

APPENDIX C

CORRESPONDENCE

Correspondence 1 (EAW Item 12): Environmental Stewardship Contaminated Properties email (6/14/17)

Correspondence 2 (EAW Item 13): Department of Natural Resources; email (7/27/2017)

- DNR Features Map
- Blandings Turtle Fact Sheets
- Preventing Entanglement

Correspondence 3: (EAW Item 14): MnDOT Cultural Resources Section Tribal Letter (6/14/17)
MnDOT Cultural Resources Section 106 Clearance Letter (7/14/2017)

From: [Boben, Carolyn \(DOT\)](#)
To: [Gombold, Brigid \(DOT\)](#); [Adams, Jerome \(DOT\)](#)
Cc: [Carlson, Christine R \(DOT\)](#)
Subject: M TH10 SP6205-39 - CMMT ENM Response - No Further Work
Date: Wednesday, June 14, 2017 6:17:05 AM
Attachments: [image001.png](#)

T9W076

Letting: ~~1/2017~~ July 2018

Report Writer: Brigid Gombold

Project Manager: Jerome Adams

Project Designer:

M TH10 SP6205-39

This state-funded construction project on eastbound U.S. 10 will create a two-lane exit from southbound I-35W onto eastbound U.S. 10 by adding a second exit lane left of the existing exit lane. An auxiliary lane will be constructed on eastbound U.S. 10 from the County Road 10 entrance ramp to the exit onto County Road 96, in Ramsey County, in the city of Arden Hills, Minnesota.

The Environmental Investigation Unit (EIU) reviewed the Minnesota Pollution Control Agency (MPCA) and Minnesota Department of Agriculture (MDA) databases to check for known contaminated sites in the project area. The databases searched included: leaking underground storage tank facilities, landfills, salvage yards, voluntary investigation and cleanup (VIC) sites, Superfund sites and dump sites. A review of these MPCA files is a component of a Phase I Environmental Site Assessment (Phase I ESA). A complete Phase I ESA includes at least two other components: research on historic land use, and site reconnaissance. It should be noted that the MPCA database files are continually being updated. Although this information is the most up-to-date available, some of the information may be incomplete or inaccurate. There is also a possibility that undiscovered contaminated and/or regulated materials exist in the project area.

Based on the database review, there are five inactive leaking underground storage tank facilities, one inactive leaking underground storage tank/petroleum brownfield site, one active state assessment site, one inactive petroleum brownfield site, one active VIC site, and one inactive VIC site within 500 feet of the project area. VIC sites are sites with known or potential releases of non-petroleum contamination.

Given the nature and location of the project area, and based on the HPDP threshold criteria as summarized below, this project has a low to medium risk of impacting potentially contaminated sites. Therefore, additional evaluation of the project area for potential contamination may be necessary depending on planned activities:

1. The project may involve acquisition of new right-of-way. **An EDD-1 form has been completed for the project and a determination made that an EDD-2 is needed.**
2. Project involves grading and/or excavation, including minor work (e.g., turns lanes, signal footings, sign posts, culvert replacement). Preliminary project information indicates that a stormwater pond may be constructed. This increases the chances of encountering contaminants that may have originated from an off-site source and migrated into project areas requiring excavation.
3. The project is in urban area, within the city of Arden Hills. More specifically, the project is near the Twin Cities Army Ammunition Plant. This increases the chances of encountering contaminants that may have originated from an off-site source and migrated into the right of way.

4. The project may require groundwater dewatering.

A Phase 2 drilling investigation was completed at the location of the stormwater detention pond is to be included as part of this project. Based on the findings of the Phase 2 drilling investigation did not identify conditions in soil or groundwater which would prohibit siting a pond in this location. If new information obtained during project development or construction indicates a contaminated site may be impacted by the project, the property will be evaluated, and soil and groundwater testing completed, as appropriate. 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 requirements.

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From: [Leete, Peter \(DOT\)](#)
To: [Gombold, Brigid \(DOT\)](#)
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Subject: DNR Comments on MnDOT Early Notification, TH10 Rehabilitation (SP6205-39) Ramsy Co.
Date: Thursday, July 27, 2017 10:20:31 AM
Attachments: [Ebflyer&factsheet2008_9.pdf](#)
[re review ENM.pdf](#)
[DNRbasemap\(July2017\).pdf](#)

Brigid,

This email is the DNR response for your project records. This is a re-review of the project (originally reviewed in 2015). I have not sent this Early Notification Memo (ENM) out for full DNR review. However, based on the information in the submitted documents regarding the proposed rehabilitation of TH10 between I-35E and TH96. Please consider the following comments as final designs and special provisions are developed:

