

Minnesota Department of Transportation

TH 75 Highway Realignment

Findings of Fact and Conclusions

October 2014

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Administrative Background

The Minnesota Department of Transportation (MnDOT) proposes reconstructing 1.8 miles of Trunk Highway (TH) 75 on new alignment. The project includes two new bridges, a bridge over the BNSF railroad and a bridge over Whiskey Creek. The project is located in and around Kent, Wilkin County, Minnesota (see [Figure 1](#)).

MnDOT is the project proposer and Responsible Governmental Unit (RGU) for this project. An Environmental Assessment Worksheet (EAW) has been prepared for this project in accordance with Minnesota Rules Chapter 4410. The EAW was developed to assess the impacts of the project and other circumstances in order to determine if an Environmental Impact Statement (EIS) is indicated.

The EAW was filed with the Minnesota Environmental Quality Board (EQB) and circulated for review and comment to the required EAW distribution list. A Notice of Availability was published in the *EQB Monitor* on September 15, 2014. A notice was also sent to local media in the Breckenridge-Moorhead area. This notice included a description of the project, information on where copies of the EAW were available, and invited the public to provide comments that would be used in determining the need for an EIS on the proposed project. The EAW was made available for public review online at

<http://www.dot.state.mn.us/d4/projects/hwy75kent/> and in hard copy at the following locations:

- Fergus Falls Public Library, 205 E Hampden Avenue, Fergus Falls, MN 56537
- Breckenridge Public Library, 205 7th Street N, Breckenridge, MN 56520

The EAW comment period was from September 15, 2014 through October 15, 2014. One written comment was received during the comment period from the MPCA. This comment and the associated response are included in [Appendix A](#).

Based upon the information in the record, which is composed of the EAW for the proposed project and other supporting documents, MnDOT makes the following Findings of Fact and Conclusions.

Findings of Fact

Project Description

This project (SP 8408-44, TH 75) involves reconstructing TH 75 on new alignment for approximately 1.8 miles. Along the new alignment, two new bridges will also be built. The existing TH 75 Bridge over Whiskey Creek will be removed and a new bridge will be built over the creek on the new alignment approximately 600 feet east of the in-place bridge. Because the new alignment crosses the Burlington Northern Santa Fe (BNSF) Railroad, a new bridge will also be constructed over the tracks at this location. A portion of the existing alignment of TH 75 will be abandoned, bituminous removed, and revegetated to a floodplain plant community (grasses, forbs, shrubs, and trees). The project will realign accesses to two private properties, CSAH 24, CSAH 1, 225th Street (township road), and various field entrances. The project will also include a mill and overlay of 1.5 miles of TH 75 south of the realignment, as shown in [Figure 1](#).

Construction is planned for 2015 through 2016 and access to the city of Kent and the surrounding area will be maintained during construction.

Corrections to the EAW or Changes in the Project since the EAW was Published

Since the EAW was published, there have not been any changes to the project.

Agency and Public Comments on the EAW

MnDOT received one written comment during the EAW comment period from the Minnesota Pollution Control Agency, which stated it had no comment. Consistent with state and federal environmental review rules, responses have been prepared for all substantive comments submitted during the 30-day comment period. Written responses have been provided for substantive comments pertaining to analysis conducted for and documented in the EAW (see [Appendix A](#)).

Decision Regarding Need for Environmental Impact Statement

MnDOT finds that the analysis completed for the EAW and the additional information considered in this Findings of Fact and Conclusions (Findings) document is adequate to determine whether the project has the potential for significant environmental effects, based on consideration of the four criteria identified in Minnesota Rule Chapter 4410.170, Subpart 7, as described in the four sections that follow:

Type, Extent, and Reversibility of Impacts

MnDOT finds that the analysis completed for the EAW is adequate to determine whether the project has the potential for significant environmental effects. The EAW described the type and extent of impacts to the natural and built environment anticipated to result from the proposed project. This document provides corrections, changes, and new information since the EAW was published. The proposed design for the project includes features to mitigate the identified impacts. Based on the EAW analysis and mitigation commitments, the proposed project is not anticipated to result in substantial impacts. Impacts reported in the EAW and Finding were considered to be the worst case scenario.

Below are the findings regarding potential environmental impacts of the proposed project and the design features included to avoid, minimize, and mitigate these impacts.

Land Use

The land use map in the Wilkin County Local Water Management Plan 2008-2017¹ shows the land use in the project area as mainly cultivated land. Other adjacent land uses include rural residential, wooded areas, Whiskey Creek, and the city of Kent.

No parks or trails were identified within the project study area or the vicinity of the project area.

According to the Natural Resources Conservation Service (NRCS) Web Soil Survey, 12 of the 13 soil types within the study area are classified as prime farmland or farmland of statewide importance.

The project will result in converting approximately 84 acres of cropland to roadway/road right-of-way. Nine different landowners will be affected by the purchase of right-of-way and the conversion of farmland into roadway and roadway right-of-way. The main crops in this area are soybeans and corn. For the 2014 growing season, these areas were planted with soybeans. Access to all affected agricultural fields in the area

¹ http://www.co.wilkin.mn.us/index.asp?SEC=961A1D64-87FC-49DB-B4C2-05D8223893E8&Type=B_BASIC

will be maintained and remaining parcels retain adequate size for continued farming. The project will convert about 40 acres of existing roadway to floodplain/grassland cover and local access. Using this linear strip of land for farming was determined not to be feasible based on size location and accessibility.

