

Minnesota Department of Transportation, District 7

Highway 93 Grade Raise Project (SP 7212-21)

Findings of Fact and Conclusions

April 2023

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1.0 STATEMENT OF ISSUE

The Minnesota Department of Transportation (MnDOT), in partnership with the City of Henderson, Sibley County, Scott County and Le Sueur County, is proposing to reconstruct a 3.6-mile segment of Highway 93 south of the City of Henderson in Henderson Township, Sibley County (see project location map in Appendix A). The work includes placing fill/embankment along the corridor in order to raise the roadway profile to an elevation where the outside edge of the shoulder is at least one foot above the historic (September 2010) Minnesota River high-water flood event level (similar to the 100-year flood elevation). The project will replace the existing bridge over the Rush River and lengthen it to create a new 212-foot (inside span) main channel bridge over the Rush River as well as construct a new 270-foot (inside span) relief bridge located north of the 308th Lane intersection. The Henderson South Levee system at Highway 93 will be modified as part of this project.

Preparation of an Environmental Assessment Worksheet (EAW) is required for this project under Minnesota Rules 4410.4300, subpart 27, item B. The estimated acreage of permanent wetland impacts for the project is approximately 19.9 acres, which exceeds the stated one-acre threshold for certain designated areas (e.g., delineated floodplains, shoreland areas, etc.).

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

Based upon the information in the record, which comprises the EAW form for the project, related studies referenced in the EAW, written comments received, responses to the comments, and other supporting documents included in this Findings of Fact and Conclusions document, MnDOT has made Findings of Fact and Conclusions that are detailed in Section 6.

2.0 ADMINISTRATIVE BACKGROUND

- 2.1 MnDOT is the RGU and project proposer for the Highway 93 Grade Raise Project. A State EAW has been prepared for this project in accordance with Minnesota Rules Chapter 4410. The EAW was developed to assess the impacts of the project and other circumstances to determine if an EIS is needed.
- 2.2 The EAW was filed with the Minnesota Environmental Quality Board (EQB) and circulated for review and comment to the required EAW distribution list. A "Notice of Availability" was published in the *EQB Monitor* on February 21, 2023. MnDOT distributed a news release to local media outlets which included *The Henderson Independent*. The news release was published on the MnDOT web page at www.dot.state.mn.us/d7/projects/hwy93henderson/publicnotice. Appendix B of this Findings document includes the February 21, 2023 EQB Monitor and the MnDOT news release.
- 2.3 The EAW was made available for public review at the following locations:
 - Minneapolis Central Library, Technical & Science Division, Government Docs., 2nd Floor, 300 Nicollet Mall, Minneapolis, MN 55401
 - MnDOT project web page at www.dot.state.mn.us/d7/projects/hwy93henderson/index.html

- 2.4 Comments were received from February 21, 2023 through March 23, 2023 and were considered in determining the potential for significant environmental impacts. One comment was received from the Minnesota Department of Agriculture. Comments received during the comment period, and responses to the substantive comments, are provided in this document in Appendix C.

3.0 FINDINGS OF FACT

3.1 Project Description

- 3.1.1 The project will reconstruct a 3.6-mile segment of Highway 93 from approximately 220 feet north of the southbound intersection with U.S. Highway 169 in Henderson Township, Sibley County to approximately 75 feet south of Elm Street in the City of Henderson. This includes placing fill/embankment along the corridor in order to raise the roadway profile to an elevation where the outside edge of the shoulder is at least one foot above the historic (September 2010) Minnesota River high-water flood event level (similar to the 100-year flood elevation). The proposed grade raise design will increase the width of the existing shoulders in order to meet design standards. The preliminary design layout for the project can be found in Appendix A of this Findings document.
- 3.1.2 Utilizing hydraulic modeling, it has been determined that the Highway 93 roadway elevation will be raised up to nine feet higher than the existing roadway with an average grade raise of approximately 6.5 feet in order to be above the historic high-water event for this area.
- 3.1.3 To convey current overtopping flows, the project will replace the existing Highway 93 Bridge over the Rush River (Existing Bridge No. 72005) and lengthen it to create a new 212-foot (inside span) main channel bridge over the Rush River (New Bridge No. 72016). In addition, the project will construct a new 270-foot (inside span) relief bridge located north of the 308th Lane intersection (New Bridge No. 72017), which is intended to provide secondary flow of high water levels along the Rush River when flood events overflow the main stream channel.
- 3.1.4 The Henderson South Levee system at Highway 93 will be modified as part of this project. The preferred design will shift the levee approximately 120 feet south of the current alignment, realign Ridge Road, and add a floodwall along City Park Creek. The box culvert conveying flows for City Park Creek will be relocated to the new intersection of Ridge Road and Highway 93.
- 3.1.5 The project requires the removal of 308th Lane and the relocation of property owners at two residences along that roadway. No structure removal is proposed at either residential property. The property located at 32154 308 Lane will be sold as is, without access, after the owners vacate the property. The property is being sold as state property following state requirements. The property located at 32388 308 Lane was sold to MnDOT and will follow state owned and state sold State requirements.
- 3.1.6 Guardrail installation will occur at the new Highway 93 Bridge over the Rush River (New Bridge No. 72016), the new relief bridge north of the 308th Lane intersection (New Bridge No. 72017), and in the area adjacent to Bucks Lake (located 0.5-miles south of the 316th Street and Highway 93 intersection, on the east side of Highway 93). These locations are approximate and are subject to refinement based on geotechnical investigation data during the final design process.

