

Minnesota Department of Agriculture

Agency Address / Websites

Minnesota Department of Agriculture
625 Robert Street North
Saint Paul, Minnesota 55155-2538
Phone: 651-201-6000

Web sites:

- [Minnesota Department of Agriculture \(MDA\)](#)
- [Minnesota's Agricultural Land Preservation Program](#)
- [Minnesota's Agricultural Land Preservation Statutes](#)

MnDOT Contact

Debra Moynihan Office of Environmental
Stewardship OES Minnesota Department
of Transportation
395 John Ireland Boulevard, MS 620
St Paul, Minnesota 55155
Phone: 651-366-3618

Authority

The State Agricultural Land Preservation and Conservation Policy ([Minnesota Statue 17.80 to 17.84](#)), enacted in 1982, sets forth state policy on agricultural land preservation and conservation. It also requires that, unless a project is already subject to the state environmental review process, any state or state-funded project or rule that adversely impacts tens acres or more of agricultural land must be reviewed by the MDA. Before the project can commence or the rule can be adopted, MDA must determine if other alternatives exist which would avoid converting agricultural lands to non-agricultural use.

The federal Farmland Protection Policy Act (FPPA) and the Natural Resources Conservation Service (NRCS) promulgated rules ([7 CFR 658](#)) implementing the FPPA to assist states in the preservation of agricultural land.

Agency Role(s)

The Minnesota Department of Agriculture is, in part, responsible for the preservation and conservation of agricultural land for the long-term use in the production of food and other agricultural products.

Agency Areas of Concern

For additional information see the associated HPDP Guidance:

- National Resources Conservation Service
- Land Use Impacts
- Farmland Impacts

Agreement(s)

After passage of Chapter 512 in 1981 , MnDOT and MDA agreed on procedures to be followed during project development. Minnesota Statutes [17.80](#), [17.81](#), [17.82](#) and [17.84](#), the State Agricultural Land Preservation and Conservation Policy, [requires notification of projects](#) affecting 10 acres or more of agricultural land.

Procedures / Requirements

Whenever proposed public or private projects involve potential impacts to agricultural land, the MDA reviews the project documentation and guides the orderly development and maintenance of transportation systems in rural areas with the intent of preserving agricultural land to the greatest extent possible. The MDA also coordinates with the Environmental Quality Board (EQB) and other agencies on environmental issues or projects affecting agriculture and assists with the preparation of environmental documents.

As part of the state environmental review process, MDA reviews the EAW or EIS documents for all MnDOT proposed projects. If these documents contain agricultural land information, the MDA may provide comment.

MDA must also be notified of any project that is not subject to environmental review under Chapter 116D (i.e., not an EAW or EIS) that will impact 10 acres or more of agricultural land. This includes projects for which a federal Categorical Exclusion document applies. District project staff should coordinate with OES staff regarding procedural requirements. The MDA will have 30 days to review and provide comments on the project and its documentation. If, after 30 days,

MnDOT receives no response from MDA on the review of the project and documentation, then it shall be interpreted that the MDA intends no action as proposed. This review by the MDA of the project documents/design will attempt to find alternative methods or locations which may avoid or reduce the adverse effects. HPDP / HPDP / External Coordination / State Agencies MnDOT For federal Categorical Exclusion projects, the applicable environmental document is prepared, and if the 10 acre threshold is passed, additional coordination with MDA would be required if a state EAW is not prepared. District staff should contact OES staff regarding procedural requirements. Farmland impact information of the types noted in the [Appendix 1](#) memo is needed and any mitigation of impacts to agricultural lands should be included in the environmental review documents.

Appendix

Appendix 1

MDA [Transmittal Letter Example](#)

HPDP / HPDP / External Coordination / State Agencies

MnDOT

Appendix 1 – MDA Commissioner Letter Example

Commissioner Dave Frederickson
Minnesota Department of Agriculture
625 Robert Street N
St. Paul, MN 55155-2538

Date

RE: Request for Commissioner's Review of Project Impacts to Agricultural Lands
MnDOT Project SP #####-##: _____(project name)_____, _____ County

Dear Commissioner Frederickson:

The Minnesota Department of Transportation (MnDOT) is requesting your review and finding regarding the above-referenced project, as required by Minnesota Statutes 17.80-17.84, since the project will impact ten acres or more of agricultural land but is not subject to review by Chapter 116D (environmental review). Information regarding the project purpose, impacts, avoidance and minimization measures considered, and a determination of benefit to the state, supporting the requirements of Minn Statutes 17.82, is provided in the sections that follow, along with our request for Department of Agriculture action [see final section below].