Therefore, the project is compatible with nearby land uses, zoning, and plans. All accesses to agricultural fields and residential properties, including those in the city of Kent, will be maintained or reconstructed as a result of the highway realignment project.

Geology, Soils, and Topography

The construction operations include filling along the new roadway segment to create the new roadway alignment and bridge approaches and some excavation in areas where the existing roadway and bridge will be removed. Approximately 162,000 cubic yards of excavation and 425,000 cubic yards of embankment will be required for the improvements.

Temporary stabilization measures such as erosion control blankets will be used on any impacted steep slopes to prevent erosion and sedimentation of ditches during construction. Vegetation establishment will be used to permanently stabilize side slopes, with proposed roadway ditches vegetated based on anticipated runoff velocities.

Water Resources

A wetland investigation was completed on June 25, 2014 with a Technical Evaluation Panel (TEP) review occurring on June 26, 2014. No wetlands were identified or delineated within the project study area.

No lakes were identified within the project study area. One creek, Whiskey Creek (a DNR public water), is within the project study area. Reaches of the Red River are within one mile of the project (**Figure 1** and **Figure 2**).

Both the current alignment and the proposed alignment of TH 75 cross over Whiskey Creek near Kent, Minnesota. Whiskey Creek is impaired for aquatic life, and the stressors or pollutants causing the impairment are dissolved oxygen (DO), turbidity, fecal coliform, and aquatic macroinvertebrate bioassessments. This creek is a major tributary to the Red River which is also listed on the Minnesota Pollution Control Agency's (MPCA) impaired waters list. The reaches of the Red River within one mile of the project site are impaired for aquatic life and aquatic consumption caused by stressors or pollutants such as mercury and PCB in fish tissues, *E. coli*, arsenic, and turbidity.

Receiving waters from the project include Whiskey Creek and the Red River. The proposed project will not contribute to the impairment of the adjacent DNR Public Waters. Turbidity will be improved within the project area as a result of the construction of stormwater ponds and ditch check-dams along the new segment of TH 75.

The TH 75 project will have a net increase of 0.13 acres of impervious surfaces across the entire project area. With the small amount of net increase in impervious surfaces, there will be minimal rise in the amount of surface water run-off from the highway. The amount of surface water runoff entering Whiskey Creek will be similar to the existing roadway. The water eventually ends up in the Red River. Two sedimentation basins and ditch blocks (check dams) will be installed along the alignment to control surface water runoff. With the addition of the sedimentation ponds, water discharged from the roadside ditches to Whiskey Creek will be lower in turbidity and of higher quality than what is currently being discharged into the creek. These best management practices will provide for the partial removal of phosphorous and total suspended solids to improve stormwater quality.

Contamination/Hazardous Materials/Waste

A Phase I for the project area is being completed. Potentially contaminated properties identified in the Phase I will be evaluated to determine if they are likely to be impacted by construction and/or acquired as right-of-way. Any properties with a potential to be impacted by the project will be drilled and sampled (Phase II Investigation), if necessary, to determine the extent and magnitude of contaminated soil or groundwater in the areas of concern. The results of the Phase II Investigation will be used to determine if the contaminated materials can be avoided or the project's impacts to the properties minimized. If necessary, a plan will be developed for properly handling and treating contaminated soil and/or groundwater during construction in accordance with all applicable state and federal regulations. According to MPCA and Minnesota Department of Agriculture (MDA) databases, there are no known contaminated sites within approximately 500 feet of the project area (email correspondence with Keri Aufdecamp from MnDOT, included in **Appendix B**).

If previously unknown contaminated materials are encountered during construction, a contingency plan is in place that requires the Contractor to immediately stop work and notify the Project Engineer. MnDOT's Environmental Consultant will then evaluate the contamination, in consultation with MnDOT, and develop a plan for properly handling and treating contaminated soil and or/groundwater in accordance with all applicable state and federal regulations.

Fish, Wildlife, Plant Communities, and Sensitive Ecological Resources

Work exclusion dates for working within non-trout streams are from March 15 to June 15. No work will be completed within Whiskey Creek during this time to avoid interfering with fish spawning within the creek. Erosion and sedimentation BMPs will be taken to minimize sediment entering adjacent waters. These practices will be maintained to ensure the integrity of these control measures as identified in the DNR Public Waters Permit (GP 2004-0001).

A wildlife passage bench has been incorporated into the project design to accommodate the wildlife movement in the area. Design guidance from the "Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-0001" will be used for the passage bench.

Efforts will be made to protect and minimize the loss of existing vegetation. As construction limits are defined, the presence or lack of areas of natural vegetation and/or trees to be protected will be verified. If necessary, vegetation and trees will be protected with fencing. At a minimum, fencing will be placed as close as possible to the construction limits, and this fencing will not be removed or crossed by construction activities (Standard Specification 2572.3). Any disturbed soils near public waters will be re-vegetated with native species.

