-related erosion control will complete the new construction. The old roadway will be excavated and removed. The original alignment will be returned to its original condition by placing topsoil and planting grasses and other vegetation. The eroded riverbank will be allowed to naturally stabilize.

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@44.0188807,-94.04450602814492,14z>

**Determination Key Result**

This Federal Action may affect the northern long-eared bat in a manner consistent with the description of activities addressed by the Service's PBO dated January 5, 2016. Any taking that may occur incidental to this Action is not prohibited under the final 4(d) rule at 50 CFR

§17.40(o). Therefore, the PBO satisfies your responsibilities for this Action under ESA Section 7(a)(2) relative to the northern long-eared bat.

**Determination Key Description: Northern Long-eared Bat 4(d) Rule**

This key was last updated in IPaC on May 15, 2017. Keys are subject to periodic revision.

This key is intended for actions that may affect the threatened northern long-eared bat.

The purpose of the key for Federal actions is to assist determinations as to whether proposed actions are consistent with those analyzed in the Service's PBO dated January 5, 2016.

Federal actions that may cause prohibited take of northern long-eared bats, affect ESA-listed species other than the northern long-eared bat, or affect any designated critical habitat, require ESA Section 7(a)(2) consultation in addition to the use of this key. Federal actions that may affect species proposed for listing or critical habitat proposed for designation may require a conference under ESA Section 7(a)(4).

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## Determination Key Result

This project may affect the threatened Northern long-eared bat; therefore, consultation with the Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.) is required. However, based on the information you provided, this project may rely on the Service's January 5, 2016, *Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-Eared Bat and Activities Excepted from Take Prohibitions* to fulfill its Section 7(a)(2) consultation obligation.

## Qualification Interview

1. Is the action authorized, funded, or being carried out by a Federal agency?  
*Yes*
2. Have you determined that the proposed action will have "no effect" on the northern long-eared bat? (If you are unsure select "No")  
*No*
3. Will your activity purposefully **Take** northern long-eared bats?  
*No*
4. [Semantic] Is the project action area located wholly outside the White-nose Syndrome Zone?  
**Automatically answered**  
*No*
5. Have you contacted the appropriate agency to determine if your project is near a known hibernaculum or maternity roost tree?

Location information for northern long-eared bat hibernacula is generally kept in state Natural Heritage Inventory databases – the availability of this data varies state-by-state. Many states provide online access to their data, either directly by providing maps or by providing the opportunity to make a data request. In some cases, to protect those resources, access to the information may be limited. A web page with links to state Natural Heritage Inventory databases and other sources of information on the locations of northern long-eared bat roost trees and hibernacula is available at [www.fws.gov/midwest/endangered/mammals/nleb/nhisites.html](http://www.fws.gov/midwest/endangered/mammals/nleb/nhisites.html).

*Yes*

6. Will the action affect a cave or mine where northern long-eared bats are known to hibernate (i.e., hibernaculum) or could it alter the entrance or the environment (physical or other alteration) of a hibernaculum?  
*No*
  7. Will the action involve Tree Removal?  
*Yes*
-



8. Will the action only remove hazardous trees for the protection of human life or property?

*No*

9. Will the action remove trees within 0.25 miles of a known northern long-eared bat hibernaculum at any time of year?

*No*

10. Will the action remove a known occupied northern long-eared bat maternity roost tree or any trees within 150 feet of a known occupied maternity roost tree from June 1 through July 31?

*No*

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## Project Questionnaire

**If the project includes forest conversion, report the appropriate acreages below. Otherwise, type '0' in questions 1-3.**

1. Estimated total acres of forest conversion:

0.001

2. If known, estimated acres of forest conversion from April 1 to October 31

0

3. If known, estimated acres of forest conversion from June 1 to July 31

0

**If the project includes timber harvest, report the appropriate acreages below. Otherwise, type '0' in questions 4-6.**

4. Estimated total acres of timber harvest

0

5. If known, estimated acres of timber harvest from April 1 to October 31

0

6. If known, estimated acres of timber harvest from June 1 to July 31

0

**If the project includes prescribed fire, report the appropriate acreages below. Otherwise, type '0' in questions 7-9.**

7. Estimated total acres of prescribed fire

0

8. If known, estimated acres of prescribed fire from April 1 to October 31

0

9. If known, estimated acres of prescribed fire from June 1 to July 31

0

**If the project includes new wind turbines, report the megawatts of wind capacity below. Otherwise, type '0' in question 10.**

10. What is the estimated wind capacity (in megawatts) of the new turbine(s)?

0

---

**From:** [Boettcher, Joanne \(DNR\)](#)  
**To:** [FEMA-R5-Environmental](#)  
**Cc:** [Roach, Karie](#); [Dorochoff, Nicholas](#); [Girolamo, Daniel \(DNR\)](#); [Lore, Jon \(DNR\)](#); [Castaldi, Duane](#); [Joyal, Lisa \(DNR\)](#); [Dapo, Jack](#); [Bump, Samantha \(DNR\)](#)  
**Subject:** RE: New FEMA NEPA Scoping Document - Lyra Township, Blue Earth County, Minnesota  
**Date:** Friday, March 26, 2021 4:06:21 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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Hi Duane,

Thanks for sending in your concurrence request. The NHIS program should get back to you on this, but for your planning purposes, a more comprehensive set of recommendations for Blanding's Turtle protection can be found here:

[http://files.dnr.state.mn.us/natural\\_resources/animals/reptiles\\_amphibians/turtles/blandings\\_turtle/factsheet.pdf](http://files.dnr.state.mn.us/natural_resources/animals/reptiles_amphibians/turtles/blandings_turtle/factsheet.pdf)

and here:

[http://files.dnr.state.mn.us/natural\\_resources/animals/reptiles\\_amphibians/turtles/blandings\\_turtle/flyer.pdf](http://files.dnr.state.mn.us/natural_resources/animals/reptiles_amphibians/turtles/blandings_turtle/flyer.pdf)

Thanks,

Joanne

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**From:** FEMA-R5-Environmental <[fema-r5-environmental@fema.dhs.gov](mailto:fema-r5-environmental@fema.dhs.gov)>  
**Sent:** Friday, March 26, 2021 3:03 PM  
**To:** Boettcher, Joanne (DNR) <[Joanne.Boettcher@state.mn.us](mailto:Joanne.Boettcher@state.mn.us)>  
**Cc:** Roach, Karie <[karie.roach@fema.dhs.gov](mailto:karie.roach@fema.dhs.gov)>; Dorochoff, Nicholas <[Nicholas.Dorochoff@fema.dhs.gov](mailto:Nicholas.Dorochoff@fema.dhs.gov)>; Girolamo, Daniel (DNR) <[daniel.girolamo@state.mn.us](mailto:daniel.girolamo@state.mn.us)>; Lore, Jon (DNR) <[jon.lore@state.mn.us](mailto:jon.lore@state.mn.us)>; Castaldi, Duane <[Duane.Castaldi@fema.dhs.gov](mailto:Duane.Castaldi@fema.dhs.gov)>; Joyal, Lisa (DNR) <[lisa.joyal@state.mn.us](mailto:lisa.joyal@state.mn.us)>; Dapo, Jack <[jack.dapo@fema.dhs.gov](mailto:jack.dapo@fema.dhs.gov)>  
**Subject:** RE: New FEMA NEPA Scoping Document - Lyra Township, Blue Earth County, Minnesota

Hi Joanne,

Thank you for your comments for the Lyra Township 560<sup>th</sup> Lane Realignment Environmental Assessment Scoping Document. We have received your comments and will proceed as recommended.

FEMA Environmental and Historic Preservation (EHP) is a licensee for Minnesota DNR NHIS electronic data (License Agreement 993 signed April 10<sup>th</sup>, 2020). Condition 13 of our agreement states that we will notify DNR of any activities or actions that have the potential to impact state-listed threatened or endangered species. We have cc'd Lisa Joyal to this email who is listed as the state representative in our license agreement.

We reviewed the NHIS data for Lyra Township 560<sup>th</sup> Lane (44.01916, -94.04514 to 44.018160, -94.044760) on March 12, 2021 and found that there was one occurrence of Blanding's turtle (MN Status: Threatened) within a one mile radius of the project location. While we do anticipate some work involving clearing and grubbing of upland vegetation, we agree that conditions provided by your department will help us avoid impacts to the turtle. The following conditions will be applied to this project:

- Work will occur outside of the turtle's nesting season from May 1 through July 31, if possible
- Native seed mix will be used for revegetation
- Wildlife friendly erosion control and invasive species prevention best practices will be followed

Thank you for your verification of our data and input on this project. Please let us know if you notice any

inconsistencies in our data or if any further NHIS review is necessary. We appreciate your comments and look forward to hearing from you.

Thank you,

Jack Dapo

Environmental Protection Specialist | Mitigation Division | FEMA Region 5

Office: (312) 408-5372 | Mobile: (202) 717-0219

[jack.dapo@fema.dhs.gov](mailto:jack.dapo@fema.dhs.gov)

Federal Emergency Management Agency

[fema.gov](http://fema.gov)

---

**From:** Boettcher, Joanne (DNR) <[Joanne.Boettcher@state.mn.us](mailto:Joanne.Boettcher@state.mn.us)>

**Sent:** Thursday, March 25, 2021 2:15 PM

**To:** FEMA-R5-Environmental <[fema-r5-environmental@fema.dhs.gov](mailto:fema-r5-environmental@fema.dhs.gov)>

**Cc:** Roach, Karie <[karie.roach@fema.dhs.gov](mailto:karie.roach@fema.dhs.gov)>; Dorochoff, Nicholas <[Nicholas.Dorochoff@fema.dhs.gov](mailto:Nicholas.Dorochoff@fema.dhs.gov)>;

Girolamo, Daniel (DNR) <[daniel.girolamo@state.mn.us](mailto:daniel.girolamo@state.mn.us)>; Lore, Jon (DNR) <[jon.lore@state.mn.us](mailto:jon.lore@state.mn.us)>

**Subject:** RE: New FEMA NEPA Scoping Document - Lyra Township, Blue Earth County, Minnesota

Hi Duane,

Thank you for consulting the DNR on this proposed project. We offer the following comments:

- The project needs to have an [NHIS review](#) to identify rare species, communities, and features as well as required or recommended avoidance strategies. For your planning purposes, reviews are currently backlogged and take about 2-3 months to complete, and the results are valid for one year.
- If the project may impact public waters, contact Area Hydrologist Dan Girolamo. A [Public Waters Work Permit](#) could be necessary in this case.
- We recommend that a native seed mix ([examples provided by BWSR](#)) is used.
- We encourage the project to consider construction timing, if possible. Impacts to wildlife can generally be reduced by conducting vegetation clearing and grubbing outside of the nesting and rearing window or roughly May 1-July 31.
- We recommend wildlife friendly erosion control and invasive species prevention best practices (see attachment for details).

Joanne Boettcher

Regional Environmental Assessment Ecologist

MNDNR – Mankato

(507) 389-8813



---

**From:** FEMA-R5-Environmental <[fema-r5-environmental@fema.dhs.gov](mailto:fema-r5-environmental@fema.dhs.gov)>

**Sent:** Friday, February 26, 2021 1:36 PM

**To:** Boettcher, Joanne (DNR) <[Joanne.Boettcher@state.mn.us](mailto:Joanne.Boettcher@state.mn.us)>

**Cc:** Roach, Karie <[karie.roach@fema.dhs.gov](mailto:karie.roach@fema.dhs.gov)>; Dorochoff, Nicholas <[Nicholas.Dorochoff@fema.dhs.gov](mailto:Nicholas.Dorochoff@fema.dhs.gov)>; FEMA-R5-Environmental <[fema-r5-environmental@fema.dhs.gov](mailto:fema-r5-environmental@fema.dhs.gov)>

**Subject:** New FEMA NEPA Scoping Document - Lyra Township, Blue Earth County, Minnesota

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Good Afternoon Joanne.

Minnesota Homeland Security and Emergency Management and Lyra Township have requested funding from the Federal Emergency Management Agency (FEMA) to support a Public Assistance (PA) project.

The attached scoping document sets forth the draft purpose and need as well as areas of environmental review and study associated with the proposed project. The information is provided here in accord with the Council on Environmental Quality's regulations for complying with the National Environmental Policy Act to advise other agencies of FEMA's intent to prepare an Environmental Assessment for this project, note areas of expected environmental concern, and solicit any early comment regarding the project.

Per prior instruction from DNR, FEMA only sends NEPA Scoping Documents to the Minnesota DNR Regional Environmental Ecologist who will route to other Divisions within DNR and consolidate comments.

FEMA looks forward to any comments you may have on this project as we prepare the Environmental Assessment. We would appreciate a response by e-mail by March 29, 2021. If you have questions, please contact me at 312-408-5549 or at [fema-r5-environmental@fema.dhs.gov](mailto:fema-r5-environmental@fema.dhs.gov).

Thanks

Duane

Region V Environmental and Historic Preservation  
Office: 312.408.5549 | [fema-r5-environmental@fema.dhs.gov](mailto:fema-r5-environmental@fema.dhs.gov)

Duane Castaldi  
FEMA Region V, Regional Environmental Officer  
536 South Clark Street, 6th Floor  
Chicago, IL 60605

Federal Emergency Management Agency  
[fema.gov](https://www.fema.gov)



**FEMA**

**From:** [Dapo, Jack](#)  
**To:** [Roach, Karie](#)  
**Subject:** FEMA - Lyra Township - Licensee Review of DNR NHIS Data  
**Date:** Friday, March 12, 2021 10:50:51 AM  
**Attachments:** [image003.png](#)

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**Project Location:** 44.01916, -94.04514 to 44.018160, -94.044760

**Project Description** - To realign the endangered portion of 560th Lane approximately 200 feet east of the affected area to best serve public safety concerns and prevent the potential for reoccurring damage. Construction of the new 66-foot wide gravel-surfaced road section will include clearing and grubbing of trees, excavation, and grading. The new roadway and shoulder will consist of Class 5 aggregate base, granular material, Class 1 shoulder base, and topsoil. Approximately six acres of turf establishment and restoration, installation of new road signage and construction-related erosion control will complete the new construction. The old roadway will be excavated and removed. The original alignment will be returned to its original condition by placing topsoil and planting grasses and other vegetation. The eroded riverbank will be allowed to naturally stabilize.

**Review of NHIS Data** - There is one occurrence of a Minnesota state listed species within a one mile radius of project location. There are no occurrences of federally listed species within a one mile radius of project location.

*Copyright 2020, State of Minnesota, Department of Natural Resources (DNR). Data included here were provided by the Division of Ecological and Water Resources, Minnesota DNR, and were current as of November 4, 2020. These data are not based on an exhaustive inventory of the state. The lack of data for any geographic area shall not be construed to mean that no significant features are present.*

Jack Dapo  
Environmental Protection Specialist | Mitigation Division | FEMA Region 5  
Office: (312) 408-5372 | Mobile: (202) 717-0219  
[jack.dapo@fema.dhs.gov](mailto:jack.dapo@fema.dhs.gov)

Federal Emergency Management Agency  
[fema.gov](https://www.fema.gov)



**From:** [Dorochoff, Nicholas](#)  
**To:** [Roach, Karie](#)  
**Subject:** FW: Proposed Project Approval  
**Date:** Tuesday, April 27, 2021 10:21:09 AM  
**Attachments:** [Phase I Letter Report Lyra TWP RED.pdf](#)

---

Nick

Nicholas Dorochoff  
Deputy Regional Environmental Officer | Mitigation Division | FEMA Region 5  
Mobile: (847) 942-4807  
[nicholas.dorochoff@fema.dhs.gov](mailto:nicholas.dorochoff@fema.dhs.gov)

Federal Emergency Management Agency  
[fema.gov](https://www.fema.gov)

---

**From:** Lyra Township <lyratownship@gmail.com>  
**Sent:** Tuesday, April 27, 2021 10:00 AM  
**To:** ENReviewSHPO@state.mn.us  
**Cc:** Dan Sarff <Daniel.Sarff@bolton-menk.com>; Jammi Ladwig <jammi-ladwig@bolton-menk.com>; Lyle Femrite <lylefe@bolton-menk.com>; gina.aulwes@bolton-menk.com; Smith, Ryan Blake (DPS) <ryan.blake.smith@state.mn.us>; Miller, Brian <brian.miller@fema.dhs.gov>; Bethke, Peter (OFA) <peter.bethke@associates.fema.dhs.gov>; Henry, Irene <irene.henry@fema.dhs.gov>; Dickson, Jeffrey <Jeffrey.Dickson@fema.dhs.gov>; Castaldi, Duane <Duane.Castaldi@fema.dhs.gov>; Dorochoff, Nicholas <Nicholas.Dorochoff@fema.dhs.gov>; Safatiuk, Iryna <iryna.safatiuk@fema.dhs.gov>; Corrigan, Elizabeth <elizabeth.corrigan@fema.dhs.gov>  
**Subject:** Proposed Project Approval

Dear Ms. Beimers,

An Environmental Assessment (EA) is being prepared for proposed 560th Lane roadway realignment due to health and safety concerns. The Federal Emergency Management Agency (FEMA) is providing funding assistance for the proposed project. Given federal involvement, the proposed project is subject to review under Section 106 of the National Historic Preservation Act (NHPA) and implementing regulations (36 CFR 800).

Bolton & Menk, Inc. cultural resource staff completed an archaeological survey for the proposed project in April 2021. No significant cultural materials nor archaeological sites were identified in the course of the survey and no further archaeological investigations are recommended. Lyra Township concurs with these findings.

The Phase I Archaeological Survey Letter Report is attached for your review. Please do not hesitate to reach out with any questions or concerns.

Please note that a hard copy of the report will be submitted by Bolton & Menk, Inc., following this electronic submittal.

Sincerely,  
Sandra Miller, Clerk of Lyra Township



## Standard Erosion Control and Invasive Species Prevention Best Practices

### Take precautions when working near waterbodies to prevent sedimentation and erosion:

- Erodeable surfaces should not be left exposed for greater than one day. For example, work should not commence late in the week if it will be left unfinished over a weekend.
- Work should not commence if rain is predicted.
- All wheeled or tracked construction equipment should be restricted to work areas above the stream bank.
- Fill material should not be stockpiled in the floodplain.
- Backfill placed below Ordinary High Water (OHW) should consist of clean granular material free of fines, silts, soils, and mud.
- Use [Best Practices for DNR General Public Waters Work Permit GP 2004-0001: Species Protection](#). Refer to pages: 3, 11, 14, 16, 25, 33, and 34 as relevant to a particular project.
- Vegetative “grout” should be incorporated with any installed rip rap (see page 33 of above link).
- [Native species planting/seeding](#) should be used.
- DNR Public Waters Work Permit may be required. Permit requirements must be followed.

### Use wildlife friendly erosion control:

- Biodegradable netting should be used, preferably natural materials with short degradation periods.
- Erosion control blankets should be limited to bio-netting or natural netting types due to the risk of entanglement and death of small animals. [2018 MnDOT Standards Specifications for Construction](#) identify acceptable materials in Category 3N or 4N mulches.
- Do not use products that require UV-light to degrade (also called “photodegradable”), as they do not degrade properly when covered/shaded.
- Do not use products containing plastic mesh netting or other plastic components.
- Do not use mulch products that contain synthetic (plastic) fiber additives near waterbodies.
- See [Wildlife Friendly Erosion Control](#) for more information.

### Take active steps to prevent invasive species introduction and spread:

- Clean all equipment (including but not limited to: vehicles, clothing, and gear) at a site prior to moving to another site. All soil, aggregate material, mulch, vegetation, seeds, animals, etc. need to be removed using a hand tool, brush, compressed air, pressure washer, or otherwise.
- If equipment is not cleaned before arriving to a work site, then clean the equipment in the parking or staging area, ensuring no material is deposited at the new site. Material cleaned from equipment should be disposed of legally.
- All equipment (including but not limited to: waders, tracked vehicles, barges, boats, turbidity curtain, sheet pile, and pumps) used for work in an “infested water” must be adequately decontaminated. See [Watercraft Decontamination Manual](#) for more information.
- See [Come Clean, Leave Clean](#) for more detailed guidance. This guidance is required for those working on DNR lands as part of grant or contract or are working under a permit, your grant, contract, or permit.

### Referenced Links

[https://files.dnr.state.mn.us/waters/watermgmt\\_section/pwpermits/gp\\_2004\\_0001\\_chapter1.pdf](https://files.dnr.state.mn.us/waters/watermgmt_section/pwpermits/gp_2004_0001_chapter1.pdf)

<https://bwsr.state.mn.us/seed-mixes>

<https://files.dnr.state.mn.us/eco/nongame/wildlife-friendly-erosion-control.pdf>

<http://www.dot.state.mn.us/pre-letting/spec/2018/2018-spec-book-final.pdf>

<https://www.dnr.state.mn.us/invasives/dnrlands.html>

<https://www.dnr.state.mn.us/invasives/dnrlands.html>

[https://files.dnr.state.mn.us/natural\\_resources/invasives/mndnr\\_ais\\_decontamination\\_handbook.pdf](https://files.dnr.state.mn.us/natural_resources/invasives/mndnr_ais_decontamination_handbook.pdf)

+++++++You may e-mail this page to [fema-r5-environmental@fema.dhs.gov](mailto:fema-r5-environmental@fema.dhs.gov) +++++++

Re: 560th Lane Realignment

Lyra Township, Blue Earth County, Minnesota

DR-4442-MN, PW 1518 - 118553

GPS (Start: 44.01916, -94.04514, End: 44.018160, -94.044760)/ T106N R27W S2 .

Under the authority of the National Historic Preservation Act of 1966, as amended, the Minnesota State Historic Preservation Office **concurs** with FEMA's finding that the captioned undertaking will result in **no historic properties affected**.

- ☐ Under the authority of the National Historic Preservation Act of 1966, as amended, the Minnesota State Historic Preservation Office **objects** to FEMA's finding that the captioned undertaking will result in **no historic properties affected** for the reasons provided below.

---

Minnesota State Historic Preservation Office

5/24/2021  
Date



U.S. Department of Homeland Security  
536 South Clark Street, 6<sup>th</sup> Floor  
Chicago, Illinois 60605-1521

**FEMA**

May 4, 2021

Sarah Beimers, Environmental Review Program Manager  
Minnesota State Historic Preservation Office  
Administration Building, Suite 203  
50 Sherburne Avenue  
Saint Paul, MN 55155

Re: 560<sup>th</sup> Lane Realignment  
Lyra Township, Blue Earth County, Minnesota  
DR-4442-MN, PW 1518 - 118553  
GPS (Start: 44.01916, -94.04514, End: 44.018160, -94.044760)/T106N R27W S2

Dear Ms. Beimers:

Pursuant to the Section 106 of the National Historic Preservation Act, I am writing this letter to initiate and conclude consultation regarding the captioned Public Assistance Grant Program project.

In accordance with 36 CFR §800.11, I am enclosing documentation regarding this undertaking and its effect on historic properties. The documentation provides the justification for FEMA's finding of no historic properties affected; the purpose of this communication is to seek concurrence in that finding. Please note that the Applicant has submitted a copy of the enclosed archaeological report directly to your office, see attached e-mail.

Due to workplace restrictions in response to COVID-19, we are using email to deliver this Section 106 consultation. We understand the impacts COVID-19 has had on your operations and we did receive your March 27<sup>th</sup>, 2020 tolling notification. We understand you may need more than 30 days and will wait for your reply. Because our reliance on digital communications must continue until our offices reopen, we would appreciate a response by email from your office. For your convenience, we have included a response area below. If you have questions, do not hesitate to contact Karie Roach at [Fema-R5-Environmental@fema.dhs.gov](mailto:Fema-R5-Environmental@fema.dhs.gov) or 312-408-5549.

Sincerely,

Duane Castaldi  
Regional Environmental Officer  
FEMA Region V

Enclosures

+++++++You may e-mail this page to [fema-r5-environmental@fema.dhs.gov](mailto:fema-r5-environmental@fema.dhs.gov)+++++++

Re: 560th Lane Realignment

Lyra Township, Blue Earth County, Minnesota

DR-4442-MN, PW 1518 - 118553

GPS (Start: 44.01916, -94.04514, End: 44.018160, -94.044760)/T106N R27W S2

- ☐ Under the authority of the National Historic Preservation Act of 1966, as amended, the Minnesota State Historic Preservation Office *concurs* with FEMA's finding that the captioned undertaking will result in *no historic properties affected*.
  
- ☐ Under the authority of the National Historic Preservation Act of 1966, as amended, the Minnesota State Historic Preservation Office *objects* to FEMA's finding that the captioned undertaking will result in *no historic properties affected* for the reasons provided below.

