

**ENVIRONMENTAL ASSESSMENT
TRUST ACQUISITION OF THE FORMER DOLAN PARCEL
FOR THE
SHAKOPEE MDEWAKANTON SIOUX COMMUNITY**

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Prepared for:

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and

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SUMMARY

The Shakopee Mdewakanton Sioux Community and the Bureau of Indian Affairs propose acquisition of the 80 acres of land by the United States in trust for the benefit of the tribe under 25 CFR 151. This land is tribally owned land and contiguous with existing reservation land, located in Scott County, Minnesota. Trust acquisition would cause a transfer of jurisdiction to the Shakopee Mdewakanton Sioux Community and the Federal Government and development of the land in accordance with tribal ordinances. This requires federal action including granting the request and declaration of land as part of the Shakopee Mdewakanton Sioux Community reservation. Activities under the proposed action include continued maintenance of existing tribal infrastructure, wellhead protection, development of a full-service medical clinic, and enterprise development on the subject parcel.

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1. PROPOSAL

The Shakopee Mdewakanton Sioux Community (SMSC) is a federally recognized Indian tribe organized under the Indian Organization Act (IRA) located in the Cities of Prior Lake and Shakopee, Scott County, Minnesota (Plate 1). The SMSC acquired fee simple absolute title to the approximately 80 acres (subject parcel) adjacent to tribal trust land (Plate 2). The SMSC has requested that this land be held in trust by the United States for the SMSC and declare the subject parcel a part of the SMSC's reservation. This land is located in the City of Prior Lake, Scott County, Minnesota.

The federal action taken here is approval of the transfer of ownership from the SMSC to the United States in trust for the SMSC and declaration of reservation status in accordance with 25 USC § 465 and 467 and 25 CFR § 151. The purpose of trust acquisition is the transfer of jurisdiction over the subject parcel to the SMSC to facilitate tribal self-determination and economic development. This environmental assessment (EA) is based on the planned use of the subject parcel by the SMSC after the transfer of ownership and declaration as part the of the SMSC reservation. Planned use includes infrastructure maintenance, wellhead protection, medical clinic, and enterprise development.

2. NEED UNDERLYING THE PROPOSAL AND THE PROPOSED ALTERNATIVE

American Indian resources have been mismanaged or exploited by non-Indian entities for centuries. Federal Indian policy fully supports tribal self-determination and economic development. The ability to plan and manage uses, control environmental impacts, and provide services in a manner appropriate to, and controlled by, SMSC members is critical for the success of the SMSC in the future. Tribal sovereignty best allows the SMSC to plan and utilize or conserve its own resources. As a sovereign government, the SMSC desires jurisdiction over the services it provides to its Community members, employees, and guests. Under SMSC jurisdiction, the planned uses of subject parcel include: infrastructure maintenance, wellhead protection, development of a full-service medical clinic, and enterprise development (Plate 3). This description is based on the 2008 SMSC Comprehensive Land Use Plan, the SMSC Wellhead Protection Plan, and SMSC Health Department correspondence and the trust acquisition request.

2.1. Infrastructure Maintenance

Several tribal utilities cross the subject parcel including a roadway, water mains, sewer mains and a lift station, as well as fiber optic lines. This location was the best site for this infrastructure based on its adjacency to existing trust land. This tribal infrastructure was designed and funded by and is maintained by the SMSC. The SMSC reasonably desires direct jurisdictional control over infrastructure that which serves critical needs of the SMSC. Under the proposal, the SMSC will have direct authority over and be able to fully utilize tribal staff and resources in the timing and method of infrastructure maintenance.

2.2. Wellhead Protection

Two wells supplying the majority of the public water supply used by the tribal residences and enterprises are located just north of the subject parcel (Appendix D, Plate 4). The subject parcel is located within the wells' Drinking Water Supply Management Area (DWSMA) (SMSC, 2002). The DWSMA is based on current well locations, use, aquifer characteristics, and local groundwater flow. The subject parcel represents the largest parcel within the DWSMA, and it is the only parcel not in trust status. The SMSC desires direct jurisdictional control over its public water supply. The subject parcel will continue to be a part of the SMSC Wellhead Protection Plan / DWSMA. Ultimate

authority over activities that affect the tribal drinking water supply management area will rest with the SMSC.

2.3. **Medical Clinic**

A full-service medical clinic to serve all SMSC tribal members, employees and the Scott County American Indian population is an immediate need of the SMSC. The current medical /dental / mental health / and social services clinics at times can not meet the demand nor are they completely adequate for the services needed. At times services for tribal employees have been severely reduced (Appendix A, SMSC Health Department Letter). The ability to provide a medical clinic benefits members, employees, and the Scott County American Indian population. It also allows the tribe to control medical costs associated with the insurance available to members, employees, and the Scott County American Indian population.

There has been a need for a full-service medical clinic for some time, but there has not been a large enough trust land base to construct it. The SMSC has responded by constructing patch-work clinics:

- Medical clinic: Community Center (upstairs)
- Dental clinic: Community Center (downstairs)
- Social services and mental health: Community Center West Wing
- Wellness center: Dakotah! Sport and Fitness (eye clinic, physical therapy, chiropractic services, massage).
- Pharmacy: Dakota Mini-mall
- Medical clinic: Mystic Lake Casino team member entrance

Some of these clinics were constructed by eliminating other services: the dental clinic was constructed in a gym used by the Playworks childcare facility, the Wellness center eliminated the outdoor pools at Dakotah! Sport and Fitness, and the Pharmacy displaced a leased business space in the mini-mall. These projects have reduced some of the pressures on the service demand. The social services and mental health areas are still not adequate, lacking a private entrance, sound-proof rooms, and enough meeting spaces. Traditional medicine is not provided by any of the existing clinics. These patchwork clinics are not a long-term solution to SMSC health-care needs.

A centralized full-service medical clinic would also include dental, mental health, social services, and traditional medicine. This clinic must be near major tribal enterprises to serve employees and be accessible to the members and the Scott County American Indian population. No other trust land meets these requirements and is available as a clinic site. This medical clinic would be under the regulatory authority of the federal Indian Health Services (IHS). The IHS is the principal health care provider and health advocate for American Indians.

2.4. **Enterprise Development**

An employee parking lot and vendor entrance on the subject parcel supports the existing economy. Maintaining and diversifying the existing economy is important for the long-term success of the SMSC. The subject parcel is adjacent to existing tribal enterprises and has developable lands. Activities or services that existing enterprise guests would have an interest in would likely be the focus of any enterprise development. This allows the SMSC to take advantage of existing guest traffic and build on its existing economy. This type of traffic is not available elsewhere on tribal lands and is site-specific. At this time, the SMSC has no specific plans other than recognizing some of the subject parcel as a potential enterprise land.

3. ALTERNATIVES TO THE PROPOSAL

Development in fee simple status is an alternative to the proposal. Infrastructure maintenance, wellhead protection, a medical clinic, and enterprise development can occur at some level on the subject parcel in fee simple status, however it does not give the SMSC full jurisdiction over its own resources. Because this proposal does not meet the need underlying the proposal, it is rejected as a reasonable alternative. This alternative does not require federal action nor would it trigger a State of Minnesota Environmental Assessment Worksheet.

3.1. Infrastructure Maintenance in fee

Some infrastructure installation has already occurred on the subject parcel in fee status, because the timing and need for infrastructure could not wait for the completion of the lengthy and uncertain trust process. Existing and future infrastructure construction and associated permits were / would be pulled from the City of Prior Lake and the SMSC.

3.2. Wellhead Protection in fee

The subject parcel will continue to be a part of the SMSC Wellhead Protection Plan and DWSMA, but ultimate authority over the activities that affect the tribal drinking water supply management area will remain with the state and municipal jurisdictions.

3.3. Medical Clinic in fee

Fee-status the development of a full-service medical clinic would take place with under the jurisdiction of the SMSC, IHS, and the Minnesota Department of Health. The State of Minnesota recently passed legislation for registering credentials for naturopathic doctors. The traditional medicine facility and practitioners would need to meet Minnesota standards. Building and associated permits would be pulled from both the City of Prior Lake and the SMSC.

3.4. Enterprise Development in fee

It is unlikely that the SMSC would development new enterprises on fee land. However for discussion, fee-status enterprise development would require building and associated permits to be pulled from both the City of Prior Lake and the SMSC. These facilities would likely be hooked up to SMSC drinking water supply and sanitary sewer. Plowing of Dakotah Parkway which would service these enterprises already takes place by the SMSC Public Works department. This roadway was designated as a “driveway” to relieve the City of Prior Lake from this responsibility. Fire and police service to SMSC lands are already paid for by the SMSC. The SMSC would provide governmental services at its expense *and* pay for the increased property taxes associated with the development.

Federal Indian policy fully supports tribal self-determination and economic development. The proposed land uses are site-specific relating to existing resources on and around the subject parcel. **Full development of the subject parcel under fee status is rejected as a reasonable alternative** because it does not meet the underlying need for tribal sovereignty and creates a series of complex jurisdictional issues and duplication of efforts that are avoided by the proposed federal action and development under SMSC jurisdiction. Despite jurisdictional differences, the environmental impacts of full development in fee are essentially the same as development in trust. No federal action is triggered for development in fee status.

4. NO ACTION ON THE PROPOSAL

Taking no action includes no transfer to trust status and no additional development of any kind by the SMSC. This description is based on existing conditions.

4.1. **Infrastructure Maintenance**

The SMSC will continue to fund and maintain its existing tribal infrastructure. Authority over timing and method of infrastructure maintenance remains with state and local jurisdictions and subject to non-SMSC zoning and permitting requirements. A consequence is that SMSC staff and infrastructure are underutilized and sometime performing redundant functions to those non-SMSC entities with final zoning and permitting authority.

4.2. **Wellhead Protection**

The subject parcel will continue to be a part of the SMSC Wellhead Protection Plan and DWSMA, but ultimate authority over the activities that affect the tribal drinking water supply management area will remain with the state and municipal jurisdictions.

4.3. **Medical Clinic**

The patchwork clinics would supply some of the healthcare needs of the members, employees, and Scott County American Indian population. Specialized treatment or tests will be outsourced. Limitations on tribal employee access to the clinic will likely occur in the future. In this case, the overall cost of providing health care insurance service to the SMSC and/or individuals is higher. Treatments may not be focus on American Indian health needs.

4.4. **Enterprise Development**

No enterprise development will take place on the subject parcel. A stable economy is usually built on diversity. Relying on the strength of casinos or other existing tribal enterprises alone is not a smart strategy for long-term economic success. Existing trust land is fully developed and the lack of new trust land limits the SMSC ability to remain stable in various economic environments.

5. ISSUES

In order to best inform the public and decision makers, this Draft EA will describe the relevant environmental issues. For each issue (i.e. water resources) naturally occurring conditions, past actions, the effect of the proposed action, present actions outside of the proposal, and reasonably foreseeable actions will be considered. This will clarify the relationship between the proposed action and the cumulative impacts. This will reveal the reasoning process, based on evidence and the law, for a determination of significance or non-significance.

The scope of the following description of the affected environment will focus on the immediate area. Where appropriate, the description of the affected environment will discuss a broader area. Existing tribal and federal regulations impose restrictions on development under the proposed action. Where relevant, these regulations will be described and exist as built-in mitigation. These regulations are enforced by the SMSC Business Council and staff with delegated authority as well as federal agencies. The tribe also has several existing monitoring or inspection programs, these will be described where appropriate and exist as built-in monitoring.

5.1. **Regulatory Scheme**

Ancestors of present-day SMSC members have resided in the Minnesota River Valley and surrounding area for centuries before the development of the U.S. government, the State of Minnesota, Scott County, and the City of Prior Lake. By entering into a series of treaties with the United States, the Mdewakanton and other Dakota tribes relinquished possession of more than 24,000,000 acres of land allowing for European-American settlement of most of central and southern Minnesota.

In the 1862, the U.S. government unilaterally abrogated the treaties and took all Dakota lands. In the 1880's and 1890's 258 acres were returned to Dakota people in the vicinity of the historic Dakota village (from which the Shakopee Mdewakanton and the City of Shakopee are named). In 1934, the U.S. government passed the Indian Reorganization Act of 1934, which provides an avenue to restore lands lost by Indian tribes and encourage the development of tribal communities. In 1969, the SMSC was formally organized under federal law as a government possessing wide ranging governmental authority over its membership and land. Since then, the SMSC has purchased back some of its historic homeland on the open market, using its own resources.

5.1.1. Tribal Regulation

The SMSC has a duly passed constitution approved by the Department of the Interior (Appendix G). The SMSC exerts full jurisdiction over all lands held in trust for the SMSC by the United States Government and manages additional land owned in fee but not yet in trust status. The SMSC government consists of a General Council as its primary legislative body and three elected officials. Daily governmental affairs are managed by the Business Council consisting of the three elected officials, the Chair, the Vice-Chair and the Secretary/Treasurer. The Business Council directly or indirectly oversees all governmental departmental activities. Governmental functions are organized into various departments reporting to the Business Council either directly or through the Tribal Administrator.

The SMSC has tribal ordinances and regulations covering land use, zoning, building permits, stormwater management, nuisance, government administration and many other areas not related to land or land use. To facilitate projects on tribal lands, the SMSC adopted generally accepted codes to govern many areas. These were adopted by reference in tribal ordinances and amended as needed to fit SMSC needs. These include, but are not limited to:

- The International Building Code
- The International Residential Code
- The International Fire Code
- The Minnesota State Building Code as amended (alternative method)
- Minnesota standards on street design in the SMSC Manual of Engineering Design

Many federal environmental regulations apply to tribal lands, including but not limited to:

- Clean Air Act (CAA)
- Clean Water Act (CWA)
- Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or Superfund)
- Endangered Species Act (ESA)
- National Environmental Policy Act (NEPA)
- Resource Conservation and Recovery Act (RCRA)
- Safe Drinking Water Act (SDWA)

The federal agency most directly overseeing the SMSC is the Department of the Interior, Bureau of Indian Affairs (BIA). Title 25 of the United States Code contains many statutes that directly regulate Indian Country. The EPA also works closely with tribal governments. The SMSC registers its Underground Storage Tanks (UST) with Region 5, EPA. Region 5, EPA inspects the UST systems for compliance. Construction site NPDES permits and Part 71 air permits are issued by the EPA Central Office. The United States Army Corps of Engineers administers the CWA

wetland provisions on tribal and other federal lands. The current medical and social services offered by the SMSC is regulated by IHS.