- 3.1.7 MnDOT has identified a number of driveway locations that are planned to be abandoned and removed. There are other driveway openings that are recommended for removal, but which require more discussion with property owners and MnDOT staff. The preliminary design layout in Appendix A shows the location of the proposed driveway/access closures.
- 3.1.8 Based on public input and cultural coordination, the existing Buck’s Lake viewing area will be perpetuated with the construction of a dedicated pull off and foot path.
- 3.1.9 The project has been developed in coordination with the Federal Highway Administration (FHWA), MN Division Office and other Federal, State, and local units of government as listed in Table 1. The project has also conducted a Non-Programmatic Categorical Exclusion (Non-PCE) following National Environmental Policy Act (NEPA) requirements.

4.0 AGENCY AND PUBLIC COMMENTS ON THE EAW

- 4.1 In response to the publication of the EAW, MnDOT received one agency comment letter from the Minnesota Department of Agriculture (MDA) and no public comments. Consistent with state environmental review rules, responses have been prepared for all substantive comments submitted during the EAW 30-day comment period, which ended on March 23, 2023. Written responses have been provided for substantive comments pertaining to analysis conducted for and documented in the EAW (see Appendix C in this document). Responses were not provided for comments of general opinion or statements of preference, or issues outside of the project.

5.0 FINDINGS REGARDING CRITERIA FOR DETERMINING THE POTENTIAL FOR SIGNIFICANT ENVIRONMENTAL EFFECTS

- 5.1 Minnesota Rules 4410.1700 provides that an environmental impact statement shall be ordered for projects that have the potential for significant environmental effects. In deciding whether a project has the potential for significant environmental effects, the following four factors described in Minnesota Rules 4410.1700, Subp.7 shall be considered:
- A. Type, extent, and reversibility of environmental effects;
 - B. Cumulative potential effects. The RGU shall consider the following factors: whether the cumulative potential effect is significant; whether the contribution from the project is significant when viewed in connection with other contributions to the cumulative potential effect; the degree to which the project complies with approved mitigation measures specifically designed to address the cumulative potential effect; and the efforts of the proposer to minimize the contributions from the project;
 - C. The extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority. The RGU may rely only on mitigation measures that are specific and that can be reasonably expected to effectively mitigate the identified environmental impacts of the project; and
 - D. The extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other EISs.

5.2 MnDOT’s key findings with respect to each of these criteria are set forth below.

5.2.1 Type, Extent, And Reversibility of Impacts

5.2.1.1 MnDOT finds that the analysis completed during the EAW process is adequate to determine whether the proposed project has the potential for significant environmental effects. The EAW describes the type and extent of impacts anticipated to result from the proposed project. In addition to the information in the EAW as well as the comments received during the public comment period (see Appendix C of this Findings document) were taken into account in considering the type, extent, and reversibility of project impacts. MnDOT finds that the project, as it is proposed, does not have the potential for significant environmental effects based on the type, extent, and reversibility of impacts to the resources evaluated in the EAW. Project impacts will be mitigated as described in the EAW and managed through the project Environmental Management Plan (Green Sheet).

5.2.2 Cumulative Potential Effects Of Related Or Anticipated Future Projects

5.2.2.1 As discussed in Item 19 of the EAW, the cumulative potential effect of related or anticipated future transportation and development projects has been considered, and the proposed project has low potential for cumulative impacts to the resources directly or indirectly affected by the project. Given laws, rules, and regulations in place, as well as local regulatory requirements and comprehensive planning and zoning laws, substantial adverse cumulative impacts to these resources are not anticipated.

5.2.3 Extent To Which the Environmental Effects Are Subject To Mitigation By Ongoing Public Regulatory Authority

5.2.3.1 The mitigation of environmental impacts will be designed and implemented in coordination with regulatory agencies and will be subject to the plan approval and permitting process. Permits and approvals that have been obtained or may be required prior to project construction include those listed below in Table 1.

5.2.3.2 The permits listed in Table 1 include general and specific requirements for mitigation of environmental effects of the project. Therefore, MnDOT finds that the environmental effects of the project are subject to mitigation by ongoing regulatory authority.

Table 1 – Agency Permits and Approvals

Unit of Government	Type of Approval or Permit	Status
Federal		
Federal Highway Administration	CATEX Approval	Pending
	Section 4(f) De Minimis Determination	Complete
U.S. Army Corps of Engineers	Section 10/404 Permit – Individual Permit	To Be Requested
	Section 408 Permission	To Be Requested by the City of Henderson
Federal Emergency Management Agency	Conditional Letter of Map Revision (for Rush River) Approval	To Be Requested Prior to Construction
	Letter of Map Revision (for Rush River)	To Be Requested After Construction
	Letter of Map Revision (for Minnesota River)	To Be Requested After Construction
U.S. Fish and Wildlife Service	Eagle Incidental Take Permit (If Required)	To Be Requested
State		
Minnesota Department of Transportation	CATEX Approval	Pending
	Environmental Assessment Worksheet	Complete
	State EIS Need Decision	To Be Requested
	Construction Plan Approval	To Be Requested
	Wetland Conservation Act Approval	To Be Requested
Minnesota Pollution Control Agency	National Pollutant Discharge Elimination System – Construction Stormwater Phase II Permit	To Be Requested
	Section 401 Water Quality Certification	To Be Requested
Minnesota Department of Natural Resources	Public Waters Work Permit	To Be Requested
	Water Appropriation Permit (If Required)	To Be Requested
	Parkland Conversion/Replacement Approval	To Be Requested
Local		
City of Henderson	Section 4(f) De Minimis Concurrence	Complete
	Municipal Consent	To Be Requested
Sibley County	Section 4(f) De Minimis Concurrence	Complete

