Appendix E

MNDNR Correspondence

Minnesota Department of Natural Resources

500 Lafayette Road
St. Paul, Minnesota 55155-4010

July 25, 2002

Anthony Hughes, P.E.
MnDOT District 3
1991 Industrial Park Road
Baxter, MN 56425

RE: Natural Resources and Recreational Resources Questionnaire for Reconstruction of TH 371 between Nisswa and Pine River, Crow Wing and Cass Counties, (S.P.1116-22)

Dear Mr. Hughes:

The Minnesota Department of Natural Resources (DNR) has completed our review of the Natural and Recreational Resources Questionnaire for the above-referenced project. This will be a challenging project with numerous natural resource issues. We offer the following preliminary comments for your consideration.

First and perhaps foremost of our concerns are the potential cumulative impacts of this four lane expansion when combined with the four lane expansion from Little Falls to Baxter. In particular, we feel that this highway expansion will facilitate additional lakeshore development pressure another 30 miles farther northward, with all the attendant adverse natural resource impacts that inevitably seem to follow. We will want to see a through discussion of cumulative impacts in the EIS. I am enclosing a draft document prepared by Regional Assessment Ecologist Mike North for other parts of the TH 371 four-lane expansion (south of Baxter) that may be useful in this regard. The EIS should also address where frontage roads will be needed and what their cumulative impacts will be.

Another significant area of concern is the potential for impacts to the Paul Bunyan Trail. Key issues are summarized below:

1) The Paul Bunyan Trail right-of-way within the project area varies from 100 to 250 feet wide. This width provides opportunities to buffer the trail from adjacent uses. Loss of any of this width will need to be compensated in some way. If the trail is relocated to accommodate the highway improvements, then the new right-of-way needs to be at least 100 feet wide.

2) For any trail relocations or for segments where the Paul Bunyan Trail and the road project share rights-of-way, the ditch sections need to be designed to accommodate snowmobile traffic. This would help encourage snowmobiles to use the road ditches, thereby protecting the paved trail surface of the Paul Bunyan Trail from snowmobile studs.

3) The abandoned railroad grade occupied by the Paul Bunyan Trail provides superior surface drainage characteristics. If the Paul Bunyan Trail is relocated to accommodate the road improvements, then the new trail design should replicate the superior drainage characteristics of the abandoned railroad grade

4) For safety reasons, we have an interest in limiting the number of crossings of the Paul Bunyan Trail, similar to your interest in controlling access to the trunk highway. If the Trail is relocated to accommodate road improvements, then DNR Trails and Waterways will need to reserve the right to approve any new crossings of the trail. Further, any future potential crossings of the trail should be identified in advance, and platted for consolidated access to any future developments that would require a trail crossing. In effect, this might result in backage roads on one or both sides of the trail that would accommodate any subsequent development.

5) The introduction of a four-lane highway will significantly exacerbate pedestrian access barriers in the TH 371 'trail towns' and at key trail traffic junctions. Grade separated pedestrian and snowmobile crossings need to be constructed to compensate for the harm that the additional lanes will cause to pedestrian circulation, and to separate the transportation modes for safety. Example sites include:

a) access from west Nisswa lakes (Nisswa, Roy, Edna Lakes) into downtown Nisswa.
b) downtown Pequot Lakes
c) Crow Wing Co. Hwy. 16, Paul Bunyan Scenic Byway connection
c) downtown Jenkins
e) downtown Pine River

6) Any existing Trail bridges that are impacted by the highway project will need to be replaced. There is a trail bridge over Highway 371 north of Pequot Lakes, and there are two bridges over the Pine River.

7) The Paul Bunyan Trail is currently buffered from highway traffic between East Twin and West Twin Lakes by a woodlot. This will be a tight location for highway expansion without impacts to the trail, the lakes, and local residences. Highway design will need to consider options that minimize impacts to these resources.

8)The Paul Bunyan State Trail right-of-way preserves remnants of the native Minnesota landscape. If the Trail right-of-way is disturbed through any road improvements, then the plant community impacts will need to be documented and either avoided or appropriately mitigated. Native plant communities are documented in a survey conducted by a consultant last year. We will forward this information to you at a later date.

9) If the Trail needs to be relocated, you will need to consider that the relocation needs to comply with the Wetland Conservation Act process. Ideally, the Trail would follow natural edges between fields and forests, while skirting wetlands or crossing wetlands on bridges. The relocation of the Trail needs to balance the users experience (safety, convenience and aesthetics) with avoiding wetland impacts and forest clearing and fragmentation.

Other natural resource concern include:

1) Potential disturbance to bald eagle nesting at Nisswa Lake --- There is an active nest just off the highway ROW in a large white pine. The nest tree will need to be avoided and construction-timing restrictions employed to avoid disturbing the nest. The critical nesting period for eagles occurs between March 15 and May 15. During this time disturbance around nests should be avoided, as eagles are involved with courtship, egg-laying, and incubation.
2) River crossing into Nisswa Lake --- This is a very high value wetland area that should be bridged rather than filled and culverted. This project should look comprehensively at retrofitting the existing crossing with a longer bridge as well, and incorporating some ecological restoration into the project. This would have to be weighed against additional disturbance to the bald eagle nest, but could potentially provide an overall benefit to eagle habitat.

3) Crossings of Pine River. --- We strongly prefer the use of bridges rather than culverts for reasons of fish and wildlife movement, overall ecological connectivity and hydrologic integrity, and provision for canoe and boat passage. Also, we should point out that the Pine River has not yet been surveyed as a part of the DNR's mussel project, so it unknown at this time whether mussel resources exist in this area. You may wish to undertake such a survey at this time to avoid any last minute surprises.