The SMSC has invested in the staff and resources that ensure compliance with tribal and federal regulations. Staff includes attorneys, biologists, geologists, engineers, hydrologists, building officials and inspectors, accountants, doctors, dentists, nurses, firefighters, architects and many skilled laborers. The staff has worked cooperatively with Scott County, the City of Prior Lake, the BIA, the EPA, the IHS, the U.S. Army Corps of Engineers, the United States Geological Survey, the Minnesota Department of Health, the Minnesota Department of Natural Resources, and the Minnesota Geological Survey (Section 8.3).

5.1.2. State Regulation

All fee land is subject to most Minnesota state laws and regulations. The state of Minnesota has criminal jurisdiction over all tribal lands.

5.1.3. Metropolitan Council

This regional government agency establishes policies on the growth for communities in the seven-county Minneapolis-St. Paul metro area. Policies address the region's forecasted needs for wastewater collection and treatment, transportation, affordable housing and parkland, among others. The SMSC trust land is not under the Metropolitan Council's jurisdiction. Because the SMSC uses some regional wastewater collection and treatment, the SMSC provides the Metropolitan Council with its Land Use Plan and population and employment numbers.

5.1.4. County Regulation

There are very few county regulations that apply directly to the subject parcel. The subject parcel lies within the City of Prior Lake thus Scott County has no direct planning or zoning authority. A portion of County Road 83 crosses the subject parcel on the east edge, and is subject to Scott County authority.

5.1.5. City Regulation

The City of Prior Lake has planning and zoning authority over the subject parcel in fee land status. The City issues permits for conditional use, construction, building, NPDES, and other activities. Prior Lake also regulates stormwater, utilities, solid waste and other public services. The subject parcel is currently zoned "C-4" general business (Plate 7). The 2030 Land Use for this parcel, as described by the City of Prior Lake, is "C-HG" hospitality general business (Plate 8). This zoning is consistent with surrounding land use.

The SMSC funded and installed all utilities on the subject parcel, as well as maintains them. This infrastructure was installed according to SMSC engineering design standards and its NPDES permit, but required approval and permitting by Prior Lake.

The proposed action establishes tribal jurisdiction over the subject parcel. Development under the proposal is then subject to tribal and federal jurisdiction. The State of Minnesota would retain criminal jurisdiction to the extent allowed by Public Law 280. The proposed land use matches current and planned zoning by the City of Prior Lake. The proposed action is not counter to the policies and plans of the Metropolitan Council; the subject parcel will be served by the SMSC's own wastewater treatment plant. This change of jurisdiction is not significant because many regulations are similar to or stricter than existing local ordinances, and the SMSC and federal government have the staff and resources to enforce its regulations.

Under the no action alternative, no change to current regulatory scheme would occur. This retains the current position of the SMSC tribal government secondary to local jurisdictions in matters concerning tribal government infrastructure on the subject parcel.

5.2. State Taxes

The SMSC voluntarily agreed to collect sales, tobacco, and liquor taxes at the point of sale. The collected taxes are shared with the State of Minnesota. No state taxes are currently generated from the subject parcel. The existing sales tax agreement between the State of Minnesota and the SMSC will apply on the subject parcel under the proposed action. Sales taxes will be collected from enterprise activity on the subject parcel. The will result in an increase in sales taxes collected by the State of Minnesota. Under the no action alternative, no additional sales taxes would be generated.

5.3. Property Taxes

Property taxes are levied by the county and municipal governments to fund government services. Tax rolls of both Scott County and Prior Lake have increased yearly since 1996 (Minnesota State Auditor, 2004), due to rising property values and increased development in the area. The subject parcel currently generates property taxes, approximately \$32,524.¹ (Appendix C, Table 12.1 and 12.2).

The SMSC provides for infrastructure and services to its trust land. Where the county and municipal governments are not providing services, there is no justification for property taxation. Scott County and the City of Prior Lake do provide some services related to SMSC trust land, but are paid through direct intergovernmental agreements. The SMSC has an intergovernmental agreement to pay Scott County for road maintenance, county administration, the Sherriff's Office, and County Attorney's Office. The SMSC has an intergovernmental agreement with the City of Prior Lake for providing police service. Beyond these particular intergovernmental aid agreements, the SMSC and local jurisdictions have worked cooperatively in the past to cover the expense of mutual projects (Section 8.3).

Under the proposed action no property taxes would be collected from the subject parcel. Pending approval of other SMSC fee-to-trust requests, additional lands will be removed from property tax rolls. The cumulative loss is not significant because the SMSC will fund and provide the services or infrastructure required on the subject parcel and the local jurisdictions will not incur any uncompensated expenses associated with these services.

Under the no action alternative, the SMSC would continue to provide government services (street plowing, infrastructure maintenance, etc.) to the subject parcel it its expense and pay property taxes.

5.4. Goundwater Resources

Groundwater is the primary water supply for all domestic and industrial water use in Scott County. Six distinct aquifers exist in the County: surficial aquifers, the Prairie du Chien Aquifer, Jordan Aquifer, the Fraconia Aquifer, the Iron-ton-Galesville Aquifer, and the Mt.Simon-Hinkley Aquifer (Runkel, *et al.* 2005, Plate 5). The Jordan Aquifer is the most widely used aquifer in Scott County.

The SMSC, as well as local jurisdictions, primarily utilize two sandstone aquifers for the public water supply, the Jordan and the Iron-ton-Galesville. The Jordan is the shallowest aquifer capable of producing large volumes of high quality water, and widely used by metro municipalities. The Jordan aquifer is connected to unique and protected water features like federal Traditional Cultural Property Maka Yusota (Boiling Springs), the trout stream Eagle Creek, and the Savage Fen. The Iron-ton-Galesville Aquifer is located below the Jordan Aquifer. This aquifer is confined and generally produces

¹ It is settled law that only the property taxes at the time of trust acquisition need be considered. South Dakota v. US Department of the Interior (423 F.3D 790, 901-902); City of Lincoln v. US Dept of the Interior (299 F.Supp2d 1109, 1125); South Dakota v. Acting Great Plains Regional Director, BIA (29 IBIA 283, 294-95); and Shawano County, Wisconsin v. Midwest Regional Director, BIA (40 IBIA 241, 249).

lower volumes of water than the Jordan Aquifer (Winterstein, 2004 (unpublished); Runkel *et al.*, 2005). The SMSC uses both aquifers, but relies more on the Ironton-Galesville to supply its needs due a desire to limit impacts on the Jordan aquifer and less expensive treatment needs.

Rapid development in northern Scott County has increased use of groundwater resources (Appendix C, Table 12.3 and Figure 12.4). Currently, there is a stable quantity of groundwater. In 2006, the combined usage by the SMSC, City of Prior Lake, and Shakopee Public Utility Commission (SPUC) of water was nearly 3 trillion gallons. There are few regulations regarding groundwater withdrawal. Minnesota state regulation 103G.265 only requires that there is assurance of adequate long-term supply with no set numeric value. In 2003, the SMSC and the South-West Metro Groundwater Group have signed a Memorandum of Understanding to study and protect groundwater resources, and conserve where possible. The SMSC is able to capture some of the treated effluent from its Wastewater Reclamation Facility and reuse it for irrigation and landscaping. The SMSC and BIA have no control over water appropriations from the City of Prior Lake, SPUC or other entities issued a permit by the Minnesota Department of Natural Resources.

The SMSC supplies residential and enterprise water through its own system², with two districts. The South system serves the majority of the SMSC, including residences and all tribal enterprises. This system consists of two production wells located less than 100 ft north of the subject parcel. One well draws on the Jordan Aquifer³; the other on the Ironton-Galesville Aquifer⁴. The water treatment system includes iron filtration, chlorination, fluoridation, reverse osmosis to eliminate water softening, and 1,300,000 gallons of elevated storage. The water mains serving this system are looped so individual portions can be isolated. A significant portion of the looped piping is located on the subject parcel. The SMSC system is interconnected with the City of Prior Lake to provide mutual emergency backup and wellhead protection. The SMSC tracks overall water usage from each system, but does not track individual residential or government use.

The SMSC drinking water is tested daily for chlorine, fluoride, and iron. The drinking water is also tested monthly for bacteria and is tested on a three-year cycle for Volatile Organic Carbons (VOCs), Soluble Organic Carbons (SOCs) and Inorganic Carbons (IOCs). These tests are required by the U.S. Environmental Protection Agency (EPA) and are based on surrounding land uses. There have been no detections of pathogens or the aforementioned chemicals. A summary of results is published yearly in the Sioux Trail Annual Drinking Water Report (Appendix F).

In 2002, the SMSC voluntarily developed a Wellhead Protection Plan (WHPP), which is a means of protecting both the quantity and quality of the public water supply by managing the land use on the surface. The plan was endorsed by the EPA and reviewed by local jurisdictions⁵. The SMSC was the first jurisdiction in the area to develop a WHPP, and followed Minnesota state guidelines. During its development, quarterly public meetings were held to coordinate wellhead protection activities with SMSC, the local jurisdictions, and residents. The SMSC ten-year time of travel zone for the Jordan and Ironton-Galesville wells were delineated using the Minnesota Department of Health's models and specific well characteristics. All potential and actual contaminant sources were identified. A Drinking Water Supply Management Areas (DWSMA) was created based on the ten-year time of groundwater travel zone, the contaminant source inventory, and easily recognizable landmarks like

² This system is funded and maintained by the SMSC, and regulated by the SMSC, the US EPA and IHS.

³ PWS-930826, and voluntarily Minnesota unique well number 525938

⁴ PWS-990129, and voluntarily Minnesota unique well number 253021

⁵ Reviews included Minnesota Department of Health, Minnesota Rural Water Association, and the Cities of Prior Lake and Shakopee. The US EPA and the MN Dept of Health both extended commendation to the SMSC for its commitment to protecting drinking water supply and for the level of cooperation with local jurisdictions.

parcel boundaries. The subject parcel is the largest parcel in the South system DWSMA, and the only parcel not in trust⁶.

Shakopee Public Utilities Commission (SPUC) supplies the public water in the City of Shakopee. The subject parcel is located within the SPUC DSWMA with a rating of moderate vulnerability (Bonestroo *et al.*, 2003; Bonestroo *et al.*, 2004). Moderate vulnerability areas were defined as those areas with surface water contributions only. The nearest SPUC well connected hydrologically, by surface water only, is 2 miles north of the subject parcel. This well's ten-year time of groundwater travel is ½ mile from the subject parcel. The final stages of its development were reviewed by SMSC water resource staff. SPUC recognizes the need for cooperation on aquifer protection issues as it is listed as one of their primary goals to work cooperatively with local jurisdictions, including the SMSC, on these issues.

The City of Prior Lake's Wellhead Protection Plan is still in its infancy, and the DSWMA for the City's wells has not been established. It is unlikely that the subject parcel is located in the City's DSWMA since local groundwater travels south to north and the subject parcel is north of Prior Lake wells. Nevertheless, the City and the SMSC have adopted a common list of goals and strategies for wellhead protection. The adoption allows mutual satisfaction of groundwater protection measures. Both parties also have water supply interconnects mutual emergency backup and wellhead protection.

A stable supply of clean water is important to everyone in the area. The SMSC and the City of Prior Lake have a strong relationship in preserving and sustainably utilizing local groundwater resources. Because the subject parcel contains the largest portion of the SMSC DWSMA, the SMSC has the most at stake for the proper management of the land use to protect groundwater resources. That is, the SMSC will be drinking the water under the land, not those served directly by the City of Prior Lake or SPUC. Under the proposed action, there is a significant positive value for the SMSC to have full jurisdictional control over its DWSMA. The City of Prior Lake water supply benefits from this jurisdiction if the emergency backup system is utilized. Overall, the SMSC has a more proactive approach to wellhead protection than the goals and objectives stated in the SPUC WHPP. The SMSC managing the land use for best wellhead protection on the subject parcel also provides a benefit to the SPUC DWSMA.

Groundwater withdrawal will increase with the proposed developments. While separate increases have not been calculated from any specific development, nor are they available for the existing fragmented health facilities, the projected overall SMSC withdrawal is within the current range of appropriations levels for wells in northern Scott County. The area around the subject parcel is fairly developed, however the broader area is still developing (though no plats are currently in review) and additional non-SMSC withdrawals are likely. The northern Scott County is slated to be fully developed by 2030, except for some SMSC agriculture lands. While there are no set numeric values for sustainable use of the local aquifers, the SMSC monitors and coordinates with other aquifer users. If the region approaches a point where there is no longer a long-term assurance of water supply, the SMSC will continue to work with other users to provide this assurance.

No action does not negatively affect groundwater quality or quantity. Even without full-jurisdictional control over its DWSMA, the SMSC still has the most at stake for managing its land use on the subject parcel to ensure a safe drinking water supply.