1. For MnDOT planning purposes, attached to this email is a map of the project area (DNRbasemap.pdf) showing nearby locations of DNR areas concern (if they exist), such as Public Waters (in blue), waterbodies designated as infested with aquatic invasive species (AIS), snowmobile Trails (in pink), and various green shaded polygons for Sites of Biodiversity Significance. This map may be shared or included in project documentation, as all information is from publically available data layers. Most of this information is also available on the MnDOT georilla website (<http://georilla.metrogis/#>) in the natural resources catalog (DNR ENM). The Natural Heritage Information System (NHIS) database has been reviewed, though in order to prevent the inadvertent release of a rare features location, those details are not shown on the map. Comments on potential impacts to rare features listed in the NHIS comments are below. If you have questions regarding proposed work near any of the data shown, please give me a call.
2. The project has numerous culvert repairs or replacements. Rice Creek and Round Lake are the only Public Waters near the project area. Please take appropriate sediment containment and contaminant prevention measures in areas that drain to these waters. As proposed, a Public Waters Permit is not required. Should plans change to include work in these Public Waters, please contact me as further review may be required.
3. A general comment on CIPP lining projects is that installation methods may temporarily alter the chemical or thermal properties in the receiving water during the installation process, curing process, or initial flush. These by-products of installation have potential for adverse impacts to receiving waters. In extreme cases, impacts may result in a localized fish kill. To help assure that suitable containment or treatment prior to discharge to Public Waters is conducted, the following is recommended:
 - a. Special Conditions to construction specifications should be written to prevent hot water precipitate or chemical containing precipitate (e.g. styrene or cement waste) from discharging into receiving waters. This will be a requirement for locations that would fall under Public Waters jurisdiction (#2 above).
4. Please remind contractors that a separate water use permit is required for withdrawal of more than 10,000 gallons of water per day or 1 million gallons per year from surface water or ground water. GP1997-0005 (temporary water appropriations) covers a variety of activities associated with road construction and should be applied of if applicable. An individual appropriations permit may be required for projects lasting longer than one year or exceeding 50 million gallons. Information is located at: http://www.dnr.state.mn.us/waters/watermgmt_section/appropriations/permits.html

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. There are records of a dozen rare

species (Endangered, Threatened, or Special Concern) and two types of native vegetation (Oak – (red maple) Woodland, and Dry Sand – Gravel Prairie) identified in this query. In order to prevent the inadvertent release of the location of specific listed or rare species contained in the NHIS, I have not identified the species or their location on the attached 'DNRbasemap.pdf'. If these details are needed for documentation, please contact me. Please note that the following rare features were identified in the query and *may* be impacted by the proposed project. Suggested avoidance and/or protection measures are also identified:

- a. Blanding's turtles (*Emydoidea blandingii*), a state-listed threatened species, have been reported from the vicinity of the proposed project and may be encountered on site. If Blanding's turtles are found on the site, please remember that state law and rules prohibit the destruction of threatened or endangered species, except under certain prescribed conditions. If turtles are in imminent danger they should be moved by hand out of harms way, otherwise they should be left undisturbed.

For your information, I have attached a Blanding's turtle fact sheet that describes the habitat use and life history of this species. The fact sheet also provides two lists of recommendations for avoiding and minimizing impacts to this rare turtle. **Please refer to the first list of recommendations for your project.** Please note the items for road design. These include new curb being a mountable design (Type D or Type S) in order to also allow animals to exit the roadway should they attempt to cross the road. On culverts between wetlands and on streams they should be oversized (min 36") to allow them opportunity to utilize these structures for safe passage under the road. If greater protection for turtles is desired, the second list of additional recommendations can also be implemented. The attached flyer should be given to all contractors working in the area.

Any use of Category 3 or 4 erosion control blanket shall be limited to 'bio-netting' or 'naturalnetting' types (category 3N or 4N), and specifically not allow plastic mesh netting. Attached is a page that outlines the issue of entanglement. This is from Chapter one in the manual 'Best Practices for Meeting GP 2004-0001', at http://www.dnr.state.mn.us/waters/watermgmt_section/pwpermits/gp_2004_0001_manual.html

The Natural Heritage Information System (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.

5. MnDOT projects should be coordinated with MnDOT Wildlife Ecologist Chris Smith regarding federally listed species:
 - a. This project occurs in a [county](#) that USFWS identified as having rusty-patched bumble bees (*Bombus affinis*), a species recently listed as endangered under the federal Endangered Species Act. The rusty-patched bumble bee typically occurs in grasslands and urban gardens with flowering plants from April through October, underground in abandoned rodent cavities or in clumps of grasses above ground as nesting sites, and in undisturbed soils for hibernating queens during the winter. Where practicable, reseed areas of disturbed soils with seed mixes containing native species of grasses and forbs. Please utilize the native recommendations developed by BWSR (http://www.bwsr.state.mn.us/native_vegetation/) or MnDOT in the 'Vegetation Establishment Recommendations' (<http://www.dot.state.mn.us/environment/erosion/seedmixes.html>).
 - b. The northern long-eared bat (*Myotis septentrionalis*), federally listed as threatened and state-

listed as special concern, can be found throughout Minnesota. During the winter this species hibernates in caves and mines, and during the active season (approximately April-October) it roosts underneath bark, in cavities, or in crevices of both live and dead trees. Pup rearing is during June and July. Activities that may impact this species include, but are not limited to, any disturbance to hibernacula and destruction/degradation of habitat (including tree removal).