5.2.4 Extent To Which Environmental Effects Can Be Anticipated And Controlled As A Result Of Other Environmental Studies

5.2.4.1 MnDOT has extensive experience in roadway and bridge construction. Many similar projects have been designed and constructed throughout the state. No problem is anticipated which MnDOT has not encountered and successfully solved many times in similar projects in or near the project area. MnDOT finds that the environmental effects of the proposed project can be anticipated and controlled as a result of assessment of

potential issues during environmental review, and experience in addressing similar issues on previous projects.

6.0 CONCLUSIONS

1. MnDOT has jurisdiction in determining the need for an environmental impact statement on the proposed project.
2. All requirements for environmental review of the proposed project have been met.
3. The EAW and the permit development processes related to the proposed project have generated information that is adequate to determine whether the proposed project has the potential for significant environmental effects.
4. Areas where potential environmental effects have been identified will be addressed during the final design of the proposed project. Mitigation will be provided where impacts are expected to result from project construction, operation, or maintenance. Mitigative measures are incorporated into project design and have been or will be coordinated with state and federal agencies during the permitting process.
5. Based on the criteria in Minnesota Rules part 4410.1700, the project does not have the potential for significant environmental effects.
6. An Environmental Impact Statement is not required for the proposed Highway 93 Grade Raise Project.
7. Any findings that might properly be termed conclusions and any conclusions that might properly be called findings are hereby adopted as such.

Based on the Findings of Fact and Conclusions contained herein and on the entire record:

MnDOT hereby determines that the proposed Highway 93 Grade Raise Project will not result in significant environmental impacts, and that the proposed project does not require the preparation of an environmental impact statement.

For the Minnesota Department of Transportation,

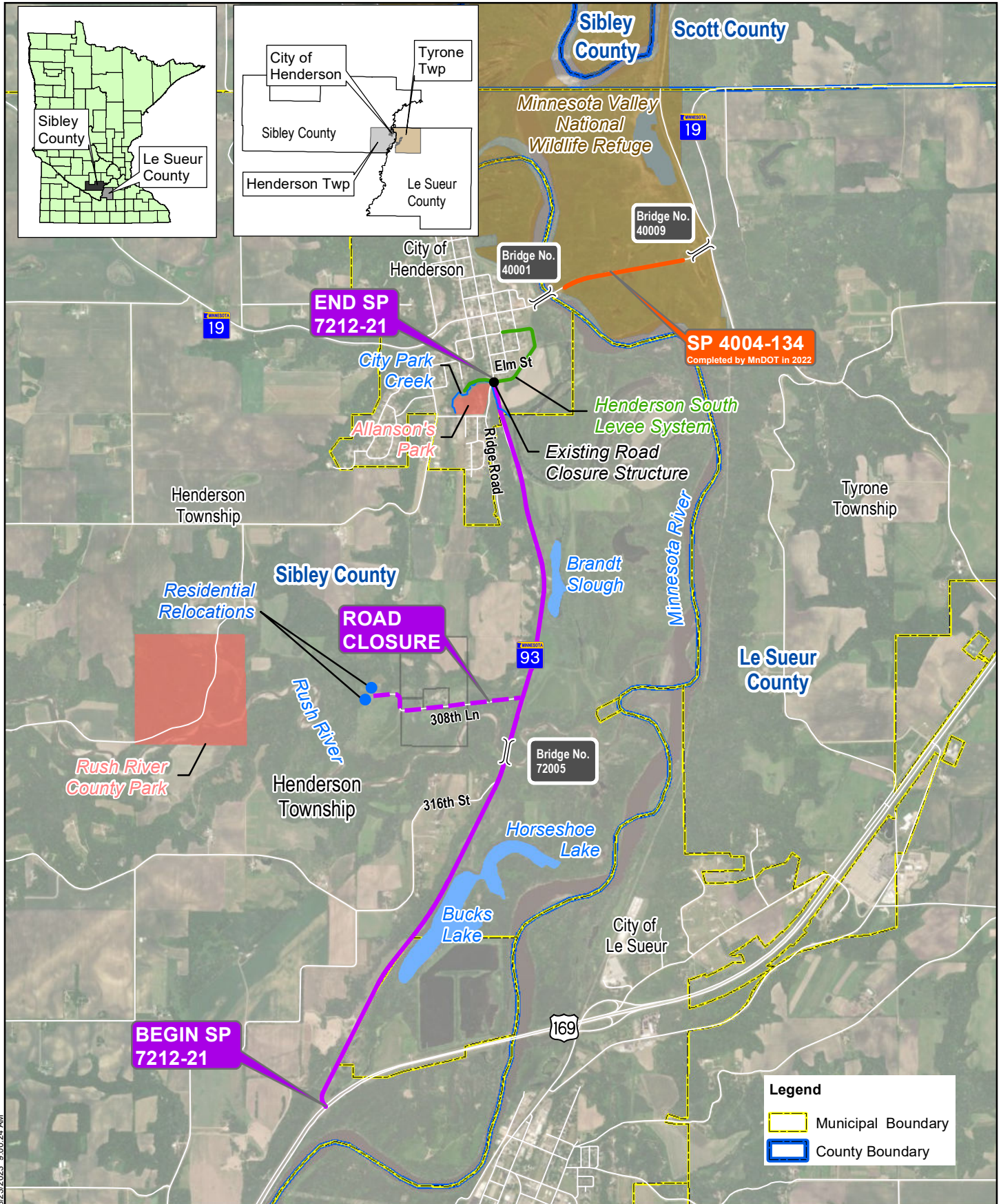
Nicole Bartelt
MnDOT Chief Environmental Officer