When tree roots are encountered, all root cutting will be done as cleanly as possible and the roots covered immediately to prevent excess drying (Standard Specification 2572.3 A.2). In addition and where practical, supplemental water may be provided to landscape trees in maintained landscapes where root systems are disrupted (Standard Specification 2572.3 A.3).

The proposed project will not negatively impact any known rare features.

The following guidelines will help to limit the spread of noxious weeds during the construction phase:

- Identify where weeds are present
- Prioritize these areas for weed control before construction begins
- Prevent movement of soil harboring a strong seed bank (soil under a weed infestation)

- Prevent the spread of reproductive weed parts (seed and roots) by cleaning equipment before it is moved from one site to another
- Post construction monitor for noxious weeds and control as necessary
- Prevent mixing of soil from weed infested areas with soil from weed-free areas
- Prevent the use of infested soils to be used as top soil. Infested soils may be buried three feet under final grade.

Historic Properties

A Phase I cultural resources survey has been completed. One archaeological site and one architectural/structural property met initial requirements for potential eligibility on the National Register of Historic Places (NRHP). Both the archaeological site (21WL55) and the architectural property were found not eligible for listing in the NRHP. It has been determined that there will be no historic properties affected by the proposed project (see letter in [Appendix B](#)).

Noise

The construction activities associated with implementation of the proposed project will result in increased noise levels relative to existing conditions. These impacts will primarily be associated with construction equipment and pile driving.

Elevated noise levels are, to a degree, unavoidable for this type of project. MnDOT will require that construction equipment be properly muffled and in proper working order. While MnDOT and its contractor(s) are exempt from local noise ordinances, it is the practice to require contractor(s) to comply with applicable local noise restrictions and ordinances to the extent that is reasonable. Advanced notice will be provided to affected communities of any planned abnormally loud construction activities. It is anticipated that night construction may sometimes be required to minimize traffic impacts and to improve safety. However, construction will be limited to daytime hours as much as possible. This project is expected to be under construction for two construction seasons.

Any associated high-impact equipment noise, such as pile driving, pavement sawing, or jack hammering, will be unavoidable with construction of the proposed project. Pile-driving noise is associated with any bridge construction and sheet piling necessary for retaining wall construction. While pile-driving equipment results in the highest peak noise level, as shown in Table 1, it is limited in duration to the activities noted above (e.g., bridge construction). The use of pile drivers, jack hammers, and pavement sawing equipment will be prohibited during nighttime hours.

Transportation

This project is proposed as a flood control measure rather than for capacity or safety reasons. As such, roadway capacity and speed will not be affected by the proposed project. No parking or traffic generators are proposed as part of the project.

Cumulative Potential Effects of Related or Anticipated Future Projects

Cumulative effects are defined as “the impact on the environment which result from incremental impact of the action when added to other past, present, and reasonable foreseeable future actions regardless of what agency or persons undertakes such actions”. The geographic areas considered are those areas directly adjacent to and near TH 75 in the timeframe of the next few years. The project impacts described herein for the TH 75 project include impacts to increased impervious surfaces, floodplain impacts, and increased stormwater runoff.

Extent to which the Environmental Effects are Subject to Mitigation by Ongoing Public Regulatory Authority

The mitigation of environmental impacts will be designed and implemented in coordination with regulatory agencies and will be subject to the plan approval and permitting process. Permits and approvals that have been obtained or may be required prior to project construction include those listed in [Table 2](#).

Table 2. Permits and Approvals Required

Unit of Government	Type of Application	Status
Federal		
U.S. Army Corps of Engineers	Section 404 Permit	To be submitted
State		
Minnesota Department of Transportation	EIS Need Decision	In progress
	Geometric Layout	In progress
	Construction Plans	In progress
	Section 106 (Historic/Archeological)	Complete
Minnesota Pollution Control Agency	Section 401	To be submitted
	National Pollutant Discharge Elimination System Stormwater Permit Construction Activities	In progress
Minnesota Department of Natural Resources	Public Waters Permit	To be submitted
	Water Appropriations Permit (if needed)	To be submitted
Local		
Buffalo-Red River Watershed District	Watershed District Approval	To be submitted

Extent to which Environmental Effects can be Anticipated and Controlled as a Result of Other Environmental Studies

MnDOT has extensive experience in roadway construction. Many similar projects have been designed and constructed throughout the state. No problem is anticipated which MnDOT District 4 has not encountered and successfully solved many times in similar projects in or near the project area. MnDOT finds that the environmental effects of the project can be anticipated and controlled as a result of assessment of potential issues during environmental review and experience in addressing similar issues on previous projects.

Conclusions

1. All requirements for environmental review of the proposed project have been met.
2. The EAW and the permit development processes related to the project have generated information which is adequate to determine whether the project has the potential for significant environmental effects.
3. Areas where potential environment effects have been identified will be addressed during the final design of the project. Mitigation will be provided where impacts are expected to result from project construction, operation, or maintenance. Mitigation measures are incorporated into project design and have been or will be coordinated with state and federal agencies during the permit process.
4. Based on the criteria in Minnesota Rules part 4410.1700, the project does not have the potential for significant environmental effects.
5. An Environmental Impact Statement is not required for the proposed TH 75 Highway Realignment project.