The U.S. Fish and Wildlife Service (USFWS) has published a final 4(d) rule that identifies prohibited take. To determine whether you need to contact the USFWS, please refer to the USFWS Key to the Northern Long-Eared Bat 4(d) Rule (see links below). Please note that the NHIS does not contain any known occurrences of northern long-eared bat roosts or hibernacula within an approximate one-mile radius of the proposed project.

Links: USFWS Key to the Northern Long-Eared Bat 4(d) Rule for Non-Federal Activities

<http://www.fws.gov/midwest/endangered/mammals/nleb/KeyFinal4dNLEB.html>

USFWS Key to the Northern Long-Eared Bat 4(d) Rule for Federal Actions

<http://www.fws.gov/midwest/endangered/mammals/nleb/KeyFinal4dNLEBFedProjects.html>

USFWS Northern Long-eared Bat Website

<http://www.fws.gov/midwest/endangered/mammals/nleb/index.html>

USFWS Northern Long-eared Bat Fact Sheet

<http://www.fws.gov/midwest/endangered/mammals/nleb/nlebFactSheet.html>

6. Round Lake is a Unit of the Minnesota Valley National Wildlife Refuge. <http://www.fws.gov/refuges/profiles/index.cfm?id=32590>. Contact the USFWS should work be proposed that could impact this area. Typically the concern when working adjacent to these areas is that invasive species not be introduced with any fill or seed mixes. If there is soil disturbance the this area, revegetate disturbed soils with native species suitable to the local habitat. For recommended seed mixes see the MnDOT turf establishment recommendations dated November 13, 2015. <http://www.dot.state.mn.us/environment/erosion/seedmixes.html>

This ENM has not been circulated to DNR field staff for comment. I will let you know if any additional comments on design requirements are returned to me due to this email.

DNR folks, if I've missed anything, or have any suggestions for MnDOT to consider, please respond ASAP to Brigid, and myself.

Contact me if you have questions

Peter Leete

Transportation Hydrologist (DNR-MnDOT Liaison) | Division of Ecological & Water Resources

Minnesota Department of Natural Resources

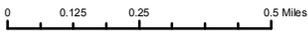
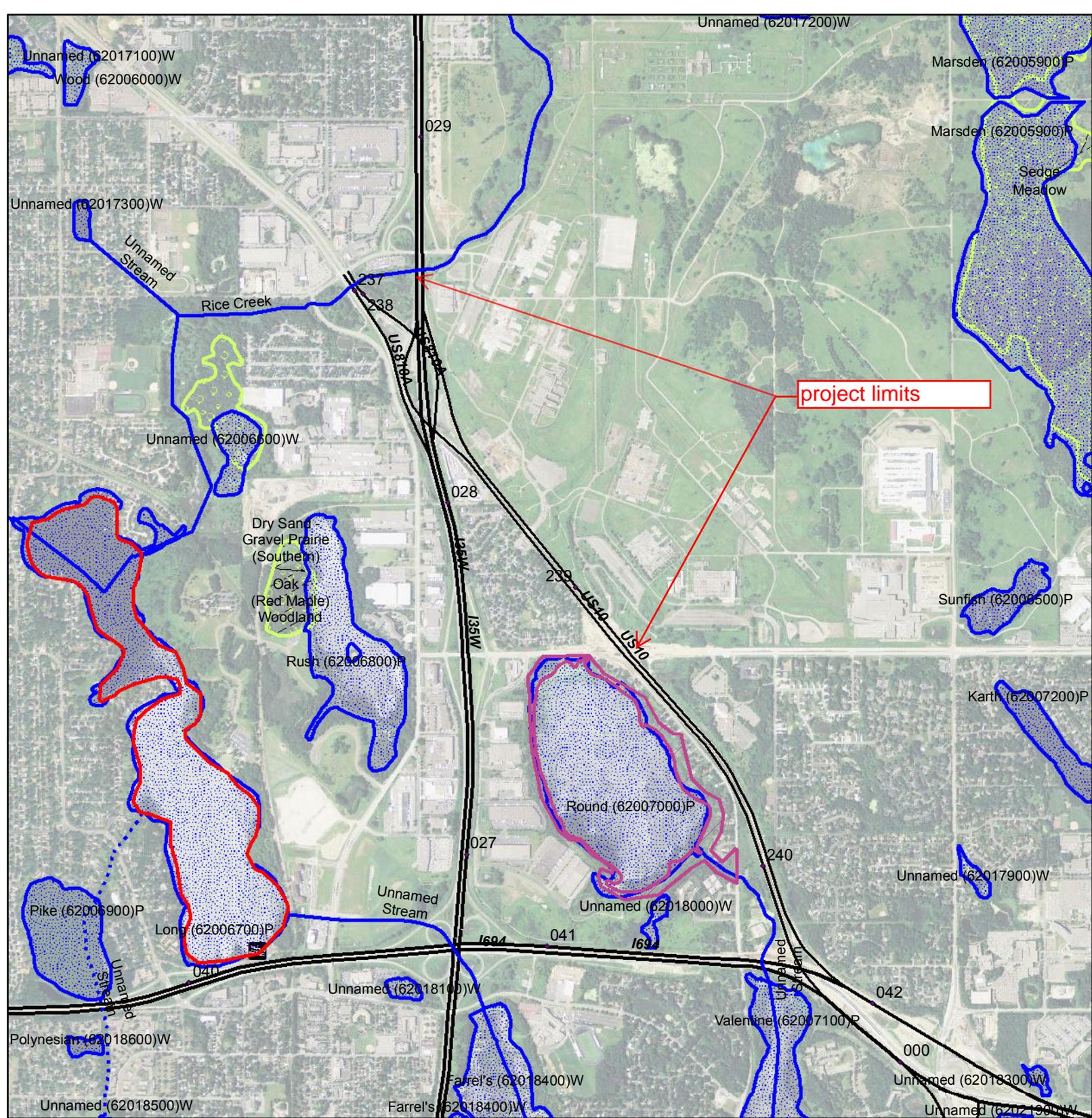
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TH10 Rehabilitation (SP6205-39)