---

Minnesota State Historic Preservation Office

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Date



FEMA

May 4, 2021  
*Project Summary*

560<sup>th</sup> Lane Realignment, Lyra Township, Blue Earth County  
DR-4442-MN, PW 1518 - 118553

GPS: (Start: 44.01916, -94.04514, End: 44.018160, -94.044760)  
T106N R27W S2

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Description of  
Undertaking and  
APE:

In response to severe storms, straight-line winds, and flooding between March 12, 2019 and April 28, 2019, the President declared disaster DR-4442-MN on June 12, 2019. This declaration made Public Assistance (PA) available to state and eligible local governments and certain private nonprofit organizations on a cost-sharing basis for emergency work and repair or replacement of damaged facilities. This declaration also made Hazard Mitigation Grant Program assistance requested by the Governor available for hazard mitigation measures statewide.

During the incident period, the Maple River flooded with abnormally high velocities and depth, significantly eroding the outer curve of the riverbank and undermining 560<sup>th</sup> Lane, in Lyra Township, Blue Earth County, GPS: (Start: 44.01916, -94.04514, End: 44.018160, -94.044760), northwest of the town of Good Thunder. The affected area lies within Section 2, Township 106 N and Range 27 W. The applicant proposes to use federal funds authorized under the Stafford Act to realign the endangered portion of 560<sup>th</sup> Lane approximately 200 feet east of the affected area to best serve public safety concerns and prevent the potential for reoccurring damage.

To accommodate the new right-of-way for the roadway, the Applicant will purchase portions of adjacent residential property. The ten-acre Ballman property (16241 560<sup>th</sup> Lane) lies in two parts, with a large portion across the Maple River to the west, and a smaller portion to the east of the river and 560<sup>th</sup> Lane. This portion will provide most of the land necessary for the roadway. It contains a wood-framed, vinyl-sided, and gable-roofed modular house (Figure 8) constructed in 1998 (16241 560<sup>th</sup> Street), and an associated metal-sided pole barn (Figure 9). It is assumed that these structures will be removed or demolished (modular house) or demolished (pole barn) as part of the undertaking.

A portion of the Mann property (16244 560<sup>th</sup> Lane) will also be necessary to accommodate the realigned roadway to the east and north of the existing road. This portion of the property does not contain any structures and lies across 560<sup>th</sup> Lane from the portion of the Mann property containing the dwelling. The dwelling at 16244 560<sup>th</sup> Lane is a wood-framed, brick-sided, and gable-roofed house and garage constructed in 1975 (Figure 10) with a shed (Figure 11). It is assumed that this structure and its associated garage and shed will remain and will not be affected by the road relocation, as the land proposed for purchase lies across

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560<sup>th</sup> lane from the house parcel. However, a new gravel-surfaced driveway will be built in order to meet the new road section.

Construction of the new 66-foot wide gravel-surfaced road section will include clearing and grubbing of trees, excavation, and grading. The new roadway and shoulder will consist of Class 5 aggregate base, granular material, Class 1 shoulder base, and topsoil. Approximately six acres of turf establishment and restoration, installation of new road signage and construction-related erosion control will complete the new construction.

The old roadway will be excavated and removed. The original alignment will be returned to its original condition by placing topsoil and planting grasses and other vegetation. The eroded riverbank will be allowed to naturally stabilize.

As defined in 36 CFR §800.16(d), the area of potential effects (APE) is the geographic area or areas within which an undertaking may directly or indirectly cause changes in the character or use of historic properties if any such properties exist. Based on this definition and the nature and scope of the undertaking, FEMA has determined that the APE is limited to the areas within which all construction and ground disturbing activity would be confined and the viewshed of the proposed project. No potential for effects outside of the viewshed of the proposed project exists. The APE is denoted on Figure 5.

---

Steps Taken to  
Identify Historic  
Properties:

*Archaeology*

A search of the Minnesota Historical Society's archaeological inventory conducted on December 14, 2020 indicated that there are no previously recorded archeological sites in the same quarter section as the project location, or the quarter sections surrounding them.

A Phase I Archaeological Survey of the proposed route, including the land to be acquired and used for the roadway relocation was completed in April 2021. The survey did not identify any archaeological sites or significant cultural materials and no additional survey was recommended (Bolton & Menk, Inc., letter report April 26, 2021, attached).

*Standing Structures*

FEMA-qualified staff consulted the National Register of Historic Places (NRHP) database and the Minnesota Historic Inventory and determined that there are no previously identified resources that have been listed in or determined eligible for listing in the NRHP within the APE for this undertaking.

No historic architectural resources over 45 years of age were identified within or adjacent to the APE for this undertaking. The modular dwelling and pole barn on the Ballman property that is part of the APE were constructed in 1998. The dwelling and garage on the Mann Property were constructed in 1975. Another property to the south of the APE (16200 560<sup>th</sup> Lane) was constructed in 1995.

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Determination  
of Eligibility:

Based on the information provided here, and in the absence of any evidence to the contrary, FEMA has determined that *no properties eligible for listing on the National Register of Historic Places exist in the APE* for this undertaking.

Finding: Based on the information provided here, and in the absence of any information to the contrary, FEMA finds that this undertaking will result in *no historic properties affected*.

Figure 1: Lyra Township Map with approximate undertaking location marked in red.  
 (Minnesota Department of Transportation)

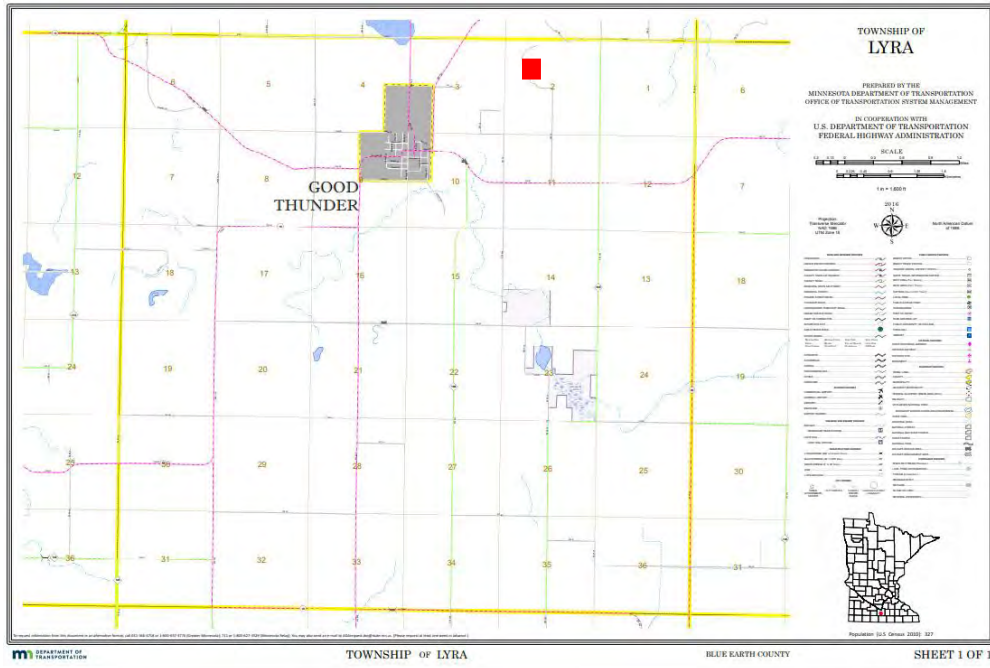


Figure 2: Undertaking location marked in red (USGS National Map, Huntley Quadrangle).

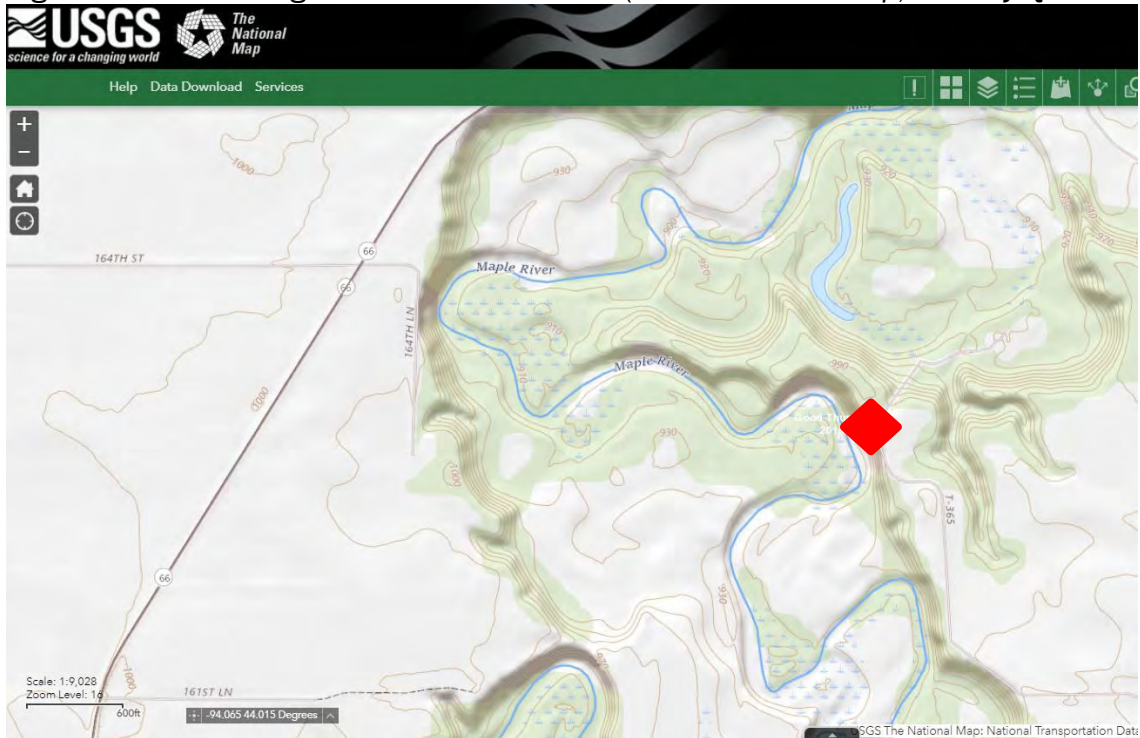




Figure 3: Aerial Image indicating project location and start and end of damage (Google Earth, 4/22/2015 imagery)

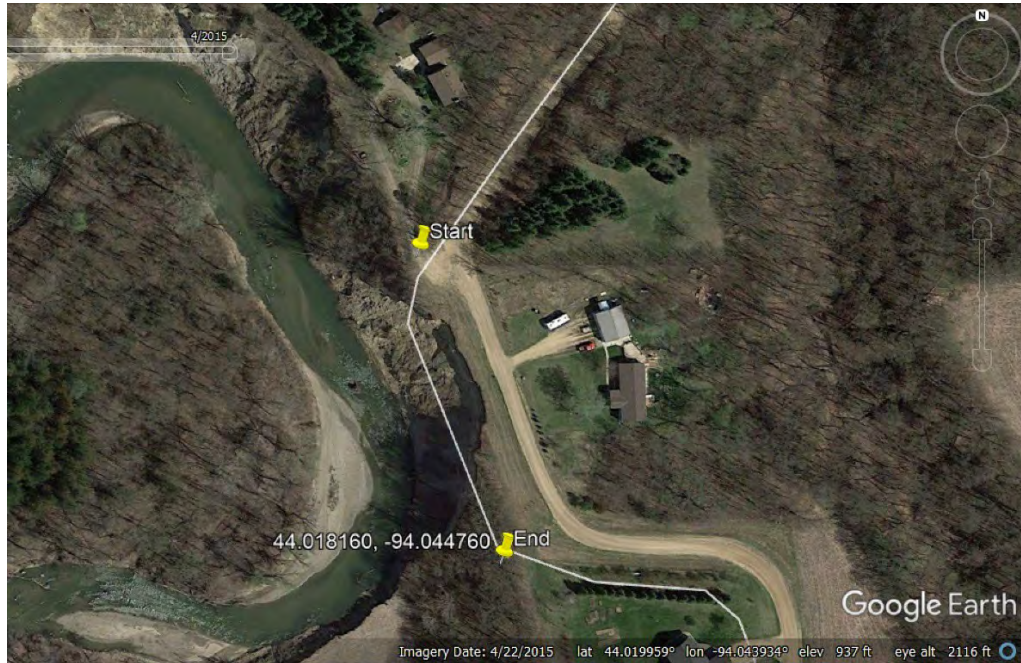


Figure 4: Proposed new road alignment (new Mann drive location not shown) (*Bolton & Menk, Inc., February 2021*).





Figure 5: Aerial Image indicating project location and APE noted in red (*Google Earth, 4/22/2015 imagery*)



Figure 6: Overview of eroded riverbank and roadway, facing north-northwest. (FEMA image, 2019).



Figure 7: View of 16241 560<sup>th</sup> Lane with pole barn and house. (FEMA image, 2019).

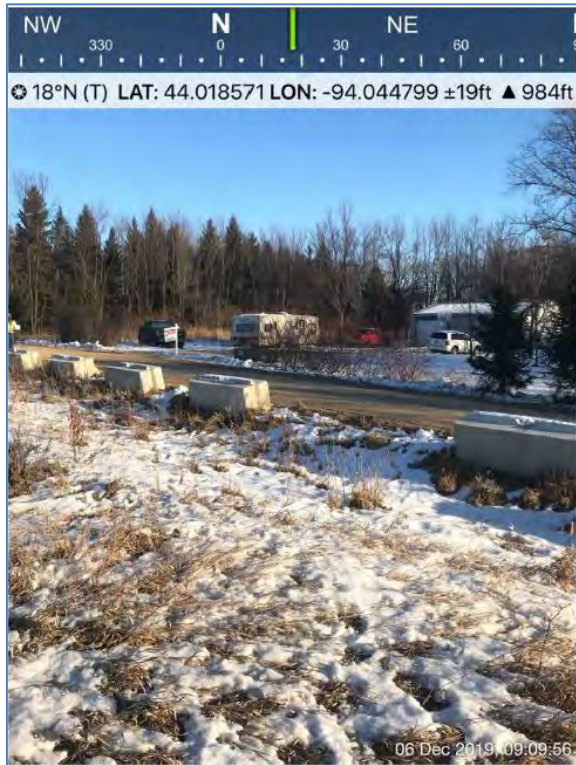


Figure 8: View of house at 16241 560th Lane. (Realtor image, 2019).





Figure 9: View of pole barn at 16241 560th Lane. (Realtor image, 2019).



Figure 10: View of house and garage at 1644 560th Lane (Assessor image 2018)



Figure 11: View of shed at 16244 560th Lane (Assessor image 2018)





Real People. Real Solutions.

12224 Nicollet Avenue  
Burnsville, MN 55337-1649

Ph: (952) 890-0509  
Fax: (952) 890-8065  
Bolton-Menk.com

April 26, 2021

Sandra Miller  
Lyra Township Clerk  
13474 560<sup>th</sup> Avenue  
Mapleton, MN 56065

RE: 560<sup>th</sup> Lane Township Road Relocation, Lyra Township, Blue Earth County, Minnesota  
Environmental Assessment  
OSA License # 21-034

Bolton & Menk Inc. completed an archaeological survey on behalf of Lyra Township for proposed realignment of approximately 400 feet of 560<sup>th</sup> Lane within Lyra Township (Figure 1). The total project area is approximately 2 acres in size (**Figure 1**). The project is located in T106N, R27W, Section 2 NW ¼ NW ¼ Blue Earth County, Minnesota (**Figure 2**).

An Environmental Assessment (EA) is being prepared for the proposed project and Lyra Township is receiving funding assistance from the Federal Emergency Management Agency (FEMA) for the undertaking, which requires completion of this archaeological survey. A Phase I Archaeological Survey was conducted on April 21 and 22, 2021. This letter report of the archaeological survey activities meets the guidelines provided by SHPO.<sup>1</sup>

### **Recommended Area of Potential Effects**

The recommended Area of Potential Effects (APE) includes the entire 2.05 acres of proposed private property acquisition and associated roadway relocation (**Figure 1**). The project occurs within current private property and in roadway and utility rights-of-way.

Soils in the APE are composed largely of Shorewood silty clay loam, with Storden complex to the east.<sup>2</sup> Soil C-horizons are recorded as starting from as shallow as 8 to 36 inches below the surface. Parent material is clayey lacustrine deposits over fine-loamy till to fine-loamy till.

Topography in the area is generally flat with downslopes to the west associated with the Maple River and to the east associated with a small tributary (**Figure 2**). The APE is in the SHPO Region 2s (Prairie Lakes south). Recorded precontact archaeological sites in this region are concentrated around the banks of rivers and tributaries. The project area is within a Plain landform situated in a landscape that would have been glacially Stagnant Ice within the majority of the project area, and within a Colluvial Slope landform within a Valley Margin landscape.<sup>3</sup> The historic vegetation for the area would have been Deciduous Forest.<sup>4</sup>

Ground disturbance/modification within the project area includes the construction of 560<sup>th</sup> Lane and residential development. The project area generally has been subject to a fair amount of grading and

<sup>1</sup> 2005. Scott Anfinson. *SHPO Manual for Archaeological Project in Minnesota*. Minnesota Historical Society.

<sup>2</sup> 2020. Web Soil Survey. Available through Natural Resources Conservation Service and United States Department of Agriculture. Electronic resource: <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>, accessed April 2021.

<sup>3</sup> 2019. *MnModel Phase 4 Project Summary and Statewide Results*. Elizabeth Hobbs. Minnesota Department of Transportation. Electronic document: <https://www.dot.state.mn.us/mnmodel/phase4-report/predictivemodelsmmp4.pdf>, accessed April 2021.

<sup>4</sup> 2019. *Historic Vegetation Model for Minnesota MnModel Phase 4*. Elizabeth Hobbs. Minnesota Department of Transportation. Electronic document: <https://www.dot.state.mn.us/mnmodel/phase4-report/predictivemodelsmmp4.pdf>, accessed April 2021.



development in the past. Historic aerial imagery from the 1930s demonstrates the Maple River has eroded over 100 feet to the east to occupy its current location (**Figure 3**). The configuration of buildings associated with the residence east of 560<sup>th</sup> Lane has changed markedly through time.

Based on offsite review, the APE appears to have moderate to high probability to contain archaeological sites, if intact soils are present within rights-of-way. According to the OSA Survey Implementation Model, the project area is classified as High Site Potential/Poorly Surveyed.<sup>5</sup>

### Known Cultural Resources & Prior Surveys

There are no reported archaeological surveys that have included the current project area. The OSA Portal was searched for archaeological sites recorded through April 2021, within approximately 3 miles of the survey area. There are four previously recorded archaeological sites and two alpha (unconfirmed) sites within approximately 2.5 miles of the project area (**Table 1**).

**Table 1: Recorded Archaeological Sites within 3-miles of the Survey Area**

Site Number	Site Name	Site Description / Cultural Context	Distance to APE	Potential Effects
21BE0049	Kranz	Lithic Scatter / Precontact*	2.60 miles	None
21BE0194	-	Lithic Scatter / Precontact*	2.55 miles	None
21BE0195	-	Lithic Scatter / Archaic	2.60 miles	None
21BE0279	-	Lithic Scatter / Precontact*	2.35 miles	None
21BEz	Dyer/Maple River Site	Historic Documentation	0.70 miles	None
21BEah	Palmer & Miller	Historic Documentation	1.85 miles	None

Site 21BE0049, the Kranz site, is a lithic scatter on a ridge top on the west side of the Maple River.<sup>6</sup> The site is noted to have yielded five bifaces, two cores, and “many” flakes. The site is noted to have been disturbed by plowing and road construction.

Site 21BE0194 is a lithic scatter on a bluff to the west of a small tributary in a cultivated area.<sup>7</sup> Six chert flakes are noted to have been recovered.

Site 21BE0195 is an Archaic lithic scatter representing “probably hundreds of flakes at the site,” many of which are noted to look heat treated.<sup>8</sup> A projectile point was recovered that is noted to resemble the Preston corner-notched type, which the author asserts could be late Archaic, but acknowledges some Woodland points are similar to this type as well.

Site 21BE0279 is recorded as a lithic scatter on a river terrace.<sup>9</sup> The site was recorded following construction of a terrace to stop gully erosion where surface survey failed to identify any cultural materials. A soil conservation technician showed the author three flakes and a broken biface that had been observed during construction, which constitute the recorded site.

<sup>5</sup> 2019. *Archaeological Predictive Modeling Guide MnModel Phase 4*. Carla Landrum, Elizabeth Hobbs, Alexander Anton, Andrew Brown, and Luke Burds. Minnesota Department of Transportation. Electronic document: <http://www.dot.state.mn.us/mnmodel/phase4-report/archmod-userguidemmp4.pdf>, accessed April 2021.

<sup>6</sup> 1979. 21BE0049 Site Form. M. Budak. On file at SHPO and electronic access via OSA Portal: <https://osa.gisdata.mn.gov/OSAportal/ArchSites/Details/31287>, accessed April 2021.

<sup>7</sup> 1982. 21BE0194 Site Form. Bratterbee(?). On file at SHPO and electronic access via OSA Portal: <https://osa.gisdata.mn.gov/OSAportal/ArchSites/Details/21760>, accessed April 2021.

<sup>8</sup> 2007. 21BE0195 Site Form Update. Pat McLoughlin. On file at SHPO and electronic access via OSA Portal: <https://osa.gisdata.mn.gov/OSAportal/ArchSites/Details/27339>, accessed April 2021.

<sup>9</sup> 2006. 21BE0279. Pat McLoughlin. On file at SHPO and electronic access via OSA Portal: <https://osa.gisdata.mn.gov/OSAportal/ArchSites/Details/27338>, accessed April 2021.



Unconfirmed site 21BEz, the Dyer/Maple River site lead, was recorded through historic documentation. The site record is limited to a listing of dates and associated notes.<sup>10</sup> In 1866-1867 a saw and grist mill were reportedly built by Lucius Dyer. An 1880 census reports the mill of George Gerlich at Rapidan on the Maple River, which included two water powered turbines and a custom mill. By 1882 the mill was sold to Jesse O. Mericle.

Unconfirmed site 21BEah, the Palmer & Miller site lead, was recorded through historic documentation. The site record is limited to a listing of dates and associated notes.<sup>11</sup> In 1868 a grist mill was built by Oren Palmer and Alan Miller. "Some years later" the same mill machinery was purportedly moved. An 1880 census reports the mill of Palmer and Miller at Lyra on the Maple River, which included one turbine and a merchant mill. By 1881 the mill was sold to E.F. Wilson, and by 1883-1884 the mill was purportedly abandoned by the owner.

### Fieldwork Results

Bolton & Menk, Inc. cultural resource staff conducted the archaeological survey from April 21 to 22, 2021, with staff augmentation support from Blondo Consulting, LLC. Current vegetation is variable, with manicured lawn and a pine tree stand in the northern portion of the APE (**Figure 4**) and wooded forest and manicured lawn in a homestead in the central and southern portions of the APE (**Figure 5**). In addition to pedestrian survey in the plowed agricultural field in the southeast corner of the APE, shovel testing was employed throughout the APE to examine soil profiles present to determine if cultural resources are present within the APE and if intact soil profiles exist with the potential to yield such resources.

Shovel tests were spaced at approximately 15 meters throughout the APE. Testing locations were limited by the presence of previously disturbed areas (gravel road, gravel drive, residence, and associated septic field), the close proximity of cable and electric lines (**Figure 6**), and a steep ravine along the eastern edge of the APE. The steeply eroded slopes to the west of the current road alignment were not tested in the course of the archaeological survey except for the southwestern portion of the APE for worker health and safety concerns.

Surface debris/materials and historical disturbance were evidenced by existing wire fencing denoting parcel boundaries, multiple debris piles, and a current fire pit and children's play area (**Figure 7**).

A total of 28 shovel tests (STs) were excavated. All STs terminated at subsoil unless prevented by impassable root systems. Soil profiles revealed by shovel testing varied between the wooded areas to the south and north and areas of manicured lawn. Soil profiles in the southern wooded area demonstrated a dark (10YR 2/1) or very dark grayish brown (10YR 3/2) clay loam over a very dark grayish brown (10YR 3/2) compacted clay. STs in the southern wooded area (STs 19 – 26) showed evidence of moderate disturbance, with gravel lenses in two shovel tests (STs 20 & 26) between 13 and 24 centimeters below the surface (cmbs); modern/ later historic artifacts were encountered in some shovel tests (STs 15, 20, 22, and 24). Modern/historic materials were composed of modern wire nails, flat glass, vessel glass, and modern whiteware ceramic fragments.

The northern manicured lawn and pine tree stand demonstrated a very dark grayish brown (10YR 3/2) silty clay loam over a very dark brown (10YR 2/2) clay, with deeper subsoil showing a yellowish brown (10YR 5/4) clay with strong brown (7.5YR 5/8) clay mottling (**Figure 8**). The northern wooded area did not have a clearly-defined subsoil, as dark (10YR 2/1) clay loam was over a dark (10YR 2/1) wet clay with slow inundation at 80 cmbs. ST 18, located in a maintained peninsula near the ravine edge behind the residence, terminated at 66 cmbs after showing evidence of heavy disturbance. Mottled clay was

<sup>10</sup> 1976. 21BEz Site Form. Author unknown. On file at SHPO and electronic access via OSA Portal: <https://osa.gisdata.mn.gov/OSAportal/ArchSites/Details/21200>, accessed April 2021.

