

## COMPATIBILITY DETERMINATION

**Use:** Grant Permanent ROW to City of Chaska, Minnesota, for Purpose of Flood Protection Levee.

**Refuge Name:** Minnesota Valley National Wildlife Refuge Complex.

**Establishing and Acquisition Authority:**

Refuge - Date Established: October 8, 1976, Public Law 94-466.

**Refuge Purpose(s):**

Refuge - The Secretary shall develop and administer ... the refuge, in accordance with the National Wildlife Refuge System Act ... The Secretary may also exercise any other authority available to him for the conservation and management of wildlife and natural resources, the development of wildlife-dependent recreational opportunities, wildlife interpretation, and environmental education, to the extent deemed by him to be appropriate ... The Secretary shall construct, administer and maintain, ... a wildlife interpretation and education center ... to promote environmental education and to provide an opportunity for the study and enjoyment of wildlife in its natural habitat.

**National Wildlife Refuge System Mission:**

The Mission of the National Wildlife Refuge System is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.

**Description of Use:**

The City of Chaska, Minnesota, (City) is requesting a permanent Right-of-Way for the purpose of flood protection (Figures 1 & 2).

The City owns parkland immediately adjacent to the Chaska Unit of the Minnesota Valley National Wildlife Refuge (Refuge). Chaska Athletic Park (Park), a facility of historic significance, is the primary use of this parkland. A Refuge recreational trail and service road enters the Refuge from the parking lot of the Athletic Park. Floods of increasing frequency, depth, and duration are causing significant damage to the City's public use infrastructure at this Park. The City has proposed to provide a moderate level of flood proofing for the Park in the form of an earthen levee with a top elevation of 719.0 msl. The intent of the flood proofing is as follows:

1. Lessen or eliminate restoration efforts and costs associated with each flood event, especially to the ballfield turf.
2. Protect the playability of the field.

The City's least environmentally damaging alternative to accomplish this flood proofing project requires that the City place a small portion of the earthen levee on Service fee-title property within the Chaska Unit of the Refuge. The levee will occupy 0.27 ac. of Service property. The Refuge's recreational trail/service road enters the Refuge at the location where the levee would be placed. The flood proofing project has been modified to provide vehicle and pedestrian access to the Refuge across the levee via an all-weather ramp.

Constructing the levee is not a high priority Refuge public use.

#### **Availability of Resources:**

The Service will incur minimal expense to grant and administer this ROW permit. The Refuge will spend about 5 staff days to prepare supporting information and issue the ROW permit. All construction and maintenance costs will be borne by the City. The annual administrative cost of monitoring the City's use of the ROW will be minimal because Refuge staff use the service road frequently throughout the year in the course of normal Refuge operations. Therefore, no special monitoring activity will be required.

#### **Anticipated Impacts on Refuge Purpose(s):**

The impacts to Refuge habitats with this use will be minimal. The Chaska Unit supports about 585 ac. of wet meadow, floodplain forest, and floodplain wetland habitats. Parts of the City's parklands also support 10 ac. of meadows, forest, and wetland habitats adjacent to the Unit.

The total area to be included in the ROW is 0.27 ac. (11,924 sq. ft.). Thirty percent (0.08 ac.) of the proposed ROW area is occupied by the recreational trail/service road. Fifteen percent (0.04 ac.) supports mature bottomland forest wetland. Fifty-five percent (0.15 ac.) supports a wet meadow habitat dominated by reed canary grass.

Following project completion, the amount of land within the ROW dedicated to recreational trail/service road will remain about the same. The areas formerly supporting forest and wet meadow will be managed as turf on the levee foreslope. These direct habitat conversions will be permanent. We anticipate no indirect habitat conversions as a result of this project. The 0.19 ac. of habitat conversion are of such minor significance that we do not believe it represents a significant increase in cumulative impacts to Refuge habitats. Mitigation under other permitting authorities (e.g., Clean Water Act, Wetland Conservation Act) for lost forest and wet meadow habitat values for the entire project will be located on the river floodplain downstream from the Chaska Unit.

There are no Federally listed, or proposed to be listed, Threatened or Endangered Species in the project vicinity. There will be little or no direct wildlife mortality because the construction activities will occur outside the nesting season. Based upon SHPO/RHPO consultation, there are no cultural resources within the project limits.

Changes to flood elevations and the circulation of flood water in the floodplain will be minimal. The 10.7 ac. of lands to be protected by the project are in the floodway fringe and currently flood with a “10 year event.” This means that there is a 10 percent chance of being flooded in any given year. Flood levee restrictions limit the flood proofing project to an elevation of 719.0 msl. This compares to a “100-year” flood elevation of 722.94 msl and a “50-year” (2 percent chance) flood elevation of 720.53 msl. The proposed project will provide protection for low magnitude flood events and will not provide protection for larger magnitude events where floodplain capacity is most needed.

Priority public uses of the Refuge such as wildlife observation, photography, environmental education, and interpretation will not be adversely affected by this project. The flood protection levee will include an all-weather pedestrian trail that will be connected to existing City trails. The levee trail will be directly connected to the existing Refuge trail on the Unit, too. The City also will construct a new Refuge information kiosk at a highly visible trail junction near the Park entrance and has identified dedicated locations for Refuge signage. All of these changes are expected to enhance the visibility and accessibility of this Refuge Unit, thereby enhancing wildlife dependent recreational opportunities.

The City’s project to protect the Athletic Park will not adversely affect the Service’s ability to manage the Chaska Unit because the levee has been designed to enable vehicles and heavy equipment to easily pass across the levee and onto the existing Refuge service road.