- Designated Infested (Aquatic Invasive Species - AIS)
- National Wildlife Refuges
- Public Water Watercourse
- Public Ditch/Altered Natural Watercourse
- Public Waters Basins
- Public Access - Trailer Launch
- Site of Biodiversity Significance - Moderate
- DNR Native Plant Communities (w/description)

CAUTION



BLANDING'S TURTLES MAY BE ENCOUNTERED IN THIS AREA

The unique and rare Blanding's turtle has been found in this area. Blanding's turtles are state-listed as Threatened and are protected under Minnesota Statute 84.095, Protection of Threatened and Endangered Species. Please be careful of turtles on roads and in construction sites. For additional information on turtles, or to report a Blanding's turtle sighting, contact the DNR Nongame Specialist nearest you: Bemidji (218-308-2641); Grand Rapids (218-327-4518); New Ulm (507-359-6033); Rochester (507-280-5070); or St. Paul (651-259-5764).

DESCRIPTION: The Blanding's turtle is a medium to large turtle (5 to 10 inches) with a black or dark blue, dome-shaped shell with muted yellow spots and bars. The bottom of the shell is hinged across the front third, enabling the turtle to pull the front edge of the lower shell firmly against the top shell to provide additional protection when threatened. The head, legs, and tail are dark brown or blue-gray with small dots of light brown or yellow. A distinctive field mark is the bright yellow chin and neck.

**BLANDING'S TURTLES DO NOT MAKE GOOD PETS
IT IS ILLEGAL TO KEEP THIS THREATENED SPECIES IN CAPTIVITY**

Endangered, Threatened, and Special Concern Species of Minnesota

Blanding's Turtle
(Emydoidea blandingii)

Minnesota Status: Threatened
Federal Status: none

State Rank¹: S2
Global Rank¹: G4

HABITAT USE

Blanding's turtles need both wetland and upland habitats to complete their life cycle. The types of wetlands used include ponds, marshes, shrub swamps, bogs, and ditches and streams with slow-moving water. In Minnesota, Blanding's turtles are primarily marsh and pond inhabitants. Calm, shallow water bodies (Type 1-3 wetlands) with mud bottoms and abundant aquatic vegetation (e.g., cattails, water lilies) are preferred, and extensive marshes bordering rivers provide excellent habitat. Small temporary wetlands (those that dry up in the late summer or fall) are frequently used in spring and summer -- these fishless pools are amphibian and invertebrate breeding habitat, which provides an important food source for Blanding's turtles. Also, the warmer water of these shallower areas probably aids in the development of eggs within the female turtle. Nesting occurs in open (grassy or brushy) sandy uplands, often some distance from water bodies. Frequently, nesting occurs in traditional nesting grounds on undeveloped land. Blanding's turtles have also been known to nest successfully on residential property (especially in low density housing situations), and to utilize disturbed areas such as farm fields, gardens, under power lines, and road shoulders (especially of dirt roads). Although Blanding's turtles may travel through woodlots during their seasonal movements, shady areas (including forests and lawns with shade trees) are not used for nesting. Wetlands with deeper water are needed in times of drought, and during the winter. Blanding's turtles overwinter in the muddy bottoms of deeper marshes and ponds, or other water bodies where they are protected from freezing.

LIFE HISTORY

Individuals emerge from overwintering and begin basking in late March or early April on warm, sunny days. The increase in body temperature which occurs during basking is necessary for egg development within the female turtle. Nesting in Minnesota typically occurs during June, and females are most active in late afternoon and at dusk. Nesting can occur as much as a mile from wetlands. The nest is dug by the female in an open sandy area and 6-15 eggs are laid. The female turtle returns to the marsh within 24 hours of laying eggs. After a development period of approximately two months, hatchlings leave the nest from mid-August through early-October. Nesting females and hatchlings are often at risk of being killed while crossing roads between wetlands and nesting areas. In addition to movements associated with nesting, all ages and both sexes move between wetlands from April through November. These movements peak in June and July and again in September and October as turtles move to and from overwintering sites. In late autumn (typically November), Blanding's turtles bury themselves in the substrate (the mud at the bottom) of deeper wetlands to overwinter.