For the Minnesota Department of Transportation

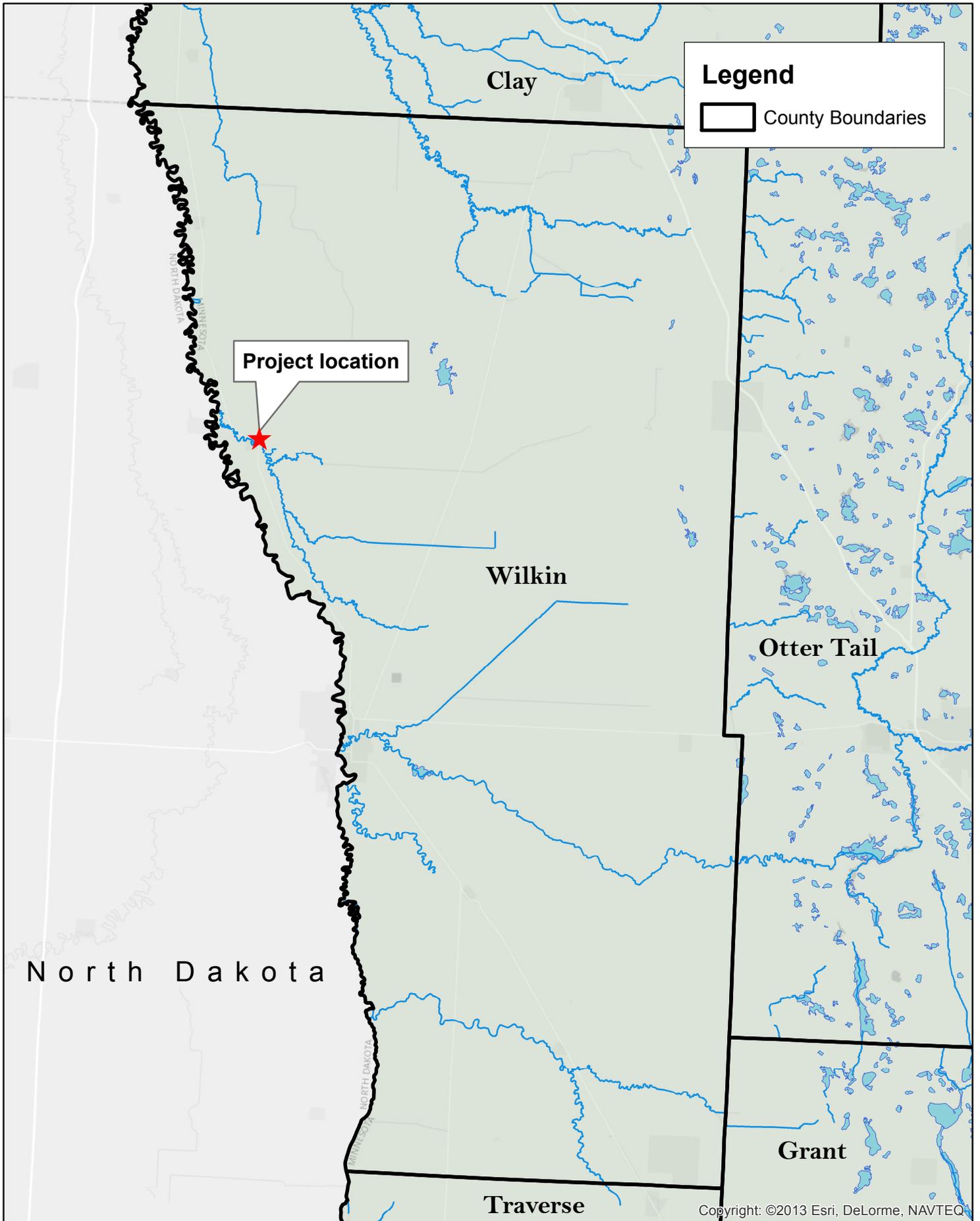


Lynn P. Clarkowski, P.E.
Chief Environmental Officer
Director, Office of Environmental Stewardship

11/3/2014

Date

Figures



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Figure 1. Project Location
 TH 75 Highway Realignment:
 Findings of Fact and Conclusions