<sup>11</sup> 1976. 21BEah Site Form. Author unknown. On file at SHPO and electronic access via OSA Portal: <https://osa.gisdata.mn.gov/OSAportal/ArchSites/Details/31651>, accessed April 2021.

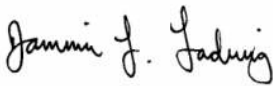
present in ST 18 beginning at 5 cmbs to termination at 66 cmbs (**Figure 9**). The ST in the manicured lawn (ST 27) showed moderate disturbance with clay mottling.

The ST excavated on the western side of the current 560<sup>th</sup> Lane road alignment (ST 28) found a previous road alignment overlaying the original ground surface. A dark yellowish brown (10YR 3/6) poorly sorted gravel fill was encountered below a thin layer of vegetation and topsoil. This former roadbed continued to 22 cmbs, yielding to a dark (10YR 2/1) clay to the ST's termination at 50 cmbs (**Figure 10**).

### **Recommendations**

No archaeological sites nor significant cultural materials were identified during the survey. The project will not impact known or suspected archaeological sites. No further archaeological investigation is recommended for the project as proposed.

Sincerely,  
**Bolton & Menk, Inc.**



Jammi Ladwig, MA  
Principal Investigator



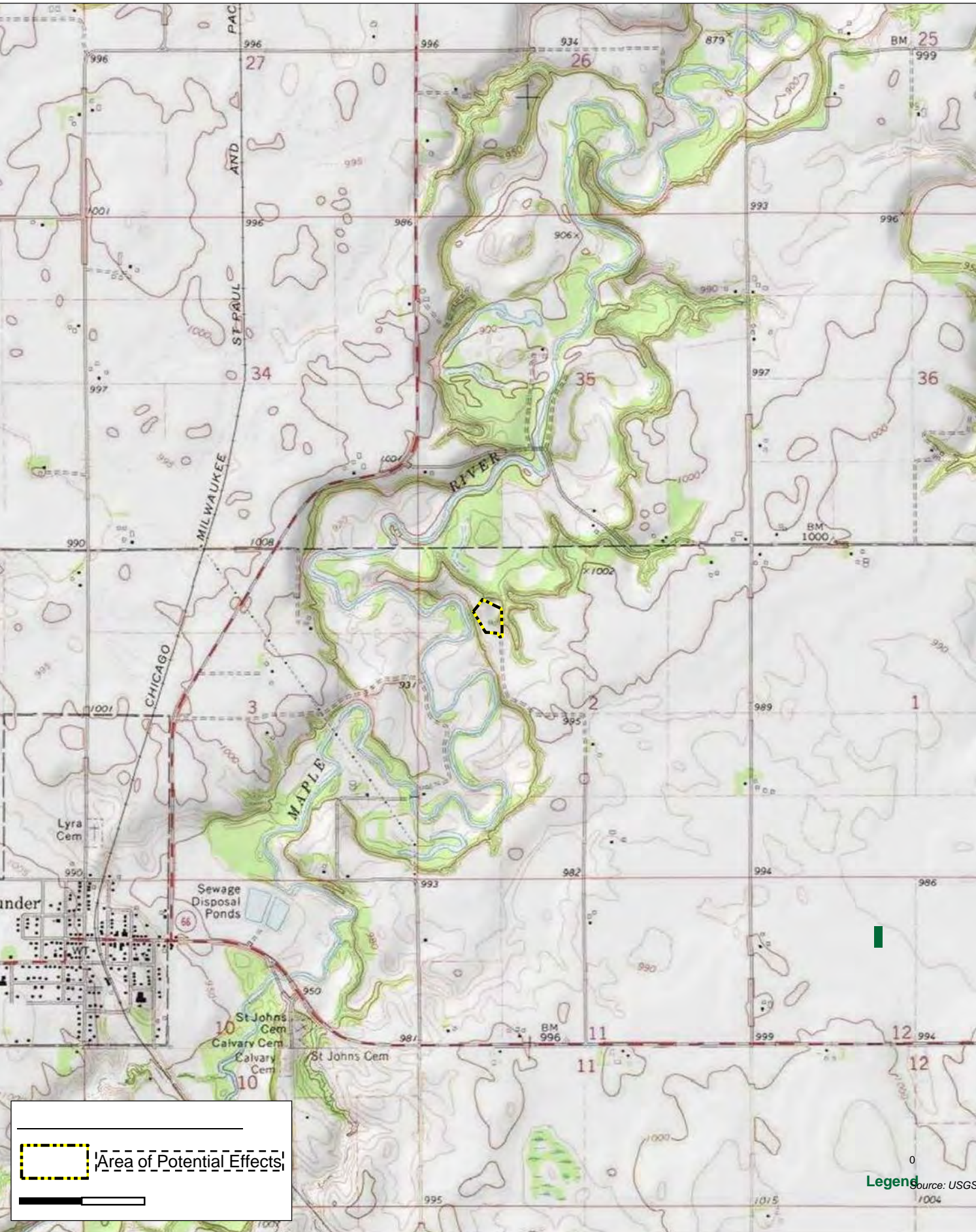
Danielle Kiesow, MA  
Cultural Resources Specialist





Map Document: \arcserver\GIS\LYRA\_TWP\_MN\18121012\ESRI\Maps\CR\Figure 1 Aerial\_Location.mxd | Date Saved: 4/26/2021 1:58:41 PM





Map Document: \varserver\GIS\LYRA\_TW\_MNM18121012\ESRI\Maps\CR\Figure 2 USGS Location.mxd | Date Saved: 4/8/2021 11:19:56 AM

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Legend Source: USGS, MnDOT





Map Document: \\arcserver1\GIS\LYRA\_TW\_MN\18121012\ESRI\Map\CR\Figure\_3\_1938\_Aerial.mxd | Date Saved: 4/9/2021 9:14:55 AM

**Legend**

Area of Potential Effects

0

300

Feet

Source: Blue Earth County, MnDOT, MHAPO



**Figure 4: Pine Tree Stand and Northern Manicured Lawn**



Pine tree stand and the manicured lawn in the northern portion of the APE.

**Figure 5: Residence with Manicured Lawn and Wooded Areas**



Residence within the APE showing manicured lawn, wooded areas, and septic field in mounded area center of photo.



**Figure 6: Nearby Cable/Electric Lines & Utility Boxes**



Cable, electric lines, and utility boxes located in the southern portion of the APE.

**Figure 7: Fire Pit and Children's Play Area**



Fire pit and children's play area associated with the residence located in the APE.



**Figure 8: ST 6 Soil Profile**



ST 6 soil profile showing evidence of mottled subsoil.

**Figure 9: ST 18 Soil Profile**



ST 18 soil profile showing evidence of heavy disturbance.



**Figure 10: ST 28 Soil Profile**



ST 28 soil profile showing evidence of former road alignment with buried soil.

## **Appendix B**

### **Tribal Nation Consultation**



U.S. Department of Homeland Security  
536 South Clark Street, 6<sup>th</sup> Floor  
Chicago, Illinois 60605-1521

**FEMA**

March 2, 2021

Garrie Kills A Hundred, Tribal Historic Preservation Officer  
Flandreau Santee Sioux Tribe of South Dakota  
P.O. Box 283  
Flandreau, South Dakota 57028

Re: 560th Lane Realignment, Lyra Township, Blue Earth County  
DR-4442-MN, PW 1518 - 18553  
Start: 44.01916, -94.04514, End: 44.018160, -94.044760  
T106N R27W S2

Dear Mr. Kills A Hundred:

The Federal Emergency Management Agency (FEMA) recognizes the special and unique legal relationship that exists between the federal government and federally recognized American Indian Tribes (Tribes). FEMA also recognizes that Tribes may attach religious and cultural significance to historic properties located on aboriginal, ancestral, or ceded lands that are not contiguous with reservation lands. For this reason, FEMA consults with Tribes regarding the possible effects of FEMA-funded undertakings on cultural properties of historic or traditional significance, sometimes referred to as Traditional Cultural Properties (TCPs). The purpose of this communication is to provide information regarding the captioned FEMA-funded project and to invite comment on whether the Flandreau Santee Sioux Tribe of South Dakota or other Tribes have interests in the areas potentially affected by this undertaking.

In response to severe storms, straight-line winds, and flooding between March 12, 2019 and April 28, 2019, the President declared disaster DR-4442-MN on June 12, 2019. Under this declaration, Faribault County, among others, was eligible for FEMA's Public Assistance (PA) Program funding. FEMA notified Tribes thought to have interests in the declared counties on June 26, 2019. FEMA invited comments on the potential impacts PA projects may have on lands traditionally used by or sacred to the Flandreau Santee Sioux Tribe of South Dakota and other Native American groups. The Leech Lake Band of Ojibwe responded on July 8, 2019; no other responses to this request for comment were received.

During the incident period, the Maple River flooded with abnormally high velocities and depth, significantly eroding the outer curve of the riverbank and undermining 560<sup>th</sup> Lane, in Lyra Township, Blue Earth County (Start: 44.01916, -94.04514, End: 44.018160, -94.044760), northwest of the town of Good Thunder. The affected area lies within Section 2, Township 106N and Range 27 W. The applicant proposes to use federal funds authorized under the Stafford Act to realign the endangered portion of 560<sup>th</sup> Lane approximately 200 feet east of the affected area to best serve public safety concerns and prevent the potential for reoccurring damage.

To accommodate the new right-of-way for the roadway, the Applicant will purchase portions of adjacent residential properties. The ten-acre Ballman property (16241 560<sup>th</sup> Lane) lies in two parts, with a portion across the Maple River to the west, and an approximately 2.5 acre parcel to the east of the river and 560<sup>th</sup> Lane. This 2.5 acre portion will provide most of the land necessary for the roadway. It contains a wood-framed, vinyl-sided and gable-roofed modular house constructed in 1998 (16241 560<sup>th</sup> Street), and an

associated metal-sided pole barn. It is assumed that these structures will be demolished or moved as part of the undertaking.

Approximately 1.5 acres of the Mann property (16244 560<sup>th</sup> Lane) will also be necessary to accommodate the realigned roadway to the east and north of the existing road. This portion of the property does not contain any structures and lies across 560<sup>th</sup> Lane from the portion of the Mann property containing the dwelling. A portion of the Mann driveway will be rebuilt as a part of the effort.

Construction of the new 66-foot wide gravel-surfaced road section will include clearing and grubbing of trees, excavation, and grading. The new roadway and shoulder will consist of Class 5 aggregate base, granular material, Class 1 shoulder base, and topsoil. Approximately six acres of turf establishment and restoration, installation of new road signage and erosion control will complete the new construction.

The old roadway will be excavated and removed. The original alignment will be returned to its original condition by placing topsoil and planting grasses and other vegetation. The eroded riverbank will be allowed to naturally stabilize.

The project location is noted on the enclosed Map 1.

In accordance with the National Historic Preservation Act and other legislation, FEMA determined that this project constitutes a federally assisted undertaking requiring review under Section 106 of the National Historic Preservation Act of 1966, as amended. In accord with 36 CFR 800.2(c)(2)(ii), FEMA is providing this opportunity for the Flandreau Santee Sioux Tribe of South Dakota to identify concerns about historic properties that may be affected by this undertaking. The area of potential effect (Map 2) is limited to the areas within which all construction and ground disturbing activity would be confined and the viewshed of the proposed project. No potential for effects outside of the viewshed of the proposed project exists. Due to the area being relatively flat adjacent to the river and the presence of known archaeological sites along the Maple River, FEMA will require that an archaeological survey be conducted within the area of potential effect.

Prior to conducting the archaeology survey, we invite your comments on the potential impacts this undertaking may have on lands traditionally used by or sacred to the **Flandreau Santee Sioux Tribe of South Dakota** or other Native American groups. We understand the sensitive nature of much of the information regarding TCPs and assure you in advance that any information you provide will be considered privileged and confidential. In order to safeguard TCPs of interest to Native Americans, we are contacting the following Tribes to request information regarding their interest in this undertaking.

- Flandreau Santee Sioux Tribe of South Dakota
- Ho-Chunk Nation
- Lower Sioux Indian Community of Minnesota
- Prairie Island Indian Community
- Santee Sioux Tribe
- Shakopee Mdewakanton Sioux Community of Minnesota
- Spirit Lake Tribe of Fort Totten
- Upper Sioux Community of Minnesota
- Winnebago Tribe of Nebraska

Receiving notice of your interest to join the consultation regarding this undertaking or notice of Tribes other than those listed above that may have an interest in this undertaking would improve FEMA's efforts to protect resources that may exist in the areas noted on the enclosures. A response form has been provided for your convenience.

We would appreciate a response by email from your office within thirty (30) days of your receipt of this documentation. If FEMA receives no response from your office within thirty (30) days, we will move forward with the project without comment from the Flandreau Santee Sioux Tribe of South Dakota. If you have any questions or comments, please do not hesitate to contact me at 312-408-5549 or at [duane.castaldi@fema.dhs.gov](mailto:duane.castaldi@fema.dhs.gov).

Sincerely,



Duane Castaldi  
Regional Environmental Officer  
FEMA Region V

Enclosures

Sent by email to [garrie.killsahundred@fsst.org](mailto:garrie.killsahundred@fsst.org)

+++++++You may email this page to [duane.castaldi@fema.dhs.gov](mailto:duane.castaldi@fema.dhs.gov) +++++++

- ☐ The Flandreau Santee Sioux Tribe of South Dakota has no interest in the area potentially affected by the captioned undertaking.
- ☐ The Flandreau Santee Sioux Tribe of South Dakota has an interest in the area potentially affected by the captioned undertaking. Contact information is provided below.
- ☐ The Tribal Nations noted below may have an interest in the area potentially affected by this undertaking.

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Flandreau Santee Sioux Tribe of South Dakota

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Date

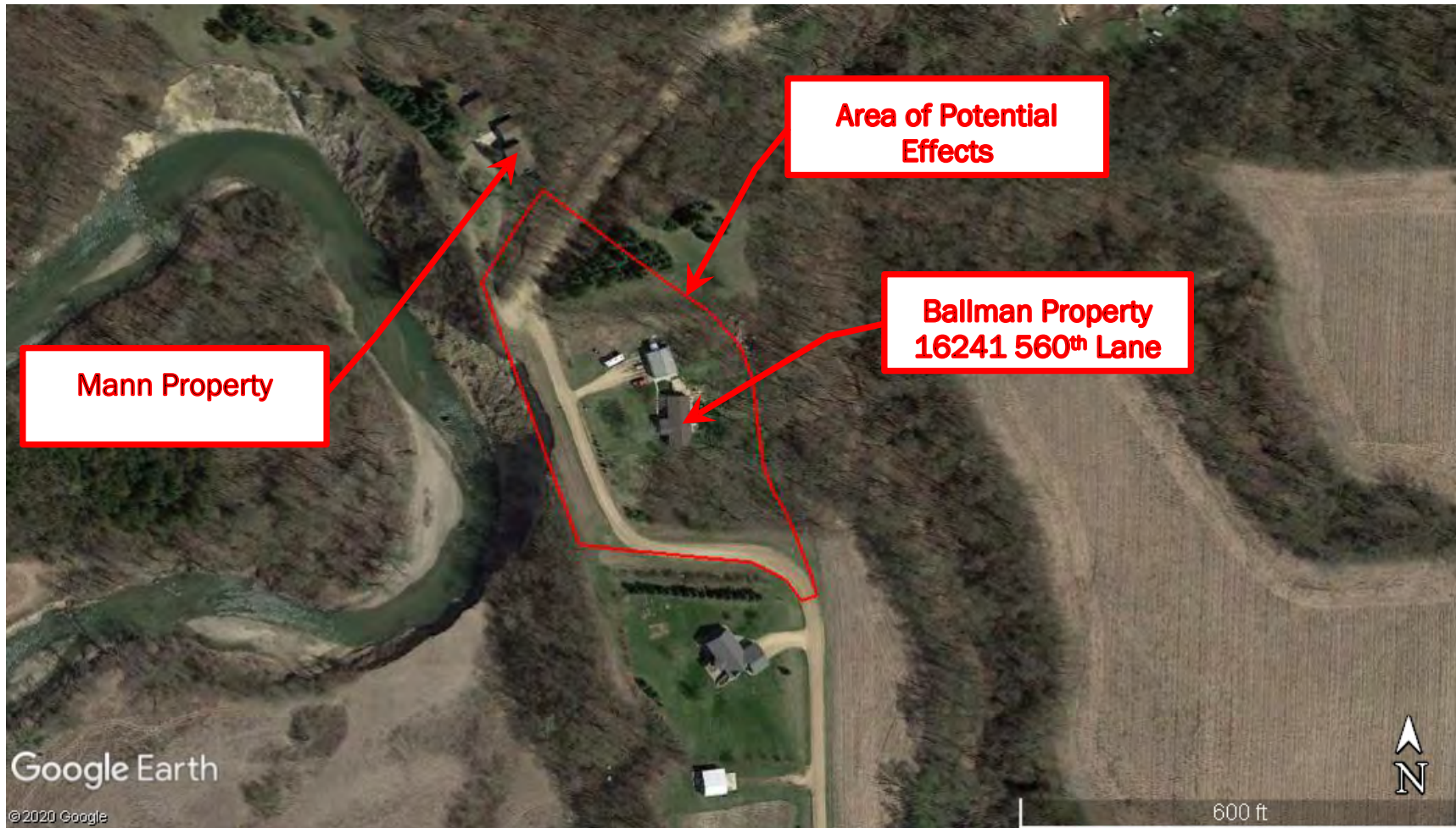


Map 1: Undertaking location marked in red.

USGS the National Map "Good Thunder, MN 2019, enlarged to show detail



Map 2: Aerial Image indicating project location and APE noted in red.  
*Google Earth, 4/22/2015 imagery*







U.S. Department of Homeland Security  
536 South Clark Street, 6<sup>th</sup> Floor  
Chicago, Illinois 60605-1521

**FEMA**

March 2, 2021

William Quackenbush, Tribal Historic Preservation Officer  
Ho-Chunk Nation  
W 9814 Airport Rd P.O. Box 667  
Black River Falls, Wisconsin 54615

Re: 560th Lane Realignment, Lyra Township, Blue Earth County  
DR-4442-MN, PW 1518 - 18553  
Start: 44.01916, -94.04514, End: 44.018160, -94.044760  
T106N R27W S2

Dear Mr. Quackenbush:

The Federal Emergency Management Agency (FEMA) recognizes the special and unique legal relationship that exists between the federal government and federally recognized American Indian Tribes (Tribes). FEMA also recognizes that Tribes may attach religious and cultural significance to historic properties located on aboriginal, ancestral, or ceded lands that are not contiguous with reservation lands. For this reason, FEMA consults with Tribes regarding the possible effects of FEMA-funded undertakings on cultural properties of historic or traditional significance, sometimes referred to as Traditional Cultural Properties (TCPs). The purpose of this communication is to provide information regarding the captioned FEMA-funded project and to invite comment on whether the Ho-Chunk Nation or other Tribes have interests in the areas potentially affected by this undertaking.

In response to severe storms, straight-line winds, and flooding between March 12, 2019 and April 28, 2019, the President declared disaster DR-4442-MN on June 12, 2019. Under this declaration, Faribault County, among others, was eligible for FEMA's Public Assistance (PA) Program funding. FEMA notified Tribes thought to have interests in the declared counties on June 26, 2019. FEMA invited comments on the potential impacts PA projects may have on lands traditionally used by or sacred to the Ho-Chunk Nation and other Native American groups. The Leech Lake Band of Ojibwe responded on July 8, 2019; no other responses to this request for comment were received.

During the incident period, the Maple River flooded with abnormally high velocities and depth, significantly eroding the outer curve of the riverbank and undermining 560<sup>th</sup> Lane, in Lyra Township, Blue Earth County (Start: 44.01916, -94.04514, End: 44.018160, -94.044760), northwest of the town of Good Thunder. The affected area lies within Section 2, Township 106N and Range 27 W. The applicant proposes to use federal funds authorized under the Stafford Act to realign the endangered portion of 560<sup>th</sup> Lane approximately 200 feet east of the affected area to best serve public safety concerns and prevent the potential for reoccurring damage.

To accommodate the new right-of-way for the roadway, the Applicant will purchase portions of adjacent residential properties. The ten-acre Ballman property (16241 560<sup>th</sup> Lane) lies in two parts, with a portion across the Maple River to the west, and an approximately 2.5 acre parcel to the east of the river and 560<sup>th</sup> Lane. This 2.5 acre portion will provide most of the land necessary for the roadway. It contains a wood-framed, vinyl-sided and gable-roofed modular house constructed in 1998 (16241 560<sup>th</sup> Street), and an

associated metal-sided pole barn. It is assumed that these structures will be demolished or moved as part of the undertaking.

Approximately 1.5 acres of the Mann property (16244 560<sup>th</sup> Lane) will also be necessary to accommodate the realigned roadway to the east and north of the existing road. This portion of the property does not contain any structures and lies across 560<sup>th</sup> Lane from the portion of the Mann property containing the dwelling. A portion of the Mann driveway will be rebuilt as a part of the effort.

Construction of the new 66-foot wide gravel-surfaced road section will include clearing and grubbing of trees, excavation, and grading. The new roadway and shoulder will consist of Class 5 aggregate base, granular material, Class 1 shoulder base, and topsoil. Approximately six acres of turf establishment and restoration, installation of new road signage and erosion control will complete the new construction.

The old roadway will be excavated and removed. The original alignment will be returned to its original condition by placing topsoil and planting grasses and other vegetation. The eroded riverbank will be allowed to naturally stabilize.

The project location is noted on the enclosed Map 1.

In accordance with the National Historic Preservation Act and other legislation, FEMA determined that this project constitutes a federally assisted undertaking requiring review under Section 106 of the National Historic Preservation Act of 1966, as amended. In accord with 36 CFR 800.2(c)(2)(ii), FEMA is providing this opportunity for the Ho-Chunk Nation to identify concerns about historic properties that may be affected by this undertaking. The area of potential effect (Map 2) is limited to the areas within which all construction and ground disturbing activity would be confined and the viewshed of the proposed project. No potential for effects outside of the viewshed of the proposed project exists. Due to the area being relatively flat adjacent to the river and the presence of known archaeological sites along the Maple River, FEMA will require that an archaeological survey be conducted within the area of potential effect.

Prior to conducting the archaeology survey, we invite your comments on the potential impacts this undertaking may have on lands traditionally used by or sacred to the **Ho-Chunk Nation** or other Native American groups. We understand the sensitive nature of much of the information regarding TCPs and assure you in advance that any information you provide will be considered privileged and confidential. In order to safeguard TCPs of interest to Native Americans, we are contacting the following Tribes to request information regarding their interest in this undertaking.

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- Ho-Chunk Nation
- Lower Sioux Indian Community of Minnesota
- Prairie Island Indian Community
- Santee Sioux Tribe
- Shakopee Mdewakanton Sioux Community of Minnesota
- Spirit Lake Tribe of Fort Totten
- Upper Sioux Community of Minnesota
- Winnebago Tribe of Nebraska

Receiving notice of your interest to join the consultation regarding this undertaking or notice of Tribes other than those listed above that may have an interest in this undertaking would improve FEMA's efforts to protect resources that may exist in the areas noted on the enclosures. A response form has been provided for your convenience.

We would appreciate a response by email from your office within thirty (30) days of your receipt of this documentation. If FEMA receives no response from your office within thirty (30) days, we will move forward with the project without comment from the Ho-Chunk Nation. If you have any questions or comments, please do not hesitate to contact me at 312-408-5549 or at [duane.castaldi@fema.dhs.gov](mailto:duane.castaldi@fema.dhs.gov).

Sincerely,



Duane Castaldi  
Regional Environmental Officer  
FEMA Region V

Enclosures

Sent by email to [bill.quackenbush@ho-chunk.com](mailto:bill.quackenbush@ho-chunk.com)

+++++++You may email this page to [duane.castaldi@fema.dhs.gov](mailto:duane.castaldi@fema.dhs.gov)+++++++

- ☐ The Ho-Chunk Nation has no interest in the area potentially affected by the captioned undertaking.
- ☐ The Ho-Chunk Nation has an interest in the area potentially affected by the captioned undertaking. Contact information is provided below.
- ☐ The Tribal Nations noted below may have an interest in the area potentially affected by this undertaking.