5.5. **Surface Water Resources**

All tribal waters are located within the Prior Lake Spring Lake Watershed District, located in the Lower Minnesota River Watershed. The SMSC Land and Natural Resources Department staff routinely assesses water quality and wetland function. Surface water resources on and adjacent to the

⁶ DWSMA maps not made public for security interests.

subject parcel are dominated by wetlands. The majority of the 30 acres of wetlands on the subject parcel are cattail marshes. Located east and north of the subject parcel is Mystic Lake. These waters are all part of a sub-watershed that flows through the cattail marshes and eventually drains through a non-tribal perennial stream. The surface water and wetlands on the subject parcel and surrounding areas were impacted by past agriculture activities, including sedimentation and nutrient loading (Appendix C, Table 12.5). These impacts resulted in decreased water quality and vegetative diversity (Table 12.5). Though sedimentation and nutrient loading has been reduced or eliminated, unquantified impacts from road salt, polyaromatic hydrocarbons (PAH)⁷, and dissolved metals may be present. Water quality on the subject parcel and beyond is measured by SMSC Land Department staff within an adjacent wetlands (Appendix C, Table 12.6). Downstream water quality is measured by SMSC Land Department staff at a non-tribal site along an unnamed ephemeral stream with permission (Appendix C, Table 12.7). While there are numeric chemical standards for lakes and streams, there are few for wetlands. The water chemistry of wetlands is not as clearly understood or as easily defined, in part due to the complex hydrologic regimes and geological settings of wetlands. The Land staff have noticed a spike in chloride following spring melt, likely due to winter road salt use. The SMSC has responded by using a more integrated approach to winter snow removal, reducing the use of road salt.

Stormwater from the parking lot and a portion of Dakota Parkway is directed into a large constructed pond. This flows into another pond before treated stormwater is directed into wetlands. These ponds were constructed using accepted design methods. Stormwater ponding reduces the direct impacts of impervious surface its associated pollutants, like poly aromatic hydrocarbons, metals, and total suspended solids (TSS)⁸, have on surface water.

The SMSC has invested in staffing and resources that allow it to reduce impacts to water resources. Staff includes hydrologists, water resource technicians, watershed protection specialist, biologists, a geologist, and consulting engineers. Several resources are already in place to provide protection for water resources; these include, but are not limited to:

- *Chapter 11, Consolidated Land Management Ordinance.* This chapter specifically addresses stormwater management and erosion control on SMSC lands. A copy is provided in Appendix E. These ordinances are enforced by SMSC staff.
- *SMSC Wellhead Protection Plan.* Wellhead Protection Plans are designed to preserve groundwater quality. The plan was endorsed by the US EPA and the MN Department of Health. The WHPP is managed by the Wellhead Protection Team, consisting of SMSC staff.
- *SMSC National Pollution Discharge Elimination System (NPDES) permit.* The NPDES permit program was developed under the Clean Water Act to reduce point sources of pollution. The SMSC designed their permit to the strict standards required under tribal regulation. This permit is issued and enforced through the US EPA, Region 5.
- *SMSC Municipal Separate Storm Sewer System Storm Water Pollution Prevention Plan (SWPPP).* This publicly reviewed plan is a part of the NPDES permit and guides pollution prevention through education and training, illicit discharge detection, construction site runoff control, post-construction stormwater management planning, and pollution prevention for tribal operations. The responsible party for this plan is primarily the SMSC Hydrologist.
- *SMSC Water Quality Sampling Program.* This program monitors nutrients associated with residential, enterprise, and agricultural land uses. The purpose of the program is to monitor surface water over time and determine if there were anthropogenic pollution problems in

⁷ These compounds are the result of the incomplete burning of organic substances like oil and gasoline.

⁸ Sedimentation has been associated with a loss of wildlife habitat.

which best management practices could be applied. This program is operated primarily by SMSC staff, reporting to US EPA staff.

- *SMSC Wetland Management Plan.* This plan details the history, quality, and management goals for each tribal wetland. It also describes buffer and setback requirements for wetlands and sensitive water bodies. The responsible party for this plan is primarily the SMSC Senior Environmental Specialist.

The SMSC staff and project designers review development plans during the conceptual and other phases of projects to consider whether alternative and low impact development techniques can be employed. Combined with construction site inspection and enforcement of tribal ordinances and permits, these methods are the primary means the tribe utilizes to protect its groundwater, surface water and wetlands. Wetland impacts are avoided where possible. Where it has not been possible, the SMSC has worked with the U.S. Army Corp of Engineers for wetland mitigation under (Section 404 of the Clean Water Act). The SMSC has an established wetland bank.

Under the proposed action, development activity has the potential to degrade surface water by construction activity, impervious surface, and wetland fill. There are several plan review methods, ordinances, plans, acts, and monitoring already in place that mitigate for this potential. Given that other wetlands in developed areas of the trust land fall within U.S. EPA and Minnesota Pollution Control Agency water quality standards, it is reasonable to assume that the impacts to water quality on the subject parcel will also fall within acceptable ranges. There will be no impacts to wetlands on the west end of the parcel. At this time nothing is planned to impact the eastern wetland. However, this area is situated between two casinos and two roadways, making it a good candidate for non-gaming enterprise development on trust land. If this wetland becomes slated for enterprise development, the SMSC will work with the U.S. Army Corp of Engineers to begin wetland mitigation.

No action does not create new adverse effects on existing surface water quality nor the wetlands on the subject parcel nor does it shift such impacts elsewhere.

5.6. Transportation Systems

Tribal roadways are designed according to the SMSC Manual of Engineering Design, which follows Minnesota standards for street design. The SMSC entirely funds the design, construction, and maintenance of its roadways. Dakotah Parkway, an important tribal road that connects County Road (CR) 42 to CR 83, runs across the parcel. This one-and-half mile tribal road provides access to SMSC residential areas, the SMSC Pow Wow grounds, the SMSC community center and governmental facilities, as well as various tribal enterprises and employee parking lots. Though a tribal road, planning for this road was a combined cooperative effort of the SMSC, the City of Prior Lake and the City of Shakopee. Where it crosses the subject parcel, in the City of Prior Lake, it is classified as a driveway. This alleviates the City of Prior Lake from maintenance responsibility and allows the SMSC to maintain the roadway to its high standards. Any significant maintenance or construction on the roadway located on the subject parcel currently requires permits from the City of Prior Lake (Minnesota Pollution Control Agency) *and* the SMSC (U.S. Environmental Protection Agency). The current SMSC erosion control ordinances require an SMSC permit even on fee land development. The SMSC pollution prevention requirements are stricter and more proactive than those of the City of Prior Lake (Minnesota Pollution Control Agency).

An easement for CR 83 runs across the east edge of the subject parcel. County roads adjacent to tribal trust and fee land have recently been improved with SMSC cost-participation. These improvements include:

- Installation of traffic lights on CR83 at Oakes Lane NW intersection.
- Installation of traffic lights on CR83 at Flandreau Trail intersection.

- Installation of traffic lights on CR83 at CR 42 intersection.
- Improvements at CR83 / CR 42 intersection.
- Overlay of CR83.
- Current upgrade of CR 82.

Trust acquisition takes place subject to existing easements. Additional easements on trust land can take place through an established BIA process. Additional easements on Indian-owned fee land require an act of U.S. Congress for approval, even when the tribe and other jurisdictions are in agreement (as was recently required for another portion of CR 83).

Under the proposed action little or no change to existing conditions is anticipated. The SMSC will continue to maintain Dakotah Parkway. The primary differences will be the SMSC having sovereignty over its own transportation systems versus having the main tribal roadways classified as a driveway and obtaining redundant permits from the City of Prior Lake. There is also an increased benefit to SMSC for cost-participation in future County Road improvements.

Under no action the SMSC will continue to maintain Dakotah Parkway and there is less of a benefit to the SMSC to participate in future County Road improvements.

5.7. Public Service Infrastructure

Tribally funded and maintained infrastructure exists on the subject parcel. These include sanitary sewer lines, a major lift station, water mains with an emergency back-up loop to mutually support the City of Prior Lake, fiber optic lines, and a telecommunication tower. Two wells that supply a majority of the tribal water supply are located just north of the subject parcel. This infrastructure serves critical tribal needs and is provided at no cost to other jurisdictions. Any maintenance on the infrastructure that involves a soil disturbance greater than 500 feet² or 50 yards³ on the subject parcel requires permits from the City of Prior Lake (Minnesota Pollution Control Agency) *and* the SMSC (U.S. Environmental Protection Agency).

The City of Prior Lake recognizes that the SMSC pays for its own infrastructure and cost shares mutual projects, and does not plan and anticipate development fees drawn from SMSC fee land to finance Prior Lake public service infrastructure.

Under the proposed action and the no action alternative the SMSC will continue to provide public service infrastructure to serve its needs at no cost to other jurisdictions. The City of Prior Lake and SMSC will continue to share the emergency water supply and wellhead protection benefits of the water supply interconnect existing between the SMSC and the City of Prior Lake. The primary difference between the proposed action and no action alternative is that under the proposed action the SMSC has full jurisdictional control over its public service infrastructure and this eliminates the duplication of City of Prior Lake efforts.

5.8. Public Safety

The SMSC does not have criminal jurisdiction over tribal lands except as allowed under United States Public Law 280. The City of Prior Lake provides the majority of police services on existing trust land through an agreement with the SMSC. The parties formed this agreement out of a mutual recognition of the need for public safety services and the corresponding need to pay for them. Under this agreement, the SMSC has made yearly direct intergovernmental aid contributions to Prior Lake (Appendix C, Table 12.8). This agreement was renewed in 2006.

The agreement also supports the Prior Lake Fire Department staffed by volunteers. The nearest Prior Lake fire station is located three miles away. Trust land fire services are provided by the Mdewakanton Fire Emergency Services, which supplies full-time support, 24-hours a day. Mdewakanton Fire Emergency Services is the nearest fire station to the subject parcel at a third mile.

On fee land emergencies the non-tribal jurisdiction are called up before SMSC. Under a separate mutual aid agreement, Mdewakanton Emergency Services, City of Savage, City of Shakopee, and City of Prior Lake Fire Departments can aid other fire departments as requested through the Scott County Emergency Response Center (911).

Under the proposed action, the public will receive the same level of police coverage and faster fire department response time. Trust acquisition does not preclude the SMSC from renewing its intergovernmental aid agreement or the mutual aid agreement. No action alternative retains the present level of police and fire coverage.

5.9. Public Health

Shakopee Dakota Clinic currently serves the important primary health care needs of community members, employees, and the Scott County American Indian population. This clinic currently provides urgent care, health care screenings, chronic care, dental, immunizations and basic laboratory tests. Specialists visit the clinic to see patients, but are often over-booked and see patients in makeshift examination rooms. Space and associated staff constraints require the outsourcing of most laboratory, diagnostic, surgical, orthopedic, radiology, physical therapy, and holistic health services. In the past the SMSC has been forced to limit services based on these same constraints (Appendix A, SMSC Health Department letter). The Shakopee Dakota Clinic is a partner with Indian Health Services (IHS), who is the principle health advocate and provider for Indian people in Scott County.

The SMSC Health Department has determined that it will better be able to provide health care services through a full-service clinic to. Under the proposed action, the SMSC and IHS have the opportunity to create a new and unique care center specifically designed to benefit the American Indian people in the area. By evaluating the needs of the American Indian people in the area, the SMSC and IHS can work to create solutions that would be difficult if not impossible under state jurisdiction, especially relating to the holistic care of patients. The medical clinic provides benefits to members, employees, and the American Indian population in Scott County. This action positively affects the minority American Indian population by providing health care that is focused on Indian needs.

No action means that health care treatment for members and the American Indian population in Scott County will be outsourced to non-Indian medical facilities. Non-Indian medical facilities do not provide services based on Indian values and beliefs. Members and the American Indian population in Scott County may or have been reluctant to receive medical care in such facilities. This action disproportionately affects the minority American Indian population in Scott County.

5.10. Economy

Scott County has a diverse economic base spread throughout the industrial, commercial/retail, institutional and recreational sectors. The majority of the population and employment opportunities are found in the northern one-third of Scott County. The SMSC is the largest employer in the County, following by county and municipal governments, school districts, the St. Francis Regional Medical Center, recreational business, and many small to medium businesses which form a substantial economic base. The SMSC contributes to the local economy by providing employment and income to Scott County residents and utilizing Scott County-based vendors (Appendix C, Table 12.9).

The SMSC's economy, like much northern Scott County, is dominated by recreational businesses with two casinos, seven restaurants, a hotel, an event center, a golf course, a recreational vehicle park, a public access health club, two convenience stores, a retail strip mall, and a day care. Similar to non-SMSC enterprises, these enterprises are assessed by the SMSC for government services (water, road improvements, inspections, etc.). That is, just because these enterprises are not generating conventional property taxes, they are not operating at a great economic advantage over non-tribal enterprises. In addition to the current SMSC employees, these enterprises provided

engineering and construction employment. Fee land is primarily used for agriculture. No agricultural uses exist on trust land, as the existing trust land is developed, dedicated to other uses, or not suitable for agriculture.

The proposed development will create job opportunities in engineering design, infrastructure construction, medicine, social services and enterprise. Based on past performance and projected opportunities the net impact on the local economy should be positive. With a full-service medical clinic on the subject parcel, the SMSC would have the ability to create lasting cost solutions to increasing medical costs that reflect the tribe's strong human values and increase self-sufficiency. The ability to control medical costs associated with its self-insurance, allows the SMSC continue to provide the current wages to its employees and utilize local vendors at the same level. As the largest employer in Scott County, the SMSC is an important source of income for Scott County residents and businesses (Appendix C, Table 12.9).

Any enterprise development on the subject parcel will likely be related to the recreation-based enterprise developments that already exist adjacent to the subject parcel⁹. This will contribute to the tribal economy and to the local economy by employee wages, vendor payments, and collected sales tax if applicable. Any public infrastructure required of the medical clinic or enterprise development is or will be provided and maintained by the SMSC at its own expense. New enterprise development will have a net positive benefit to the local (tribal and non-tribal) economy.

If no action is taken the strength of the tribal economy is reduced or impaired, thus so is the local economy. Here the SMSC has an impaired ability to control medical costs associated with its self-insurance. The current space and associated staff limitations in the Shakopee Dakota Clinic would result in continued outsourcing of services as demand grows. Unchecked cost increases will likely be passed on to employees in the form of a monthly premium¹⁰ and increased co-pays, deductibles, and decreased coverage. The inability to diversify reduces the ability of the SMSC economy to perform well in various economic conditions.