Date

Appendix A

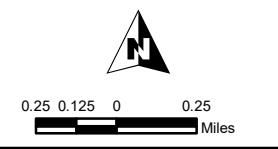
Project Location Map

Highway 93 Preliminary Project Layout



Legend

- Municipal Boundary
- County Boundary



Project: MNTMD 152569
Print Date: 3/23/2023
Map by: msteuernagel
Projection: UTM Zone 15N
Source:

PROJECT LOCATION MAP
Highway 93 Grade Raise Project (SP 7212-21)
Henderson, Minnesota

Figure
1

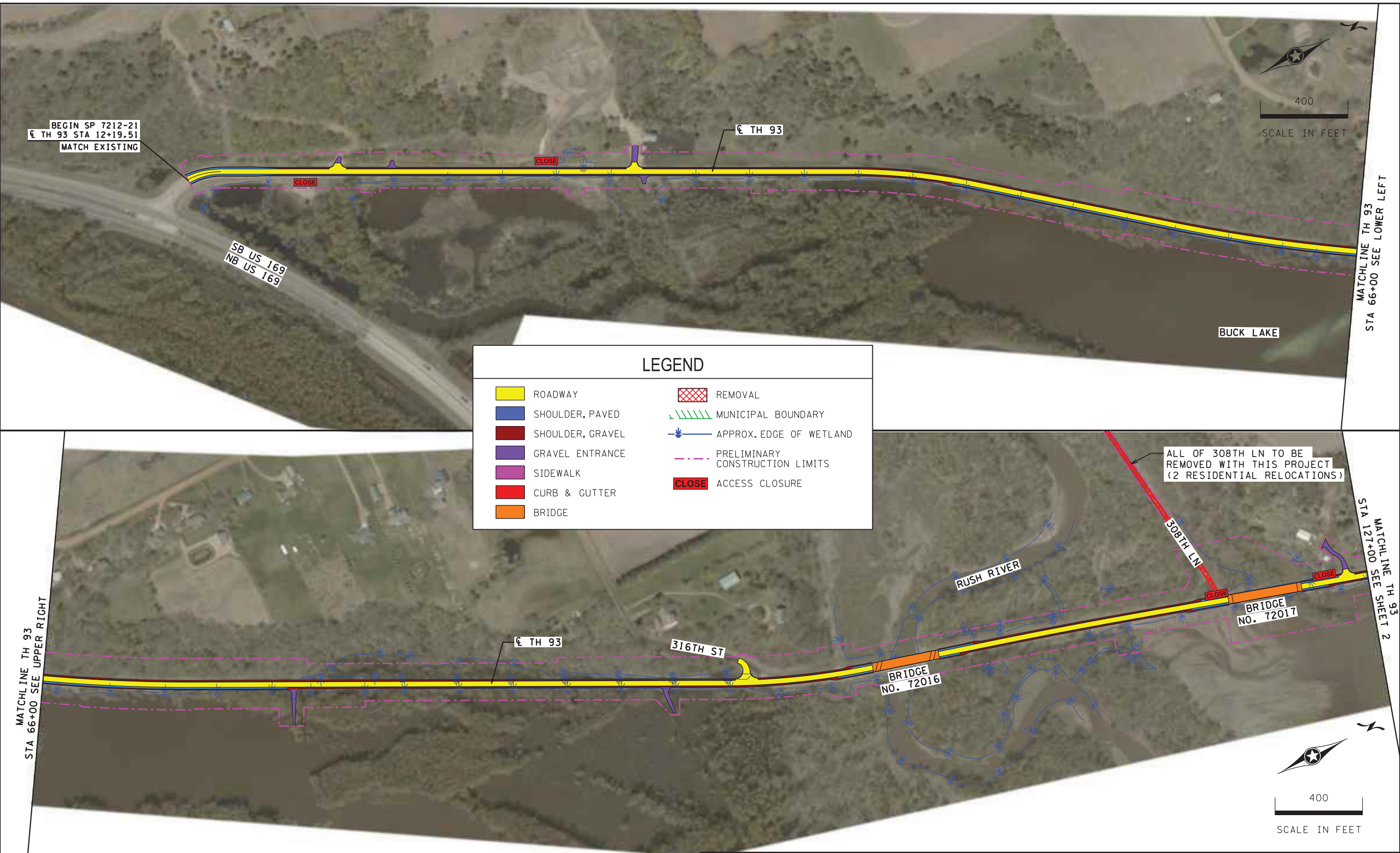
This map is neither a legally recorded map nor a survey map and is not intended to be used as one. This map is a compilation of records, information, and data gathered from various sources listed on this map and is to be used for reference purposes only. SEH does not warrant that the Geographic Information System (GIS) Data used to prepare are error free, and SEH does not represent that the GIS Data can be used for navigational, tracking, or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. The user of this map acknowledges that SEH shall not be liable for any damages which arise out of the user's access or use of data provided.