---

Ho-Chunk Nation

---

Date

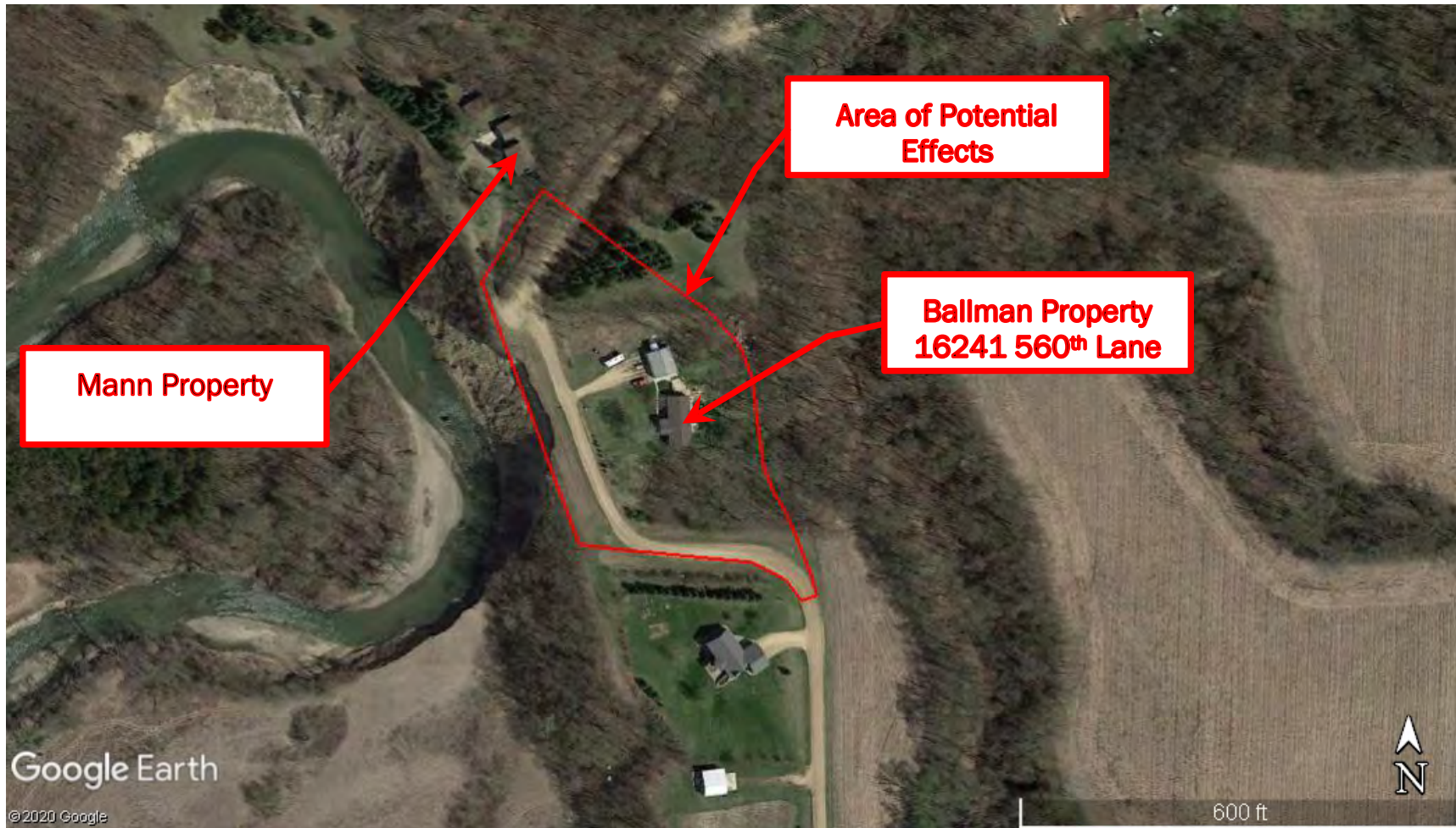
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*Google Earth, 4/22/2015 imagery*





U.S. Department of Homeland Security  
536 South Clark Street, 6<sup>th</sup> Floor  
Chicago, Illinois 60605-1521

**FEMA**

March 2, 2021

Cheyenne St. John, Tribal Historic Preservation Officer  
Lower Sioux Indian Community of Minnesota  
PO Box 308, 39527 Res. Hwy 1  
Morton, Minnesota 56270

Re: 560th Lane Realignment, Lyra Township, Blue Earth County  
DR-4442-MN, PW 1518 - 18553  
Start: 44.01916, -94.04514, End: 44.018160, -94.044760  
T106N R27W S2

Dear Ms. St. John:

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Sincerely,



Duane Castaldi  
Regional Environmental Officer  
FEMA Region V

Enclosures

Sent by email to [cheyanne.stjohn@lowersioux.com](mailto:cheyanne.stjohn@lowersioux.com)

+++++++You may email this page to [duane.castaldi@fema.dhs.gov](mailto:duane.castaldi@fema.dhs.gov) +++++++

- ☐ The Lower Sioux Indian Community of Minnesota has no interest in the area potentially affected by the captioned undertaking.
- ☐ The Lower Sioux Indian Community of Minnesota has an interest in the area potentially affected by the captioned undertaking. Contact information is provided below.
- ☐ The Tribal Nations noted below may have an interest in the area potentially affected by this undertaking.

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Lower Sioux Indian Community of Minnesota

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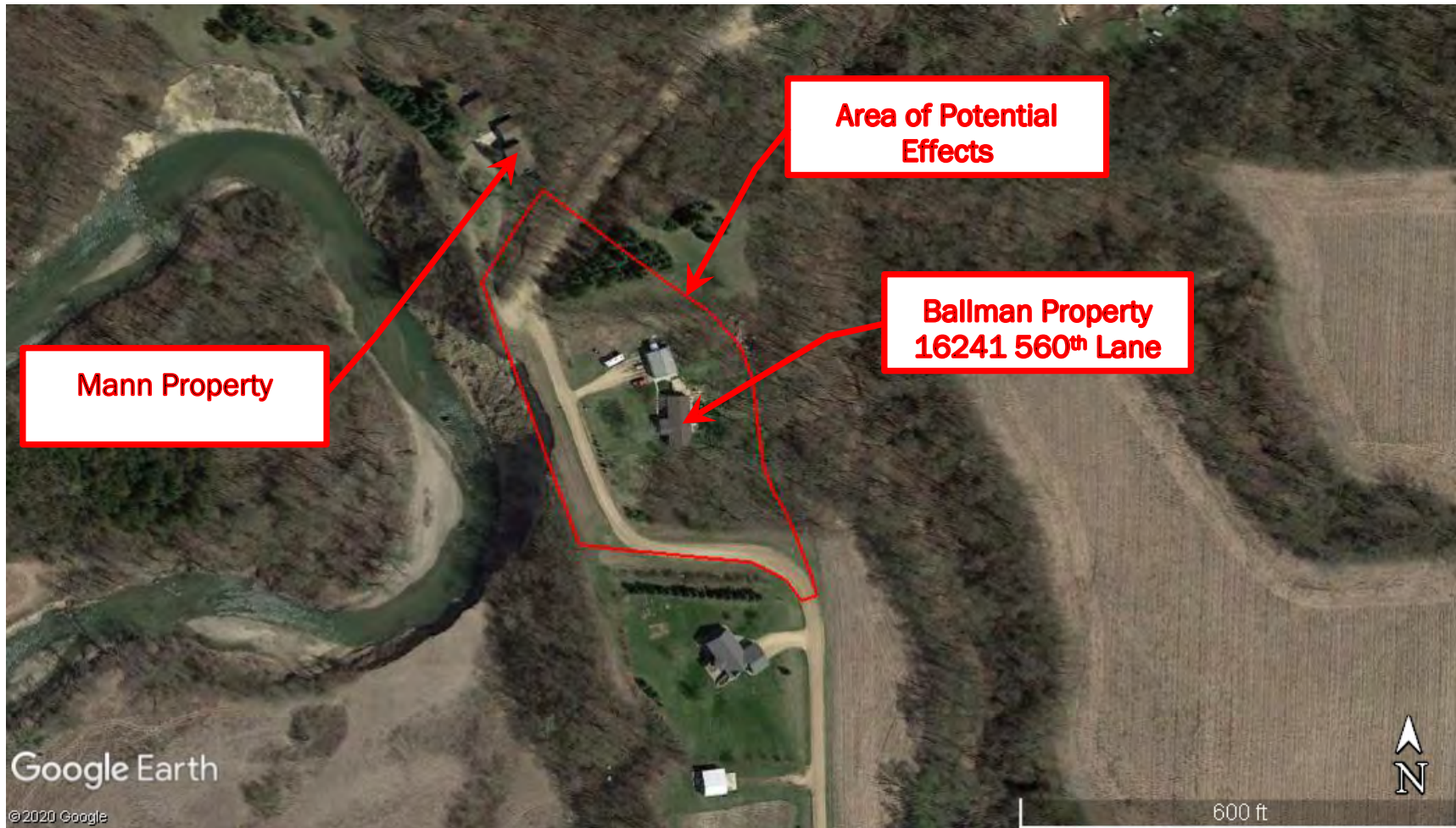
Date

Map 1: Undertaking location marked in red.

USGS the National Map "Good Thunder, MN 2019, enlarged to show detail



Map 2: Aerial Image indicating project location and APE noted in red.  
*Google Earth, 4/22/2015 imagery*





U.S. Department of Homeland Security  
536 South Clark Street, 6<sup>th</sup> Floor  
Chicago, Illinois 60605-1521

**FEMA**

March 2, 2021

Noah White, Tribal Historic Preservation Officer  
Prairie Island Indian Community  
5636 Sturgeon Lake Road  
Welch, Minnesota 55089

Re: 560th Lane Realignment, Lyra Township, Blue Earth County  
DR-4442-MN, PW 1518 - 18553  
Start: 44.01916, -94.04514, End: 44.018160, -94.044760  
T106N R27W S2

Dear Mr. White:

The Federal Emergency Management Agency (FEMA) recognizes the special and unique legal relationship that exists between the federal government and federally recognized American Indian Tribes (Tribes). FEMA also recognizes that Tribes may attach religious and cultural significance to historic properties located on aboriginal, ancestral, or ceded lands that are not contiguous with reservation lands. For this reason, FEMA consults with Tribes regarding the possible effects of FEMA-funded undertakings on cultural properties of historic or traditional significance, sometimes referred to as Traditional Cultural Properties (TCPs). The purpose of this communication is to provide information regarding the captioned FEMA-funded project and to invite comment on whether the Prairie Island Indian Community or other Tribes have interests in the areas potentially affected by this undertaking.

In response to severe storms, straight-line winds, and flooding between March 12, 2019 and April 28, 2019, the President declared disaster DR-4442-MN on June 12, 2019. Under this declaration, Faribault County, among others, was eligible for FEMA's Public Assistance (PA) Program funding. FEMA notified Tribes thought to have interests in the declared counties on June 26, 2019. FEMA invited comments on the potential impacts PA projects may have on lands traditionally used by or sacred to the Prairie Island Indian Community and other Native American groups. The Leech Lake Band of Ojibwe responded on July 8, 2019; no other responses to this request for comment were received.

During the incident period, the Maple River flooded with abnormally high velocities and depth, significantly eroding the outer curve of the riverbank and undermining 560<sup>th</sup> Lane, in Lyra Township, Blue Earth County (Start: 44.01916, -94.04514, End: 44.018160, -94.044760), northwest of the town of Good Thunder. The affected area lies within Section 2, Township 106N and Range 27 W. The applicant proposes to use federal funds authorized under the Stafford Act to realign the endangered portion of 560<sup>th</sup> Lane approximately 200 feet east of the affected area to best serve public safety concerns and prevent the potential for reoccurring damage.

To accommodate the new right-of-way for the roadway, the Applicant will purchase portions of adjacent residential properties. The ten-acre Ballman property (16241 560<sup>th</sup> Lane) lies in two parts, with a portion across the Maple River to the west, and an approximately 2.5 acre parcel to the east of the river and 560<sup>th</sup> Lane. This 2.5 acre portion will provide most of the land necessary for the roadway. It contains a wood-framed, vinyl-sided and gable-roofed modular house constructed in 1998 (16241 560<sup>th</sup> Street), and an



associated metal-sided pole barn. It is assumed that these structures will be demolished or moved as part of the undertaking.

Approximately 1.5 acres of the Mann property (16244 560<sup>th</sup> Lane) will also be necessary to accommodate the realigned roadway to the east and north of the existing road. This portion of the property does not contain any structures and lies across 560<sup>th</sup> Lane from the portion of the Mann property containing the dwelling. A portion of the Mann driveway will be rebuilt as a part of the effort.

Construction of the new 66-foot wide gravel-surfaced road section will include clearing and grubbing of trees, excavation, and grading. The new roadway and shoulder will consist of Class 5 aggregate base, granular material, Class 1 shoulder base, and topsoil. Approximately six acres of turf establishment and restoration, installation of new road signage and erosion control will complete the new construction.

The old roadway will be excavated and removed. The original alignment will be returned to its original condition by placing topsoil and planting grasses and other vegetation. The eroded riverbank will be allowed to naturally stabilize.

The project location is noted on the enclosed Map 1.

In accordance with the National Historic Preservation Act and other legislation, FEMA determined that this project constitutes a federally assisted undertaking requiring review under Section 106 of the National Historic Preservation Act of 1966, as amended. In accord with 36 CFR 800.2(c)(2)(ii), FEMA is providing this opportunity for the Prairie Island Indian Community to identify concerns about historic properties that may be affected by this undertaking. The area of potential effect (Map 2) is limited to the areas within which all construction and ground disturbing activity would be confined and the viewshed of the proposed project. No potential for effects outside of the viewshed of the proposed project exists. Due to the area being relatively flat adjacent to the river and the presence of known archaeological sites along the Maple River, FEMA will require that an archaeological survey be conducted within the area of potential effect.

Prior to conducting the archaeology survey, we invite your comments on the potential impacts this undertaking may have on lands traditionally used by or sacred to the **Prairie Island Indian Community** or other Native American groups. We understand the sensitive nature of much of the information regarding TCPs and assure you in advance that any information you provide will be considered privileged and confidential. In order to safeguard TCPs of interest to Native Americans, we are contacting the following Tribes to request information regarding their interest in this undertaking.

- Flandreau Santee Sioux Tribe of South Dakota
- Ho-Chunk Nation
- Lower Sioux Indian Community of Minnesota
- Prairie Island Indian Community
- Santee Sioux Tribe
- Shakopee Mdewakanton Sioux Community of Minnesota
- Spirit Lake Tribe of Fort Totten
- Upper Sioux Community of Minnesota
- Winnebago Tribe of Nebraska

Receiving notice of your interest to join the consultation regarding this undertaking or notice of Tribes other than those listed above that may have an interest in this undertaking would improve FEMA's efforts to protect resources that may exist in the areas noted on the enclosures. A response form has been provided for your convenience.

We would appreciate a response by email from your office within thirty (30) days of your receipt of this documentation. If FEMA receives no response from your office within thirty (30) days, we will move forward with the project without comment from the Prairie Island Indian Community. If you have any questions or comments, please do not hesitate to contact me at 312-408-5549 or at [duane.castaldi@fema.dhs.gov](mailto:duane.castaldi@fema.dhs.gov).

Sincerely,



Duane Castaldi  
Regional Environmental Officer  
FEMA Region V

Enclosures

Sent by email to [Noah.White@piic.org](mailto:Noah.White@piic.org)

+++++++You may email this page to [duane.castaldi@fema.dhs.gov](mailto:duane.castaldi@fema.dhs.gov) +++++++

- ☐ The Prairie Island Indian Community has no interest in the area potentially affected by the captioned undertaking.
- ☐ The Prairie Island Indian Community has an interest in the area potentially affected by the captioned undertaking. Contact information is provided below.
- ☐ The Tribal Nations noted below may have an interest in the area potentially affected by this undertaking.

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Prairie Island Indian Community

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Date

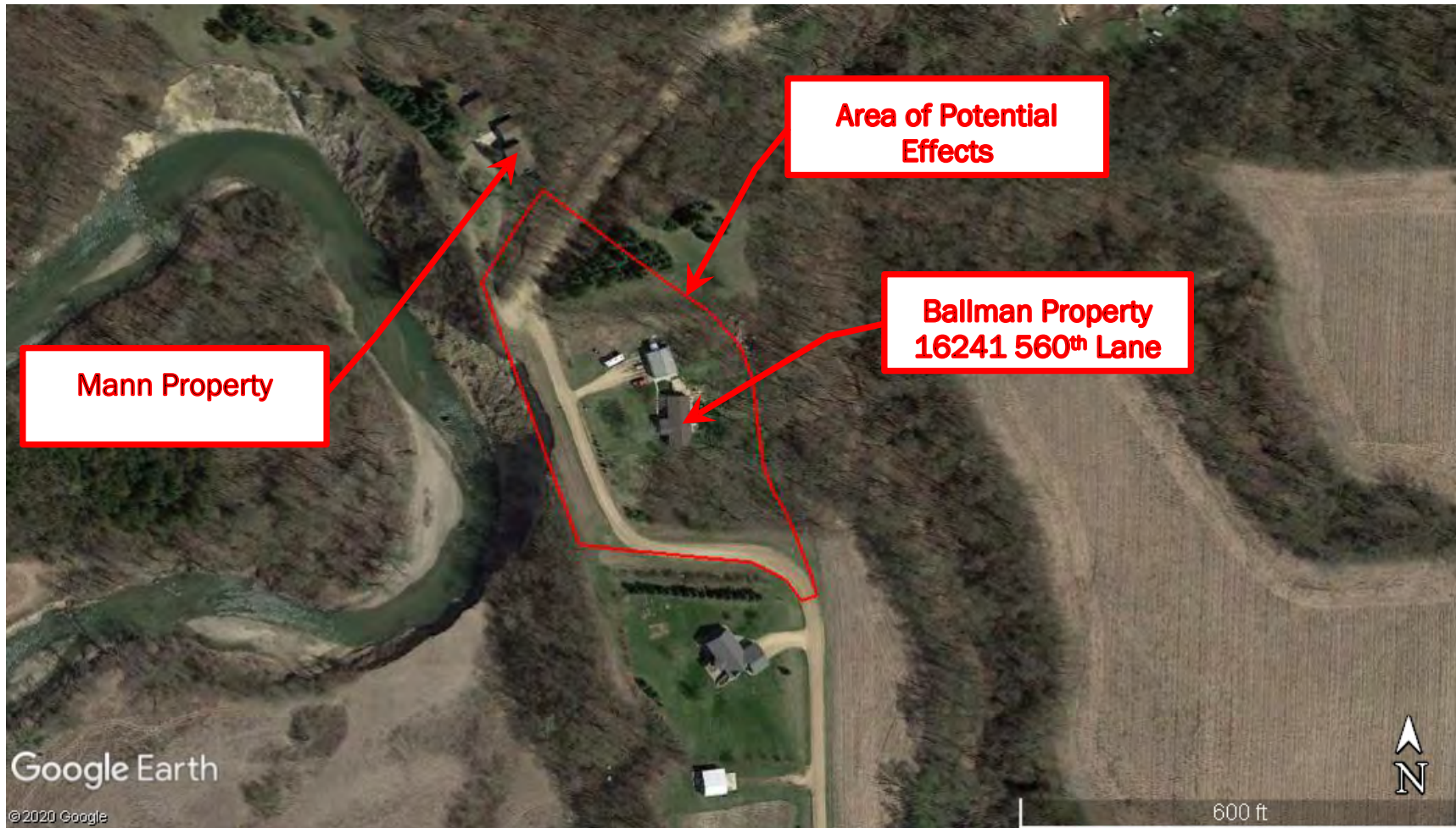


Map 1: Undertaking location marked in red.

USGS the National Map "Good Thunder, MN 2019, enlarged to show detail



Map 2: Aerial Image indicating project location and APE noted in red.  
*Google Earth, 4/22/2015 imagery*





U.S. Department of Homeland Security  
536 South Clark Street, 6<sup>th</sup> Floor  
Chicago, Illinois 60605-1521

**FEMA**

March 2, 2021

Misty Frazier, Interim Director  
Santee Sioux Tribe  
52946 Highway 12, Suite 2  
Niobara, Nebraska 68760

Re: 560th Lane Realignment, Lyra Township, Blue Earth County  
DR-4442-MN, PW 1518 - 18553  
Start: 44.01916, -94.04514, End: 44.018160, -94.044760  
T106N R27W S2

Dear Ms. Frazier:

The Federal Emergency Management Agency (FEMA) recognizes the special and unique legal relationship that exists between the federal government and federally recognized American Indian Tribes (Tribes). FEMA also recognizes that Tribes may attach religious and cultural significance to historic properties located on aboriginal, ancestral, or ceded lands that are not contiguous with reservation lands. For this reason, FEMA consults with Tribes regarding the possible effects of FEMA-funded undertakings on cultural properties of historic or traditional significance, sometimes referred to as Traditional Cultural Properties (TCPs). The purpose of this communication is to provide information regarding the captioned FEMA-funded project and to invite comment on whether the Santee Sioux Tribe or other Tribes have interests in the areas potentially affected by this undertaking.

In response to severe storms, straight-line winds, and flooding between March 12, 2019 and April 28, 2019, the President declared disaster DR-4442-MN on June 12, 2019. Under this declaration, Faribault County, among others, was eligible for FEMA's Public Assistance (PA) Program funding. FEMA notified Tribes thought to have interests in the declared counties on June 26, 2019. FEMA invited comments on the potential impacts PA projects may have on lands traditionally used by or sacred to the Santee Sioux Tribe and other Native American groups. The Leech Lake Band of Ojibwe responded on July 8, 2019; no other responses to this request for comment were received.

During the incident period, the Maple River flooded with abnormally high velocities and depth, significantly eroding the outer curve of the riverbank and undermining 560<sup>th</sup> Lane, in Lyra Township, Blue Earth County (Start: 44.01916, -94.04514, End: 44.018160, -94.044760), northwest of the town of Good Thunder. The affected area lies within Section 2, Township 106N and Range 27 W. The applicant proposes to use federal funds authorized under the Stafford Act to realign the endangered portion of 560<sup>th</sup> Lane approximately 200 feet east of the affected area to best serve public safety concerns and prevent the potential for reoccurring damage.

To accommodate the new right-of-way for the roadway, the Applicant will purchase portions of adjacent residential properties. The ten-acre Ballman property (16241 560<sup>th</sup> Lane) lies in two parts, with a portion across the Maple River to the west, and an approximately 2.5 acre parcel to the east of the river and 560<sup>th</sup> Lane. This 2.5 acre portion will provide most of the land necessary for the roadway. It contains a wood-framed, vinyl-sided and gable-roofed modular house constructed in 1998 (16241 560<sup>th</sup> Street), and an

associated metal-sided pole barn. It is assumed that these structures will be demolished or moved as part of the undertaking.

Approximately 1.5 acres of the Mann property (16244 560<sup>th</sup> Lane) will also be necessary to accommodate the realigned roadway to the east and north of the existing road. This portion of the property does not contain any structures and lies across 560<sup>th</sup> Lane from the portion of the Mann property containing the dwelling. A portion of the Mann driveway will be rebuilt as a part of the effort.

Construction of the new 66-foot wide gravel-surfaced road section will include clearing and grubbing of trees, excavation, and grading. The new roadway and shoulder will consist of Class 5 aggregate base, granular material, Class 1 shoulder base, and topsoil. Approximately six acres of turf establishment and restoration, installation of new road signage and erosion control will complete the new construction.

The old roadway will be excavated and removed. The original alignment will be returned to its original condition by placing topsoil and planting grasses and other vegetation. The eroded riverbank will be allowed to naturally stabilize.

The project location is noted on the enclosed Map 1.

In accordance with the National Historic Preservation Act and other legislation, FEMA determined that this project constitutes a federally assisted undertaking requiring review under Section 106 of the National Historic Preservation Act of 1966, as amended. In accord with 36 CFR 800.2(c)(2)(ii), FEMA is providing this opportunity for the Santee Sioux Tribe to identify concerns about historic properties that may be affected by this undertaking. The area of potential effect (Map 2) is limited to the areas within which all construction and ground disturbing activity would be confined and the viewshed of the proposed project. No potential for effects outside of the viewshed of the proposed project exists. Due to the area being relatively flat adjacent to the river and the presence of known archaeological sites along the Maple River, FEMA will require that an archaeological survey be conducted within the area of potential effect.

Prior to conducting the archaeology survey, we invite your comments on the potential impacts this undertaking may have on lands traditionally used by or sacred to the **Santee Sioux Tribe** or other Native American groups. We understand the sensitive nature of much of the information regarding TCPs and assure you in advance that any information you provide will be considered privileged and confidential. In order to safeguard TCPs of interest to Native Americans, we are contacting the following Tribes to request information regarding their interest in this undertaking.