IMPACTS / THREATS / CAUSES OF DECLINE

- loss of wetland habitat through drainage or flooding (converting wetlands into ponds or lakes)
- loss of upland habitat through development or conversion to agriculture
- human disturbance, including collection for the pet trade* and road kills during seasonal movements
- increase in predator populations (skunks, raccoons, etc.) which prey on nests and young

*It is illegal to possess this threatened species.

RECOMMENDATIONS FOR AVOIDING AND MINIMIZING IMPACTS

These recommendations apply to typical construction projects and general land use within Blanding's turtle habitat, and are provided to help local governments, developers, contractors, and homeowners minimize or avoid detrimental impacts to Blanding's turtle populations. **List 1** describes minimum measures which we recommend to prevent harm to Blanding's turtles during construction or other work within Blanding's turtle habitat. **List 2** contains recommendations which offer even greater protection for Blanding's turtles populations; this list should be used *in addition to the first list* in areas which are known to be of state-wide importance to Blanding's turtles (contact the DNR's Natural Heritage and Nongame Research Program if you wish to determine if your project or home is in one of these areas), or in any other area where greater protection for Blanding's turtles is desired.

List 1. Recommendations for all areas inhabited by Blanding's turtles.	List 2. Additional recommendations for areas known to be of state-wide importance to Blanding's turtles.
GENERAL	
A flyer with an illustration of a Blanding's turtle should be given to all contractors working in the area. Homeowners should also be informed of the presence of Blanding's turtles in the area.	Turtle crossing signs can be installed adjacent to road-crossing areas used by Blanding's turtles to increase public awareness and reduce road kills.
Turtles which are in imminent danger should be moved, by hand, out of harms way. Turtles which are not in imminent danger should be left undisturbed.	Workers in the area should be aware that Blanding's turtles nest in June, generally after 4pm, and should be advised to minimize disturbance if turtles are seen.
If a Blanding's turtle nests in your yard, do not disturb the nest.	If you would like to provide more protection for a Blanding's turtle nest on your property, see "Protecting Blanding's Turtle Nests" on page 3 of this fact sheet.
Silt fencing should be set up to keep turtles out of construction areas. It is <u>critical</u> that silt fencing be removed after the area has been revegetated.	Construction in potential nesting areas should be limited to the period between September 15 and June 1 (this is the time when activity of adults and hatchlings in upland areas is at a minimum).
WETLANDS	
Small, vegetated temporary wetlands (Types 2 & 3) should not be dredged, deepened, filled, or converted to storm water retention basins (these wetlands provide important habitat during spring and summer).	Shallow portions of wetlands should not be disturbed during prime basking time (mid morning to mid- afternoon in May and June). A wide buffer should be left along the shore to minimize human activity near wetlands (basking Blanding's turtles are more easily disturbed than other turtle species).
Wetlands should be protected from pollution; use of fertilizers and pesticides should be avoided, and run-off from lawns and streets should be controlled. Erosion should be prevented to keep sediment from reaching wetlands and lakes.	Wetlands should be protected from road, lawn, and other chemical run-off by a vegetated buffer strip at least 50' wide. This area should be left unmowed and in a natural condition.
ROADS	
Roads should be kept to minimum standards on widths and lanes (this reduces road kills by slowing traffic and reducing the distance turtles need to cross).	Tunnels should be considered in areas with concentrations of turtle crossings (more than 10 turtles per year per 100 meters of road), and in areas of lower density if the level of road use would make a safe crossing impossible for turtles. Contact your DNR Regional Nongame Specialist for further information on wildlife tunnels.
Roads should be ditched, not curbed or below grade. If curbs must be used, 4 inch high curbs at a 3:1 slope are preferred (Blanding's turtles have great difficulty climbing traditional curbs; curbs and below grade roads trap turtles on the road and can cause road kills).	Roads should be ditched, not curbed or below grade.