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9/2/2021

IJJohanson

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LEGEND			
	ROADWAY		REMOVAL
	SHOULDER, PAVED		MUNICIPAL BOUNDARY
	SHOULDER, GRAVEL		APPROX. EDGE OF WETLAND
	GRAVEL ENTRANCE		PRELIMINARY CONSTRUCTION LIMITS
	SIDEWALK		ACCESS CLOSURE
	CURB & GUTTER		
	BRIDGE		

MATCHLINE TH 93
STA 66+00 SEE UPPER RIGHT

MATCHLINE TH 93
STA 66+00 SEE LOWER LEFT

MATCHLINE TH 93
STA 127+00 SEE SHEET 2

PHONE: (651)490-2000
3535 VADNAIS CENTER DR.
ST. PAUL, MN 55110

BY: LJJ
DATE:
09/02/2021

TH 93 GRADE RAISE PROJECT
(SP 7212-21)

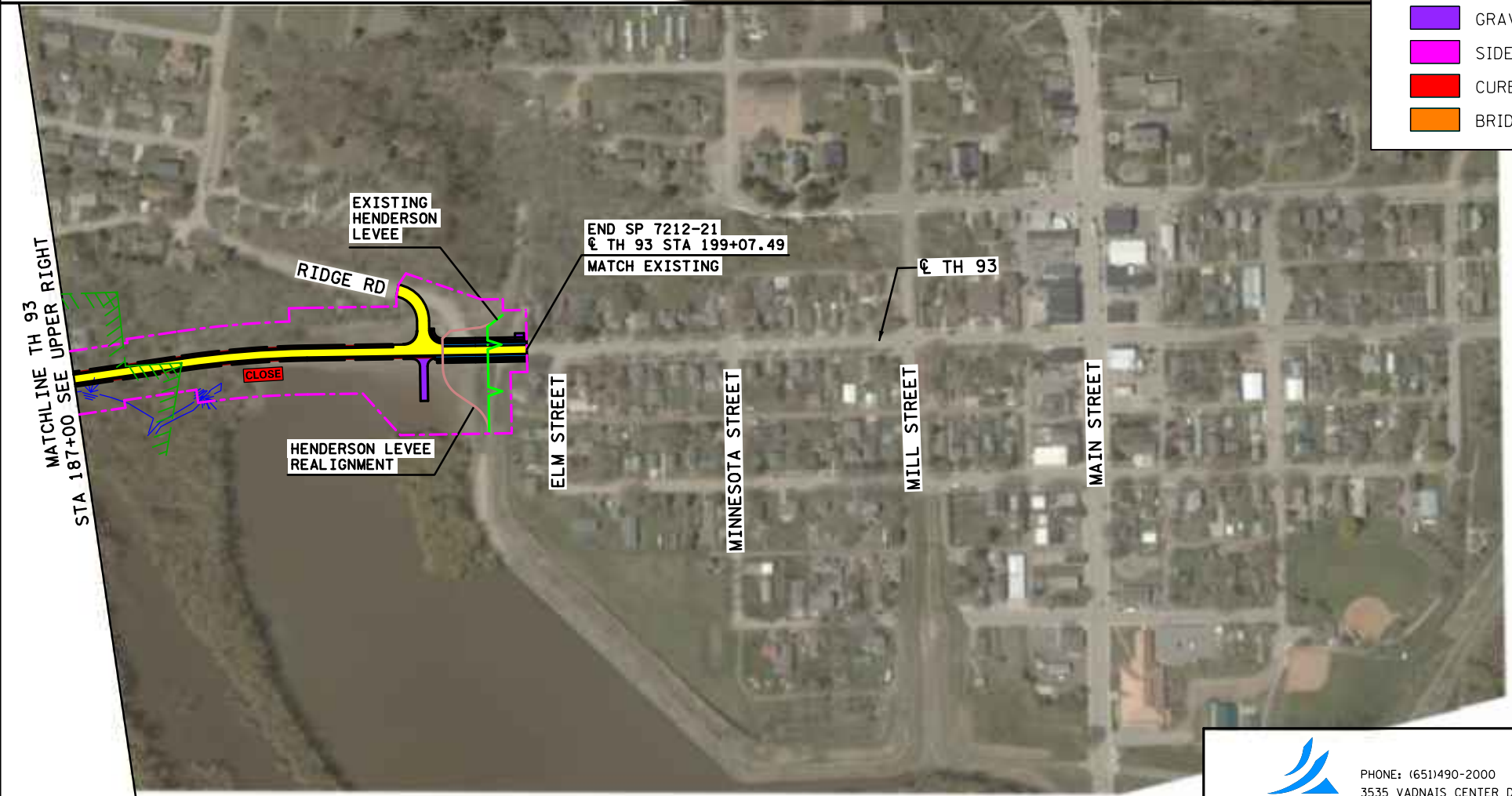
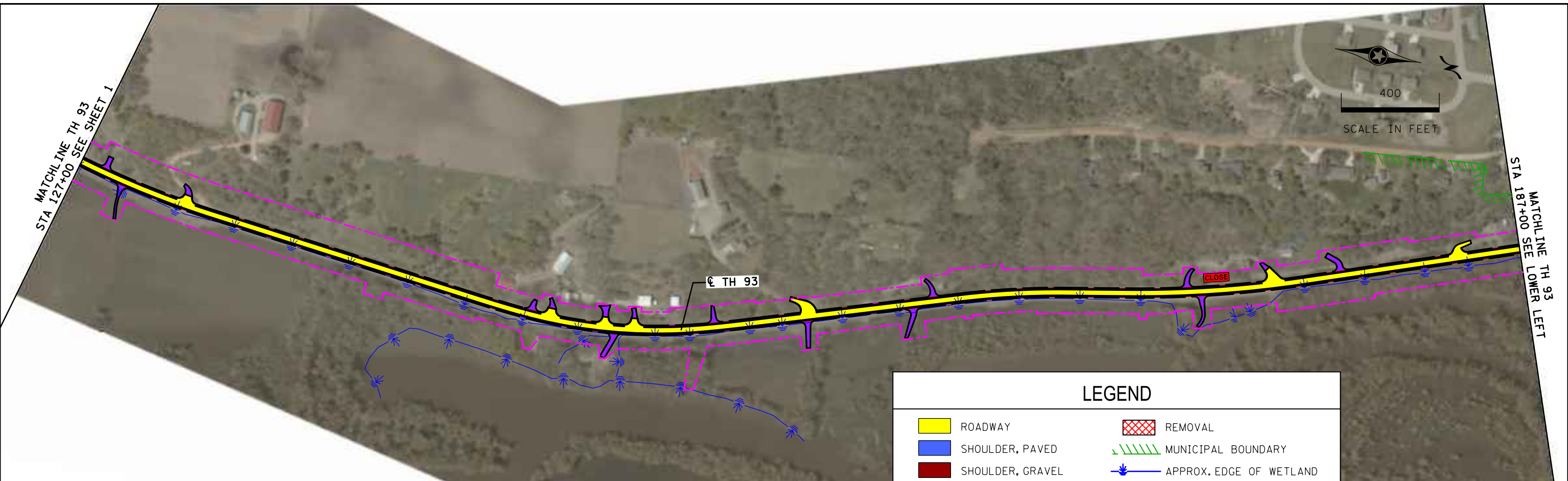
FIGURE 2A
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1 OF 2