5.11. **Regional Land Use Patterns**

Over the last 100 years, the primary land use has been agriculture with some remnant forests and wetlands. Land use in northern Scott County has been rapidly changing to a suburban environment. The subject parcel is surrounded by tribal lands. The surrounding land use includes enterprises, a government building, and wetlands. Tribal and non-tribal residential areas are within one-mile of the subject parcel.

Under the proposed action, future development will be consistent with surrounding land uses. No action does not shift the proposed land uses to other lands, because the proposed developments are site specific and existing trust resources are fully developed. There will be no change to existing land use under no action.

5.12. **Land Resources**

The subject parcel is located above a large Prairie du Chien subcrop just west of a buried bedrock valley. This bedrock is covered by about 50 to 200 feet of unconsolidated surficial material (Runkel *et al*, 2005). No commercial mineral or paleontological resources exist on the subject parcel.

The topography of the subject parcel varies from lowland to steep upland (Plate 4). There are 30 acres of wetland on the subject parcel. This topography is typical of the surrounding area.

The dominant soil on the upland portions of the subject parcel is a fine-loam, a deep well-drained soil (Table 12.10, Peterson Environmental Consulting, 2000). This soil is partially eroded due

¹⁰ Employee premiums are paid by SMSC at very low cost to the employee. Family coverage premiums are paid by the employee.

to the steep slopes of the upland areas. The wetland portions of the subject parcel consist of soils which are very deep, very poorly drained soils formed under decomposed organic matter (Table 12.10, Peterson Environmental Consulting, 2000).

The upland soils have been classified as having severe limitations on building site development (Table 12.10, Peterson Environmental Consulting, 2003). This severe limitation indicates that soil properties require special design for any construction project and will result in an increase in construction cost. Grading is the most likely resolution to this problem. This grading will be done under a tribal site development permit and federal-issued NPDES permit.

No additional developments are proposed under no action, and existing resources will be retained.

5.13. **Air**

The overall air quality in the area is within air quality standards set by the EPA and MPCA. The subject parcel is located outside of any non-attainment areas. The primary source of pollutants in the immediate area is from vehicle emissions. Vehicle traffic on existing roads emits variable amounts of hydrocarbons, carbon monoxide, and oxides of nitrogen. According to ambient air quality testing data, the area including the subject parcel complies with the Minnesota Pollution Control Agency's air quality eight-hour standard for carbon monoxide (Minnesota Pollution Control Agency, 1998). Vehicle miles traveled, used to estimate emissions, in Scott County are twice the national average (Minnesota Pollution Control Agency, 1998), most likely do to the high percentage of commuters within Scott County. The SMSC currently mitigates in part for its contribution to commuter traffic by providing free busing to its employees and guests.

The SMSC requires a reliable source of electricity to provide services to residents, employees, and guests, and they have acquired a series of 24 diesel electrical generators to meet that need. Seventeen of these generators are also used for peak shaving under an agreement with Minnesota Valley Electrical Cooperative (MNVEC). The agreement specifies that MNVEC may utilize designated SMSC generators for a maximum of 500 hours and MNVEC controls when and how long machines serve as peak shaving generators. MNVEC has never called any generator into more than 128 hours of service as of November 2007. Additionally, SMSC tests generators weekly for one-half hour for a total of 26 hours per year. These generators have a permit request pending with the EPA, under the Clean Air Act (CAA).

Under the proposed action, little new traffic will be generated because the majority of patrons of the new medical clinic already use the current facilities and any enterprise development will be designed to capture existing guest traffic. There may be a decrease in traffic from reduced patients trips to for required services. For example a clinic visit, pharmacy visit, and specialized care can all occur at one site instead of requiring three separate trips. Therefore, the proposed developments may result in a nominal change in traffic and resulting vehicle emissions. This change will not alter the local attainment status. Generators may be a part of any development on the subject parcel. These generators would become part of the SMSC permit, and not affect local attainment status. No action will not affect local attainment status.

5.14. **Living Resources**

The subject parcel is located in the Big Woods ecological subsection of east-central Minnesota (Minnesota Department of Natural Resources, 2000). Pre-European settlement vegetation was primarily elm-maple-basswood forest and oak woodland on uplands, with swamps and open wetlands in basins. The SMSC uses several complimentary methods to assess ecological communities on SMSC lands, including wildlife and floral surveys, significant tree inventories, the Minnesota Land Cover Classification System (MLCCS), Minnesota Routine Assessment Method

(MNRAM) for wetlands, the US Army Corps of Engineers Wetland Delineation Manual and the National Wetland Inventory.

Past agricultural activity reduced the county-wide vegetative diversity and introduced non-native plants, but some native vegetation is still present. Three distinct ecological communities currently exist on the subject parcel: cattail marsh, altered/non—native lowland hardwood woodland, and impervious surface with planted vegetation (Plate 6). Cattail marshes surround the upland portions of the parcel on the east, west, and north. This community has low vegetative diversity, with nearly monotypic cattail cover, due to past agricultural-induced sedimentation and eutrophication of the wetlands (Table 12.5). A lowland hardwood community borders the eastern cattail marsh. The upland is now an employee parking lot and hay fields.

The SMSC has invested in staffing and resources that allow it to reduce impacts to living natural resources. Staff includes biologists, engineers, hydrologists, and skilled laborers. Several resources are already in place that provide protection for wildlife and vegetation, these include:

- Monitoring programs. The Land and Natural Resources Department staff routinely monitors breeding birds, mammals, reptiles, amphibians, and vegetation on tribal lands. Collected information is useful in land use planning and education.
- Inventory programs. The Land and Natural Resources Department staff is working on a significant tree inventory of all trees over a certain diameter on tribal lands, this includes species identification and GPS location. Over 3,000 trees are currently in the inventory. Collected information is useful in land use planning and education.
- Restoration projects. Almost 40 acres of wetland and nearly 600 acres of prairie have been (re)created by the SMSC. As a result SMSC staff have seen increase in wildlife and vegetative diversity in degraded habitats. These restoration projects have also resulted in improving water quality of some lakes and wetlands.
- Non-native invasive species control. The SMSC staff control non-natives species on tribal lands with a variety of techniques, including: cutting, herbicide and fire. Land Department staff are licensed wildland firefighters and MN non-commercial pesticide applicators.

The Minnesota Department of Natural Resources (Appendix A) and the U.S. Fish and Wildlife Services (Appendix A) have determined that there are no threatened or endangered species on the subject parcel. The SMSC Land and Natural Resources breeding bird, small mammal, snake, amphibian and floral surveys agree with this conclusion (Tables 12.11—12.15). While altered habitats may be impacted, the proposed action and no action do not impact any intact native plant community (which are not regulated) nor any threatened or endangered species.

5.15. Cultural Resources

Dakota cultural traditions and language has suffered from U.S. policies of acculturation, removal, and isolation. Dakota cultural traditions and language will not survive without intensive and sustained effort by all Dakota people. A primary purpose of the SMSC is to maintain a community where Dakota culture and language are present, practiced and accepted as the norm.

Traditional medicine will be incorporated into the medical clinic. Incorporation of traditional medicine into the medical clinic continues a long history of traditional knowledge, an important cultural resource for SMSC members and the Indian Community. This should have a positive impact on the health and well-being of Indian people in Scott County.

Under no action, the inability to provide adequate traditional medicine through the current medical facility does not fully support the medical needs of SMSC members and the Indian community, and may result in the loss of traditional knowledge and well-being.

5.16. **Archeological Resources**

A Phase I Archeological survey was conducted on lands above existing wetlands within the subject parcel by the Section 106 Group Ltd (Lyon 2000; Lyon, Donaldson and Schmidt 2000). The archaeologists identified one site (21SC71) and two isolated finds (21SC65 and 21SC66). The site is a small prehistoric lithic scatter found during shovel testing. All of the artifacts were located in the disturbed plowzone; and none are age diagnostic artifacts. The two isolated finds are a Late Paleoindian/Archaic projectile point (21SC65) and an unfinished endscraper (21SC66). No additional cultural materials were found in association with the two isolated finds. None of the three cultural resource sites is considered to be potentially significant, and none of the three are recommended for evaluation to the National Register of Historic Places. The Minnesota State Historic Preservation Office (SHPO) has also concluded that there are no properties listed on or eligible for the National Register of Historic Places (Appendix A).

Should undiscovered archeological remains be encountered during the project ground-disturbing activities, work will stop in the area of discovery and the stipulations of 36 CFR 800.13(b), (c) and (d) will be followed.

5.17. **Noise, Lighting and Aesthetics**

Noise is generated on the subject parcels from automobiles, typical of urbanizing rural areas. Streetlights are present along Dakota Parkway and in the parking lot on the subject parcel. Local aesthetics are typical of a suburban entertainment complex.

The medical facility and enterprise development will likely result in a nominal increase in light and noise. The increase should have little impact on the local area, given the existing light and noise levels. No action would make no change to existing noise and light and aesthetics.

5.18. **Phase I Environmental Site Assessment**

A Phase I Environmental Site Assessment has been performed for the subject parcel and did not reveal anything of environmental consequence. This Phase I ESA is included with the trust request for this parcel. It will be updated as required prior to any decision made by the BIA concerning the subject parcel.

6. MITIGATION / MONITORING

Mitigation is built into the proposed action by existing tribal and federal regulation; no additional mitigation is proposed. The SMSC already has existing inspection and monitoring programs described above; no additional monitoring is proposed.

7. COMPARISION OF ALTERNATIVES

For comparison, a table of the proposed alternative, the rejected development in fee alternative, and no action presents each issue (Section 7.3).

7.1. **Proposed action**

The proposed action establishes tribal jurisdiction over the subject parcel. This jurisdiction best allows the SMSC to plan and utilize or conserve its own resources. All of the South system drinking water will be under the full jurisdiction of the SMSC Wellhead Protection Plan. SMSC infrastructure will be maintained using SMSC funds, regulations, and staff. Indian-focused health care will be available to SMSC members, employees, and American-Indians living in Scott County. SMSC self-insurance medical care costs will best be controlled by providing its own full-service

medical facility. A strong and diverse tribal economy supports SMSC self-determination and benefits the entire region.

The primary negative environmental consequence is the impact to soil movement and surface waters from construction activity and increases in impervious surfaces. These impacts will be mitigated for by existing tribal and federal regulations. The eastern wetland may or may not be impacted to accommodate for enterprise development. In the case where it will be impacted, the SMSC will work with the U.S. Army Corp of Engineers to begin the mitigation process.

Scott County and the City of Prior Lake property taxes pay for government services rendered. Under the proposed action, the SMSC would assume control and subsequent sovereignty over the trust parcel per existing Federal Statues. The shift in jurisdiction places the burden of providing all governmental services to the SMSC and no property taxes will be rendered from the subject parcel. The SMSC provides governmental services for its trust lands. These services include, among others, water and sewer systems, fire protection, building codes and inspections, a court system, road and street maintenance and stormwater management. These services are provided at no expense to local jurisdictions. Where the SMSC can not or does not provide services, the SMSC has directly compensated local jurisdictions for services. That is, SMSC jurisdiction occurs at no uncompensated expense to local jurisdictions.

7.2. **No action**

The SMSC does not have sovereignty over its own resources if no action is taken. Infrastructure maintenance and drinking water protection can still take place under the no action alternative but as a land owner subject to local jurisdiction regulations, not as a sovereign government. Health services will be negatively affected by decreased quality and increased cost. The increased cost may be passed on to employees. The lack of new enterprise development makes the SMSC more susceptible to volatility. This alternative has the least consequences in regard to soil conservation and water resources.

7.3. Comparison of Alternatives

Issue	Proposed	Fee Development	No action
Regulatory scheme	SMSC/Federal jurisdiction	MN and local jurisdictions	MN and local jurisdictions
State taxes	Increase revenue	Increase revenue	No change to existing
Property taxes	None collected, SMSC funds all services	\$32,425	\$32,425
Groundwater	SMSC drinking water supply directly protected by SMSC WHP. Increased withdrawal consistent with local appropriations	SMSC drinking water supply protected by SMSC WHP. Increased withdrawal consistent with local appropriations	SMSC drinking water supply protected by SMSC WHP. No increased withdrawal
Surface water	Sources of potential impacts controlled by SMSC permits, ordinance, and inspections.	Sources of potential impacts controlled by City of Prior Lake <i>and</i> SMSC permits, ordinances, and inspections	No new impacts
Transportation	Existing roadways maintained by SMSC or Scott County. SMSC pays directly for Country road maintenance through intergovernmental aid agreement. SMSC Jurisdiction.	Same as proposed, but under non-SMSC jurisdiction. Less of an incentive for direct cost-participation in county road upgrades (paying property taxes for this service).	Same as fee development.
Public infrastructure	Infrastructure maintained by SMSC under SMSC jurisdiction.	Infrastructure maintained by SMSC under non-SMSC jurisdiction.	Same as fee development.
Public safety	City of Prior Lake provides police service (paid through intergovernmental aid agreement). Mdewakanton Emergency Services provides emergency service.	City of Prior Lake provides police and emergency service (paid through property taxes). Mdewakanton Emergency Services provide back-up service if requested by 911 Dispatch.	Same as fee development.
Public health	Indian-focused health care	Some Indian-focused health care	Less Indian-focused health care
Economy	Additional jobs created	Additional jobs created	No jobs created
Land Use	Consistent with recreational land use	Consistent with recreational land use	Consistent with recreational land use
Land resources	Soil disturbance permitted by SMSC NPDES	Soil disturbance permitted by SMSC <i>and</i> Minnesota Pollution Control Agency NPDES	No impact
Air	Within attainment	Within attainment	Within attainment
Living resources	No impact to threatened or endangered species	No impact to threatened or endangered species	No impact to threatened or endangered species
Cultural resources	Indian focused health care	Some Indian focused health care	Little or no Indian focused health care
Archeological resources	None impacted	None impacted	None impacted
Noise, light	Typical of recreational enterprises	Typical of recreational enterprises	No change to existing

8. CONSULTATION, COMPLIANCE, AND COOPERATION

8.1. Consultation

The preparers of this EA consulted federal, tribal, state, and local agencies having jurisdiction by law or special expertise, which are listed below. All correspondences with these agencies are listed in Appendix A.