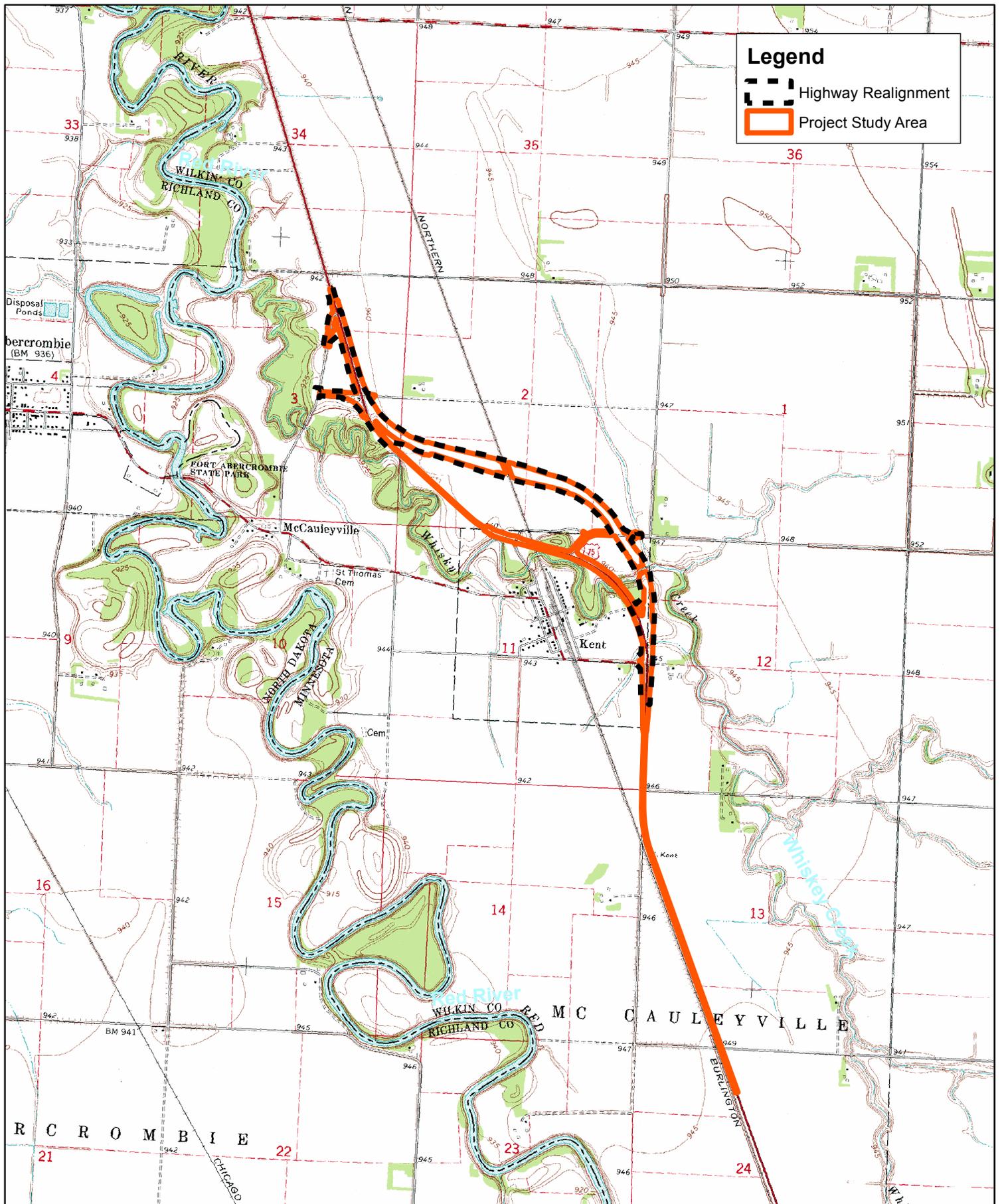


Figure 2.USGS 7.5 Minute Topographical Map



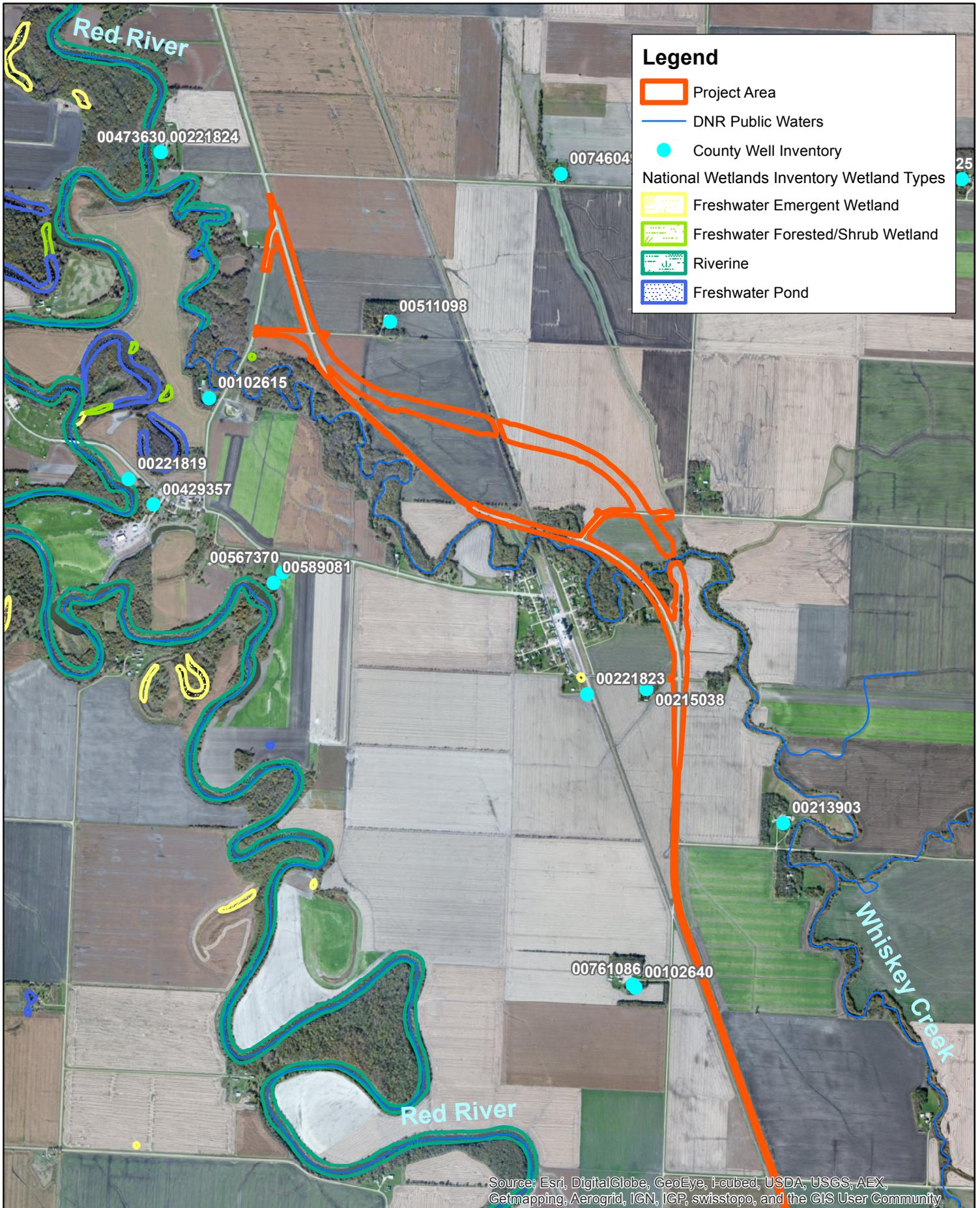


Figure 3. Water Resources

TH 75 Highway Realignment:
Findings of Fact and Conclusions

Appendix A. Comments and Responses



Minnesota Pollution Control Agency

520 Lafayette Blvd North | St. Paul, Minnesota 55155-4194 | 651-296-6300
800-657-3864 | 651-293-5432 TTY | www.pca.state.mn.us | EqualOpportunity.mnp.org

001 20/14 410123

October 15, 2014

Mr. Tom Pace
Project Manager
Minnesota Department of Transportation
1000 Hwy 10 W
Detroit Lakes, MN 56501

Re: TH 75 Highway Realignment Environmental Assessment Worksheet

Dear Mr. Pace:

Thank you for the opportunity to review and comment on the Environmental Assessment Worksheet (EAW) for the TH 75 Highway Realignment project (Project) located in the Wilkin County, Minnesota. The Minnesota Pollution Control Agency (MPCA) staff has reviewed the EAW and has no comments at this time.

We appreciate the opportunity to review this project. **Please provide the notice of decision on the need for an Environmental Impact Statement.** Please be aware that this letter does not constitute approval by the MPCA of any or all elements of the Project for the purpose of pending or future permit action(s) by the MPCA. Ultimately, it is the responsibility of the Project proposer to secure any required permits and to comply with any requisite permit conditions. If you have any questions concerning our review of this EAW, please contact me at 651-757-2482.