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2/10/2023

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LEGEND			
	ROADWAY		REMOVAL
	SHOULDER, PAVED		MUNICIPAL BOUNDARY
	SHOULDER, GRAVEL		APPROX. EDGE OF WETLAND
	GRAVEL ENTRANCE		PRELIMINARY CONSTRUCTION LIMITS
	SIDEWALK		ACCESS CLOSURE
	CURB & GUTTER		
	BRIDGE		



PHONE: (651)490-2000
3535 VADNAIS CENTER DR.
ST. PAUL, MN 55110

BY: LJJ
DATE: 07/26/2022

TH 93 GRADE RAISE PROJECT
(SP 7212-21)

FIGURE 2B
SHEET
2 OF 2

Appendix B

EQB Notice of Availability

MnDOT News Release

EQB Monitor

Weekly announcements and environmental review notices

Volume 47, Number 8

February 21, 2023

Announcements

Draft Minnesota pollinator action framework open for public feedback

The first [draft of the Minnesota pollinator action framework](#) was released on December 1, 2022. We opened a second round of public engagement to gather feedback on the action framework. Visit our [online platform](#) to share your feedback and ideas to help pollinators. The platform will be open until Wednesday, March 15.



REQUIRED PUBLIC NOTICES



Environmental review project notices

EQB publishes environmental review notices provided by responsible governmental units. For more information on a project undergoing environmental review, click on the individual project links below. You can also find information about active projects in your community on the [Environmental Review Projects Interactive Map](#).

Reuter Walton 1136/1160 Project

Location: Maplewood, Ramsey County

Process: Petition

Step: Responsible governmental unit assigned

Responsible governmental unit and contact: City of Maplewood, [Melinda Coleman](#), 651-249-2055

Highway 93 Grade Raise Project (SP 7212-21)

Location: Henderson, Sibley County

Process: Environmental assessment worksheet (EAW)

Step: EAW available

End of comment period: March 23, 2023

Project description: The project will reconstruct and raise a 3.6-mile segment of Highway 93 south of the City of Henderson in Henderson Township, Sibley County. This includes replacing the existing bridge over the Rush River and lengthening it to create a new 212-foot (inside span) main channel bridge over the Rush River as well as constructing a new 270-foot (inside span) relief bridge located north of the 308th Lane intersection. The Henderson South Levee system at Highway 93 will be modified as part of this project.