ROADS cont.	
Culverts between wetland areas, or between wetland areas and nesting areas, should be 36 inches or greater in diameter, and elliptical or flat-bottomed.	Road placement should avoid separating wetlands from adjacent upland nesting sites, or these roads should be fenced to prevent turtles from attempting to cross them (contact your DNR Nongame Specialist for details).
Wetland crossings should be bridged, or include raised roadways with culverts which are 36 in or greater in diameter and flat-bottomed or elliptical (raised roadways discourage turtles from leaving the wetland to bask on roads).	Road placement should avoid bisecting wetlands, or these roads should be fenced to prevent turtles from attempting to cross them (contact your DNR Nongame Specialist for details). This is especially important for roads with more than 2 lanes.
Culverts under roads crossing streams should be oversized (at least twice as wide as the normal width of open water) and flat-bottomed or elliptical.	Roads crossing streams should be bridged.
UTILITIES	
Utility access and maintenance roads should be kept to a minimum (this reduces road-kill potential).	
Because trenches can trap turtles, trenches should be checked for turtles prior to being backfilled and the sites should be returned to original grade.	
LANDSCAPING AND VEGETATION MANAGEMENT	
Terrain should be left with as much natural contour as possible.	As much natural landscape as possible should be preserved (installation of sod or wood chips, paving, and planting of trees within nesting habitat can make that habitat unusable to nesting Blanding's turtles).
Graded areas should be revegetated with native grasses and forbs (some non-natives form dense patches through which it is difficult for turtles to travel).	Open space should include some areas at higher elevations for nesting. These areas should be retained in native vegetation, and should be connected to wetlands by a wide corridor of native vegetation.
Vegetation management in infrequently mowed areas -- such as in ditches, along utility access roads, and under power lines -- should be done mechanically (chemicals should not be used). Work should occur fall through spring (after October 1 st and before June 1 st).	Ditches and utility access roads should not be mowed or managed through use of chemicals. If vegetation management is required, it should be done mechanically, as infrequently as possible, and fall through spring (mowing can kill turtles present during mowing, and makes it easier for predators to locate turtles crossing roads).

Protecting Blanding's Turtle Nests: Most predation on turtle nests occurs within 48 hours after the eggs are laid. After this time, the scent is gone from the nest and it is more difficult for predators to locate the nest. Nests more than a week old probably do not need additional protection, unless they are in a particularly vulnerable spot, such as a yard where pets may disturb the nest. Turtle nests can be protected from predators and other disturbance by covering them with a piece of wire fencing (such as chicken wire), secured to the ground with stakes or rocks. The piece of fencing should measure at least 2 ft. x 2 ft., and should be of medium sized mesh (openings should be about 2 in. x 2 in.). It is *very important* that the fencing be **removed before August 1st** so the young turtles can escape from the nest when they hatch!

REFERENCES

- ¹Association for Biodiversity Information. "Heritage Status: Global, National, and Subnational Conservation Status Ranks." NatureServe. Version 1.3 (9 April 2001). <http://www.natureserve.org/ranking.htm> (15 April 2001).
- Coffin, B., and L. Pfanmuller. 1988. Minnesota's Endangered Flora and Fauna. University of Minnesota Press, Minneapolis, 473 pp.

REFERENCES (cont.)

- Moriarty, J. J., and M. Linck. 1994. Suggested guidelines for projects occurring in Blanding's turtle habitat. Unpublished report to the Minnesota DNR. 8 pp.
- Oldfield, B., and J. J. Moriarty. 1994. Amphibians and Reptiles Native to Minnesota. University of Minnesota Press, Minneapolis, 237 pp.
- Sajwaj, T. D., and J. W. Lang. 2000. Thermal ecology of Blanding's turtle in central Minnesota. *Chelonian Conservation and Biology* 3(4):626-636.

Preventing Entanglement by Erosion Control Blanket

Plastic mesh netting is a common component in erosion control blanket. It is utilized to hold loose fibrous materials in place (EG straw) until vegetation is established. Erosion control blanket is being utilized extensively and is effective for reducing soil erosion, benefitting both soil health and water quality. Unfortunately there is a negative aspect of the plastic mesh component: It is increasingly being documented that its interaction with reptiles and amphibians can be fatal (Barton and Kinkead, 2005; Kapfer and Paloski, 2011). Mowing machinery is also susceptible to damage due to the long lasting plastic mesh.

Potential Problems:

- Plastic netting remains a hazard long after other components have decomposed.
- Plastic mesh netting can result in entanglement and death of a variety of small animals. The most vulnerable group of animals are the reptiles and amphibians (snakes, frogs, toads, salamanders, turtles). Ducklings, small mammals, and fish have also been observed entangled in the netting.
- Road maintenance machinery can snag the plastic mesh and pull up long lengths into machinery, thus binding up machinery and causing damage and/or loss of time cleaning it out.

Suggested Alternatives:

- Do not use in known locations of reptiles or amphibians that are listed as Threatened or Endangered species.
- Limit use of blanket containing welded plastic mesh to areas away from where reptiles or amphibians are likely (near wetlands, lakes, watercourses, or rock outcrops) or habitat transition zones (prairie – woodland edges, rocky outcrop – woodland edges, steep rocky slopes, etc.)
- Select products with biodegradable netting (preferably made from natural fibers, though varieties of biodegradable polyesters also exist on the market). Biodegradable products will degrade under a variety of moisture and light conditions.
- DO NOT use products that require UV-light to degrade (also called “photodegradable”) as they do not degrade properly when shaded by vegetation.

Solution: Most categories of erosion control blanket and sediment control logs are available in natural net options.

- Specify ‘Natural Netting’ for rolled erosion control products, per MnDOT Spec 3885. See Table 3885-1.
- Specify ‘Natural Netting’ for sediment control logs, per MnDOT Spec 3897



The plastic mesh component of erosion control blanket becomes a net for entrapment.