4) Twin Lakes/Lower Cullen Lake segment --- There are several tight points between these lakes through which the Paul Bunyan Trail also passes. These will be particular problem areas that need special attention. Fill below the OHW of the lakes must be avoided. It may require a substantial reroute of the Trail, or bridge crossings/overpasses in these areas. Also, we suggest that the undeveloped lakeshore on the east side of West Twin Lake be preserved by acquisition or easement as mitigation for the additional noise impacts to West Twin Lake. Such habitat preservation would serve as a natural noise barrier, and would help prevent some cumulative impacts to the lake.

5) Water Quality/Storm water Management --- Because of the numerous high quality lakes and other water features in the project area, exceptional measures should be taken to control erosion and sedimentation during construction. Also, since the project will add a significant amount of new impervious surface, a permanent storm water management system that will treat, retain and infiltrate roadway runoff will need to be incorporated, in order to avoid longer-term degradation of water quality.

Lastly, I am enclosing a summary memorandum and database printouts from the Minnesota Natural Heritage database review. Based on this review, there are 28 known occurrences of rare species or natural communities within a one-mile radius of the project area. Please refer to the enclosed materials for additional details and precautionary measures that should be taken to protect these features.

Thank you for providing the opportunity for early coordination on this project. We look forward to continuing to participate in the EIS development process through our involvement on the Technical Advisory Committee. If you have questions regarding this letter, please e-mail me at kate.drewry@dnr.state.mn.us or call at 651.772 .7946.

Sincerely,

Kate Drewry
Interregional Corridors Transportation Team
Office of Management and Budget Services

C: Mike North and Mike Martinez, Brainerd Office File # 20021064

Attachments

From: Sarah Hoffmann
To: KADREWRY
Date: 6/6/02 3:29PM
Subject: ER Review(TH 371 (S.P. 1116-22))

The comments for the document have been entered. The comments are ready for viewing.

Project Name: TH 371 (S.P. 1116-22)
Project No: 20021064
Project Type: Transportation
Document No: 0001
Document Type: MNDOT Questionnaire
The Comments are:

28 EOs, MCBS is complete for Cass County and in progress for Crow Wing County

The Minnesota Natural Heritage database has been reviewed to determine if any rare plant or animal species or other significant natural features are known to occur within an approximate one-mile radius of the TH 371 (S.P. 1116-22) project area. Based on this review, there are 28 known occurrences of rare species or natural communities in the area searched (for details, see attached database printouts). Following are specific comments for only those elements that may be impacted by the proposed project. Rare feature occurrences not listed below are not anticipated to be affected by the proposed project.

Blanding's Turtles (Emydoidea blandingii), a state-listed threatened species, have been reported crossing and in close proximity to TH 371. Blanding's Turtles spend much of their time in shallow wetlands (1-3 feet deep), but they nest in open, sandy uplands up to 1 mile from wetlands. Nesting is in June and eggs hatch in September, at which time young turtles enter deep wetlands where they over-winter in soft sediments. Factors believed to contribute to the decline of this species include wetland drainage and degradation, development on upland nesting areas, and possibly collection for the pet trade. In addition, because of the tendency for Blanding's Turtles to travel long distances over land, they are often forced to cross roads in developed areas. Many of the records we have of Blanding's Turtles are from turtles killed crossing roads.

For your information, I have attached a fact sheet and a flyer about the Blanding's Turtle. The fact sheet is intended to provide you with background information regarding habitat use, life history, and reasons for the species' decline, as well as recommendations for avoiding and minimizing impacts to this rare turtle. As you will note, there are two lists of recommendations. The first list contains recommendations to prevent harm to turtles during construction work, and is relative to all areas inhabited by Blanding's Turtles. Please refer to this first list of recommendations for your project. Of particular relevance is the information regarding road design and appropriate construction times. The second column expands on the first column, and contains greater protective measures to be considered for areas known to be of state-wide importance to Blanding's Turtles, or any area where greater protection for turtles is desired. Your project area is not within one of these priority areas. The flyer, which should be given to all contractors

working in the area, contains an illustration and description of the Blanding's Turtle, as well as a summary of the recommendations provided in the fact sheet.

A Bald Eagle (Haliaeetus leucocephalus) nesting site is located just west of TH 371 at Nisswa Lake in T135N R29W Section 11. The critical nesting period for eagles occurs between March 15 and May 15. During this time disturbance around nests should be avoided as eagles are involved with courtship, egg-laying, and incubation. If construction is planned during the time, please contact Regional Nongame Specialist, Pam Perry, at (218) 828-2228 for the most current information regarding this pair of eagles and any concerns she may have regarding the nests proximity to the project.

A Red Pine forest stand that has been designated as 'old growth'is located west of TH 371 in the NW 1/4 Section 8 T137N R29W . It appears that there is an old railroad grade that separates the road from this forest stand, in which case impacts aren't anticipated. However, if the railroad property is to be aquired for additional right-of-way, impacts to the old growth stand should be avoided.

The Minnesota Department of Natural Resources has initiated a statewide mussel survey in response to a nation-wide decline in freshwater mussels. The primary reason behind the decline is the degradation of our lakes and rivers as a result of runoff and physical changes such as damming, channelization, and dredging. In Minnesota, 25 of our 48 native mussel species are listed as either endangered, threatened, or of special concern. The Pine River has not yet been surveyed as a part of the mussel project, so it unknown at this time whether the project could impact mussel resources in the river. Please contact us again when details are available about what activities, if any, will be occuring at the river crossings.

Please note that the enclosed results of the database search are provided in two formats: index and full record. To control the release of locational information which might result in the damage or destruction of a rare element, both printout formats are copyrighted. The full-record printout includes more detailed locational information, and may not be reproduced without authorization from the DNR.

Thank you.