Agency	Employee	Job Title	Department
Minnesota Historical Society	Britta Bloomberg	Deputy State Historic Preservation Officer	State Historic Preservation Office
Minnesota Department of Natural Resources	Wayne Barstad		Environmental Review Program
Minnesota Department of Natural Resources	Sarah Hoffman	Endangered Species Environmental Review Coordinator	Natural Heritage and Nongame Research Program
Minnesota Pollution Control Agency	Eric Kilberg	Environmental Review	Environmental Review Program
Prior Lake	Steve Albrecht	City Engineer	--
Prior Lake	Jane Kansier	Planning Director	--
Shakopee Mdewakanton Sioux Community	Leonard Wabasha	Cultural Resources Director	Cultural Resources
Shakopee Mdewakanton Sioux Community	Melanie Dunlap	Health Director	Shakopee Dakota Clinic
Shakopee Public Utilities Commission	John Crooks	Water Superintendent	--
Scott County	Al Frechette	Environmental Health Inspector	--
Scott County	Dawn Gibas	Natural Resource Manager	--
U.S. Fish and Wildlife Services		Chief	Divisions of Endangered Species

8.2. Compliance

Several federal statutes apply to the proposed federal action and tribal development. The applicable statutes and how the SMSC is in compliance with the statutes are listed below

- Clean Air Act: The SMSC has not had to directly deal with any air quality issues. The SMSC has a synthetic minor emitter permit pending for backup generators, most located within one mile of the subject parcel.
- Clean Water Act¹¹: establishment of the tribal NPDES permit program covers non-point sources of pollution discharging into surface waters. The SMSC has worked cooperatively with the U.S. Army Corps of Engineers on Section 404 issues involving wetland mitigation.
- Comprehensive Environmental Response, Compensation and Liability Act (Superfund): a Phase I Hazardous Materials Survey has been conducted for the subject parcel, and will be updated as required.
- Endangered Species Act¹²: consultation with the U.S. Fish and Wildlife Service, the Minnesota Department of Natural Resources, and the SMSC Land and Natural Resources Department regarding the status of endangered species on the subject parcel revealed no endangered species or endangered species habitat and support compliance with this act.
- National Environmental Policy Act¹³: preparation of this EA, including the associated consultation supports compliance with this act.
- National Historic Preservation Act: consultation with the Minnesota State Historical Society, State Historic Preservation Office supports compliance with this act.
- Safe Drinking Water Act: The tribe is treated as a State under this act and is in compliance with the health-based standards set for drinking water, operator training through the Minnesota Department of Health, source protection through the SMSC Wellhead Protection Plan and public information with Annual Drinking Water Report (Appendix F).

8.3. Cooperative Agreements

The SMSC has worked diligently with local governments to provide services to its members by establishing intergovernmental agreements with various governmental entities, which include the City of Prior Lake, the City of Shakopee, Scott County, Metropolitan Council, and the State of Minnesota. This list is not exhaustive.

SMSC and Prior Lake, 1984 to the Present, Equipment Sharing. Informal agreements to share various Public Works equipment, including a sewer camera.

SMSC and Prior Lake, 1989, McKenna Road Upgrade. The Community and Prior Lake cooperated on upgrading the portion of McKenna Road lying in Prior Lake from gravel to a bituminous all-weather street. The improvement was designed by the City, and project costs were paid by the Community.

SMSC and Scott County, 1989, Reconstruction of County Road 83. The Community and Scott County cooperated in the realignment and upgrade for County Road 83 to its current alignment. This work resulted in a safer and more efficient roadway.

SMSC, Prior Lake, and the Metropolitan Council, 1989, Sewer Agreement. The Community was allocated 300 sewer access units. As part of this agreement, the Community paid for the construction

¹¹ 33 USC §§ 1251 to 1387.

¹² 16 USC §§ 1531 to 1544.

¹³ 42 USC §§ 4321 to 4370d.

of the infrastructure necessary to connect to the regional system. The Community also agreed to pay Sewer Access Charges for each unit connected and to pay a processing fee for treatment of the wastewater.

SMSC and Prior Lake, 1993, Police and Fire. The Community purchased police and fire services from the City of Prior Lake at a negotiated rate.

SMSC and Metropolitan Council, 1993. The Community agreed to provide certain information to the Metropolitan Council concerning land use planning, water use, and projections of water use.

SMSC, Prior Lake, and Metropolitan Council, 1993, Amended Sewer Agreement. Increased the available sewer units.

SMSC, Prior Lake, and Metropolitan Council, 1993, North Side Sewer Agreement. Increased available sewer units and provided for connection of North Residential Subdivision. The Community funded the infrastructure for the connection.

SMSC, Prior Lake, and Scott County, 1995, Emergency Siren Agreement. The three jurisdictions coordinated and cost-shared installation of several new emergency warning sirens to complete coverage in the Prior Lake west side. This included the Community and The Wilds.

SMSC and Prior Lake, 1996, Police and Fire Updated Agreement. The police and fire service agreement was updated for 1996 with a fee set at \$240,000 per year.

SMSC and Shakopee, 1996, McKenna Road Upgrade. Even though McKenna Road is a Shakopee city street, the Community paid the entire cost, including design costs, for an upgrade from a rural gravel section to a rural, nine-ton bituminous surfaced section. The City of Shakopee designed the road improvement and coordinated with Scott County regarding its intersection with County Road 16.

SMSC Tribal Court and Scott County District Court, 1996, ICWA Matters. Informal agreement regarding administration of the Indian Child Welfare Act and handling of Native American child welfare issues.

SMSC and Scott County, 1997, County Road 21 Upgrade. The County and the Community cooperated on the upgrade of County Road 21 where it abuts on tribal lands. The Community granted Scott County an easement over trust lands. The County provided land that will give the Community a location for a frontage road to ensure continued access for residents.

SMSC and Prior Lake, 1997, Amended Police and Fire Agreement. The police and fire agreement was amended and fees were established for 1998 and 1999.

SMSC and Scott County, 1997, General Agreement. The Community and Scott County reached a general agreement that included an annual payment to Scott County of \$200,000 and a process for entering into and negotiating future projects of mutual interest.

SMSC and the State of Minnesota, 1997, Sales Tax Agreement. The Community entered into an agreement to collect sales tax on applicable items sold on tribal lands. The collected taxes are paid to the State of Minnesota and a portion is rebated to the Community.

SMSC and United States Environmental Protection Agency, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, TEA. Tribal Environmental Agreement establishing environmental needs and funding levels for future fiscal years. This is an annual formal agreement between tribal governments and Region 5, US-EPA.

SMSC, Metropolitan Council, City of Savage, and Minnesota Department of Natural Resources, 1998, Water Quality Study. Joint funding for an Eagle Creek water quality monitoring station at Boiling Springs.

SMSC, the State of Minnesota (Department of Human Services), and the Ten Other Minnesota Tribal Governments, 1998, Tribal/State Indian Child Welfare Agreement. Historic agreement created for the preservation of Indian families throughout Minnesota.

SMSC and Scott County, 1998 and 1999, General Agreement. The Community and Scott County renewed a general agreement that included an annual payment to Scott County of \$200,000 and a process for entering into and negotiating future projects of mutual interest.

SMSC, Scott County, and the City of Prior Lake, 1999, County Road 42 Upgrade. The parties agreed to upgrade a portion of County Road 42 to four lanes with the Community paying a significant portion of the overall cost.

SMSC and Prior Lake, 1999, Amended Police and Fire Agreement. The police and fire agreement was amended and fees were established for 2000 (\$300,000) and 2001 (\$320,000) with future negotiation set.

SMSC and Scott County, 2000 through 2003, General Agreements. The Community and Scott County renewed a general agreement that included an annual payment to Scott County of \$225,000 for 2000, 2001, 2002, and 2003.

SMSC and Scott County, 2000, County Road 83 Resurface. The Community funded a project to repair and resurface the pavement on County Road 83 passing through Tribal Lands. Estimated cost \$300,000.

SMSC, United States EPA, Minnesota Department of Health, Cities of Prior Lake and Shakopee, 2000, Well Head Protection MOU. Interjurisdictional applications of Well Head Protection areas for Public Water Supply wells.

SMSC, Minnesota State Historic Preservation Office, and MN-DNR, 2000, Boiling Springs TCP. Agreement to list Boiling Springs as a Traditional Cultural Property and jointly manage the area.

SMSC, MN-DNR, and City of Shakopee, 2000, Memorial Park Burial Sites. Agreements on restoration of existing burial site to natural conditions and management of trails and park in the area to preserve the burial site.

SMSC and MN-DNR, 2000, Little Rapids Site. Joint project to map and locate burial sites funded by the Community and included Tribal staff participation.

SMSC and Minnesota Historical Society, 2000, Multiple Projects. Participation in Lower Sioux Agency Historic Site preservation and Jeffer's Petroglyphs preservation.

SMSC, Minneapolis Institute of Arts, and Smithsonian Museum, 2000, Exhibits. Cooperation and funding (\$25,000) for Eastman and Plains Shirts exhibits and participation in Eastman Traveling Exhibit Committee.

SMSC and Minnesota River Joint Powers Board, 2000, Cultural and Environmental Activity. Participating in Joint Powers Board activities to improve environmental conditions on the Lower Minnesota River.

SMSC and Prior Lake, 2001 through 2004, Amended Police and Fire Agreement. The police and fire agreement was amended, and fees were established.

SMSC and Scott County, 2002, County Road 42 and 82 Intersection Improvement Project. A cooperative agreement for the joint project to improve the intersection of County Roads 42 and 83 including \$2,500,000 in SMSC funding and an additional \$400,000 paid by the SMSC for design fees.

SMSC, MN-DNR, Metropolitan Council, and Various Cities, 2002, Southwest Metro Groundwater Group Memorandum of Understanding on Ground Water Policy. A multi-jurisdictional agreement

which set goals, objectives, and policy guidelines for development, use, and protection of the groundwater resource.

SMSC and Scott County, 2003, Dakotah Parkway Signal Agreement. An agreement to place a signal at the intersection of County Road 83 and Dakotah Parkway with the SMSC funding the entire project.

SMSC, Scott County, and Local Townships, 2003, Aerial Photography. An agreement for aerial photographs and other mapping information was reached. The SMSC contributed \$20,000 for the project which was managed by the County.

SMSC and Scott County, 2003, Psychological Services. An agreement was reached for Scott County to provide psychological services to the SMSC Mental Health and Employee Assistance Programs on a contract basis.

SMSC and Prior Lake, 2003, Equipment Sharing Program. An agreement to share expenses and usage of a crack sealer and a hot mix trailer, both of which are used to repair roadways.

SMSC and Scott County, 2003, County Roads 16 and 83. An agreement to exchange certain land to provide right of way for the redesign of County Roads 16 and 83.

SMSC and Prior Lake, 2003, Water Supply Interconnect. This agreement allows the two entities to interconnect their water supply systems for emergency use.

SMSC, Scott County, and Various Cities and Townships, 2004. Cooperative agreement on stormwater management educational component for Clean Water Act, National Pollutant Discharge Elimination System Permit.

SMSC, Prior Lake, Shakopee and Savage, 2004. Mutual Aid Fire Agreement providing authority and a process for inter-jurisdictional emergency response.

SMSC and MNDOT, 2005. MOU on Indian employment.

SMSC and Scott County, 2005. SMSC purchased approximately \$18 million in Scott County bonds to finance a road construction project.

SMSC and Prior Lake, 2004 through 2006, Amended Police and Fire Agreement. The police and fire agreement was extended and new fees were established.

SMSC, Scott County and Prior Lake, 2006. An agreement to provide right of way and funding to assist in the redesign of County Road 82 to serve planned Prior Lake annexation areas.

SMSC and the State of Minnesota, 2006. An agreement to provide Automatic Defibrillator Devices (AED) to the State of Minnesota for use in Minnesota State Patrol vehicles.

SMSC, Scott County, Cities in Scott County, September 2007. The SMSC Business Council authorized participation in the Scott County Joint Public Safety Training Facility. The actual agreement continues to be negotiated among the parties.

SMSC, Scott County, MN-DOT and Federal Highways. The Community and Scott County reached an agreement regarding the alignment for the northward extension of Scott County CSAH 21 across SMSC lands. The MOU was executed by all parties in early 2008

SMSC, the Prior Lake/Spring Lake Watershed District, the City of Prior Lake and the City of Shakopee. The General Council approved an agreement to fund, construct, maintain, and manage a regional stormwater and lake drainage channel that serves all parties. Funding is pro-rata based on actual use.

SMSC, the State of Minnesota (Department of Human Services), and the Ten Other Minnesota Tribal Governments, 2007, Tribal/State Indian Child Welfare Agreement. Update to historic agreement created for the preservation of Indian families throughout Minnesota.

SMSC and Prior Lake, 2008, Compost site/Tree range. The agreement allows the City of Prior Lake and its residents access to the SMSC compost site in exchange for usage of the Prior Lake tree range to grow native trees for SMSC projects.

SMSC and Scott County, 2008. An agreement to provide funding to Scott County for administrative and roadway maintenance costs. The agreement runs until 31 January 2012.