- Flandreau Santee Sioux Tribe of South Dakota
- Ho-Chunk Nation
- Lower Sioux Indian Community of Minnesota
- Prairie Island Indian Community
- Santee Sioux Tribe
- Shakopee Mdewakanton Sioux Community of Minnesota
- Spirit Lake Tribe of Fort Totten
- Upper Sioux Community of Minnesota
- Winnebago Tribe of Nebraska

Receiving notice of your interest to join the consultation regarding this undertaking or notice of Tribes other than those listed above that may have an interest in this undertaking would improve FEMA's efforts to protect resources that may exist in the areas noted on the enclosures. A response form has been provided for your convenience.



We would appreciate a response by email from your office within thirty (30) days of your receipt of this documentation. If FEMA receives no response from your office within thirty (30) days, we will move forward with the project without comment from the Santee Sioux Tribe. If you have any questions or comments, please do not hesitate to contact me at 312-408-5549 or at [duane.castaldi@fema.dhs.gov](mailto:duane.castaldi@fema.dhs.gov).

Sincerely,



Duane Castaldi  
Regional Environmental Officer  
FEMA Region V

Enclosures

Sent by email to [ssn.thpo@gmail.com](mailto:ssn.thpo@gmail.com)

+++++++You may email this page to [duane.castaldi@fema.dhs.gov](mailto:duane.castaldi@fema.dhs.gov)+++++++

- ☐ The Santee Sioux Tribe has no interest in the area potentially affected by the captioned undertaking.
- ☐ The Santee Sioux Tribe has an interest in the area potentially affected by the captioned undertaking. Contact information is provided below.
- ☐ The Tribal Nations noted below may have an interest in the area potentially affected by this undertaking.

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Santee Sioux Tribe

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Date

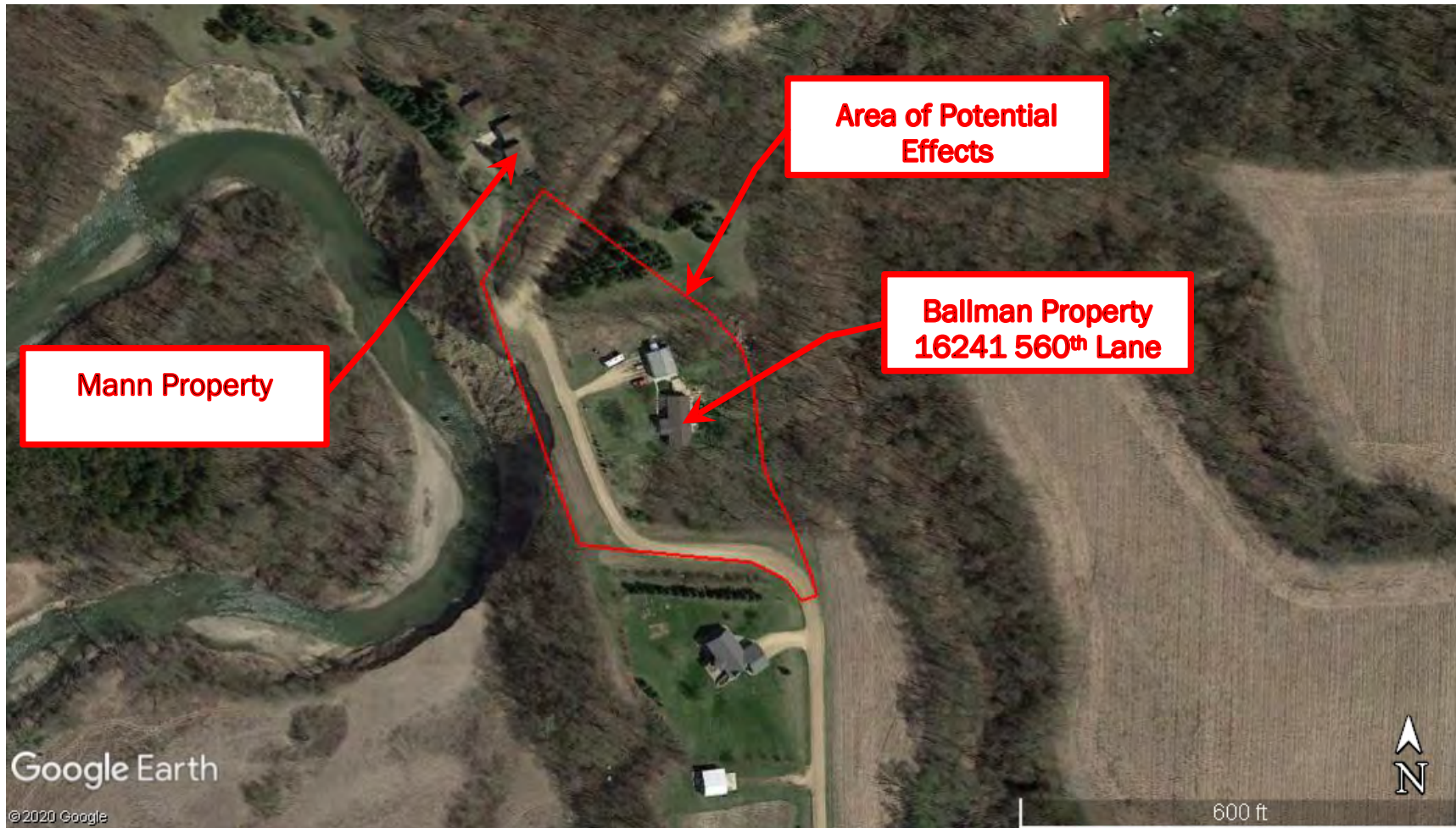


Map 1: Undertaking location marked in red.

USGS the National Map "Good Thunder, MN 2019, enlarged to show detail



Map 2: Aerial Image indicating project location and APE noted in red.  
*Google Earth, 4/22/2015 imagery*





U.S. Department of Homeland Security  
536 South Clark Street, 6<sup>th</sup> Floor  
Chicago, Illinois 60605-1521

**FEMA**

March 2, 2021

Leonard Wabasha, Director of Cultural Resources  
Shakopee Mdewakanton Sioux Community of Minnesota  
2330 Sioux Trail NW  
Prior Lake, Minnesota 55372-9077

Re: 560th Lane Realignment, Lyra Township, Blue Earth County  
DR-4442-MN, PW 1518 - 18553  
Start: 44.01916, -94.04514, End: 44.018160, -94.044760  
T106N R27W S2

Dear Mr. Wabasha:

The Federal Emergency Management Agency (FEMA) recognizes the special and unique legal relationship that exists between the federal government and federally recognized American Indian Tribes (Tribes). FEMA also recognizes that Tribes may attach religious and cultural significance to historic properties located on aboriginal, ancestral, or ceded lands that are not contiguous with reservation lands. For this reason, FEMA consults with Tribes regarding the possible effects of FEMA-funded undertakings on cultural properties of historic or traditional significance, sometimes referred to as Traditional Cultural Properties (TCPs). The purpose of this communication is to provide information regarding the captioned FEMA-funded project and to invite comment on whether the Shakopee Mdewakanton Sioux Community of Minnesota or other Tribes have interests in the areas potentially affected by this undertaking.

In response to severe storms, straight-line winds, and flooding between March 12, 2019 and April 28, 2019, the President declared disaster DR-4442-MN on June 12, 2019. Under this declaration, Faribault County, among others, was eligible for FEMA's Public Assistance (PA) Program funding. FEMA notified Tribes thought to have interests in the declared counties on June 26, 2019. FEMA invited comments on the potential impacts PA projects may have on lands traditionally used by or sacred to the Shakopee Mdewakanton Sioux Community of Minnesota and other Native American groups. The Leech Lake Band of Ojibwe responded on July 8, 2019; no other responses to this request for comment were received.

During the incident period, the Maple River flooded with abnormally high velocities and depth, significantly eroding the outer curve of the riverbank and undermining 560<sup>th</sup> Lane, in Lyra Township, Blue Earth County (Start: 44.01916, -94.04514, End: 44.018160, -94.044760), northwest of the town of Good Thunder. The affected area lies within Section 2, Township 106N and Range 27 W. The applicant proposes to use federal funds authorized under the Stafford Act to realign the endangered portion of 560<sup>th</sup> Lane approximately 200 feet east of the affected area to best serve public safety concerns and prevent the potential for reoccurring damage.

To accommodate the new right-of-way for the roadway, the Applicant will purchase portions of adjacent residential properties. The ten-acre Ballman property (16241 560<sup>th</sup> Lane) lies in two parts, with a portion across the Maple River to the west, and an approximately 2.5 acre parcel to the east of the river and 560<sup>th</sup> Lane. This 2.5 acre portion will provide most of the land necessary for the roadway. It contains a wood-

framed, vinyl-sided and gable-roofed modular house constructed in 1998 (16241 560<sup>th</sup> Street), and an associated metal-sided pole barn. It is assumed that these structures will be demolished or moved as part of the undertaking.

Approximately 1.5 acres of the Mann property (16244 560<sup>th</sup> Lane) will also be necessary to accommodate the realigned roadway to the east and north of the existing road. This portion of the property does not contain any structures and lies across 560<sup>th</sup> Lane from the portion of the Mann property containing the dwelling. A portion of the Mann driveway will be rebuilt as a part of the effort.

Construction of the new 66-foot wide gravel-surfaced road section will include clearing and grubbing of trees, excavation, and grading. The new roadway and shoulder will consist of Class 5 aggregate base, granular material, Class 1 shoulder base, and topsoil. Approximately six acres of turf establishment and restoration, installation of new road signage and erosion control will complete the new construction.

The old roadway will be excavated and removed. The original alignment will be returned to its original condition by placing topsoil and planting grasses and other vegetation. The eroded riverbank will be allowed to naturally stabilize.

The project location is noted on the enclosed Map 1.

In accordance with the National Historic Preservation Act and other legislation, FEMA determined that this project constitutes a federally assisted undertaking requiring review under Section 106 of the National Historic Preservation Act of 1966, as amended. In accord with 36 CFR 800.2(c)(2)(ii), FEMA is providing this opportunity for the Shakopee Mdewakanton Sioux Community of Minnesota to identify concerns about historic properties that may be affected by this undertaking. The area of potential effect (Map 2) is limited to the areas within which all construction and ground disturbing activity would be confined and the viewshed of the proposed project. No potential for effects outside of the viewshed of the proposed project exists. Due to the area being relatively flat adjacent to the river and the presence of known archaeological sites along the Maple River, FEMA will require that an archaeological survey be conducted within the area of potential effect.

Prior to conducting the archaeology survey, we invite your comments on the potential impacts this undertaking may have on lands traditionally used by or sacred to the **Shakopee Mdewakanton Sioux Community of Minnesota** or other Native American groups. We understand the sensitive nature of much of the information regarding TCPs and assure you in advance that any information you provide will be considered privileged and confidential. In order to safeguard TCPs of interest to Native Americans, we are contacting the following Tribes to request information regarding their interest in this undertaking.

- Flandreau Santee Sioux Tribe of South Dakota
- Ho-Chunk Nation
- Lower Sioux Indian Community of Minnesota
- Prairie Island Indian Community
- Santee Sioux Tribe
- Shakopee Mdewakanton Sioux Community of Minnesota
- Spirit Lake Tribe of Fort Totten
- Upper Sioux Community of Minnesota
- Winnebago Tribe of Nebraska

Receiving notice of your interest to join the consultation regarding this undertaking or notice of Tribes other than those listed above that may have an interest in this undertaking would improve FEMA's efforts to



protect resources that may exist in the areas noted on the enclosures. A response form has been provided for your convenience.

We would appreciate a response by email from your office within thirty (30) days of your receipt of this documentation. If FEMA receives no response from your office within thirty (30) days, we will move forward with the project without comment from the Shakopee Mdewakanton Sioux Community of Minnesota. If you have any questions or comments, please do not hesitate to contact me at 312-408-5549 or at [duane.castaldi@fema.dhs.gov](mailto:duane.castaldi@fema.dhs.gov).

Sincerely,



Duane Castaldi  
Regional Environmental Officer  
FEMA Region V

Enclosures

Sent by email to [leonard.wabasha@shakopeedakota.org](mailto:leonard.wabasha@shakopeedakota.org)

+++++++You may email this page to [duane.castaldi@fema.dhs.gov](mailto:duane.castaldi@fema.dhs.gov)+++++++

- ☐ The Shakopee Mdewakanton Sioux Community of Minnesota has no interest in the area potentially affected by the captioned undertaking.
- ☐ The Shakopee Mdewakanton Sioux Community of Minnesota has an interest in the area potentially affected by the captioned undertaking. Contact information is provided below.
- ☐ The Tribal Nations noted below may have an interest in the area potentially affected by this undertaking.

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Shakopee Mdewakanton Sioux Community of  
Minnesota

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Date

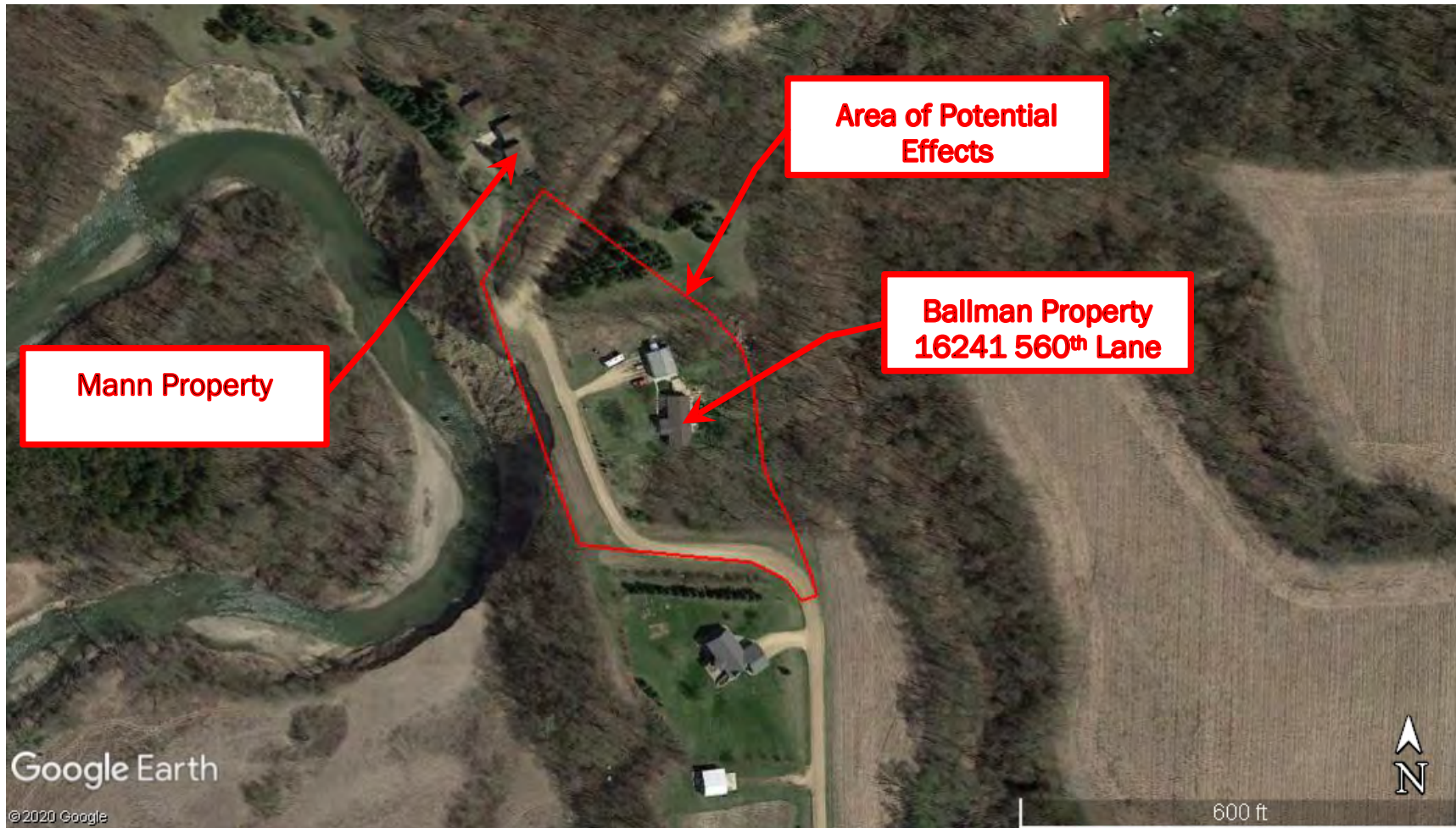


Map 1: Undertaking location marked in red.

USGS the National Map "Good Thunder, MN 2019, enlarged to show detail



Map 2: Aerial Image indicating project location and APE noted in red.  
*Google Earth, 4/22/2015 imagery*





**FEMA**

March 2, 2021

Dr. Erich Longie, Tribal Historic Preservation Officer  
Spirit Lake Tribe of Fort Totten  
P.O. Box 76  
Fort Totten, North Dakota 58335

Re: 560th Lane Realignment, Lyra Township, Blue Earth County  
DR-4442-MN, PW 1518 - 18553  
Start: 44.01916, -94.04514, End: 44.018160, -94.044760  
T106N R27W S2

Dear Dr. Longie:

The Federal Emergency Management Agency (FEMA) recognizes the special and unique legal relationship that exists between the federal government and federally recognized American Indian Tribes (Tribes). FEMA also recognizes that Tribes may attach religious and cultural significance to historic properties located on aboriginal, ancestral, or ceded lands that are not contiguous with reservation lands. For this reason, FEMA consults with Tribes regarding the possible effects of FEMA-funded undertakings on cultural properties of historic or traditional significance, sometimes referred to as Traditional Cultural Properties (TCPs). The purpose of this communication is to provide information regarding the captioned FEMA-funded project and to invite comment on whether the Spirit Lake Tribe of Fort Totten or other Tribes have interests in the areas potentially affected by this undertaking.

In response to severe storms, straight-line winds, and flooding between March 12, 2019 and April 28, 2019, the President declared disaster DR-4442-MN on June 12, 2019. Under this declaration, Faribault County, among others, was eligible for FEMA's Public Assistance (PA) Program funding. FEMA notified Tribes thought to have interests in the declared counties on June 26, 2019. FEMA invited comments on the potential impacts PA projects may have on lands traditionally used by or sacred to the Spirit Lake Tribe of Fort Totten and other Native American groups. The Leech Lake Band of Ojibwe responded on July 8, 2019; no other responses to this request for comment were received.

During the incident period, the Maple River flooded with abnormally high velocities and depth, significantly eroding the outer curve of the riverbank and undermining 560<sup>th</sup> Lane, in Lyra Township, Blue Earth County (Start: 44.01916, -94.04514, End: 44.018160, -94.044760), northwest of the town of Good Thunder. The affected area lies within Section 2, Township 106N and Range 27 W. The applicant proposes to use federal funds authorized under the Stafford Act to realign the endangered portion of 560<sup>th</sup> Lane approximately 200 feet east of the affected area to best serve public safety concerns and prevent the potential for reoccurring damage.

To accommodate the new right-of-way for the roadway, the Applicant will purchase portions of adjacent residential properties. The ten-acre Ballman property (16241 560<sup>th</sup> Lane) lies in two parts, with a portion across the Maple River to the west, and an approximately 2.5 acre parcel to the east of the river and 560<sup>th</sup> Lane. This 2.5 acre portion will provide most of the land necessary for the roadway. It contains a wood-framed, vinyl-sided and gable-roofed modular house constructed in 1998 (16241 560<sup>th</sup> Street), and an

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In accordance with the National Historic Preservation Act and other legislation, FEMA determined that this project constitutes a federally assisted undertaking requiring review under Section 106 of the National Historic Preservation Act of 1966, as amended. In accord with 36 CFR 800.2(c)(2)(ii), FEMA is providing this opportunity for the Spirit Lake Tribe of Fort Totten to identify concerns about historic properties that may be affected by this undertaking. The area of potential effect (Map 2) is limited to the areas within which all construction and ground disturbing activity would be confined and the viewshed of the proposed project. No potential for effects outside of the viewshed of the proposed project exists. Due to the area being relatively flat adjacent to the river and the presence of known archaeological sites along the Maple River, FEMA will require that an archaeological survey be conducted within the area of potential effect.

Prior to conducting the archaeology survey, we invite your comments on the potential impacts this undertaking may have on lands traditionally used by or sacred to the **Spirit Lake Tribe of Fort Totten** or other Native American groups. We understand the sensitive nature of much of the information regarding TCPs and assure you in advance that any information you provide will be considered privileged and confidential. In order to safeguard TCPs of interest to Native Americans, we are contacting the following Tribes to request information regarding their interest in this undertaking.

- Flandreau Santee Sioux Tribe of South Dakota
- Ho-Chunk Nation
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- Santee Sioux Tribe
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We would appreciate a response by email from your office within thirty (30) days of your receipt of this documentation. If FEMA receives no response from your office within thirty (30) days, we will move forward with the project without comment from the Spirit Lake Tribe of Fort Totten. If you have any questions or comments, please do not hesitate to contact me at 312-408-5549 or at [duane.castaldi@fema.dhs.gov](mailto:duane.castaldi@fema.dhs.gov).

Sincerely,



Duane Castaldi  
Regional Environmental Officer  
FEMA Region V

Enclosures

Sent by email to [thpo@gondtc.com](mailto:thpo@gondtc.com)

+++++++You may email this page to [duane.castaldi@fema.dhs.gov](mailto:duane.castaldi@fema.dhs.gov) +++++++

- ☐ The Spirit Lake Tribe of Fort Totten has no interest in the area potentially affected by the captioned undertaking.
- ☐ The Spirit Lake Tribe of Fort Totten has an interest in the area potentially affected by the captioned undertaking. Contact information is provided below.
- ☐ The Tribal Nations noted below may have an interest in the area potentially affected by this undertaking.

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Spirit Lake Tribe of Fort Totten

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Date

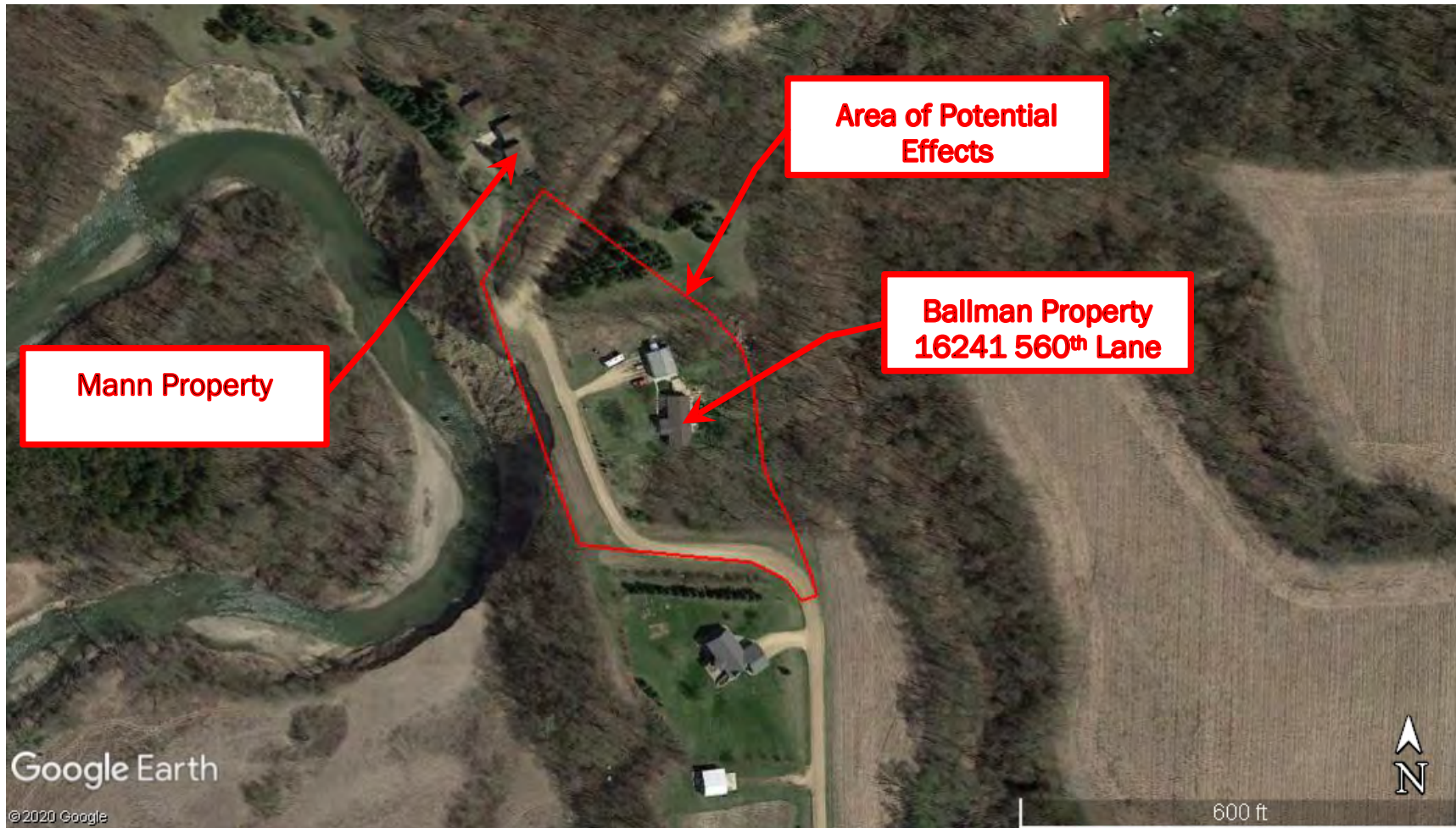


Map 1: Undertaking location marked in red.