Project Purpose/ Proposed Project

The proposed roadway improvements, shown in the attached maps, are located at (*description*) in (*location*), _____ County (see Figure 1). These roadway improvements are proposed to (*describe project purpose and need*).

The proposed project includes the following improvements (see Figure 2):

- (*Describe project features – relate back to needs as much as possible*)

Impacts to Agricultural Land

Approximately (#####) total acres of additional right-of-way [from ## parcels in agricultural use] are proposed for acquisition prior to project construction. [Affected agricultural land – approximately ## acres – is shown in cross-hatching in *Figure ##.*]

[Review highlighted text that follows to see if it is true – if so, include it. If not, then revise as needed.] Because the parcels proposed for acquisition are located adjacent to existing roadways, there would not be bisection of agricultural fields; therefore additional impacts to agricultural operations would not result from the project.

Access to agricultural parcels is not anticipated to be changed, but if required, impacts would be mitigated by providing alternative access. In addition, construction of the proposed improvements (i.e., overpass) would provide a safer crossing of TH 52 for agricultural machinery and safer agricultural commodities transportation along the TH 52 corridor.

Indirect impacts: The project is not expected to cause changes in land use within the vicinity of the limits of construction. The project is consistent with local comprehensive plans. It is not anticipated to lead to the development of any large scale commercial, industrial, residential or other development.

Avoidance Measures Considered

[describe measures considered to avoid/minimize ag land impacts, and why they are not practicable – see highlighted example that follows]

A number of interchange configurations were considered which, given the location of this intersection in relation to agricultural land, all would have resulted in a larger acreage of impact to agricultural land. Interchange configurations considered are listed below with approximate agricultural acreage impacted. Please do note the acres listed are for the interchange improvements only and do not include additional acres needed to reroute driveways or township roads.

- Full diamond interchange with perpendicular bridge over TH 52 (70 acres)
- Full diamond interchange with skewed bridge over TH 52 (20 acres)
- A partial cloverleaf interchange with skewed bridge over TH52 (30 acres)

The jug-handle alternative was selected as the preferred alternative because comparative safety benefits of the typical interchanges listed above but with less environmental impacts and a reduced construction cost.

Determination of Benefit to the State

[write determination of benefit – see highlighted example that follows] MnDOT finds the following, when comparing the potential project impacts to agricultural land vs. the public safety benefit from project construction:

- The 17.5 acres of anticipated agricultural land acquisition does not represent a substantial decrease in agricultural land in Goodhue County as a whole.
- No substantial land bisection or access impacts to farmland would result from the project.
- No indirect land use impacts are anticipated to result from construction of the project.
- Initial efforts to construct a low-impact ITS solution to the problem were found to be unsuccessful and unacceptable to the public.

- Substantial public safety benefits would result from construction of the project.

Based on consideration of these factors, MnDOT has determined that the benefit to the state from preserving the agricultural use of the land is less than the safety benefits to the travelling public that would result from project construction, also taking into account alternative actions considered to address the existing safety problems at this intersection.

Department of Agriculture Action Requested

Based on the information provided above, MnDOT requests that the Commissioner of the Department of Agriculture review MnDOT's determination (in the previous section) and recommend to MnDOT in writing the implementation either of the proposed action or an alternative, consistent with Minn Statutes 17.84. If the Commissioner, upon review of the above information, has questions and/or wishes to discuss the proposed action further, please contact (*District contact*) at MnDOT District ## at [*include phone and e-mail contact info*] .

We understand that Minn Statutes 17.84 allocates 30 days for Department of Agriculture review and recommendation. However, we respectfully request, given the public pressure for MnDOT to implement the proposed project as soon as possible, that your assistance in expediting review (i.e., providing a response in less than 30 days) would be greatly appreciated.

Please contact me if you have any questions or if you would like to discuss this request.

Sincerely,
Minnesota Department of Transportation

Lynn P. Clarkowski, P.E.
Chief Environmental Officer

cc: Becky Balk, MDA
(District contact)
Deb Moynihan, MnDOT OES

Attachments: Fig 1-- Project Location Map
[*other figures*]