9. PREPARERS

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- Victoria Ranua, Environmental Assessment Specialist, Shakopee Mdewakanton Sioux Community

10. APPENDIX A, CORRESPONDENCE

11. APPENDIX B, REFERENCES¹⁴

- Bonestroo, Rosene, Anderlik & Associates, Engineers and Architects. 2003. *Shakopee Public Utilities Commission Wellhead Protection Plan—Part I*. Bonestroo Project No. 1390-02-101.
- Bonestroo, Rosene, Anderlik & Associates, Engineers and Architects. 2004. *Shakopee Public Utilities Commission Wellhead Protection Plan—Part 2*. Bonestroo Project No. 1390-03-102.
- Delin, G.N. and M.L. Strobel, 1996. *Analysis of Hydrogeologic Properties in the Prairie du Chein-Jordan Aquifer, Shakopee Mdewakanton Sioux Community, Southeastern Minnesota*. U.S. Geological Survey Open File Report 96-182.
- Lyon, M.M., 2000. *Additional Phase I Testing for the Dakotah Parkway, Scott County, Minnesota*. The Section 106 Group Ltd., St. Paul, Minnesota. Prepared for the Shakopee Mdewakanton Dakota Community, Prior Lake, Minnesota.
- Lyon, M.M., N. Donaldson and A.J. Schmidt, 2000. *Phase I Archaeological Survey for the Mdewakanton Dakota Community, Scott County, Minnesota*. The Section 106 Group Ltd., St. Paul, Minnesota. Prepared for the Shakopee Mdewakanton Dakota Community, Prior Lake, Minnesota.
- Minnesota Department of Natural Resources. 2000. *Ecological Provinces, Sections, and Subsections of Minnesota*. Minnesota Department of Natural Resources, Division of Forestry, Saint Paul, MN.
- Minnesota Department of Natural Resources. 2007. *Draft amendments to Minnesota's list of endangered, threatened, and special concern species*. Minnesota Department of Natural Resources, Division of Ecological Services, Saint Paul, MN.
- Minnesota Geological Survey. 1982. *Geologic Atlas of Scott County, Minnesota*. University of Minnesota, St. Paul, MN.
- Minnesota Pollution Control Agency. 1998. *Minnesota Air: Air Quality and Emission Trends*. Saint Paul, MN.
- Peterson Environmental Consulting, Inc. 2003. *Soil Survey of the Shakopee Mdewakanton Sioux Community Land Holdings; Scott County, Minnesota*. PEC Project No. 99-067.
- Runkel A.C., R.G. Tipping, G. Meyer. 2005. *Mapping and Hydrogeologic Research in Support of Groundwater Management, Shakopee Mdewakanton Sioux Community, Scott County, Minnesota*. Minnesota Geological Survey, St. Paul, MN.
- Shakopee Mdewakanton Sioux Community. 2002. *Wellhead Protection Plan*. Shakopee Mdewakanton Sioux Community, Land and Natural Resources Department, Prior Lake, MN
- Shakopee Mdewakanton Sioux Community. 2003a. *Water Quality Assessment Report*. Shakopee Mdewakanton Sioux Community, Land and Natural Resources Department, Prior Lake, MN
- Shakopee Mdewakanton Sioux Community. 2003b. *Consolidated Land Management Ordinance*. Shakopee Mdewakanton Sioux Community, Land and Natural Resources Department, Prior Lake, MN
- Shakopee Mdewakanton Sioux Community. 2004. *MS4 Storm Water Pollution Prevention Program*. Shakopee Mdewakanton Sioux Community, Land and Natural Resources Department, Prior Lake, MN

¹⁴ Copies of SMSC reports can be obtained by contacting the SMSC Land and Natural Resources Department. Some SMSC reports can be obtained from the tribal website.

Shakopee Mdewakanton Sioux Community. 2005. *Quality Assurance and Results Report: for survey of faunal species present on lands owned by the Shakopee Mdewakanton Sioux Community*. Shakopee Mdewakanton Sioux Community, Land and Natural Resources Department, Prior Lake, MN

Winterstein T.A. 2004. *Hydraulic Properties of the Ironton and Galesville Sandstones, Shakopee Mdewakanton Sioux Community, Southeastern Minnesota*. U.S. Geological Survey, Moundsview, MN.

12. APPENDIX C, TABLES AND FIGURES

12.1. Parcel property taxes.

Year	2000	2001	2002	2003	2004	2005	2006	2007	2008
Tax Amount	\$2,048	\$4,034	\$3,717	\$2,760	\$3,376	\$3,924	\$14,324	\$31,292	\$32,524

* Tax ID number R-259280020

12.2. Percentage of parcel property taxes in relation to other tax receipts. Tax levies are shown in millions of dollars

	2000	2001	2002	2003	2004	2005	2006
Scott County Net Tax Levy	\$62.4	\$66.3	\$68.8	\$74.8	\$75.5	\$84.1	\$102.0
% parcel	0.0033%	0.0061%	0.0054%	0.0037%	0.0045%	0.0047%	0.0140%
Prior Lake Net Tax Levy	\$16.9	\$15.9	\$21.0	\$20.9	\$23.2	\$24.2	\$22.8
% parcel	0.0121%	0.0253%	0.0177%	0.0132%	0.0146%	0.0162%	0.0628%

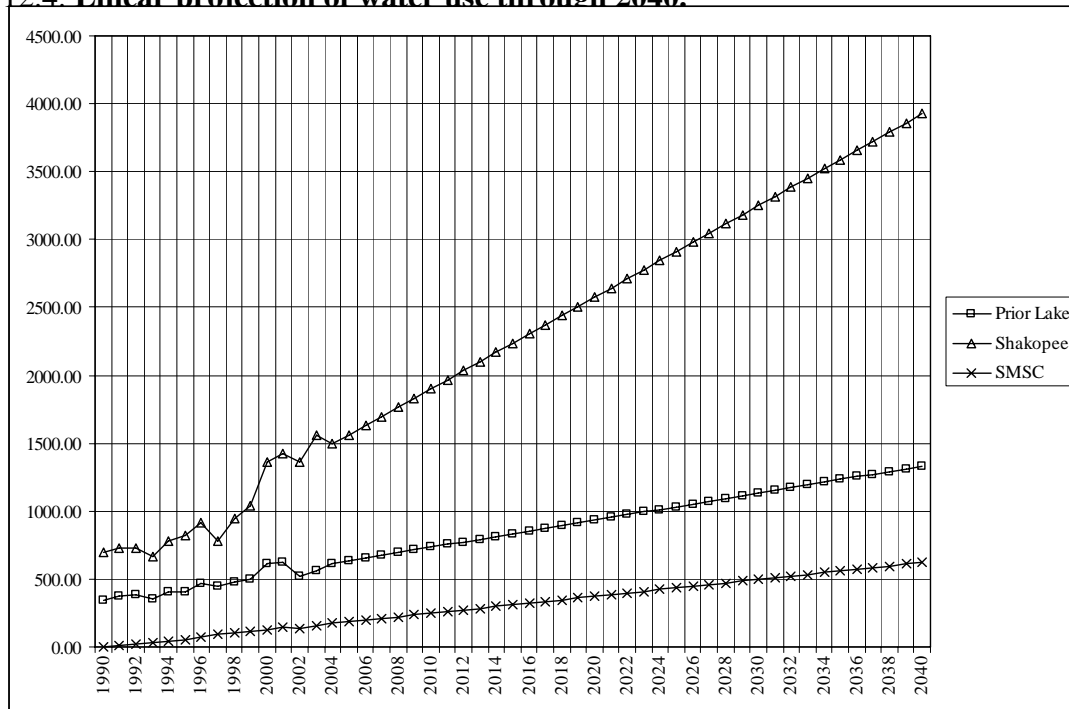
- This table is misleading in that the full amount of the property taxes was used to calculate percentage of each jurisdiction. In fact, each jurisdiction only receives a portion of the total tax payment. Data source: SMSC property taxes and the Minnesota State Auditor's public access city and tax information (available through 2006).

12.3. Water Usage In Millions of Gallons

Year	SMSC	Prior Lake	Shakopee
1993	28,745,184	357,600,000	667,600,000
1994	39,534,746	400,800,000	783,800,000
1995	52,818,851	407,700,000	818,900,000
1996	73,608,336	466,700,000	914,000,000
1997	92,285,004	446,400,000	781,900,000
1998	103,251,100	481,200,000	950,400,000
1999	116,977,599	503,500,000	1,041,600,000
2000	128,534,660	614,500,000	1,357,300,000
2001	145,015,100	626,300,000	1,421,900,000
2002	135,571,500	524,800,000	1,363,800,000
2003	154,495,000	780,600,000	1,579,100,000
2004	115,623,000	722,900,000	1,735,000,00
2005	147,027,000	826,900,000	1,894,400,000
2006	150,395,000	774,800,000	1,999,400,000

Data Source: SMSC Public Works and Minnesota DNR Water Appropriation Records

12.4. Linear projection of water use through 2040.



Data Source: SMSC Land Department and MN DNR.

12.5. Function and Value Assessment of Wetlands

Function/Value for C1-West	Rating
Vegetative diversity/ integrity: shallow marsh	Low
Vegetative diversity/ integrity: fresh (wet) meadow	Moderate
Maintenance of characteristic hydrologic regime	Moderate
Flood and stormwater storage/ attenuation	Moderate
Downstream water quality	Moderate
Wetland water quality	Moderate
Wildlife habitat	Moderate
Fishery habitat	Moderate
Amphibian habitat	Low
Aesthetics/ recreation/ education/ cultural and scientific	Moderate
Groundwater interaction	Exceptional
Overall function and value rating	Manage

Function/Value for C1-Center	Rating
Vegetative diversity/ integrity: shallow marsh	Low
Maintenance of characteristic hydrologic regime	Moderate
Flood and stormwater storage/ attenuation	Moderate
Downstream water quality	Moderate
Wetland water quality	Low
Wildlife habitat	Moderate
Fishery habitat	Moderate
Amphibian habitat	Low
Aesthetics/ recreation/ education/ cultural and scientific	Moderate
Groundwater interaction	Exceptional
Overall function and value rating	Manage

Function/Value for C6	Rating
Vegetative diversity/ integrity: shallow marsh	Low
Maintenance of characteristic hydrologic regime	Moderate
Flood and stormwater storage/ attenuation	Moderate
Downstream water quality	Moderate
Wetland water quality	Low
Wildlife habitat	Moderate
Fishery habitat	Moderate
Amphibian habitat	Low
Aesthetics/ recreation/ education/ cultural and scientific	Moderate
Groundwater interaction	Exceptional
Overall function and value rating	Manage

Function/Value for C-5a	Rating
Vegetative diversity/ integrity: shallow marsh	Low
Maintenance of characteristic hydrologic regime	High
Flood and stormwater storage/ attenuation	High
Downstream water quality	Moderate
Wetland water quality	Moderate
Wildlife habitat	Moderate
Fishery habitat	NA
Amphibian habitat	High
Aesthetics/ recreation/ education/ cultural and scientific	Moderate
Groundwater interaction	Exceptional
Overall function and value rating	Protect

Function/Value for C-5b	Rating
Vegetative diversity/ integrity: hardwood swamp	Moderate
Maintenance of characteristic hydrologic regime	High
Flood and stormwater storage/ attenuation	High
Downstream water quality	Moderate
Wetland water quality	Moderate
Wildlife habitat	Moderate
Fishery habitat	NA
Amphibian habitat	NA
Aesthetics/ recreation/ education/ cultural and scientific	Moderate
Groundwater interaction	Exceptional
Overall function and value rating	Protect

Source: 2008 SMSC Land and Natural Resource data using the Minnesota Board of Soil and Water: Minnesota Routine Assessment Method for Evaluating Wetland Function, v 3.2. The overall function and value rating (Protect, Manage, Utilize) is based on 2005 SMSC Wetland Management report.

Note: Because they occur within a Wellhead Protection Area, all wetlands on the subject parcel have an 'Exceptional' rating for groundwater interaction.

12.6. Summary of water mean quality data for wetland on subject parcel in mg/L.

	<i>Total Phosphorus</i>	<i>Orthophosphorus</i>	<i>NO₂ + NO₃</i>	<i>Chlorophyll a</i>	<i>TKN</i>	<i>Ammonia</i>	<i>TSS</i>
1999	DNC	0.02	0.03	DNC	DNC	0.01	DNC
2000	0.13	0.01	0.03	43.99	1.84	DNC	DNC
2001	0.16	0.01	0.01	23.98	1.58	0.14	DNC
2002	0.09	0.01	0.02	26.78	1.60	0.11	DNC
2003	0.21	0.01	0.01	27.17	1.21	0.20	DNC
2004	0.14	0.01	0.03	20.36	1.55	0.27	6.63
2005	0.12	0.01	0.02	27.71	2.01	0.31	16.31
2006	0.23	0.04	0.75	DNC	2.32	0.40	76.06
2007	0.16	0.01	0.98	5.15	1.23	0.12	15.75

DNC = Data not collected.

Data Source: SMSC Land and Natural Resources Department

12.7. Summary of mean water quality data for stream draining sub-watershed in mg/L.

	<i>Total Phosphorus</i>	<i>Orthophosphorus</i>	<i>NO₂ + NO₃</i>	<i>Chlorophyll a</i>	<i>TKN</i>	<i>Ammonia</i>	<i>TSS</i>
1999	DNC	0.086	0.025	0.75	1.30	DNC	DNC
2000	0.11	0.042	0.025	1.03	1.11	DNC	DNC
2001	0.56	0.296	0.030	14.00	1.30	DNC	DNC
2002	0.26	0.079	0.030	2.43	1.11	DNC	DNC
2003	0.10	0.038	0.042	2.63	0.83	DNC	DNC
2004	0.17	0.069	0.024	0.93	0.99	0.02	7.00
2005	0.27	0.145	0.047	1.50	1.14	0.03	15.80
2006	0.07	0.037	0.018	2.61	0.89	0.03	3.70
2007	0.07	0.025	0.107	1.25	0.80	0.03	5.60

DNC = Data not collected.