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Map 2: Aerial Image indicating project location and APE noted in red.  
*Google Earth, 4/22/2015 imagery*





U.S. Department of Homeland Security  
536 South Clark Street, 6<sup>th</sup> Floor  
Chicago, Illinois 60605-1521

**FEMA**

March 2, 2021

Samantha Odegard, Tribal Historic Preservation Officer  
Upper Sioux Community of Minnesota  
5722 Travers Lane  
P.O.Box 147  
Granite Falls, Minnesota 56241-0147

Re: 560th Lane Realignment, Lyra Township, Blue Earth County  
DR-4442-MN, PW 1518 - 18553  
Start: 44.01916, -94.04514, End: 44.018160, -94.044760  
T106N R27W S2

Dear Ms. Odegard:

The Federal Emergency Management Agency (FEMA) recognizes the special and unique legal relationship that exists between the federal government and federally recognized American Indian Tribes (Tribes). FEMA also recognizes that Tribes may attach religious and cultural significance to historic properties located on aboriginal, ancestral, or ceded lands that are not contiguous with reservation lands. For this reason, FEMA consults with Tribes regarding the possible effects of FEMA-funded undertakings on cultural properties of historic or traditional significance, sometimes referred to as Traditional Cultural Properties (TCPs). The purpose of this communication is to provide information regarding the captioned FEMA-funded project and to invite comment on whether the Upper Sioux Community of Minnesota or other Tribes have interests in the areas potentially affected by this undertaking.

In response to severe storms, straight-line winds, and flooding between March 12, 2019 and April 28, 2019, the President declared disaster DR-4442-MN on June 12, 2019. Under this declaration, Faribault County, among others, was eligible for FEMA's Public Assistance (PA) Program funding. FEMA notified Tribes thought to have interests in the declared counties on June 26, 2019. FEMA invited comments on the potential impacts PA projects may have on lands traditionally used by or sacred to the Upper Sioux Community of Minnesota and other Native American groups. The Leech Lake Band of Ojibwe responded on July 8, 2019; no other responses to this request for comment were received.

During the incident period, the Maple River flooded with abnormally high velocities and depth, significantly eroding the outer curve of the riverbank and undermining 560<sup>th</sup> Lane, in Lyra Township, Blue Earth County (Start: 44.01916, -94.04514, End: 44.018160, -94.044760), northwest of the town of Good Thunder. The affected area lies within Section 2, Township 106N and Range 27 W. The applicant proposes to use federal funds authorized under the Stafford Act to realign the endangered portion of 560<sup>th</sup> Lane approximately 200 feet east of the affected area to best serve public safety concerns and prevent the potential for reoccurring damage.

To accommodate the new right-of-way for the roadway, the Applicant will purchase portions of adjacent residential properties. The ten-acre Ballman property (16241 560<sup>th</sup> Lane) lies in two parts, with a portion across the Maple River to the west, and an approximately 2.5 acre parcel to the east of the river and 560<sup>th</sup> Lane. This 2.5 acre portion will provide most of the land necessary for the roadway. It contains a wood-

framed, vinyl-sided and gable-roofed modular house constructed in 1998 (16241 560<sup>th</sup> Street), and an associated metal-sided pole barn. It is assumed that these structures will be demolished or moved as part of the undertaking.

Approximately 1.5 acres of the Mann property (16244 560<sup>th</sup> Lane) will also be necessary to accommodate the realigned roadway to the east and north of the existing road. This portion of the property does not contain any structures and lies across 560<sup>th</sup> Lane from the portion of the Mann property containing the dwelling. A portion of the Mann driveway will be rebuilt as a part of the effort.

Construction of the new 66-foot wide gravel-surfaced road section will include clearing and grubbing of trees, excavation, and grading. The new roadway and shoulder will consist of Class 5 aggregate base, granular material, Class 1 shoulder base, and topsoil. Approximately six acres of turf establishment and restoration, installation of new road signage and erosion control will complete the new construction.

The old roadway will be excavated and removed. The original alignment will be returned to its original condition by placing topsoil and planting grasses and other vegetation. The eroded riverbank will be allowed to naturally stabilize.

The project location is noted on the enclosed Map 1.

In accordance with the National Historic Preservation Act and other legislation, FEMA determined that this project constitutes a federally assisted undertaking requiring review under Section 106 of the National Historic Preservation Act of 1966, as amended. In accord with 36 CFR 800.2(c)(2)(ii), FEMA is providing this opportunity for the Upper Sioux Community of Minnesota to identify concerns about historic properties that may be affected by this undertaking. The area of potential effect (Map 2) is limited to the areas within which all construction and ground disturbing activity would be confined and the viewshed of the proposed project. No potential for effects outside of the viewshed of the proposed project exists. Due to the area being relatively flat adjacent to the river and the presence of known archaeological sites along the Maple River, FEMA will require that an archaeological survey be conducted within the area of potential effect.

Prior to conducting the archaeology survey, we invite your comments on the potential impacts this undertaking may have on lands traditionally used by or sacred to the **Upper Sioux Community of Minnesota** or other Native American groups. We understand the sensitive nature of much of the information regarding TCPs and assure you in advance that any information you provide will be considered privileged and confidential. In order to safeguard TCPs of interest to Native Americans, we are contacting the following Tribes to request information regarding their interest in this undertaking.

- Flandreau Santee Sioux Tribe of South Dakota
- Ho-Chunk Nation
- Lower Sioux Indian Community of Minnesota
- Prairie Island Indian Community
- Santee Sioux Tribe
- Shakopee Mdewakanton Sioux Community of Minnesota
- Spirit Lake Tribe of Fort Totten
- Upper Sioux Community of Minnesota
- Winnebago Tribe of Nebraska

Receiving notice of your interest to join the consultation regarding this undertaking or notice of Tribes other than those listed above that may have an interest in this undertaking would improve FEMA's efforts to



protect resources that may exist in the areas noted on the enclosures. A response form has been provided for your convenience.

We would appreciate a response by email from your office within thirty (30) days of your receipt of this documentation. If FEMA receives no response from your office within thirty (30) days, we will move forward with the project without comment from the Upper Sioux Community of Minnesota. If you have any questions or comments, please do not hesitate to contact me at 312-408-5549 or at [duane.castaldi@fema.dhs.gov](mailto:duane.castaldi@fema.dhs.gov).

Sincerely,



Duane Castaldi  
Regional Environmental Officer  
FEMA Region V

Enclosures

Sent by email to [thpo@uppersiouxcommunity-nsn.gov](mailto:thpo@uppersiouxcommunity-nsn.gov)

+++++++You may email this page to [duane.castaldi@fema.dhs.gov](mailto:duane.castaldi@fema.dhs.gov) +++++++

- ☐ The Upper Sioux Community of Minnesota has no interest in the area potentially affected by the captioned undertaking.
- ☐ The Upper Sioux Community of Minnesota has an interest in the area potentially affected by the captioned undertaking. Contact information is provided below.
- ☐ The Tribal Nations noted below may have an interest in the area potentially affected by this undertaking.

---

Upper Sioux Community of Minnesota

---

Date

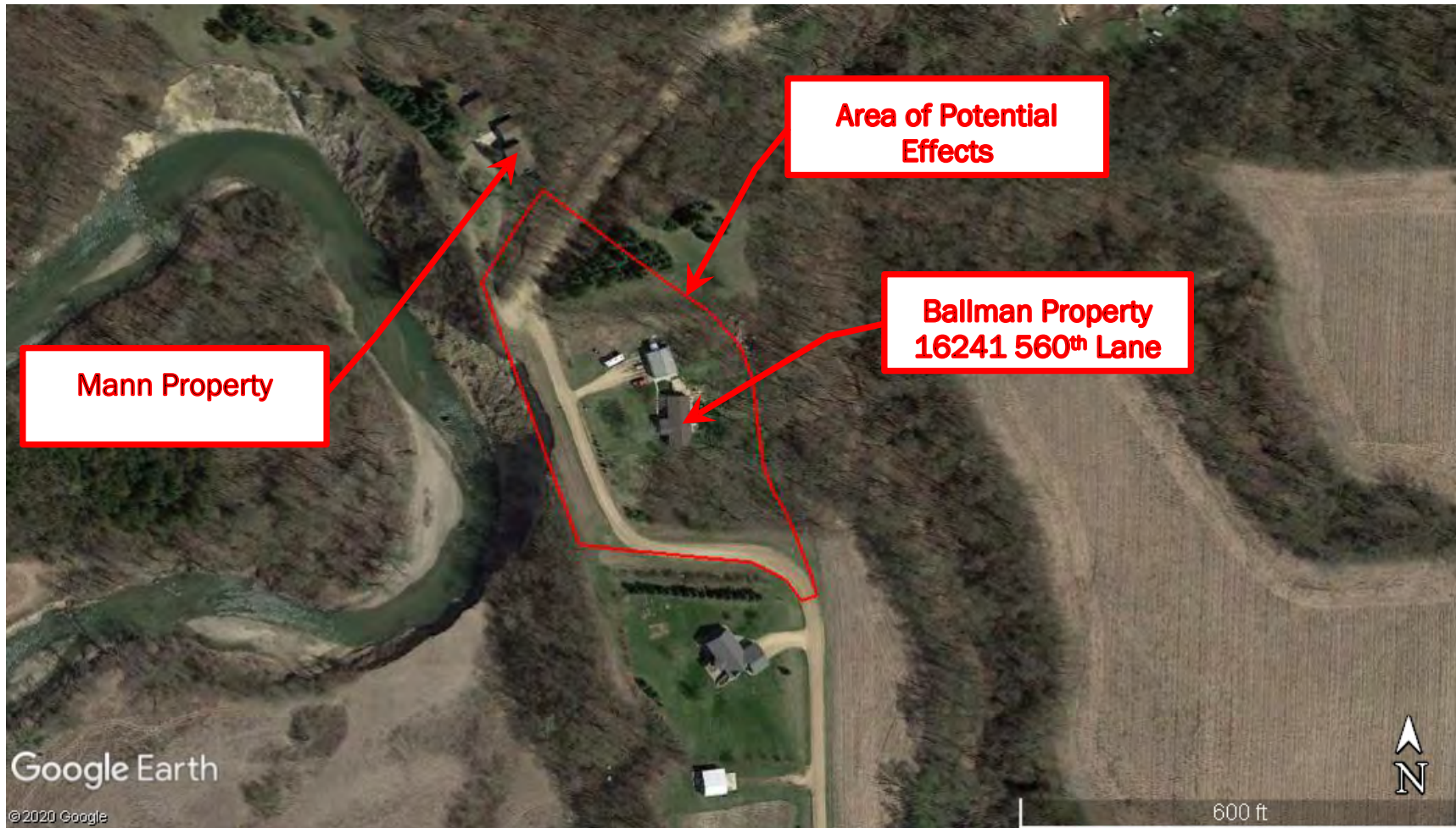


Map 1: Undertaking location marked in red.

USGS the National Map "Good Thunder, MN 2019, enlarged to show detail



Map 2: Aerial Image indicating project location and APE noted in red.  
*Google Earth, 4/22/2015 imagery*





U.S. Department of Homeland Security  
536 South Clark Street, 6<sup>th</sup> Floor  
Chicago, Illinois 60605-1521

**FEMA**

March 2, 2021

Sunshine Thomas-Bear, Tribal Historic Preservation Officer  
Winnebago Tribe of Nebraska  
601 East College Road  
Winnebago, Nebraska 68071

Re: 560th Lane Realignment, Lyra Township, Blue Earth County  
DR-4442-MN, PW 1518 - 18553  
Start: 44.01916, -94.04514, End: 44.018160, -94.044760  
T106N R27W S2

Dear Ms. Thomas-Bear

The Federal Emergency Management Agency (FEMA) recognizes the special and unique legal relationship that exists between the federal government and federally recognized American Indian Tribes (Tribes). FEMA also recognizes that Tribes may attach religious and cultural significance to historic properties located on aboriginal, ancestral, or ceded lands that are not contiguous with reservation lands. For this reason, FEMA consults with Tribes regarding the possible effects of FEMA-funded undertakings on cultural properties of historic or traditional significance, sometimes referred to as Traditional Cultural Properties (TCPs). The purpose of this communication is to provide information regarding the captioned FEMA-funded project and to invite comment on whether the Winnebago Tribe of Nebraska or other Tribes have interests in the areas potentially affected by this undertaking.

In response to severe storms, straight-line winds, and flooding between March 12, 2019 and April 28, 2019, the President declared disaster DR-4442-MN on June 12, 2019. Under this declaration, Faribault County, among others, was eligible for FEMA's Public Assistance (PA) Program funding. FEMA notified Tribes thought to have interests in the declared counties on June 26, 2019. FEMA invited comments on the potential impacts PA projects may have on lands traditionally used by or sacred to the Winnebago Tribe of Nebraska and other Native American groups. The Leech Lake Band of Ojibwe responded on July 8, 2019; no other responses to this request for comment were received.

During the incident period, the Maple River flooded with abnormally high velocities and depth, significantly eroding the outer curve of the riverbank and undermining 560<sup>th</sup> Lane, in Lyra Township, Blue Earth County (Start: 44.01916, -94.04514, End: 44.018160, -94.044760), northwest of the town of Good Thunder. The affected area lies within Section 2, Township 106N and Range 27 W. The applicant proposes to use federal funds authorized under the Stafford Act to realign the endangered portion of 560<sup>th</sup> Lane approximately 200 feet east of the affected area to best serve public safety concerns and prevent the potential for reoccurring damage.

To accommodate the new right-of-way for the roadway, the Applicant will purchase portions of adjacent residential properties. The ten-acre Ballman property (16241 560<sup>th</sup> Lane) lies in two parts, with a portion across the Maple River to the west, and an approximately 2.5 acre parcel to the east of the river and 560<sup>th</sup> Lane. This 2.5 acre portion will provide most of the land necessary for the roadway. It contains a wood-framed, vinyl-sided and gable-roofed modular house constructed in 1998 (16241 560<sup>th</sup> Street), and an

associated metal-sided pole barn. It is assumed that these structures will be demolished or moved as part of the undertaking.

Approximately 1.5 acres of the Mann property (16244 560<sup>th</sup> Lane) will also be necessary to accommodate the realigned roadway to the east and north of the existing road. This portion of the property does not contain any structures and lies across 560<sup>th</sup> Lane from the portion of the Mann property containing the dwelling. A portion of the Mann driveway will be rebuilt as a part of the effort.

Construction of the new 66-foot wide gravel-surfaced road section will include clearing and grubbing of trees, excavation, and grading. The new roadway and shoulder will consist of Class 5 aggregate base, granular material, Class 1 shoulder base, and topsoil. Approximately six acres of turf establishment and restoration, installation of new road signage and erosion control will complete the new construction.

The old roadway will be excavated and removed. The original alignment will be returned to its original condition by placing topsoil and planting grasses and other vegetation. The eroded riverbank will be allowed to naturally stabilize.

The project location is noted on the enclosed Map 1.

In accordance with the National Historic Preservation Act and other legislation, FEMA determined that this project constitutes a federally assisted undertaking requiring review under Section 106 of the National Historic Preservation Act of 1966, as amended. In accord with 36 CFR 800.2(c)(2)(ii), FEMA is providing this opportunity for the Winnebago Tribe of Nebraska to identify concerns about historic properties that may be affected by this undertaking. The area of potential effect (Map 2) is limited to the areas within which all construction and ground disturbing activity would be confined and the viewshed of the proposed project. No potential for effects outside of the viewshed of the proposed project exists. Due to the area being relatively flat adjacent to the river and the presence of known archaeological sites along the Maple River, FEMA will require that an archaeological survey be conducted within the area of potential effect.

Prior to conducting the archaeology survey, we invite your comments on the potential impacts this undertaking may have on lands traditionally used by or sacred to the **Winnebago Tribe of Nebraska** or other Native American groups. We understand the sensitive nature of much of the information regarding TCPs and assure you in advance that any information you provide will be considered privileged and confidential. In order to safeguard TCPs of interest to Native Americans, we are contacting the following Tribes to request information regarding their interest in this undertaking.

- Flandreau Santee Sioux Tribe of South Dakota
- Ho-Chunk Nation
- Lower Sioux Indian Community of Minnesota
- Prairie Island Indian Community
- Santee Sioux Tribe
- Shakopee Mdewakanton Sioux Community of Minnesota
- Spirit Lake Tribe of Fort Totten
- Upper Sioux Community of Minnesota
- Winnebago Tribe of Nebraska

Receiving notice of your interest to join the consultation regarding this undertaking or notice of Tribes other than those listed above that may have an interest in this undertaking would improve FEMA's efforts to protect resources that may exist in the areas noted on the enclosures. A response form has been provided for your convenience.



We would appreciate a response by email from your office within thirty (30) days of your receipt of this documentation. If FEMA receives no response from your office within thirty (30) days, we will move forward with the project without comment from the Winnebago Tribe of Nebraska. If you have any questions or comments, please do not hesitate to contact me at 312-408-5549 or at [duane.castaldi@fema.dhs.gov](mailto:duane.castaldi@fema.dhs.gov).

Sincerely,



Duane Castaldi  
Regional Environmental Officer  
FEMA Region V

Enclosures

Sent by email to [sunshine.bear@winnebago-tribe.com](mailto:sunshine.bear@winnebago-tribe.com)

+++++++You may email this page to [duane.castaldi@fema.dhs.gov](mailto:duane.castaldi@fema.dhs.gov)+++++++

- ☐ The Winnebago Tribe of Nebraska has no interest in the area potentially affected by the captioned undertaking.
- ☐ The Winnebago Tribe of Nebraska has an interest in the area potentially affected by the captioned undertaking. Contact information is provided below.
- ☐ The Tribal Nations noted below may have an interest in the area potentially affected by this undertaking.

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Winnebago Tribe of Nebraska

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Date

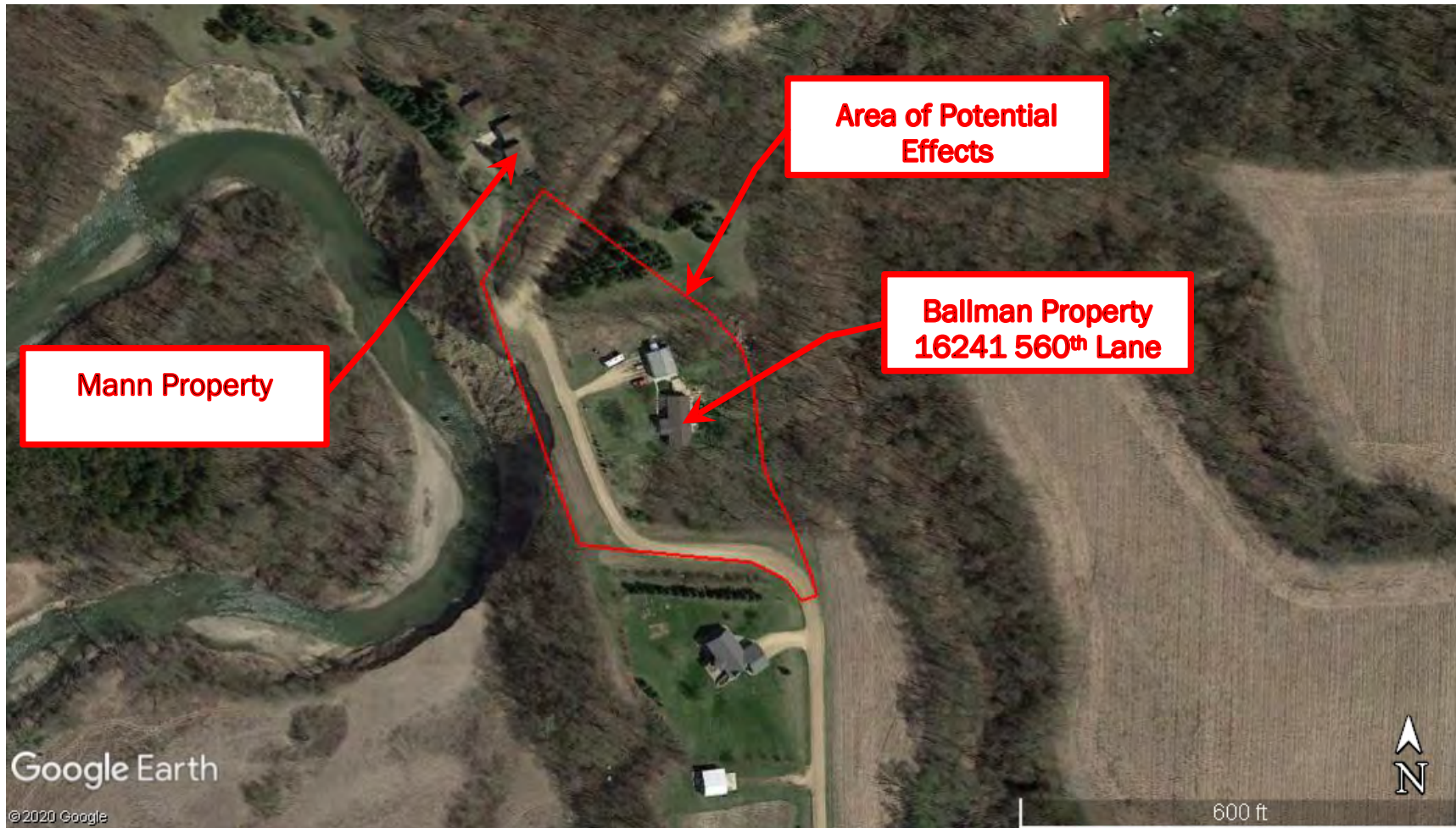


Map 1: Undertaking location marked in red.

USGS the National Map "Good Thunder, MN 2019, enlarged to show detail



Map 2: Aerial Image indicating project location and APE noted in red.  
*Google Earth, 4/22/2015 imagery*





**From:** [Castaldi, Duane](#)  
**To:** [Roach, Karie](#)  
**Subject:** FW: New FEMA Project Notification - Blue Earth County  
**Date:** Tuesday, March 2, 2021 11:30:07 AM

---

Duane Castaldi  
Regional Environmental Officer | FEMA Region V | Department of Homeland Security  
Office: 312.408.5549 | Mobile: 312.576.0067  
[duane.castaldi@fema.dhs.gov](mailto:duane.castaldi@fema.dhs.gov)

Federal Emergency Management Agency  
[fema.gov](http://fema.gov)

-----Original Message-----

From: Leonard Wabasha (TO) <[leonard.wabasha@shakopeedakota.org](mailto:leonard.wabasha@shakopeedakota.org)>  
Sent: Tuesday, March 2, 2021 11:05 AM  
To: Castaldi, Duane <[Duane.Castaldi@fema.dhs.gov](mailto:Duane.Castaldi@fema.dhs.gov)>  
Subject: RE: New FEMA Project Notification - Blue Earth County

Thank you Duane for the notice, please keep me informed and send a copy of the Archaeological report when it becomes available, I am curious to see how close in proximity the road and property are to the known site(s)...  
Thank You again and Have a Great Day..

Respectfully,

Leonard Wabasha SMSC Cultural Resources

-----Original Message-----

From: Castaldi, Duane <[Duane.Castaldi@fema.dhs.gov](mailto:Duane.Castaldi@fema.dhs.gov)>  
Sent: Tuesday, March 2, 2021 10:53 AM  
To: Leonard Wabasha (TO) <[leonard.wabasha@shakopeedakota.org](mailto:leonard.wabasha@shakopeedakota.org)>  
Subject: New FEMA Project Notification - Blue Earth County

This message came from outside the organization. Do Not click on links, open attachments or respond unless you know the content is safe.

Good Morning

Please see the attached PDF File.

Thank you.

Duane D. Castaldi  
Regional Environmental Officer  
U.S. Department of Homeland Security  
FEMA Region V

536 South Clark Street, 6th Floor  
Chicago, IL 60605  
O: 312-408-5549

E: [duane.castaldi@fema.dhs.gov](mailto:duane.castaldi@fema.dhs.gov)

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If you have received this communication in error, please notify the sender and delete the message from your system.  
Thank you.