Literature Referenced

Barton, C. and K. Kinkead. 2005. Do erosion control and snakes mesh? *Soil and Water Conservation Society* 60:33A-35A.
Kapfer, J.M., and R.A. Paloski. 2011. On the threat to snakes of mesh deployed for erosion control and wildlife exclusion. *Herpetological Conservation and Biology* 6:1-9.



Office of Environmental Stewardship

Mail Stop 620
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St. Paul, MN 55155-1899

Office Tel: (651) 366-3614

June 14, 2017

Re: S.P. 6205-39, Trunk Highway 10 Lane Construction, Arden Hills, Ramsey County
T30N, R23W, Sections 16, 17, and 21

Dear Tribal Representative:

The Minnesota Department of Transportation is proposing to construct a two-lane exit from I-35W to Trunk Highway (TH) 10 with federal funds administered by the Federal Highway Administration (FHWA). This undertaking is subject to review under Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, and under the National Environmental Policy Act (NEPA). Section 106 of the NHPA requires Federal agencies to take into account the effects of their undertakings on historic properties (i.e., those properties eligible for or listed on the National Register of Historic Places). This process involves efforts to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties. On behalf of the FHWA, which has designated its Section 106 responsibilities to the Minnesota Department of Transportation (Mn/DOT) Cultural Resources Unit (CRU), we are now initiating review to determine the possible effects of the undertaking (if any) on historic properties. In accordance with 36 CFR 800.2(c) of the NHPA and as per the terms of the Programmatic Agreement between the Tribe and the FHWA, we are contacting you to see if you know of any historic properties of religious or historic significance in the area, and to see if you would like to participate in the Section 106 process for this project (i.e., to be a consulting party).

This project will construct a two-lane exit from southbound I-35W onto eastbound TH 10 by adding a second exit lane left of the existing exit lane. An auxiliary lane will be constructed on TH 10 from the CR 10 entrance ramp to the exit onto CR 96 in Arden Hills. The project will additionally include the construction of a pond southwest of US 10 and east of I-35W where they intersect. The pond will remove five to eight spot trees. Noise walls may also be installed.

Our office has defined the area of potential effect (APE) for the project as the proposed construction limits. The APE is defined as the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. Once the APE was established, we examined the SHPO database for the list of previously recorded resources in the area. Based on these queries, there are two previously recorded archaeological resources within the APE, or adjacent to it, 21RA56 (one flake, one glass fragment, and one wire nail) and 21RA60 (seven wire nails and one hammerstone).

We would appreciate any comments you may have about historic, cultural, and archaeological resources and other concerns regarding this project. Our planning schedule is such that we must initiate work on our environmental and historic preservation studies, so we hope to hear from you within **30 days** of receipt of this letter. If you indicate that you are not aware of any historic properties with religious or cultural significance and that you do not wish to comment on the project, or if our office does not

receive a response within 30 days, we will conclude that you do not wish to be a consulting party for this project and no further project information will be forwarded.

Thank you for your attention to this request. We look forward to working with you on this project.

Sincerely,



Craig Johnson
Archaeologist
Cultural Resources Unit

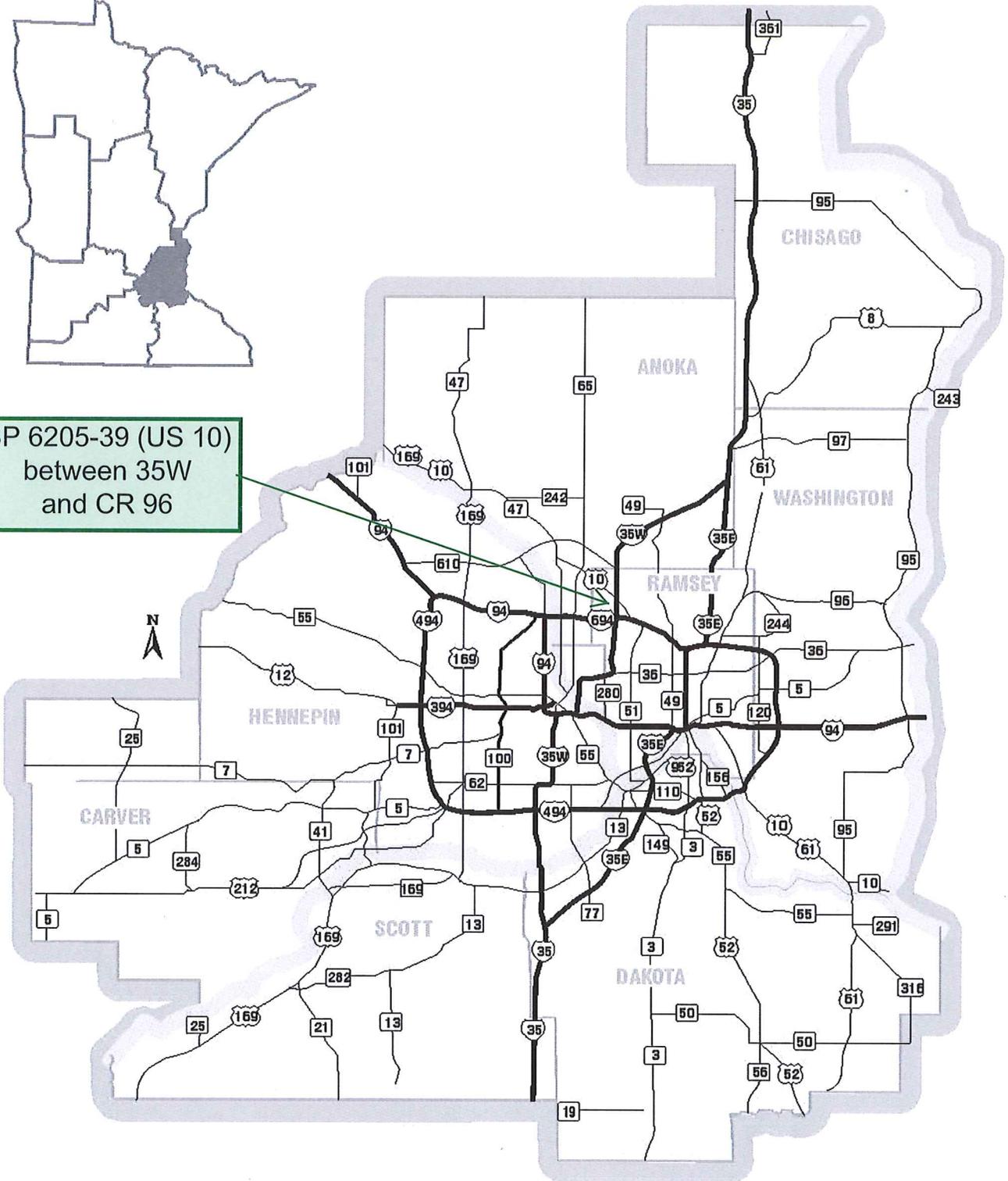
Encl.