Data Source: SMSC Land and Natural Resources Department

12.8. **City of Prior Lake / SMSC Police Agreement**

Year	Agreement	Year	Agreement
1996	\$240,000	2002	\$331,250
1997	\$250,000	2003	\$338,750
1998	\$251,250	2004	\$340,000
1999	\$262,929	2005	\$340,000
2000	\$291,763	2006	
2001	\$315,000	2007	

Data Source: SMSC Finance Department

12.9. **SMSC payments (in millions of dollars) to vendors and employees in Scott County.**

	2002	2003	2004	2005	2006	2007
Vendor payments in Scott County	\$5.3	\$8.0	\$8.2	\$9.4	\$7.9	\$6.0
Payroll paid to Scott County residents	\$51.0	\$51.0	\$53.8	\$54.1	\$56.3	\$59.0

Data Source: SMSC Finance Department

12.10. **Soils of subject parcel**

Type	Name	Drainage	Acreage	%
Ga	Glencoe, 0-1% slope	Very Poor	5.50	7.23
HaB	Hayden Loam, 2-6% slope	Well	1.15	1.51
HaC	Hayden Loam, 6-12% slope	Well	3.40	4.47
HaC2	Hayden Loam Moderately Eroded, 6-12% slope	Well	4.30	5.66
HaD2	Hayden Loam Moderately Eroded, 12-18% slope	Well	10.27	13.51
HaE2	Hayden Loam Moderately Eroded, 18-25% slope	Well	1.19	1.57
HaF2	Hayden Loam Moderately Eroded, 25-35% slope	Well	17.85	23.49
LcC	Lester, 6-12% slope	Well	0.40	0.52
Le	Le Sueur, 0-6% slop	Moderate	1.61	2.11
Ma	Houghton, 0-1 slope	Very Poor	4.30	5.66
PaA	Palms, 0-2 slope	Very Poor	18.74	24.66
Wb	Webster, 0-2 slope	Poor	6.50	8.55
Total			76	100

Data Source: Peterson Environmental Consulting, 2000

12.11. SMSC Wildlife: Breeding Birds

Bird species in taxonomic order observed as from 2001 to 2007. Non-breeding and migratory birds also indicated. Breeding bird status:

- *Possible* indicates that the species was observed or heard in suitable nesting habitat during its breeding season.
- *Probable* indicates that the species' behavior suggests breeding.
- *Confirmed* indicates that species' nest, eggs, young or feeding behavior has been observed.

Wildlife observed on the subject parcel are highlighted in gray.

Common Name	Scientific Name	Status
Canada Goose	<i>Branta canadensis</i>	Confirmed
Wood Duck	<i>Aix sponsa</i>	Confirmed
Gadwall	<i>Anas strepera</i>	Non-breeding
Mallard	<i>Anas platyrhynchos</i>	Confirmed
Blue-winged Teal	<i>Anas discors</i>	Confirmed
Northern Shoveler	<i>Anas clypeata</i>	Non-breeding
Northern Pintail	<i>Anas acuta</i>	Probable
American Green-winged Teal	<i>Anas crecca</i>	Probable
Canvasback	<i>Aythya valisineria</i>	Non-breeding
Redhead	<i>Aythya americana</i>	Non-breeding
Ring-necked Duck	<i>Aythya collaris</i>	Non-breeding
Hooded Merganser	<i>Lophodytes cucullatus</i>	Confirmed
Ruddy Duck	<i>Oxyura jamaicensis</i>	Possible
Ring-necked Pheasant	<i>Phasianus colchicus</i>	Confirmed
Wild Turkey	<i>Meleagris gallapavo</i>	Confirmed
Common Loon	<i>Gavia immer</i>	Possible
Pied-billed Grebe	<i>Podilymbus podiceps</i>	Confirmed
Double-crested Cormorant	<i>Phalacrocorax auritus</i>	Non-breeding, C
American Bittern	<i>Botaurus lentiginosus</i>	Possible
Least Bittern	<i>Ixobrychus exilis</i>	Possible
Great Blue Heron	<i>Ardea herodias</i>	Non-breeding, C
Great Egret	<i>Ardea alba</i>	Non-breeding, C
Cattle Egret	<i>Bubulcus ibis</i>	Non-breeding, C
Green Heron	<i>Butorides virescens</i>	Confirmed
Black-crowned Night Heron	<i>Nycticorax nycticorax</i>	Non-breeding, C
Turkey Vulture	<i>Cathartes aura</i>	Possible
Bald Eagle ^{1,2}	<i>Haliaeetus leucocephalus</i>	Non-breeding
Sharp-shinned Hawk	<i>Accipiter striatus</i>	Possible
Cooper's Hawk	<i>Accipiter cooperii</i>	Probable
Northern Goshawk	<i>Accipiter gentilis</i>	Non-breeding
Broad-winged Hawk	<i>Buteo platypterus</i>	Confirmed
Red-tailed Hawk	<i>Buteo jamaicensis</i>	Probable
American Kestrel	<i>Falco sparverius</i>	Confirmed
Virginia Rail	<i>Rallus limicola</i>	Probable
Sora	<i>Porzana carolina</i>	Confirmed
American Coot	<i>Fulica americana</i>	Confirmed
Killdeer	<i>Charadrius vociferus</i>	Confirmed
Yellowlegs	<i>Tringa spp.</i>	Non-breeding
Solitary Sandpiper	<i>Tringa solitaria</i>	Non-breeding

Common Name	Scientific Name	Percent Occurrence
Spotted Sandpiper	<i>Actitis macularia</i>	Confirmed
Short-billed Dowitcher	<i>Limnodromus griseus</i>	Non-breeding
Common Snipe	<i>Gallinago gallinago</i>	Possible
American Woodcock	<i>Scolopax minor</i>	Probable
Ring-billed Gull	<i>Larus delawarensis</i>	Non-breeding, C
Forester's Tern	<i>Sterna forsteri</i>	Non-breeding
Black Tern	<i>Chlidonias niger</i>	Confirmed
Rock Pigeon	<i>Columba livia</i>	Confirmed
Mourning Dove	<i>Zenaida macroura</i>	Confirmed
Black-billed Cuckoo	<i>Coccyzus erythrophthalmus</i>	E
Yellow-billed Cuckoo	<i>Coccyzus americanus</i>	E
Eastern Screech Owl	<i>Otus asio</i>	E
Great Horned Owl	<i>Bubo virginianus</i>	Probable
Barred Owl	<i>Strix varia</i>	Probable
Common Nighthawk	<i>Chordeiles minor</i>	Possible
Chimney Swift	<i>Chaetura pelagica</i>	Probable
Ruby-throated Hummingbird	<i>Archilochus colubris</i>	Confirmed
Belted Kingfisher	<i>Ceryle alcyon</i>	Possible
Red-headed Woodpecker	<i>Melanerpes erythrocephalus</i>	Possible
Red-bellied Woodpecker	<i>Malanerpes corolinus</i>	Confirmed
Yellow-bellied Sapsucker	<i>Sphyrapicus varius</i>	E
Downy Woodpecker	<i>Picoides pubescens</i>	Confirmed
Hairy Woodpecker	<i>Picoides villosus</i>	Confirmed
Northern Flicker	<i>Colaptes auratus</i>	Confirmed
Pileated Woodpecker	<i>Dryocopus pileatus</i>	Probable
Eastern Wood-pewee	<i>Contopus sordidulus</i>	Confirmed
Willow Flycatcher	<i>Empidonax traillii</i>	Confirmed
Least Flycatcher	<i>Empidonax minimus</i>	Confirmed
Eastern Phoebe	<i>Sayornis phoebe</i>	Confirmed
Great-crested Flycatcher	<i>Myiarchus crinitus</i>	Confirmed
Eastern Kingbird	<i>Tyrannus tyrannus</i>	Probable
Warbling Vireo	<i>Vireo gilvus</i>	Probable
Red-eyed Vireo	<i>Vireo olivaceus</i>	Confirmed
Blue Jay	<i>Cyanocitta cristata</i>	Confirmed
American Crow	<i>Corvus brachyrhynchos</i>	Confirmed
Horned Lark	<i>Eremophila alpestris</i>	Probable
Tree Swallow	<i>Tachycineta bicolor</i>	Confirmed
Northern Rough-winged Swallow	<i>Stelgidopteryx serripennis</i>	E
Bank Swallow	<i>Riparia riparia</i>	Possible
Cliff Swallow	<i>Petrochelidon pyrrhonota</i>	Confirmed
Barn Swallow	<i>Hirundo rustica</i>	Confirmed
Black-capped Chickadee	<i>Parus atricapillus</i>	Confirmed
White-breasted Nuthatch	<i>Sitta carolinensis</i>	Confirmed

Continued

Common Name	Scientific Name	Percent Occurrence
Brown Creeper	<i>Certhia americana</i>	Possible
House Wren	<i>Troglodytes aedon</i>	Confirmed
Sedge Wren	<i>Cistothorus platensis</i>	Probable
Marsh Wren	<i>Cistothorus palustris</i>	Confirmed
Ruby-crowned Kinglet	<i>Regulus calendula</i>	Non-breeding
Eastern Bluebird	<i>Sialia sialis</i>	Confirmed
Veery	<i>Catharus fruscenscens</i>	E
Swainson's Thrush	<i>Catharus ustulatus</i>	Non-breeding
Hermit Thrush	<i>Catharus guttatus</i>	Non-breeding
Wood Thrush	<i>Hylocichla mustelina</i>	Probable
American Robin	<i>Turdus migratorius</i>	Confirmed
Gray Catbird	<i>Dumetella carolinensis</i>	Confirmed
Brown Thrasher	<i>Toxostoma rufum</i>	Confirmed
European Starling	<i>Sturnus vulgaris</i>	Confirmed
Cedar Waxwing	<i>Bombycilla cedrorum</i>	Confirmed
Blue-winged Warbler	<i>Vermivora pinus</i>	Possible
Golden-winged Warbler	<i>Vermivora chrysoptera</i>	Non-breeding
Tennessee Warbler	<i>Vermivora peregrina</i>	Non-breeding
Orange-crowned Warbler	<i>Vermivora celata</i>	Non-breeding
Nashville Warbler	<i>Vermivora ruficapilla</i>	Non-breeding
Yellow Warbler	<i>Dendroica petechia</i>	Confirmed
Chestnut-sided Warbler	<i>Dendroica pensylvanica</i>	Possible
Magnolia Warbler	<i>Dendroica magnolia</i>	Non-breeding
Yellow-rumped Warbler	<i>Dendroica coronata</i>	Non-breeding
Black-throated Green Warbler	<i>Dendroica virens</i>	Non-breeding
Blackburnian Warbler	<i>Dendroica fusca</i>	Non-breeding
Pine Warbler	<i>Dendroica pinus</i>	Non-breeding
Palm Warbler	<i>Dendroica palmarum</i>	Non-breeding
Black-and-white Warbler	<i>Mniotilta varia</i>	Non-breeding
American Redstart	<i>Setophaga ruticilla</i>	Probable
Ovenbird	<i>Seiurus aurocapillus</i>	Probable
Northern Waterthrush	<i>Seiurus noveboracensis</i>	Non-breeding
Connecticut Warbler	<i>Oporornis agilis</i>	Non-breeding
Common Yellowthroat	<i>Geothlypis trichas</i>	Confirmed
Wilson's Warbler	<i>Wilsonia pusilla</i>	Non-breeding
Scarlet Tanager	<i>Piranga olivacea</i>	Probable
Chipping Sparrow	<i>Spizella passerina</i>	Confirmed
Clay-colored Sparrow	<i>Spizella pallida</i>	Confirmed
Field Sparrow	<i>Spizella pusilla</i>	Confirmed
Vesper Sparrow	<i>Pooecetes gramineus</i>	Confirmed
Savanna Sparrow	<i>Passerculus sandwichensis</i>	Confirmed

Table E1. Continued

Common Name	Scientific Name	Percent Occurrence
Grasshopper Sparrow	<i>Ammodramus savannarum</i>	Confirmed
Nelson's Sharp-tailed Sparrow ¹	<i>Ammodramus caudacutus</i>	Non-breeding
Song Sparrow	<i>Melospiza melodia</i>	Confirmed
Lincoln's Sparrow	<i>Melospiza lincolnii</i>	Non-breeding
Swamp Sparrow	<i>Melospiza georgiana</i>	Confirmed
White-throated Sparrow	<i>Zonotrichia albicollis</i>	Non-breeding
Harris' Sparrow	<i>Zonotrichia querula</i>	Non-breeding
White-crowned Sparrow	<i>Zonotrichia leucophrys</i>	Non-breeding
Northern Cardinal	<i>Cardinalis cardinalis</i>	Confirmed
Rose-breasted Grosbeak	<i>Pheucticus ludovicianus</i>	Confirmed
Indigo Bunting	<i>Passerina cyanea</i>	Confirmed
Dickcissel	<i>Spiza americana</i>	Confirmed
Bobolink	<i>Dolichonyx oryzivorus</i>	Confirmed
Red-winged Blackbird	<i>Agelaius phoeniceus</i>	Confirmed
Eastern Meadowlark	<i>Sturnella magna</i>	Probable
Yellow-headed Blackbird	<i>Xanthocephalus xanthocephalus</i>	Confirmed
Brewer's Blackbird	<i>Euphagus cyanocephalus</i>	Non-breeding
Common Grackle	<i>Quiscalus quiscula</i>	Confirmed
Brown-headed Cowbird	<i>Molothrus ater</i>	Confirmed
Orchard Oriole	<i>Icterus spurius</i>	Non-breeding
Baltimore Oriole	<i>Icterus galbula</i>	Confirmed
House Finch	<i>Carpodacus mexicanus</i>	Confirmed
American Goldfinch	<i>Carduelis tristis</i>	Confirmed
House Sparrow	<i>Passer domesticus</i>	Confirmed

¹ Minnesota Special Concern Status

² Federally Threatened

C. Species non-breeding because SMSC lacks suitable breeding habitat

E. These species have never been observed on SMSC lands but the literature indicates that they should occur

12.12. **SMSC Wildlife: Mammals**

Mammal, reptile, and amphibian status

- *Possible* indicates that the species may be present on based on published ranges.
- *Confirmed* indicates that the species has been directly observed.

Wildlife observed on the subject parcel are highlighted in gray.