~~

Tribal Historic Preservation Office  
Upper Sioux Community  
5722 Travers Lane  
Post Office Box 147  
Granite Falls, MN 56241  
320.564.3853  
thpo@uppersiouxcommunity-nsn.gov



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Thursday, March 18, 2021

U.S. Department of Homeland Security  
Federal Emergency Management Agency FEMA  
536 South Clark Street, 6<sup>th</sup> Floor  
Chicago, Illinois 60605-1521

SUBJECT: Request for Concurrence – Project ID: 560<sup>th</sup> Lane Realignment  
Lyra Township  
T106N-R27W-S27  
Blue Earth County, MN

Hello,

USC-THPO has reviewed the proposed realignment of 560<sup>th</sup> Lane in response to severe storm damage. Construction of a new 66-foot-wide gravel-surfaced road section will require the clearing of trees, excavation grading and stabilization of the river embankment with Class 5 aggregate base, granular material and Class 1 shoulder base, and topsoil. Approximately 6 acres of turf establishment and restoration, installation of new road signage and erosion control will complete the new construction.

This is an area where the Dakota lived, prayed, hunted, gathered, battled, and buried our relatives. At this time, the USC-THPO has no further comment on this site. However, in the event that ground disturbance from this project inadvertently uncovers any human remains, funerary objects or artifacts; ongoing work must stop and the MN-SHPO and the USC-THPO should be contacted as soon as possible.

Thank you for the opportunity to comment on this project and for following the Federal guidelines for 106 consultations.

Pidamaya,

Drew Brockman  
USC-THPO Assistant

Per:



Tribal Historic Preservation Office  
Upper Sioux Community  
5722 Travers Lane  
Post Office Box 147  
Granite Falls, MN 56241  
320.564.3853  
[thpo@uppersiouxcommunity-nsn.gov](mailto:thpo@uppersiouxcommunity-nsn.gov)



---

Samantha Odegard  
Tribal Historic Preservation Officer  
Upper Sioux Community

**From:** [Castaldi, Duane](#)  
**To:** [Roach, Karie](#)  
**Subject:** FW: New FEMA Project Notification - Blue Earth County  
**Date:** Tuesday, March 2, 2021 1:29:03 PM

---

Duane Castaldi  
Regional Environmental Officer | FEMA Region V | Department of Homeland Security  
Office: 312.408.5549 | Mobile: 312.576.0067  
[duane.castaldi@fema.dhs.gov](mailto:duane.castaldi@fema.dhs.gov)

Federal Emergency Management Agency  
[fema.gov](http://fema.gov)

---

**From:** Sunshine Bear <[sunshine.bear@winnebagotribe.com](mailto:sunshine.bear@winnebagotribe.com)>  
**Sent:** Tuesday, March 2, 2021 1:28 PM  
**To:** Castaldi, Duane <[Duane.Castaldi@fema.dhs.gov](mailto:Duane.Castaldi@fema.dhs.gov)>  
**Subject:** Re: New FEMA Project Notification - Blue Earth County

Duane,

Thank you for your Section 106 correspondence regarding this project. The location is land our ancestors have lived on or passed through. During ground disturbance activities we are aware that if the ground has already been disturbed, that findings may be minimal to zero. In any case if anything is found please contact me immediately. My information is below. Let me know if you have any questions.

**Pinagigi**

**Respectfully,**

*Sunshine Thomas-Bear*

*Wihokiri Wiga*

Cultural Preservation Director

THPO Office/Angel De Cora Museum

Little Priest Tribal College - Thunder Clan Building

601 E. College Road

Winnebago, NE 68071

(402) 922-2631 Cell

[sunshine.bear@winnebago-tribe.com](mailto:sunshine.bear@winnebago-tribe.com)

**“Just because something works doesn’t mean it can’t be improved.”**

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---

**From:** Castaldi, Duane <Duane.Castaldi@fema.dhs.gov>  
**Sent:** Tuesday, March 2, 2021 10:53 AM  
**To:** Sunshine Bear <[sunshine.bear@winnebago-tribe.com](mailto:sunshine.bear@winnebago-tribe.com)>  
**Subject:** New FEMA Project Notification - Blue Earth County

Good Morning

Please see the attached PDF File.

Thank you.

Duane D. Castaldi  
Regional Environmental Officer  
U.S. Department of Homeland Security  
FEMA Region V

536 South Clark Street, 6th Floor  
Chicago, IL 60605  
O: 312-408-5549  
E: [duane.castaldi@fema.dhs.gov](mailto:duane.castaldi@fema.dhs.gov)

**Appendix C**

**Township Meeting Notes**

Lyra Township  
Minutes from Meeting  
October 8, 2018  
8:00 pm

Chairman Tyler Wingen called meeting to order followed by the Pledge of Allegiance to the Flag. Other members present, Supervisor Tim Krengel, Sandy Miller, Clerk. And Treasurer Jason Krengel, Chairman. Supervisor Richard Fitzsimmons was absent.

Guest:

Minutes from the September meeting were approved.

The Treasurer's report was submitted, it read as follows:

Beginning Balance	\$229,033.74
Total Receipts	\$528.30
Disbursements	\$65,009.51
Ending Balance	\$165,112.53
Total investments	\$103,153.42
Outstanding checks	\$560.00
Total per Bank statements	\$165,112.53

Tyler made a motion to accept the treasurer's report as read and Tim seconded the motion. The motion carried 2/0.

Old Business: There is a meeting scheduled for October 11<sup>th</sup> at the Justice Center in Mankato for claiming damages done from the rains in June. Sandy plans on attending this meeting. There was some discussion on the amount of gravel that was purchased and put down on the roads in the Township. It has been a costly year for road maintenance. There was discussion on the new culvert by Birrs and Tim will check with Petersons Motor Grader on this.

New Business: There was discussion on the billing from MN Waste Management and LJP as to what is being charged by each and what exactly the cost on each statements are for. Sandy said she would contact the companies involved and asked for a description of the charges.

The road report- The roads continue to need maintenance and are in need of a good grading currently.

The claims report was then submitted by Jason. Tim made a motion to accept the claims report. Tyler seconded the motion. Motion carried 2/0. Checks for the claims were presented and signed.

With no other business before the board, Tyler made a motion to adjourn the meeting, Tim seconded the motion and the motion passed 2/0.

The meeting adjourned at 9:40 pm

Minutes respectfully submitted by Sandy Miller, Clerk



Lyra Township  
Minutes from Meeting  
November 12, 2018  
7:00 pm

Chairman Tyler Wingen called meeting to order followed by the Pledge of Allegiance to the Flag. Other members present, Supervisor Tim Krengel, Supervisor Richard Fitzsimmons Sandy Miller, Clerk. And Treasurer Jason Krengel, and newly elected Paul Barnard who will take office in January 2019.

**Minutes** from the October meeting were approved.

**The Treasurer's report** was submitted, it read as follows:

Beginning Balance	\$164,552.53
Total Receipts	\$2,862.07
Disbursements	\$13,013.13
Ending Balance	\$154,401.47
Total investments	\$103,232.84
Outstanding checks	\$0.00
Total per Bank statements	\$154,401.47

Tyler made a motion to accept the treasurer's report as read and Richard seconded the motion. The motion carried 3/0.

**Old Business:** Tyler asked and received Wayne Lamoreaux's phone number and will contact him for advice on what help is available for our situation on 560<sup>th</sup> Lane. We are still waiting on George Leary to set up a meeting concerning MFS Compost site. The new culvert by Birr's was finally installed but only after Tyler had driven on the road and sunk his vehicle in the hole because the work had not been done and the warning sign had been removed and thrown in the ditch. He contacted Peterson Motor Grader and asked them to take care of it. It was completed within a couple of days. Sandy stated that she had forwarded the email about the waste management charges to everyone. The e-mail was received and questions answered.

**New Business:** It was discussed that the fall mowing of the ditches still had not be done. With the amount of rain we have received lately we were sure that was what was causing the delay. Tim said that he would call Carr, Tree Service about removing trees and stumps along Cable Mill Road. Richard was contact by a group from Good Thunder that would like to rent the Township Hall for the 9<sup>th</sup> of December for a Christmas Celebration. The board agreed that this is one of the reasons that the bathroom and kitchenette area was added to the Hall so that other organizations would be able to use the Hall on different occasions Sandy was asked to check to make sure our insurance covered this and then to contact Richard before he got back to the group with our approval. Jason asked the board if there could be a transferal of \$15,000.00 from the General fund to the Road and Bridge fund. Richard made a motion to ok the transferal and Tyler seconded the motion and the motion carried 3/0.

**The road report-** The roads are in good condition now but the board agrees that for the 2019 year we would like more accountability with the amount of gravel that is put down.

**The claims report was then submitted by Jason.** Tim made a motion to accept the claims report. Tyler seconded the motion. Motion carried 3/0. Checks for the claims were presented and signed.

With no other business before the board, Tyler made a motion to adjourn the meeting, Tim seconded the motion and the motion passed 3/0.

The meeting adjourned at 8:15 pm  
Minutes respectfully submitted by Sandy Miller, Clerk

Lyra Township  
Minutes from Meeting  
December 10, 2018  
7:00 pm

Chairman Tyler Wingen called meeting to order followed by the Pledge of Allegiance to the Flag. Other members present, Supervisor Tim Krengel, Supervisor Richard Fitzsimmons Sandy Miller, Clerk. And Treasurer Jason Krengel, and newly elected Paul Barnard who will take office in January 2019. Guest Doug Peterson was also present.

**Minutes** from the November meeting were approved.

**The Treasurer's report** was submitted, it read as follows:

Beginning Balance	\$154,401.47
Total Receipts	\$41.40
Funds transferred to R&B	\$15,000.00
Disbursements	\$1,276.57
Funds transferred from General	\$15,000.00
Ending Balance	\$153,166.30
Total investments	\$103,232.84
Outstanding checks	\$0.00
Total per Bank statements	\$153,166.30

Tyler made a motion to accept the treasurer's report as read and Richard seconded the motion. The motion carried 3/0.

**Old Business:** There wasn't anything new on 560<sup>th</sup> Lane. Tyler hadn't contacted Wayne Lamoreaux yet but plans on doing this before the next meeting. Richard reported on the use of the township hall by community members. Everything went fine but, in the future, it is recommended we might want to check into exactly what the hall is being used for and in the future having a contract with the persons using the hall. Tyler had not heard anything from George Leary about a meeting concerning the compost site so we are still waiting on this.

**New Business:** Sandy reported that we had received a letter from LJP stating that do to DOT regulations they can no longer haul a trailer behind the garbage truck so if we wanted to continue having the townships recyclables collected separately there would be an additional approx.. \$300 charge. After discussion, the board decided that the cost would be too great so we will just have the garbage truck available and garbage and recycling both will be put in the truck. Sandy was told by LJP that there should be enough room for all. She said she would send out an email to the residents on her email list explaining the change and Paul volunteered to be at the site next month in case residents had questions. Doug Peterson was present and stated that because they do not have garbage or recycling service in the township which he lives he takes his recycling to the center off of county road #33 by Mankato. They may be a help to the people in the township that would still like to see their recyclables recycled.

**The road report-** The roads are in good condition now but the board agrees that for the 2019 year we would like more accountability with the amount of gravel that is put down.

**With this being Tim Krengel's last meeting as a supervisor for the Township, the board thanked Tim for his service and wished him well in the future. We also welcome Paul Barnard as the new Supervisor that will be replacing Tim.**

**The claims report was then submitted by Jason.** Tim made a motion to accept the claims report. Tyler seconded the motion. Motion carried 3/0. Checks for the claims were presented and signed.

With no other business before the board, Tyler made a motion to adjourn the meeting, Tim seconded the motion and the motion passed 3/0.

The meeting adjourned at 8:03 pm

Minutes respectfully submitted by Sandy Miller, Clerk

Lyra Township  
Minutes from Meeting  
January 14, 2019  
7:00 pm

Chairman Tyler Wingen called meeting to order followed by the Pledge of Allegiance to the Flag. Immediately after the Pledge newly elected Paul Barnard and re-elected Richard Fitzsimmons took the Oath of Office and were sworn in as Supervisors for Lyra Township. Other members present were Jason Krengel, Treasurer and Sandy Miller Clerk. There were no guest present.

**Minutes** from the December meeting were approved.

**The Treasurer's report** was submitted, it read as follows:

Beginning Balance	\$153,166.30
Total Receipts	\$66,973.97
Disbursements	\$40,181.33
Ending Balance	\$179,958.94
Total investments	\$103,763.12
Outstanding checks	\$0.00
Total per Bank statements	\$179,958.94

Tyler made a motion to accept the treasurer's report as read and Richard seconded the motion. The motion carried 3/0.

**Old Business:** After being referred to a few different people, Tyler did speak to some from the state office of Homeland Security about any help they may have for us on the situation on 560<sup>th</sup> Lane. Copies of what was sent to Tyler are attached to the minutes. Once we fill out some paper work and submit it, they will start the paperwork from their end to see if we qualified for any grant money to help us out. We were advised that in order to go ahead with this we will have to have information from professionals like engineers etc. The board agreed that even if we didn't qualify for grant money the information that we will need to gather ahead of time and pay for will be needed no matter what is done on 560<sup>th</sup> Lane in the future. We are still waiting to hear from the County about a meeting to discuss the Compost site. The board did request that Sandy check to see if she would get copy of the original request for a permit that was filed with the county for the Compost site because the information that we have is very limited and not what the permit states.

**New Business:** With Tim no longer being a board member the board thought it would be a good idea to do something to recognize Tim for his service. A tentative date for Supper at Thunder Restaurant was set for February at 7:00 pm and Sandy will contact Tim to see if that works for him. We would change the meeting time to 6:00pm and Sandy will put the change of time in the newspaper notices. Jason also suggested that we take \$75,000.00 of the money we have in a checking account at Community Bank and put it into a CD. Sandy said she would check with Community to see what deals they have to offer and let Jason know and the board then agreed that they would let Jason and Sandy decide if it was to be done or not. Jason also handed out W2 forms and a report on expenses over \$1,000.00 a comparison from 2014-2018.

**The road report-** The roads are in good condition.

**The claims report was then submitted by Jason.** Tyler made a motion to accept the claims report. Richard seconded the motion. Motion carried 3/0. Checks for the claims were presented and signed.

With no other business before the board, Tyler made a motion to adjourn the meeting, Tim seconded the motion and the motion passed 3/0.

The meeting adjourned at 8:10 pm

Minutes respectfully submitted by Sandy Miller, Clerk

Lyra Township  
Minutes from Meeting  
February 11, 2019  
6:00 pm

Chairman Tyler Wingen called meeting to order followed by the Pledge of Allegiance to the Flag. Supervisors Richard Fitzsimmons and Paul Barnard as well as Kregel, Treasurer and Sandy Miller Clerk were present. There were no guest present.

**Minutes** from the January meeting were approved.

**The Treasurer's report** was submitted, it read as follows:

Beginning Balance	\$179,958.94
Total Receipts	\$3,461.76
Disbursements	\$16,246.15
Ending Balance	\$167,171.55
Total investments	\$103,842.64
Outstanding checks	\$0.00
Total per Bank statements	\$167,171.55

Tyler made a motion to accept the treasurer's report as read and Richard seconded the motion. The motion carried 3/0.

**Old Business:** Everyone had received the information that Sandy sent out about the compost site. We have not heard anything from the County about a meeting to discuss this. The matter of 560<sup>th</sup> Lane was again tabled.

**New Business:** With the election of a new officer signature cards for both banks will need to be updated. There have been some complaints about the snow removal and how long it is taking the plows to get to certain areas. The board discussed the matter and Tyler agreed to call Doug Peterson and check on this and get back to the other members on this. It was agreed that this year has been very difficult to get everyone plowed out in a timely matter because of the amount of snow and the high winds. There was also discussion on how bids are handled. The board would like to see the bids and have a discussion about them at a meeting before they actually vote on accepting them, It was suggested that we call for bids in April in the past and then discuss them at the April meeting but the vote for the acceptance of bid will not occur until the May meeting. Tyler stated he had gotten a request from Holtmeiers for be included and Sandy said she would make sure they get a bid form. The members of the board were meeting a Thunder Restaurant following the regular meeting to celebrate Tim Kregels term on the board. Sandy reminded the board that March is the month for the Annual Meeting and it was agreed on last year to do both meetings in one night.

**The road report-** The roads are not great right now due to all the snow we have received so far.

**The claims report was then submitted by Jason.** Tyler made a motion to accept the claims report. Richard seconded the motion. Motion carried 3/0. Checks for the claims were presented and signed.

With no other business before the board, Tyler made a motion to adjourn the meeting, Paul; seconded the motion and the motion passed 3/0.

The meeting adjourned at 6:55 pm

Minutes respectfully submitted by Sandy Miller, Clerk

Lyra Township  
Minutes from Meeting  
March 12, 2019  
7:00 pm

Chairman Tyler Wingen called meeting to order followed by the Pledge of Allegiance to the Flag. Supervisors Richard Fitzsimmons and Paul Barnard as well as Jason Krengel, Treasurer and Sandy Miller Clerk were present. There were no guest present.

**Minutes** from the February meeting were approved.

**The Treasurer's report** was submitted, it read as follows:

Beginning Balance	\$167,171.55
Total Receipts	\$16,254.27
Disbursements	\$2,425.05
Ending Balance	\$181,000.77
Total investments	\$103,842.64
Outstanding checks	\$0.00
Total per Bank statements	\$181,000.77

Tyler made a motion to accept the treasurer's report as read and Richard seconded the motion. The motion carried 3/0.

**Old Business** We have not heard anything from the County about a meeting to discuss this the compost site. The matter of 560<sup>th</sup> Lane was again tabled Tyler said that he will be completing a form to send to MN Homeland Security so they can assist us with information needed to help us make decisions on 560<sup>th</sup> Lane. Tyler stated that he had talked to Doug Peterson about the snow plowing and he stated that they do try to change the route so that some residents aren't always the last to get plowed out. It was agreed that this winter had been exceptionally difficult for the people plowing snow. Everyone enjoyed themselves at Tim's retirement supper last month.

The Meeting was suspended at 7:30 pm and continued at 8:30 pm.

**New Business:** At the April meeting Sandy will have the quotes from different contractors available for the supervisors to look at and to discuss. The board will then make their decision and it will be announced at the May monthly meeting. Short courses will be held in Mankato on March 20<sup>th</sup> and Sandy and Paul are planning on attending. Our open book meetings are scheduled from April 15-19<sup>th</sup>. The county township quarterly meeting is scheduled for March 21<sup>st</sup>.

**The road report-** Roads are still in rough shape due to all the snow.

**The claims report was then submitted by Jason.** Tyler made a motion to accept the claims report. Richard seconded the motion. Motion carried 3/0. Checks for the claims were presented and signed.

With no other business before the board, Tyler made a motion to adjourn the meeting, Paul; seconded the motion and the motion passed 3/0.

The meeting adjourned at 8:58 pm

Minutes respectfully submitted by Sandy Miller, Clerk



Lyra Township  
Minutes from Meeting  
April 8, 2019  
8:00 pm

Chairman Richard Fitzsimmons called meeting to order followed by the Pledge of Allegiance to the Flag. Supervisors Tyler Wingen and Paul Barnard as well as Jason Krengel, Treasurer and Sandy Miller Clerk were present. Guests present: Larry and Corrine Anderson, Doug Peterson, Dennis Peterson, Mark Pentico and Tom Walters, and Matt Hollerich.

**Minutes** from the March meeting were approved.

**The Treasurer's report** was submitted, it read as follows:

Beginning Balance	\$181,000.77
Total Receipts	\$607.89
Disbursements	\$24,111.03
Ending Balance	\$157,497.63
Total investments	\$104,414.43
Outstanding checks	\$369.40
Total per Bank statements	\$157,867.03

Tyler made a motion to accept the treasurer's report as read and Richard seconded the motion. The motion carried 3/0.

**Old Business** Tyler did submit the form concerning 560<sup>th</sup> Lane and now we will wait until we hear back from the State. There will be a meeting next week Wednesday between a member from our board, an employee from BEC Environmental department and a consultant from the compost site. The consultant requested that only one member from the board be at the meeting. Tyler said that he would attend.

**New Business:** Matt Hollerich was present to ask the boards approval on putting up a new hog barn, dimensions of 101' x 196' with all hogs being housed in one building instead of 6. They would be removing the 6 barns that they currently operate. Tyler made a motion to approve the barn as long as all state and county regulations and requires are met. Richard seconded the motion and the motion carried 3/0. Sandy told Matt that she would be sending an e-mail to BEC stating that the board members had given their approval.

Larry and Corrine Anderson were present to ask for the boards assistance in trying to limit the number of vehicles they have driving back onto their property (at the end of a dead-end road). After some discussion the board agreed to purchase 2 signs stating "Road Closed Local Traffic Only" and to have them installed along 557<sup>th</sup> Lane. Sandy will contact ID Sign Solutions and have them order the signs.

Next- the board tackled the task of going over the quotes they had received for the contracted work for 2019-2020. With Peterson Mowing being the only quote submitted for the mowing of the road ditches the board approved the quote and contracted Dough Peterson of Peterson Mowing. We received a quote from Kevin Larson and Mark Pentico concerning the maintenance/mowing of the cemetery. For road maintenance and gravel hauling and snow removal we received quotes from Peterson Motor Grader and for hauling gravel a quote from Tom Walters. Since some of these quotes crossed over the board will take the time to review the quotes, discuss the options and a decision will be made at May's meeting.

With flooding this past spring, we have several areas that have had and will need extra road maintenance. They are: the road by Jesse Cornish, (road washed out) Tyler and Paul will check on this road, road by Phelps (water is taking material that was put down) We will need a quote on the work that must be done on this road from Dennis Peterson and the road by Doering's (it also washed out). Tyler will also check on 560<sup>th</sup> Lane to see if the spring flooding has done more extensive damage to that road. Sandy will check to see if she can find out any additional information on Derek Ballman's property that was up for sale. It was discussed that the township would need more "Road Closed" signs for future use. Richard and Paul will check on this. In talking about this trouble spot Dennis Peterson requested that we consider something different than sanding and salting of the hill on 560<sup>th</sup> as it is getting very dangerous to try to maintain this road in the wintertime. Paul received a complaint concerning some damage that was done to a pontoon that was located near the road by Cody Adams. It was damaged from the snow that was pushed on it during the plowing of the road. He was requesting compensation. Upon discussion it was agreed that the neither the township nor Peterson's were responsible as the pontoon was stored in a bad place. Paul will notify him of the board's decision.

**The road report-** mentioned in the above

**The claims report was then submitted by Jason.** Tyler made a motion to accept the claims report. Richard seconded the motion. Motion carried 3/0. Checks for the claims were presented and signed.

With no other business before the board, Tyler made a motion to adjourn the meeting, Paul; seconded the motion and the motion passed 3/0.

The meeting adjourned at 10:47 pm

Minutes respectfully submitted by Sandy Miller, Clerk

Lyra Township  
Minutes from Meeting  
May 13, 2019  
8:00 pm

Chairman Richard Fitzsimmons called meeting to order followed by the Pledge of Allegiance to the Flag. Supervisors Tyler Wingen and Paul Barnard as well as Jason Krengel, Treasurer and Sandy Miller Clerk were present There were none guest present.

**Minutes** from the April meeting were approved.

**The Treasurer's report** was submitted, it read as follows:

Beginning Balance	\$157,497.63
Total Receipts	\$115.74
Disbursements	\$15,425.67
Ending Balance	\$142,187.70
Total investments	\$104,492.41
Outstanding checks	\$0.00
Total per Bank statements	\$142,187.70

Tyler made a motion to accept the treasurer's report as read and Paul seconded the motion. The motion carried 3/0.

**Old Business.** The meeting concerning the Compost site was changed to include only their consultant and a representative from BEC, Tyler was not invited. We received no information about what was discussed at that meeting. It was suggested that in the future if the board receives complaints about the site, the complaint be documented and then the caller be referred to BEC. As far as 560<sup>th</sup> Lane, Sandy will attend the meeting tomorrow, at BEC Justice Center, with information on the erosion that is taking place and submit the photos from 560<sup>th</sup> and the Cable mill road to see if assistance will be granted, Tyler state that there is only a 11' 4" space from Ballman's mail box to the edge of the ravine. The phone line has already been moved twice.

**New Business** New pipes were given to Larry Anderson for the new signs that are on order. It was decided to make Cable Mill Road passable for now. Richard will be checking on the road that received damage from trucks hauling manure. Sandy will check with the Township association to see if there any procedure followed when this happens to roads within townships.