**Public Review and Comment:**

A draft of this Compatibility Determination and supporting documents were presented for public review and comment from October 1 – 14, 2012. The Service published notice of the draft in local newspapers, on Service websites, and distributed it to interested parties via e-mail.

(Summary of comments to be included following close of comment period)

**Determination:**

Use is Not Compatible

Use is Compatible With Following Stipulations

**Stipulations Necessary to Ensure Compatibility:**

1. The project complies with other Federal, state, and local permitting requirements and regulations relating to environmental and cultural resource protection.
2. The clearing of mature floodplain forest on Refuge land is limited to within 20 ft. of the finished levee footprint.





PRELIMINARY BERM LAYOUT

CHASKA, MINNESOTA  
ATHLETIC PARK FLOOD PROTECTION

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DATE: NOVEMBER 2011    COMM: 92-11-236

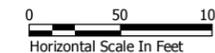
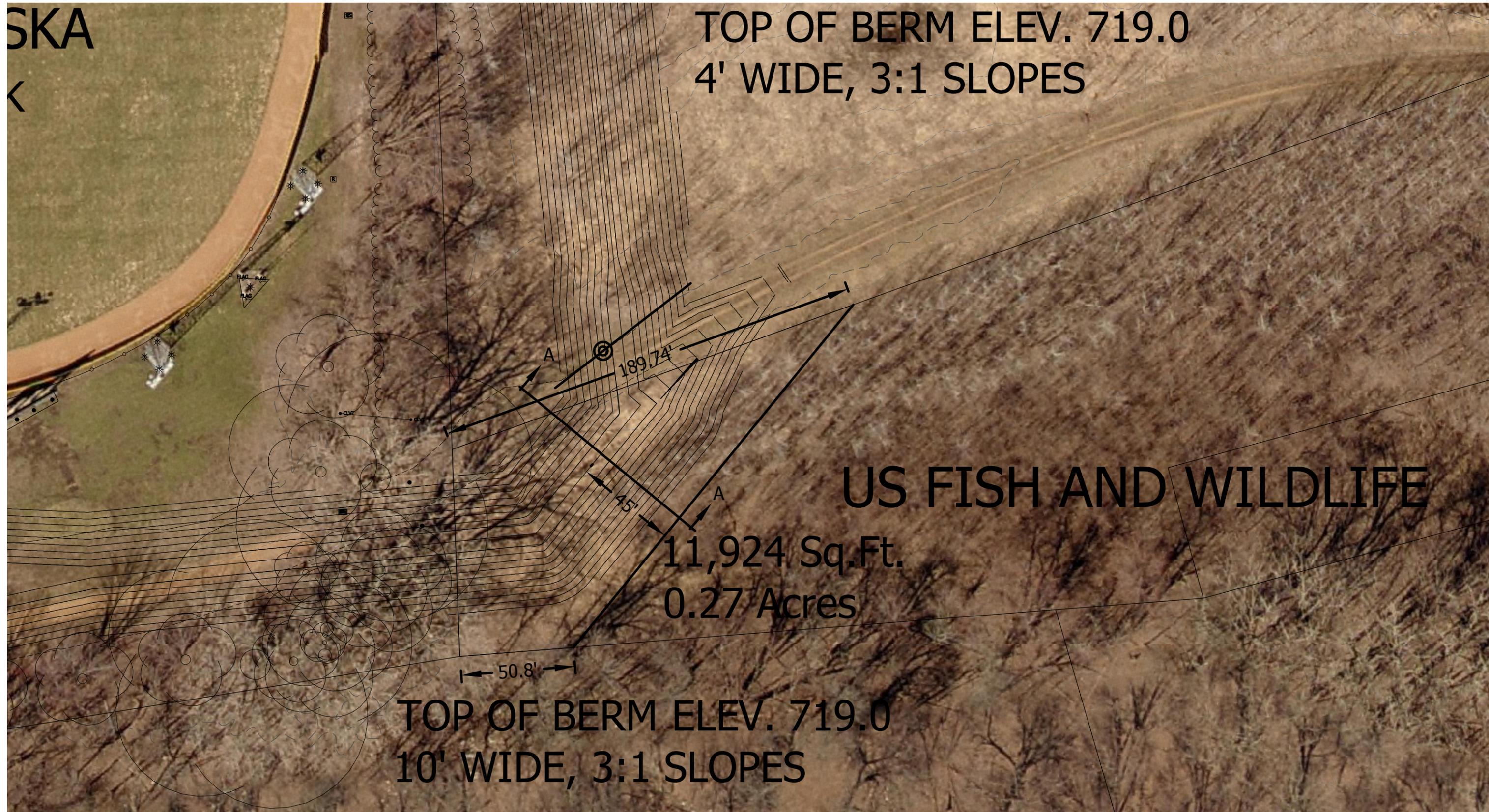


FIGURE No.1



SKA  
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TOP OF BERM ELEV. 719.0  
4' WIDE, 3:1 SLOPES



US FISH AND WILDRLIFE

11,924 Sq.Ft.  
0.27 Acres

TOP OF BERM ELEV. 719.0  
10' WIDE, 3:1 SLOPES

PRELIMINARY BERM LAYOUT - US FISH AND WILDLIFE EASEMENT

CHASKA, MINNESOTA  
ATHLETIC PARK FLOOD PROTECTION

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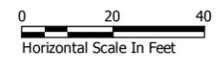


FIGURE No.2