Common Name	Scientific Name	Status
Virginia Opossum	<i>Didelphis virginiana</i>	Confirmed
Northern Short-tailed Shrew	<i>Blarina brevicauda</i>	Confirmed
Masked Shrew	<i>Sorex cinereus</i>	Confirmed
Pygmy Shrew	<i>Microsorex hoyi</i>	Possible
Star-nosed Mole	<i>Condylura cristata</i>	Possible
Eastern Mole	<i>Scalopus aquaticus</i>	Possible
Big Brown Bat	<i>Eptesicus fuscus</i>	Possible
Silver-haired Bat	<i>Lasionycteris noctivagans</i>	Possible
Red Bat	<i>Lasiurus borealis</i>	Possible
Hoary Bat	<i>Lasiurus cinereus</i>	Possible
Little Brown Bat	<i>Myotis lucifugus</i>	Possible
Eastern Pipistrelle ¹	<i>Pipistrellus subflavus</i>	Possible
Coyote	<i>Canis latrans</i>	Confirmed
Gray Fox	<i>Urocyon cinereoargenteus</i>	Possible
Red Fox	<i>Vulpes vulpes</i>	Confirmed
Common Raccoon	<i>Procyon lotor</i>	Confirmed
Northern River Otter	<i>Lontra canadensis</i>	Confirmed
Ermine	<i>Mustela erminea</i>	Possible
Long-tailed Weasel	<i>Mustela frenata</i>	Possible
Least Weasel ¹	<i>Mustela nivalis</i>	Confirmed
American Mink	<i>Mustela vison</i>	Confirmed
American Badger	<i>Taxidea taxus</i>	Confirmed
Striped Skunk	<i>Mephitis mephitis</i>	Confirmed
Southern Flying Squirrel	<i>Glaucomys volans</i>	Possible
Woodchuck	<i>Marmota monax</i>	Confirmed
Eastern Gray Squirrel	<i>Sciurus carolinensis</i>	Confirmed
Eastern Fox Squirrel	<i>Sciurus niger</i>	Possible
Franklin's Ground Squirrel	<i>Spermophilus franklinii</i>	Possible
Thirteen-lined Ground Squirrel	<i>Spermophilus tridecemlineatus</i>	Confirmed
Eastern Chipmunk	<i>Tamias striatus</i>	Confirmed
Red Squirrel	<i>Tamiasciurus hudsonicus</i>	Confirmed
Plains Pocket Gopher	<i>Geomys bursarius</i>	Possible
American Beaver	<i>Castor canadensis</i>	Confirmed
Plains Pocket Mouse ¹	<i>Perognathus flavescens</i>	Possible
Southern Red-backed Vole	<i>Clethrionomys gapperi</i>	Possible
Prairie Vole ¹	<i>Microtus orchrogaster</i>	Possible
Meadow Vole	<i>Microtus pennsylvanicus</i>	Confirmed
House Mouse	<i>Mus musculus</i>	Confirmed

Common Name	Scientific Name	Status
Muskrat	<i>Ondatra zibethicus</i>	Confirmed
White-footed Mouse	<i>Peromyscus leucopus</i>	Confirmed
Deer Mouse	<i>Peromyscus maniculatus gracilis</i>	Possible
Norway Rat	<i>Rattus norvegicus</i>	Confirmed
Western Harvest Mouse	<i>Reithrodontomys megalotis</i>	Possible
Southern Bog Lemming	<i>Synaptomys cooperi</i>	Possible
Meadow Jumping Mouse	<i>Zapus hudsonicus</i>	Confirmed
White-tailed Deer	<i>Odocoileus virginianus</i>	Confirmed
White-tailed Jackrabbit	<i>Lepus townsendii</i>	Confirmed
Eastern Cottontail	<i>Sylvilagus floridanus</i>	Confirmed

¹ Minnesota Special Concern

12.13. SMSC Wildlife: Amphibians

Mammal, reptile, and amphibian status

- *Possible* indicates that the species may be present on based on published ranges.
- *Confirmed* indicates that the species has been directly observed.

Wildlife observed on the subject parcel are highlighted in gray.

Common Name	Scientific Name	Status
Blue-Spotted Salamander	<i>Ambystoma laterale</i>	Possible
Tiger Salamander	<i>Ambystoma tigrinum</i>	Confirmed
Eastern Newt	<i>Notophthalmus viridescens</i>	Possible
Mudpuppy	<i>Necturus maculosus</i>	Possible
Eastern Newt	<i>Notophthalmus viridescens</i>	Possible
American Toad	<i>Bufo americanus</i>	Confirmed
Cope's Gray Tree Frog	<i>Hyla chrysoscelis</i>	Possible ¹
Gray Tree Frog	<i>Hyla versicolor</i>	Confirmed ¹
Spring Peeper	<i>Pseudacris crucifer</i>	Confirmed
Western Chorus Frog	<i>Pseudacris triseriata</i>	Confirmed
Bullfrog	<i>Rana catesbeiana</i>	Possible
Green Frog	<i>Rana clamitans</i>	Possible
Northern Leopard Frog	<i>Rana pipiens</i>	Confirmed
Wood Frog	<i>Rana sylvatica</i>	Confirmed

¹ Both of the tree frog species may be present on, or near, SMSC lands but we believe that Gray Tree Frog is the species observed during surveys. Identification is difficult because we do not have the opportunity to observe the species together.

12.14. **SMSC Wildlife: Reptiles**

Mammal, reptile, and amphibian status

- *Possible* indicates that the species may be present on based on published ranges.
- *Confirmed* indicates that the species has been directly observed.

Wildlife observed on the subject parcel are highlighted in gray.

Common Name	Scientific Name	Status
Snapping Turtle ¹	<i>Chelydra serpentina</i>	Confirmed
Painted Turtle	<i>Chrysemys picta</i>	Confirmed
Blanding's Turtle ²	<i>Emydoidea blandingii</i>	Possible
Spiny Softshell	<i>Apalone spinifera</i>	Possible
Prairie Skink	<i>Eumeces septentrionalis</i>	Possible
Racer ¹	<i>Coluber constrictor</i>	Possible
Fox Snake	<i>Elaphe vulpina</i>	Possible
Western Hognose Snake ¹	<i>Heterodon nasicus</i>	Possible
Eastern Hognose Snake	<i>Heterodon platirhinos</i>	Possible
Milk Snake	<i>Lampropeltis triangulum</i>	Possible
Northern Water Snake	<i>Nerodia sipedon</i>	Possible
Smooth Green Snake	<i>Opheodrys vernalis</i>	Confirmed
Gopher Snake ¹	<i>Pituophis catenifer</i>	Possible
Brown Snake	<i>Storeria dekayi</i>	Possible
Redbelly Snake	<i>Storeria occipitomaculata</i>	Confirmed
Plains Garter Snake	<i>Thamnophis radix</i>	Probable
Common Garter Snake	<i>Thamnophis sirtalis</i>	Confirmed

¹ Minnesota Special Concern

² Minnesota Threatened

12.15. SMSC Flora on subject parcel

+ Non-native plant

Scientific name	Common name	Scientific name	Common name
<i>Acer negundo</i>	Box elder	<i>Juncus nodosus</i>	Knotty rush
<i>Acer saccharinum</i>	Silver maple	<i>Juncus tenuis</i>	Path rush
<i>Achillea millefolium</i>	Yarrow	<i>Juniperus virginiana</i>	Red Cedar
<i>Acopynum androsaemifolium</i>	Spreading dogbane	<i>Lactuca serriola</i> +	Prickly lettuce
<i>Actea rubra</i>	Red baneberry	<i>Laportea canadensis</i>	Wood nettle
<i>Alisma subcordatum</i>	Water plantain	<i>Leersia oryzoides</i>	Rice cut grass
<i>Ambrosia artemisiifolia</i>	Common ragweed	<i>Lemma sp.</i>	Duckweed
<i>Ambrosia tridentata</i>	Giant ragweed	<i>Lepidium campestre</i>	Field peppergrass
<i>Amelanchier sp.</i>	Juneberry	<i>Lobelia cardinalis</i>	Cardinal flower
<i>Amphicarpaea bracteata</i>	Hog peanut	<i>Lonicera sp.</i> +	Honeysuckle
<i>Arctium minus</i> +	Common burdock	<i>Lotus corniculatus</i>	Bird's foot trefoil
<i>Asclepias incarnata</i>	Swamp milkweed	<i>Lycopus americana</i>	Cut-leaf bungleweed
<i>Asclepias syriaca</i>	Common milkweed	<i>Lysimachia thyrsoflora</i>	Tufted loosestrife
<i>Aster sp.</i>	Little white aster	<i>Medicago lupine</i> +	Black medick
<i>Berteroa incana</i> +	Hoary alyssum	<i>Medicago sativa</i> +	Alfalfa
<i>Bromus inermis</i>	Smooth brome	<i>Melilotus alba</i> +	White sweet clover
<i>Bromus tectorum</i> +	Cheatgrass	<i>Melilotus offinalis</i> +	Yellow sweet clover
<i>Calamagrostis canadensis</i>	Canada bluejoint	<i>Menispermum canadense</i>	Canada moonseed
<i>Carex vulpinoidea</i>	Fox segde	<i>Morus rubra</i>	Red mulberry
<i>Cerastium vulgatum</i> +	Mouse-ear chickweed	<i>Nepeta cataria</i> +	Catnip
<i>Chenopodium album</i> +	White lamb's quarters	<i>Osmorhiza claytonii</i>	Sweet cicely
<i>Chrysanthemum leucanthemum</i> +	Ox-eye daisy	<i>Parthenocissus sp.</i>	Virginia creeper
<i>Circaea lutetiana</i>	Enchanter's nightshade	<i>Phalaris arundinacea</i> +	Reed canary grass
<i>Cirsium arvense</i> +	Canada thistle	<i>Phleum pretense</i> +	Timothy grass
<i>Cirsium vulgare</i> +	Bull thistle	<i>Phragmites australis</i>	Common reed grass
<i>Clematis virginiana</i>	Virgin's bower	<i>Pilea pumila</i>	Clearweed
<i>Conyza canadensis</i>	Horseweed	<i>Plantago major</i>	Common plantain
<i>Cornus ammomum</i>	Gray dogwood	<i>Poa pretense</i> +	Kentucky bluegrass
<i>Cornus sericea</i>	Red willow	<i>Polygonatum biflorum</i>	Smooth Solomon's seal
<i>Cryptotaenia canadensis</i>	Honewort	<i>Polygonum amphibium</i>	Water smartweed
<i>Dalea purpurea</i>	Purple prairie clover	<i>Populus deltoides</i>	Cottonwood
<i>Echinochloa sp.</i>	Barnyard grass	<i>Populus tremloides</i>	Quaking aspen
<i>Elyocharis sp.</i>	Spikerush	<i>Potentilla norvegica</i>	Rough cinquefoil
<i>Equisetum sp.</i>	Scouring rush	<i>Prunus americana</i>	Wild plum
<i>Erigeron philadelphicus</i>	Philadelphia fleabane	<i>Prunus virginiana</i>	Chokecherry
<i>Erigeron strigosus</i>	Daisy fleabane	<i>Ranunculus abortivus</i>	Aborted buttercup
<i>Eupatorium perfoliatum</i>	Boneset	<i>Ranunculus sceleratus</i>	Cursed crowfoot
<i>Eupatorium maculatum</i>	Spotted joe-pye weed	<i>Rhamnus cathartica</i> +	Common buckthorn
<i>Fraxinum pennsylvanica</i>	Green ash	<i>Rhus glabra</i>	Smooth sumac
<i>Gallium sp.</i>	Bedstraw	<i>Rhus hirta</i>	Staghorn sumac
<i>Geum canadense</i>	White avens	<i>Ribes cynobasti</i>	Prickly gooseberry
<i>Glyceria striate</i>	Fowl manna grass	<i>Ribes triste</i>	Red swamp currant
<i>Hordeum jubatum</i>	Squirreltail grass	<i>Rubus occidentalis</i>	Black raspberry
<i>Humulus lupulus</i>	Common hop	<i>Rubus strigosus</i>	Red raspberry
<i>Impatiens campestris</i>	Jewelweed	<i>Rudbeckia hirta</i>	Black-eyed susan

Scientific name	Common name
<i>Rudbeckia subtomentosa</i>	Sweet-eyed susan
<i>Rumex crispus</i> +	Curly dock
<i>Sagittaria sp.</i>	Common arrowhead
<i>Salix amygdaloides</i>	Peach-leaved willow
<i>Salix exigua</i>	Sandbar willow
<i>Salix serissima</i>	Autumn willow
<i>Sambucus canadensis</i>	Common elder
<i>Sambucus racemosa</i>	Red-berried elder
<i>Sanicula marilandica</i>	Black snakeroot
<i>Scirpus atrovirens</i>	Dark green bulrush
<i>Scirpus fluviatilis</i>	River bulrush
<i>Scirpus validus</i>	Soft-stem bulrush
<i>Silphium laciniatum</i>	Compass plant
<i>Silphium perfoliatum</i>	Cup plant
<i>Smilax herbacea</i>	Smooth carrion flower
<i>Solidago canadensis</i>	Canada goldenrod
<i>Sonchus oleraceus</i> +	Common sow thistle
<i>Symphytum officinale</i> +	Comfrey
<i>Taraxacum officinale</i> +	Dandelion
<i>Teucrium canadense</i>	Germander
<i>Toxicodendron radicans</i>	Poison ivy
<i>Trifolium pratense</i> +	Red clover
<i>Trifolium repens</i> +	White clover
<i>Typha sp</i>	Cattail
<i>Ulmus americana</i>	American elm
<i>Ulmus pumila</i> +	Siberian elm
<i>Ulmus rubra</i>	Slippery elm
<i>Urtica dioica</i>	Stinging nettle
<i>Verbascum thapsus</i> +	Woolly mullein
<i>Vicia sp.</i> +	Vetch
<i>Viola sp.</i>	Violet
<i>Vitis riparia</i>	Wild grape
<i>Xanthoxylum americanum</i>	Prickly ash
<i>Zizia aurea</i>	Golden Alexander's

No threatened, endangered or special concern species.

Source: SMSC Land Department unpublished floral survey data.