Link to public documents: [Highway 93 Grade Raise Project \(SP 7212-21\) EAW](#)

Location of public documents: MnDOT District 7, Mankato — Headquarters, 2151 Bassett Drive, Mankato, MN 56001

Responsible governmental unit and contact: Minnesota Department of Transportation, [Forrest Hasty](#), 507-508-4018

Shakopee Mdewakanton Sioux Community Organics Recycling Facility

Location: Prior Lake, Scott County

Process: Environmental assessment worksheet (EAW)

Step: EAW available

End of comment period: March 23, 2023

Project description: The Shakopee Mdewakanton Sioux Community is proposing to develop a new Organics Recycling Facility at 12386 Chestnut Boulevard, Shakopee, Minnesota. The facility will process Source Separated Organic Material from residential and commercial yard and food waste into compost. The compost is either sold on its own or is blended with inert materials for resale as gardening and landscape products.

Link to public documents: [Shakopee Mdewakanton Sioux Community Organics Recycling Facility EAW](#)

Location of public documents: Minnesota Pollution Control Agency, 520 Lafayette Road North, Saint Paul, MN 55155

Responsible governmental unit and contact: Minnesota Pollution Control Agency, [Karen Kromar](#), 651-757-2508

Cambridge Medical Center Replacement Project

Location: Cambridge, Isanti County

Process: Environmental assessment worksheet

Step: Environmental impact statement (EIS) need decision

Responsible governmental unit decision: Negative (no EIS ordered)

Responsible governmental unit decision date: February 6, 2023

Link to public documents: No link to documents provided. See responsible governmental unit contact information below.

Location of public documents: Cambridge City Hall, 300 3rd Ave NE, Cambridge, MN 55008

Responsible governmental unit and contact: City of Cambridge, [Marcia Westover](#), 763-552-3207

Upper Riley Creek Ecological Enhancement Project

Location: Chanhassen, Carver County

Process: Environmental assessment worksheet

Step: Environmental impact statement (EIS) need decision

Responsible governmental unit decision: Negative (no EIS ordered)

Responsible governmental unit decision date: February 9, 2023

Link to public documents: [Upper Riley Creek Ecological Enhancement Project EIS need decision](#)

Location of public documents: Chanhassen City Hall, 7700 Market Blvd, Chanhassen MN, 55427

Responsible governmental unit and contact: City of Chanhassen, [Charlie Howley](#), 952-227-1169

Maple Grove Gravel Mining Area

Location: Maple Grove, Hennepin County

Process: Alternative urban areawide review (AUAR) update

Step: AUAR update available

End of comment period: March 7, 2023

Project description: The City of Maple Grove is updating the Maple Grove Gravel Mining Area Alternative Urban Areawide Review a fifth time, originally approved in 1996. The

2023 Update summarizes development activity in the Gravel Mining Area since 2017 and includes the assumptions in the adopted 2040 Comprehensive Plan Update.

Link to public documents: [Maple Grove Gravel Mining Area](#)

Location of public documents: Maple Grove City Hall, 12800 Arbor Lakes Parkway, Maple Grove, MN, 55311

Responsible governmental unit and contact: City of Maple Grove, [Peter Vickerman](#), 763-494-6046

General notices

Notices published in this section may be required under Minnesota Statute or Rule.

Minnesota Department of Agriculture--Notification of Release of Genetically Engineered Organisms

Notice description: Bayer Crop Science filed a Notification for Release of a Genetically Engineered Organism with the Minnesota Department of Agriculture, MDA notification # 23-NO-05. Notification is for genetically modified CORN, pending USDA-APHIS Biotechnology Regulatory Services (BRS) approval for release in Application AUTH - 0000234098. The counties identified for release include the following: Brown-1 site with 10 acres; Dodge-1 site with 25 acres; Grant-1 site with 10 acres; Lyon-1 site with 10 acres; Redwood-2 sites with 10 acres each; Rice-1 site with 20 acres; Steele-1 site with 20 acres; Waseca-1 site with 20 acres. Project categories include Agronomic Performance (AP), Herbicide Resistance (HR), Insect Resistance (IR), and Marker Gene (MG) and Other (OO).

Contact: [Denise Thiede](#), Minnesota Department of Agriculture, 625 Robert St N., St. Paul, MN 55155, 651-402-3149

Minnesota Department of Agriculture--Notification of Release of Genetically Engineered Organisms

Notice description: Bayer Crop Science filed a Notification for Release of a Genetically Engineered Organism with the Minnesota Department of Agriculture, MDA notification # 23-NO-06. Notification is for genetically modified SUGAR BEET, pending USDA-APHIS Biotechnology Regulatory Services (BRS) approval for release in the following permit identified as AUTH – 0000233244. The counties identified for release include the following: Benton-3 sites with 20 acres each, Freeborn-1 site with 20 acres. Project categories include HR (Herbicide Resistance).

Contact: [Denise Thiede](#), Minnesota Department of Agriculture, 625 Robert St N., St. Paul, MN 55155, 651-402-3149

Minnesota Department of Agriculture--Notification of Release of Genetically Engineered Organisms

Notice description: KWS Seeds LLC filed a Notification for Release of a Genetically Engineered Organism with the Minnesota Department of Agriculture, MDA notification # 23-NO-07. Notification is for genetically modified SUGAR BEET, pending USDA-APHIS Biotechnology Regulatory Services (BRS) approval for release in the following permit identified as AUTH – 0000234240. The counties identified for release include the following: Clay-1 site with 10 acres, Kandiyohi-1 site with 10 acres, Polk-1 site with 160 acres. Project categories include HR (Herbicide Resistance).