cc: Floyd Azure, Chairman, Fort Peck Tribes
Robert Larsen, Chairman, Lower Sioux Indian Community
Cheyanne St. John, THPO, Lower Sioux Indian Community (email)
Roger Trudell, Chairman, Santee Sioux Nation (email)
Duane Whipple, THPO, Santee Sioux Nation (email)
Dianne Desrosiers, THPO, Sisseton-Wahpeton Oyate Community (email)
Jim Whitted, Sisseton-Wahpeton Oyate Community (email)
Bruce Nadeau, THPO, Turtle Mountain Band of Chippewa (email)
Kevin Jensvold, Chairman, Upper Sioux Community (email)
Wazyatawin, THPO, Upper Sioux Community (email)
Brigid Gombold, MnDOT Metro District (email)
Jerome Adams, MnDOT Metro District (email)
MnDOT CRU Project File

Project Location Map



SP 6205-39 (US 10)
between 35W
and CR 96





Office of Environmental Stewardship
Mail Stop 620
395 John Ireland Boulevard
St. Paul, MN 55155-1899

Office Tel: (651) 366-4291
Fax: (651) 366-3603

Jerome Adams
MnDOT Metro District
1500 W. Co. Rd. B2
Roseville, MN 55113

July 14, 2017

Re: S.P. 6205-39, TH 10 Lane Construction, Arden Hills, Ramsey County

Dear Mr. Adams,

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 applicable Programmatic Agreements between the FHWA and the Minnesota State Historic Preservation Office (SHPO). The Section 106 review fulfills MnDOT's responsibilities under the Minnesota Historic Sites Act (MS 138.665-.666), the Field Archaeology Act of Minnesota (MS 138.40); and the Private Cemeteries Act (MS 307.08, Subd. 9 and 10).

This project will construct a two-lane exit from southbound I-35W onto eastbound TH 10 by adding a second exit lane left of the existing exit lane. An auxiliary lane will be constructed on TH 10 from the CR 10 entrance ramp to the exit onto CR 96 in Arden Hills. The project will additionally include the construction of a pond southwest of US 10 and east of I-35W where they intersect. The pond will remove five to eight spot trees. Noise walls may also be installed.

Based on our existing programmatic agreements with various tribal groups, we sent a consultation letter to the following tribes: Fort Peck Tribes, Lower Sioux Indian Community, Santee Sioux Nation, Sisseton-Wahpeton Oyate Community, Turtle Mountain Band of Chippewa, and Upper Sioux Community. We did not receive any response within the allotted time.

The area of potential effects (APE) for direct effects of the project consists of the proposed construction limits. There are no known archaeological sites in the APE. Much of the APE has been disturbed by previous roadway construction. The APE has low potential for containing unidentified significant archaeological resources. The APE for indirect effects of the project consist of properties adjacent to the proposed project. There are no eligible or potentially-eligible buildings or structures in the APE.

The finding of this office is that there will be **no historic properties affected** by the project as currently proposed. If the project scope changes, please provide our office with the revised information and we will conduct an additional review.

Sincerely,

Renée Hutter Barnes, Historian
Cultural Resources Unit
renee.barnes@state.mn.us

cc: MnDOT CRU Project File
Brigid Gombold, MnDOT Metro District