Sincerely,

A handwritten signature in black ink that reads "Kevin Kain".

Kevin Kain
Project Manager
Environment & Energy Section
Resource Management & Assistance Division

KK:mbo

cc: Craig Affeldt, MPCA, St. Paul
Jim Courneya, MPCA, Detroit Lakes

A: Thank you for your comment.

Appendix B. Correspondence

Payne, Ashley

From: Kunkel, Beth
Sent: Wednesday, May 14, 2014 12:26 PM
To: Ewert, Chris
Cc: Pertzsch, Jerry; Payne, Ashley
Subject: FW: DNR Comment on MnDOT Early Notification Memo, TH75 relocation at Kent (SP8408-44), Wilkin Co
Attachments: Early Memo SP8408-44, TH 75.doc; DNRbasemap.pdf

From: Leete, Peter (DOT) [mailto:peter.leete@state.mn.us]
Sent: Monday, January 07, 2013 1:44 PM
To: Munsterteiger, Paul (DOT)
Cc: Straumanis, Sarma (DOT); Vogel, Mark (DOT); Troyer, Brett (DOT); Stenlund, Dwayne (DOT); Sullivan, Dan (MPCA); Joyal, Lisa (DNR); Kestner, Nathan (DNR); Wolters, Jim (DNR); Webb, Melody (DNR); Aadland, Julie A (DNR); Schultz, Don F (DNR)
Subject: DNR Comment on MnDOT Early Notification Memo, TH75 relocation at Kent (SP8408-44), Wilkin Co

Paul,
This email is the DNR response for your project records. I have not sent this out for full DNR review, however I've looked at the information in the Early Notification memo regarding the proposed relocation of TH75 near the City of Kent, Wilkin County. This project will require an EAW, though I have the following information and comments for project development:

1. For MnDOT planning purposes, I have attached a map of the project area (DNRbasemap.pdf) showing locations of DNR concern such as Public Waters (in dark blue), designated aquatic invasive species (red), snowmobile Trails (in pink), green shaded polygons for areas of Biodiversity Significance, and various polygons of rare features from the Natural Heritage Information System (NHIS) database (in magenta). In order to protect the inadvertent release of the location of listed species contained in the NHIS, I have not labeled any rare features on the attached maps. If you have any questions regarding polygons, please give me a call. Your GIS folks also can access most of this data from the DNR's Data Deli website at <http://deli.dnr.state.mn.us/>. The following files will allow the creation of the same map and ease your cross reference for road locations.
 - MCBS Railroad Rights-of-Way Prairies
 - MCBS Native Plant Communities
 - MCBS Sites of Biodiversity Significance
 - Public Waters Inventory (PWI) Watercourse Delineations
 - Public Waters Inventory (PWI) Basin Delineations
 - Wildlife Management Areas
 - Snowmobile Trails
2. Whiskey Creek is a Public Waters and as such a Public Waters Work Permit will be required. As the project moves forward, design of the replacement crossing and removal of the existing crossing should meet the conditions listed in GP 2004-0001. Authorization for the project under this permit will require final review of the project at a later date. Guidance for conditions of the GP (including guidance on design and flood level reporting) may be found in the Manual "Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-0001". A pdf version of this manual may be found at: http://www.dnr.state.mn.us/waters/watermgmt_section/pwpermits/gp_2004_0001_manual.html

Additional design considerations and information on specific GP conditions are:

- a. At this point it has not been determined what type of design the new crossing will be. The DNR would prefer to see an open bottom culvert (or open span bridge) to multiple box culverts as concerns with placement depth, movement of stream bed load and species passage requirements do not become an issue. Guidance can be found in Chapter 2 of the manual "Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-0001" (web link provided above).
 - b. The river and associated floodplain forest is a travel corridor for wildlife. There has been a request that a 'passage bench' be incorporated into the project. This is now a typical feature in MnDOT design in abutment riprap specifications, though passage bench design guidance can be found in Chapter 1 pages 16-18 of the manual "Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-0001" (web link provided above).
 - c. It is unknown how much of the proposed project will require work within the stream banks (EG in the water). However construction methods should be discussed in order that acceptable demolition and/or reconstruction methods for the bridge can be identified in design and project bid letting documents. Bridge demolition guidance has been attached to the cover email.
 - d. In addition to items in '1.a.' above a hydrologic analysis, including 2yr velocities, will be required for review prior to authorization under the GP.
 - e. An issue we see with project scheduling is work in or adjacent to the water often conflicts with fish spawning dates. For construction purposes, Work Exclusion dates for non-trout streams in DNR Region 1 is March 15 through June 15. These dates are to allow for fish migration and spawning. Work shall not occur adjacent to, or in the water during this time without prior written approval of the DNR.
 - f. To meet DNR Erosion and Sediment Control Requirements, at the start of the project adequate practices to prevent sediment from entering the river must be installed concurrently or within 24hrs of the start of the project. These practices shall be maintained or improved as needed for the duration of the project. Practices that adhere to the MPCA Stormwater Program for Construction Activity (General Stormwater Permit for Construction Activity (MNR100001)) will meet DNR erosion and sediment concerns.
 - g. At areas adjacent to Public Waters, revegetate disturbed soil with native plant species suitable to the local habitat.
3. The Minnesota Natural Heritage Information System (NHIS) has been queried to determine if any rare plant or animal species, native plant communities, or other significant natural features are known to occur within an approximate one-mile radius of the project area. Based on this query, rare features have been documented within the search area. See the attached file 'DNRbasemap.pdf'. For details on any of the polygons shown, please contact me. However, given the nature and location of the proposed project, we do not believe the project will negatively affect any known occurrences of rare features. The NHIS is not an exhaustive inventory and thus does not represent all of the occurrences of rare features within the state. If information becomes available indicating additional listed species or other rare features, further review may be necessary.
 4. The DNR may comment at a later date as the project is reviewed through the state environmental review process.

DNR folks, if I've missed anything, please respond ASAP to Paul, and myself

Contact me if you have questions

peter

Peter Leete
Transportation Hydrologist
DNR Ecological & Water Resources
Ph: 651-366-3634

Office location: MnDOT's Office of Environmental Stewardship



Minnesota Department of Transportation

Office of Environmental Stewardship

Mail Stop 620
395 John Ireland Boulevard
St. Paul, MN 55155

Office Tel: (651) 366-3614

Fax: (651) 366-3603

July 28, 2014

Paul Munsterteiger
MnDOT District 4
1000 US Highway 10 West
Detroit Lakes, MN 56501

Regarding: S.P. 8408-44 (TH 75, Wilkin County)
Realignment and bridge building around Kent (Kent Bypass)
T. 134 N., R. 48 W., S. 1, 2, 11, 12, McCauleyville Twp.

Dear Mr. Munsterteiger:

We have reviewed the above-referenced undertaking pursuant to our FHWA-delegated responsibilities for compliance with Section 106 of the National Historic Preservation Act, as amended (36 CFR 800), and as per the terms of the Programmatic Agreement (PA) between the FHWA and the Minnesota State Historic Preservation Office (SHPO) (June 2005). The project involves the realignment of TH 75 around the town of Kent. In addition to the new road, two new bridges will be constructed, one over the BNSF Railroad and another over Whiskey Creek.