Contact: [Denise Thiede](#), Minnesota Department of Agriculture, 625 Robert St N., St. Paul, MN 55155, 651-402-3149

Submit a notice to the *EQB Monitor*

The *EQB Monitor* is published every Tuesday at noon. Submissions to the [EQB Monitor](#) are due by 4:00 p.m. on the Tuesday one week prior to the intended publication date. Please see the [EQB Monitor schedule](#) for more details.

To submit a notice for publication:

[Use the EQB Monitor submission form](#)

Questions? Contact EQB by phone at 651-757-2873 or email us at EQB.Monitor@state.mn.us.

The *EQB Monitor* is a weekly publication announcing environmental review documents, public comment periods and other actions of the Environmental Quality Board. For more information on environmental review, please visit the [EQB website](#) or contact us at env.review@state.mn.us.



Environmental Quality Board | eqb.state.mn.us

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Highway 93

Henderson

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- [Meetings](#)
- [Public Notice](#)
- [Accessibility](#)
- [Contacts](#)

Public notices

Environmental Assessment Worksheet released for the proposed Highway 93 Grade Raise Project (SP 7212-21) in Sibley County, Minnesota

MnDOT, in partnership with the local communities, is proposing to reconstruct a 3.6-mile segment of Highway 93 south of the City of Henderson in Henderson Township, Sibley County. The work includes placing fill/embankment along the corridor in order to raise the roadway profile to an elevation where the outside edge of the shoulder is at least one foot above the historic (September 2010) Minnesota River high-water flood event level (similar to the 100-year flood elevation). The project will replace the existing bridge over the Rush River and lengthen it to create a new 212-foot (inside span) main channel bridge over the Rush River, as well as construct a new 270-foot (inside span) relief bridge located north of the 308th Lane intersection. The Henderson South Levee system at Highway 93 will be modified as part of this project.

The Environmental Assessment Worksheet (EAW) describes the proposed action, impacts and mitigation. The EAW is available for public review during the public comment period, February 21, 2023, through March 23, 2023.

[Hwy 93 EAW document \(pdf\)](#)

Written comments on the EAW document will be accepted through March 23, 2023 and may be sent to Forrest Hasty, PE, PMP, MnDOT, 2151 Bassett Drive, Mankato, MN 56001 or Forrest.Hasty@state.mn.us.

Allanson's Park

Notice of availability and comment period for the Highway 93 Grade Raise Project and Section 4(f) de minimis preliminary determination

This is your opportunity to comment on the Hwy 93 Grade Raise Project Section 4(f) de minimis preliminary determination as part of the project's environmental review process. Comments must be submitted on or before January 19, 2023.

In accordance with 23 CFR 774.5, MnDOT is soliciting comments on the effects this project would have on Allanson's Park. The project will impact 2.78 acres of the northeastern edge of the park at the Ridge Road intersection.

The [Federal Highway Administration \(FHWA\)](#) has made a [preliminary determination](#) that the proposed action affecting an approximate 2.78-acre area of Allanson's Park is a Section 4(f) de minimis action in accordance with Section 6009(a) of SAFETEA-LU, conditioned on public review and comment. A de minimis finding may be made when uses of Section 4(f) land will have no adverse effect on the protected resources.

Information on this impact and avoidance, minimization, mitigation, or enhancement measures is described in the following document:

Section 4(f) de minimis report

Comments must be submitted on or before January 19, 2023 to Matthew Young, MnDOT Project Manager, 2151 Bassett Drive, Mankato, MN 56001 or matthew.young@state.mn.us. Comments will become part of the official record and will be considered when making future project related decisions.

Language

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- [Governor's Site](#)
- [Employee Resources](#)

*2023 Minnesota Department of Transportation
395 John Ireland Blvd, St. Paul, MN 55155-1800
651-296-3000 Toll-free 800-657-3774*

Appendix C

Agency Comments Received and Responses

- Comment Letter A – Minnesota Department of Agriculture

Comment Letter A – Minnesota Department of Agriculture (Page 1 of 1)

From: Roos, Stephan (MDA) <stephan.roos@state.mn.us>
Sent: Wednesday, March 8, 2023 12:22 PM
To: Hasty, Forrest (DOT) <forrest.hasty@state.mn.us>
Subject: Highway 93 Grade Raise Project EAW

Hi Forrest,

The Minnesota Department of Agriculture appreciates the opportunity to review the Highway 93 Grade Raise Project EAW. I've carefully reviewed the documents you provided and have determined that there will be minimal impact to agricultural production caused by this project. It appears that the only significant crop or hay land that may be affected is to the east of the project area and already in the floodplain of the Minnesota River, so it isn't likely to be impacted to any greater extent after the project is completed. We also recognize the importance of the project in providing more secure access to the City of Henderson during flood events.

Therefore, MDA has no comments to make on the EAW.
Thanks again for the opportunity,
Steve

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Comment A1 Response: Comment noted.