**Quotes for 2019-2020**

Peterson Motor Grader will be handling the snow removal on our roads, they will also do the grading of the roads, and the hauling of gravel on certain roads. The board designated about a 5 ¼ mile square (see attached map for the area) that they would like road stone used to see if this wears any better. Tom Walters had submitted a quote for the hauling of the road stone from Iowa. Richard will contact him about this. Tyler will contact Peterson's about the board's decision. In the future we may decide to use recycled blacktop on roads again. Mark Pentico has been contacted to do the mowing etc. of the cemetery. Doug Peterson has been contacted to do the mowing of the road ditches.

**The road report-** still in possess of recovering

**The claims report was then submitted by Jason.** Tyler made a motion to accept the claims report. Richard seconded the motion. Motion carried 3/0. Checks for the claims were presented and signed.

With no other business before the board, Tyler made a motion to adjourn the meeting, Paul; seconded the motion and the motion passed 3/0.

The meeting adjourned at 10:03 pm  
Minutes respectfully submitted by Sandy Miller, Clerk

Lyra Township  
Minutes from Meeting  
JUNE 10, 2019  
8:00 pm

Chairman Richard Fitzsimmons called meeting to order followed by the Pledge of Allegiance to the Flag. Supervisor Paul Barnard as well as Jason Krengel, Treasurer and Sandy Miller Clerk were present Supervisor Tyler Wingen was absent.  
Guest: Dennis Peterson

**Minutes** from the May meeting were approved.

**The Treasurer's report** was submitted, it read as follows:

Beginning Balance	\$142,187.70
Total Receipts	\$37.31
Disbursements	\$1,592.23
Ending Balance	\$140,632.78
Total investments	\$104,492.41
Outstanding checks	\$0.00
Total per Bank statements	\$140,632.78

Richard made a motion to accept the treasurer's report as read and Paul seconded the motion. The motion carried 2/0.

**Old Business.** Sandy hasn't heard anything about the signs for Anderson's road so she will email John from ID Sign and ask about them. Nothing has been done concerning the street signs as of date. We are waiting on a meeting for disaster assistance and have not heard a date yet. No new news concerning the compost site. 560<sup>th</sup> Lane is included in the disaster application.

**New** Short course in Mankato June 19<sup>th</sup>. Paul and Sandy plan on attending. It was reported that there were deep ruts in the road by Hollerichs from the trucks hauling manure. At this point Peterson's have filled in some of the ruts and Dennis was asked to blade the road when possible and see if that will take care of it for the time being. Cable Mill road has cost the township a considerable amount of money to try to get it passable for the farmers that use that road but we are at a point where we are not sure just what we will need to do in the future. It was suggested that we contact Jesse Cornish and ask him to attend the meeting in July to discuss with him the options. Sandy said that she would send him a letter and explain to him that we do not want to move ahead on this without his opinion and invite him to our next meeting. Concerning the road stone that we want Tom Walters to get from Iowa and haul it was discussed. It was decided that the road mentioned in last months minutes will not necessarily be the route. It was decided to try it on 142<sup>nd</sup> Street instead. Richard will contact Tom and Dennis was present so he knows what was decided. We currently are short funds in the Pioneer Bank until we receive the first tax payment from BEC so it was suggested by Jason and Sandy to transfer \$20,000.00 from Community Bank account to Pioneer Account. A motion was made and seconded and passed 2/0

**The road report** Roads are getting better except our trouble spots

**The claims report was then submitted by Jason.** Paul made a motion to accept the claims report. Richard seconded the motion. Motion carried 2/0. Checks for the claims were presented and signed.

With no other business before the board, Richard made a motion to adjourn the meeting, Paul; seconded the motion and the motion passed 2/0.

The meeting adjourned at 10:00 pm  
Minutes respectfully submitted by Sandy Miller, Clerk

Lyra Township  
Minutes from Meeting  
July 8, 2019  
8:00 pm

Chairman Richard Fitzsimmons called meeting to order followed by the Pledge of Allegiance to the Flag. Supervisor Paul Barnard, Supervisor Tyler Wingen as well as Jason Krengel, Treasurer and Sandy Miller Clerk were present.

Guest: Dennis Peterson and Doug Peterson

**Minutes** from the June meeting were approved.

**The Treasurer's report** was submitted, it read as follows:

Beginning Balance	\$140,632.78
Total Receipts	\$20,982.31
Disbursements	\$48,578.16
Ending Balance	\$113,036.93
Total investments	\$105,088.67
Outstanding checks	\$277.05
Total per Bank statements	\$113,313.98

Richard made a motion to accept the treasurer's report as read and Paul seconded the motion. The motion carried 3/0.

**Old Business.** There was nothing new to report on 560<sup>th</sup> Ave. Richard reported that he did attend a meeting concerning MFS. At this point MFS has been shut down due to concerns about regulations that were not being followed at the site. At this time there is no definite plan to get it up and running again so we are not sure what will happen to the site.

**New Business:** Richard and Paul met with Jesse Cornish concerning Cable Mill Road. After a discussion on the information they collected at this meeting the board members decided to install a 30" tile and a load of rock to help alleviate the problem with the road. A motion on this was made and seconded and passed 3/0. Dennis was instructed to go ahead and do the work on this work. Dennis also notified the board that a road sign "Stop Ahead" was missing on 542<sup>nd</sup> Ave. Sandy said she would contact John at IDS Sign and ask him to replace it. The board also decided to put rock down on 148<sup>th</sup> Street from County Road 165 to County Road 10. It was determined that this is about a 4 mile stretch and it would be about 8 loads per mile. Tom Walters will haul it from Iowa and Peterson's will grade the road. The stretch of 148<sup>th</sup> from County Road 165 to County Road 39 will be maintained as is the past to see if there is any difference in how the road holds up. Richard will call Tom with the details. Doug Peterson was asked to get prices for work on Granite Road and he agreed. Tyler and Richard agreed to talk to different lawyers about representing the Township in the future when it comes to making decisions on 560<sup>th</sup> Lane and they will report back to the board on their findings

**The road report:** Other than what is listed above there was nothing more to report on the roads.

**The claims report was then submitted by Jason.** Paul made a motion to accept the claims report. Tyler seconded the motion. Motion carried 3/0. Checks for the claims were presented and signed.

With no other business before the board, Tyler made a motion to adjourn the meeting, Paul; seconded the motion and the motion passed 3/0.

The meeting adjourned at 9:53 pm  
Minutes respectfully submitted by Sandy Miller, Clerk

Lyra Township  
Minutes from Meeting  
August 12, 2019  
8:00 pm

Chairman Richard Fitzsimmons called meeting to order followed by the Pledge of Allegiance to the Flag. Supervisor Paul Barnard, Supervisor Tyler Wingen as well as Jason Krengel, Treasurer and Sandy Miller Clerk were present.

Guest: None

**Minutes** from the July meeting were approved.

**The Treasurer's report** was submitted, it read as follows:

Beginning Balance	\$113,036.93
Total Receipts	\$88,546.72
Disbursements	\$24,187.97
Ending Balance	\$177,395.68
Total investments	\$105,167.72
Outstanding checks	\$420.00
Total per Bank statements	\$177,815.68

Richard made a motion to accept the treasurer's report as read and Paul seconded the motion. The motion carried 3/0.

**Old Business.** The board discussed the situation with 560<sup>th</sup> Lane and it was mentioned that with the rains we have had this year the erosion is get worse and that we must continue to search out avenues to help with this situation. It was suggested that some concrete barriers be put up to help prevent anyone driving over the edge. Tyler said he would contact Matt Maher from BEC disaster management to see if we need to be doing anything future as far as FEMA is concerned. Richard gave a brief update on the Compost site. The State and County have given them until fall to clean all the liquid out. We will continue to watch the situation but it looks like the site will be completely taken over by the State and County. It was decided by the board to let Peterson's continue to put gravel on 148<sup>th</sup> Street from corner of 555<sup>th</sup> Ave (county road 166) to County road #1. We will then have Tom Walters put rock down on 148<sup>th</sup> Street from the corner of County Road 165 to County Road 166. This will help with the comparison. We have told Peterson Motor Grader that we have budgeted only \$24,000.00 for gravel for the roads this year. Last year we had considerably more and so we felt we could cut back this year.

**New Business:** Due to the steep hike in the garbage rate from LJP the township board decided to suspend garbage pick up until we can find a suitable replacement. Sandy will check to see if she can find a replacement. Upon a suggestion from Jason, Tyler made a motion to put all Town aid money and tax money we received into the Road and Bridge fund as at this time the fund has a negative balance. Paul seconded the motion and the motion passed 3/0.

**The road report:** Other than what is listed above there was nothing more to report on the roads.

**The claims report was then submitted by Jason.** Paul made a motion to accept the claims report. Tyler seconded the motion. Motion carried 3/0. Checks for the claims were presented and signed.

With no other business before the board, Tyler made a motion to adjourn the meeting, Paul; seconded the motion and the motion passed 3/0.

The meeting adjourned at 9:55 pm  
Minutes respectfully submitted by Sandy Miller, Clerk



Lyra Township  
Minutes from Meeting  
September 9, 2019  
8:00 pm

Chairman Richard Fitzsimmons called meeting to order followed by the Pledge of Allegiance to the Flag. Supervisor Paul Barnard, Supervisor Tyler Wingen as well as Jason Krengel, Treasurer and Sandy Miller Clerk were present.

Guest: None

**Minutes** from the August meeting were approved.

**The Treasurer's report** was submitted, it read as follows:

Beginning Balance	\$177,815.68
Total Receipts	\$36.96
Disbursements	\$5,408.75
Ending Balance	\$172,023.89
Total investments	\$105,167.72
Outstanding checks	\$0.00
Total per Bank statements	\$172,023.89

Tyler made a motion to accept the treasurer's report as read and Paul seconded the motion. The motion carried 3/0.

**Old Business.** The board discussed the situation with 560<sup>th</sup> Lane again and it was decided to put up concrete blocks along the edge of the road at the curve to help call attention to the danger that would be involved if a vehicle got too close to the top of the embankment. It was decided to contact John from ID Signs to have alert signs placed at each end of the wall of the concrete barrier to help also. Richard will get in touch with Tom Walters about the stone that is to be put down on 148<sup>th</sup> Street. This will be 8 loads per mile for the 4 ½ miles of that road.

**New Business:** The board agreed to try Milton Peterson from Wells as our new waste management contractor. He will pick up garbage at the same place, the same day (first Monday of the month) and from 4:30 to 6:30. He will take the garbage to MN Waste Management and so we will continue with them. Paul reported that he had received some complaints about the looks of the cemetery. Richard also stated that he would like to talk to the mayor of Good Thunder to see if there was any interest in taking over the maintenance of the cemetery due to the fact that there a number of past residents and members of present resident's family in the cemetery. Sandy will check to see if she can get any information on the Ballman place that is up for sell along 560<sup>th</sup> Lane.

**The road report:** OK

**The claims report was then submitted by Jason.** Paul made a motion to accept the claims report. Tyler seconded the motion. Motion carried 3/0. Checks for the claims were presented and signed.

With no other business before the board, Tyler made a motion to adjourn the meeting, Paul; seconded the motion and the motion passed 3/0.

The meeting adjourned at 9:25 pm  
Minutes respectfully submitted by Sandy Miller, Clerk

Lyra Township  
Minutes from Meeting  
October 14, 2019  
8:00 pm

Chairman Richard Fitzsimmons called meeting to order followed by the Pledge of Allegiance to the Flag. Supervisor Paul Barnard, Supervisor Tyler Wingen as well as Jason Krengel, Treasurer and Sandy Miller Clerk were present.

Guest: None

**Minutes** from the September meeting were approved.

**The Treasurer's report** was submitted, it read as follows:

Beginning Balance	\$172,023.89
Total Receipts	\$608.64
Disbursements	\$26,312.64
Ending Balance	\$146,319.89
Total investments	\$105,744.23
Outstanding checks	\$277.05
Total per Bank statements	\$146,596.94

Tyler made a motion to accept the treasurer's report as read and Paul seconded the motion. The motion carried 3/0.

**Old Business:** Concrete barriers were placed on 560<sup>th</sup> Lane to help motorist become aware of the danger that is possible with the erosion of the embankment. There was some concern by a resident about the barriers but it was explained that we needed to place them there for liability reasons. No stone was placed on 148<sup>th</sup> Street as of this date but upon discussion it was decided that 148<sup>th</sup> Street was in OK condition so we will not be putting any more rock down on the roads until next year. Sandy said she would try to contact Bruce Sellers about being the Township's lawyer especially through the process of addressing the problem on 560<sup>th</sup> Lane. Paul reported that he had checked out the work that was done on Cable Mill road and he felt that we should have one more load of rock put down around the new culvert. The others agreed so Paul will contact Peterson's Motor Grader to complete the work. We then feel that Jesse Cornish be informed that all the work that the Township will be doing on this road will be done.

**New Business:** The road by Trent Hollerich is in bad shape and it was suggested that we also fix this road . Peterson's will be notified of this also. The new garbage service seems to be working out fine. We still will have to monitor what is brought to the truck to be disposed of as some residents are still bringing items that are on the list of unacceptable things. Richard stated that he would like the works "all gravel must be down on township roads by the 1<sup>st</sup> of August of each year" added to the quote sheets that are given to our contractors in April. The board agreed. We are still looking at getting assistance with the Lyra Cemetery as far as upkeep is concerned.

**The road report:** OK except for trouble spots listed above.

**The claims report was then submitted by Jason.** Paul made a motion to accept the claims report. Tyler seconded the motion. Motion carried 3/0. Checks for the claims were presented and signed.

With no other business before the board, Tyler made a motion to adjourn the meeting, Paul; seconded the motion and the motion passed 3/0.

The meeting adjourned at 9:15 pm  
Minutes respectfully submitted by Sandy Miller, Clerk

Lyra Township  
Minutes from Meeting  
November 11, 2019

7:00 pm

Chairman Richard Fitzsimmons called meeting to order followed by the Pledge of Allegiance to the Flag. Supervisor Paul Barnard, Supervisor Tyler Wingen as well as Jason Krengel, Treasurer and Sandy Miller Clerk were present.

Guest: Dan Appel

**Minutes** from the October meeting were approved.

**The Treasurer's report** was submitted, it read as follows:

Beginning Balance	\$146,319.89
Total Receipts	\$3,031.72
Disbursements	\$9,724.26
Ending Balance	\$139,627.35
Total investments	\$105,824.34
Outstanding checks	\$0.00
Total per Bank statements	\$139,627.35

Tyler made a motion to accept the treasurer's report as read and Paul seconded the motion. The motion carried 3/0.

**Old Business:** The barriers are up on 560<sup>th</sup> Lane as well as the signs. Richard said that he talked with Bruce Sellers about representing the Township and Bruce said he didn't do that type of work but Sandy said she had contact Bruce by email and he had answered back that he would so Sandy said she would contact him again to see whether or not he will

**New Business:** Dan Appel presented a proposal for the construction of a 3,000 head finishing barn for hogs. It is to be located on the west side of his building site and will have its own driveway. He said it will have the adequate setbacks. On at 3/0 in favor vote the board did OK the proposal with the stipulations that all county and state regulations be met. Sandy will notify George Leary of the finding. The board will be meeting with Miguel from FEMA, on Thursday November 14th concerning the disaster declaration from spring flooding.

**The road report:** OK

**The claims report was then submitted by Jason.** Paul made a motion to accept the claims report. Tyler seconded the motion. Motion carried 3/0. Checks for the claims were presented and signed.

With no other business before the board, Tyler made a motion to adjourn the meeting, Paul; seconded the motion and the motion passed 3/0.

The meeting adjourned at 7:50 pm

Minutes respectfully submitted by Sandy Miller, Clerk

Lyra Township  
Minutes from Meeting  
December 9, 2019

7:00 pm

Chairman Richard Fitzsimmons called meeting to order followed by the Pledge of Allegiance to the Flag. Supervisor Paul Barnard, Supervisor Tyler Wingen as well as Jason Krengel, Treasurer and Sandy Miller Clerk were present.

Guest: None

**Minutes** from the November meeting were approved.

**The Treasurer's report** was submitted, it read as follows:

Beginning Balance	\$139,627.35
Total Receipts	\$34.20
Disbursements	\$12,501.91
Ending Balance	\$127,159.64
Total investments	\$105,824.34
Outstanding checks	\$0.00
Total per Bank statements	\$127,159.64

Tyler made a motion to accept the treasurer's report as read and Paul seconded the motion. The motion carried 3/0.

**Old Business:** It was suggested that we contact Ryan Smith from the State Dept concerning any assistance that may be available if we must purchase land for the relocation of 560<sup>th</sup> Lane. Also contact the Township Assoc. to see if they can suggest any lawyers that we would be able to work with on this project. Sandy said she would check into both matters.

**New Business:**

**The road report:** OK

**The claims report was then submitted by Jason.** Paul made a motion to accept the claims report. Tyler seconded the motion. Motion carried 3/0. Checks for the claims were presented and signed.

With no other business before the board, Tyler made a motion to adjourn the meeting, Paul; seconded the motion and the motion passed 3/0.

The meeting adjourned at 8 :00 pm

Minutes respectfully submitted by Sandy Miller, Clerk

## **Appendix D**

### **Public Notice and Comments**

**Federal Emergency Management Agency  
PUBLIC NOTICE  
Notice of Availability of the Draft Environmental Assessment  
for the 560<sup>th</sup> Lane Road Relocation Project  
in Lyra Township, Blue Earth County, Minnesota**

Environmental Assessment (EA) for the 560<sup>th</sup> Lane Road Relocation Project (FEMA Disaster #DR-4442-MN, Project # 118553, PW 1518).

Interested persons are hereby notified that the Federal Emergency Management Agency (FEMA)/Department of Homeland Security (DHS) is proposing to assist in the funding of a project located in Blue Earth County, Minnesota. In accordance with the National Environmental Policy Act (NEPA) of 1969 and the implementing regulations of FEMA, an EA is being prepared to assess the potential impacts of each of the proposed alternatives on the human and natural environment. This also provides public notice to invite public comments on the proposed project in accordance with Executive Order 11988, Floodplain Management, and Executive Order 11990, Protection of Wetlands. In addition, this notice and the draft EA provide information to the public on potential impacts to historic and cultural resources from the proposed undertaking, as outlined in the National Historic Preservation Act (NHPA) of 1966.

This EA is available for agency and public review and comment for a period of 30 days. The EA is available on FEMA's website at <https://www.fema.gov/emergency-managers/practitioners/environmental-historic/region/5>. The EA is also available on the Blue Earth County website at [www.blueearthcountymn.gov](http://www.blueearthcountymn.gov). Interested parties may request an electronic copy of the EA from either of those websites.

A hard copy of this EA is available for review at Lyra Township Hall, 115 S. Houk Street, Good Thunder, MN 56037.

Written comments regarding this environmental action should be received no later than 5 p.m. on December 13, 2021, by mail to Duane Castaldi, Regional Environmental Officer, FEMA Region V, 536 South Clark Street, 6<sup>th</sup> Floor, Chicago, IL 60605-1521; or by email at [FEMA-R5-Environmental@fema.dhs.gov](mailto:FEMA-R5-Environmental@fema.dhs.gov). If no substantive comments are received by the above deadline, the draft EA and associated Finding of No Significant Impact (FONSI) will become final and be published by FEMA. Substantive comments will be addressed as appropriate in the final documents.

The public may request a copy of the final environmental documents from Duane Castaldi at the address listed above.



**From:** [Sedlacek, Michael](#)  
**To:** [FEMA-R5-Environmental](#)  
**Subject:** EPA Comment Letter - 650th Lane Relocation Project  
**Date:** Friday, December 3, 2021 10:59:28 AM  
**Attachments:** [EPA Draft EA Comments - FEMA 560th Street Relocation.pdf](#)

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Mr. Castaldi,

Attached are EPA's comments on the 560<sup>th</sup> Lane Road Relocation Project. We appreciate FEMA addressing most of our comments, however, we urge FEMA to reconsider installing erosion control features. Feel free to contact me if you have any questions or concerns.

Sincerely,

Mike Sedlacek  
Environmental Scientist  
Tribal and Multimedia Programs Office  
U.S. Environmental Protection Agency - Region 5  
77 W. Jackson Blvd (RM-19J), Chicago, IL 60604  
Phone: (312) 886-1765  
Email: [sedlacek.michael@epa.gov](mailto:sedlacek.michael@epa.gov)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

December 1, 2021

REPLY TO THE ATTENTION OF:

Mail Code RM-19J

Duane Castaldi  
Federal Emergency Management Administration  
536 South Clark Street, 6<sup>th</sup> Floor  
Chicago, Illinois 60605-1521

**Re: Draft Environmental Assessment for the Relocation of 560<sup>th</sup> Lane, Lyra Township,  
Blue Earth County, Minnesota**

Dear Mr. Castaldi:

The U.S. Environmental Protection Agency (EPA) has reviewed the referenced Draft Environmental Assessment (EA), which was prepared by Bolton & Menk, contractor to the Federal Emergency Management Agency (FEMA). We are providing comments pursuant to our authorities under the National Environmental Policy Act (NEPA), Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

FEMA proposes to relocate a 650-foot-long section of 560th Lane approximately 200 feet east and north of its current location. The existing streambank of the Maple River would be not be modified to prevent future erosion. Two alternatives have been provided:

- Alternative 1 – No Action Alternative. The affected section of 560th Lane would be closed indefinitely, and no erosion control measures would be constructed to prevent future lateral erosion on the north bank of the Maple River; and
- Alternative 2 – Proposed Action. This alternative includes relocating 560th Lane approximately 200 feet east and north of its current location. No erosion control measures would be constructed to prevent future lateral erosion on the north bank of the Maple River.

EPA provided scoping comments on this project in a letter dated March 19, 2021.<sup>1</sup> Based on our review of the EA, FEMA adequately addressed our comments on air quality strategies, flood management and resiliency, pollinators and native plant species, and consultation records. We note that the EA did not adequately address our comment on benefit-cost analyses, which we reiterate and expand upon below.

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<sup>1</sup> EPA's scoping letter included comments on benefit-cost analyses, air quality strategies, flood management and resiliency, pollinators and native plant species, and consultation records.

*Benefit-Cost Analyses*

The EA indicates lateral erosion on the north bank of the Maple River will continue to progress toward 560<sup>th</sup> Lane indefinitely, thus, a second relocation of 560<sup>th</sup> Lane may be needed as soon as 50 years from now. In addition to relocating the existing road bed, we urge FEMA to reconsider installing erosion control measures, such as gabion baskets, as part of this proposed project, so as to avoid the potential need for a second relocation. In the Final Environmental Assessment (FEA), we recommend FEMA compare the cost of installing erosion control measures to the cost associated with only relocating the road and acquiring the necessary land.

Please send us the Final Environmental Assessment (FEA) and Finding of No Significant Impact (FONSI) documents when they become available. We are available to discuss these comments at your convenience. Please feel free to contact Mike Sedlacek of my staff at 312-886-1765, or by email at [sedlacek.michael@epa.gov](mailto:sedlacek.michael@epa.gov).

Sincerely,

**KENNETH**  
**WESTLAKE**

Digitally signed by  
KENNETH WESTLAKE  
Date: 2021.12.01  
15:33:58 -06'00'

Kenneth A. Westlake  
Deputy Director, Tribal and Multimedia Programs Office  
Office of the Regional Administrator



U.S. Department of Homeland Security  
FEMA Region 5  
536 South Clark Street, 6th Floor  
Chicago, Illinois 60605-1521

**FEMA**

December 6, 2021

Kenneth A. Westlake  
Deputy Director, Tribal and Multimedia Programs Office  
Office of the Regional Administrator  
United States Environmental Protection Agency, Region 5  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

Re: Draft Environmental Assessment for the Relocation of 560<sup>th</sup> Lane  
Lyra Township, Blue Earth County, Minnesota  
Mail Code RM-19J

Dear Mr. Westlake:

Thank you for your comments dated December 1, 2021 regarding the Draft Environmental Assessment for the relocation of 560<sup>th</sup> Lane in Lyra Township, Blue Earth County, Minnesota.

While we understand your concerns with respect to erosion control measures, there are eligibility limitations with the disaster recovery program that do not allow for streambank stabilization beyond what has been proposed. FEMA encourages applicants to include erosion control measures that reduce harmful environmental impacts where feasible and within program parameters. FEMA strongly encourages applicants to consider nature-based solutions to include living shorelines and streambanks, bio-engineering, or other green infrastructure as opposed to hard armoring such as gabion basket placement.

Program parameters consider the relocation of the road as a reduction of immediate and direct effects on the streambank and the additional costs associated with stabilization will far exceed the costs of the relocation. In most road relocations, as in this one, the streambank stabilization is an alternative that is dismissed due to cost.

If you have questions, do not hesitate to contact Karie Roach of my staff at 312-408-5549 or at [fema-r5-environmental@fema.dhs.gov](mailto:fema-r5-environmental@fema.dhs.gov).

Sincerely,

Duane Castaldi  
Regional Environmental Officer  
FEMA Region V