Summit Envirosolutions, Inc. conducted a Phase I architectural survey and subcontracted a Phase I archaeological survey to HDR Engineering, Inc. The results of this work will be reported in a forthcoming report. Due to delays in completing the report, a draft Phase I report was reviewed by MnDOT. This report identified a non-eligible precontact archaeological site (21WL55) and a potentially eligible historic property (TH 75). The preliminary evaluation of TH 75 indicates that it is not eligible for listing in the National Register of Historic Places. This Phase II evaluation of TH 75, along with the Phase I architecture and archaeology work, will be included in a single forthcoming report.

We have determined that there will be **no historic properties affected** by the project as currently proposed. As there are no historic properties within the project APE, the section 106 review of this project is now complete and no SHPO comment period and response are required under the terms of the new PA. If the project scope changes, please provide our office with the revised information and we will conduct an additional review.

Sincerely,

A handwritten signature in black ink, appearing to read 'Craig Johnson'.

Craig Johnson
Cultural Resources Unit (CRU)

cc: MnDOT CRU Project File



Minnesota Department of Transportation

MEMO

OFFICE OF ENVIRONMENTAL STEWARDSHIP
Roadside Vegetation Management Unit
MS 620
395 John Ireland Boulevard
St. Paul, MN 55155

Office Tel: (651) 366-3631
Fax: (651) 366-3603

Date: July 2nd, 2013

To: Paul Munstertieger – Environmental Coordinator
MnDOT District 4 – Project Development Unit

From: Paul Voigt *Paul*
NRS/Program Coordinator
Roadside Vegetation Management Unit - Office of Environmental Stewardship

Subject: S.P. 8408-44 T.H. 75 - vegetation review (Early Notification Memo).

As requested I reviewed the areas of concern for the above referenced project for potential impacts to woody vegetation for purposes of your early notification memo dated December 27th, 2012. I reviewed the site on the morning of July 2nd, 2013, using information from the early notification memo, the 2012 MnDOT Videolog as well as GIS and Google mapping/images.

Project Description/Existing Vegetation

This project involves reconstructing T.H. 75 on a new alignment for about 1.8 miles as well as 2 new bridges being built (replacement of an existing bridge & a new bridge).

The vegetation along the existing rights of way (areas where existing T.H. 75 will be removed or turned over for township roads) for this proposed project is a mix of different species of volunteer and planted deciduous trees and shrubs as well as mowed, non-native turf grasses. This vegetation would be classified as Category 1 (Native Plant Communities) and Category 2 (Landscape Vegetation) according to the HPDP. The majority of the areas along the proposed new alignment are currently agricultural fields with a couple of short stretches crossing through small wooded areas.

With the large amount of open space in the area of the proposed new alignment, blowing snow issues should be considered as part of the road design. Dan Gullickson, Office of Environmental Stewardship (Living Snow Fence Program Coordinator) can help determine if blowing snow and drifting would be a problem with this road. Dan can be reached at (651) 366-3610.

Potential Impacts to Vegetation

Based on the limited information supplied in the early notification memo in terms of construction limits, and the project description it would appear that there will be impacts to some of the existing vegetation (small amount of tree and shrub loss, turf disruption) along the proposed project, both on existing rights of way as well as proposed new rights of way.

Protection of Vegetation

It is assumed that as a result of this project, there will be some tree/shrub loss and potentially negative impacts to vegetation left in place as well as disruption to existing turf areas. During the design process, all efforts should be made to create a plan that will minimize these losses and impacts. For the trees and shrubs that are just outside the limits of construction, every effort should be made to minimize the impacts to them by including proper protection measures in the plan.

Vegetation protection will best be accomplished by utilizing all necessary protection items from Mn/DOT Standard Specification for Construction 2572. Special attention should be paid to 2572.3A, including but not limited to the use of clean root cutting and temporary fence for tree protection. Once the limits of construction are determined, a tree protection and salvage review should be conducted so that tree protection measures can be identified and included in the Construction Plan. Standard detail sheets are available for these vegetation protection items and should be included in the plan package if applicable. (See example below).

Please feel free to contact the Roadside Vegetation Management Unit once more detailed designs are being developed and we can give precise recommendations as to where and what kind of tree protection and other vegetation related items should be included.

Tree Protection Area

DO NOT ENTER THE FENCED AREA

Tree Protection Zone

Tree Protection Zone	A	B	C
< 2"	2'	2'	2'
2-4"	4'	4'	2.5'
> 4-14"	8'	8'	2'
> 14-30"	12'	12'	1.5'
> 30"	15'	15'	1'

PRUNING (Mn/DOT 2572.3A(8) and 2572.3A(9))

TEMPORARY FENCE (Mn/DOT 2572.3A(1))

CLEAN ROOT CUTTING (Mn/DOT 2572.3A(2))

UTILITY CONSTRUCTION (Mn/DOT 2572.3A(2))

SLOPE ROUNDING

SANDY LOAM TOPSOIL (Mn/DOT 2572.3A(4))

OTHER VEGETATION PROTECTION MEASURES (Mn/DOT 2572.3A(2))

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PROTECTION AND RESTORATION OF VEGETATION

STATE PROJECT A444-AA (T.H.1) SHEET NO. 100 OF 111 SHEETS

Standard Vegetation Protection Detail Sheet

Please feel free to contact me if you have any questions regarding my observations and recommendations, and thank you for the opportunity to review this project for vegetation concerns.

Cc. Lynn Clarkowski, R.V.M. Unit