

# **FINDINGS OF FACT and CONCLUSIONS**

## **BAUDETTE / RAINY RIVER INTERNATIONAL BRIDGE REPLACEMENT PROJECT**

**State Project No. 3905-09**

**Prepared by:  
Minnesota Department of Transportation**



**August 24, 2017**

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# **FINDINGS OF FACT AND CONCLUSIONS**

## **BAUDETTE / RAINY RIVER INTERNATIONAL BRIDGE REPLACEMENT PROJECT**

**Located in:**  
**Lake of the Woods County, Minnesota**

### **1.0 STATEMENT OF ISSUE**

The proposed project will replace the existing Baudette / Rainy River International Bridge (Bridge #9412) with a new five-span, haunched continuous steel girder structure located on a new alignment immediately upstream of the existing bridge. The project will include reconstruction of the U.S. and Canadian approaches to tie into the existing roadways, Trunk Highway 72 and Highway 11.

Preparation of an Environmental Assessment Worksheet (EAW) is considered discretionary for this project under Minnesota Rules 4410.4500. The Minnesota Department of Transportation (MnDOT) is the project proposer within the Minnesota, United States boundary.<sup>1</sup> MnDOT is also the Responsible Governmental Unit (RGU) for review of this project, as per Minnesota Rules 4410.4300, Subpart 22.

MnDOT's decision in this matter shall be either a negative or a positive declaration of the need for an environmental impact statement. MnDOT must order an Environmental Impact Statement (EIS) for the project if it determines the project has the potential for significant environmental effects.

Based upon the information in the record, which comprises the Environmental Assessment/Environmental Assessment Worksheet (EA/EAW) for the proposed project, related studies referenced in the EA/EAW, written comments received, responses to the comments, and other supporting documents included in this Findings of Fact and Conclusions (FOFC) document, MnDOT makes the following Findings of Fact and Conclusions:

### **2.0 ADMINISTRATIVE BACKGROUND**

- 2.1 The Minnesota Department of Transportation is the Responsible Governmental Unit and project proposer for the Baudette / Rainy River International Bridge Replacement

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<sup>1</sup> As part of a joint ownership agreement, MnDOT and the Ontario Ministry of Transportation (MTO) maintain and operate the bridge. Therefore, MTO is the project proposer and RGU within the Rainy River, Ontario, Canada boundary.

Project within the Minnesota, United States boundary. A combined Federal Environmental Assessment and State Environmental Assessment Worksheet (EA/EAW) has been prepared for this project in accordance with Minnesota Rules Chapter 4410 and the National Environmental Policy Act (NEPA) (42 USC 4321 et. seq.). The EA/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.

- 2.2 The EA/EAW was filed with the Minnesota Environmental Quality Board (EQB) and circulated for review and comments to the required EAW distribution list. A “Notice of Availability” was published in the EQB Monitor on February 6, 2017. A press release was distributed to local media outlets and legal notices were published in the Northern Light Region on February 15, 2017. Appendix A contains a copy of the affidavit of publication for the legal notice. A notice was also published on the project web page (<http://www.dot.state.mn.us/d2/projects/baudette-bridge/index.html>). These notices provided a brief description of the project and information on where copies of the EA/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.
- 2.3 A notice of availability and public hearing/open house meeting was held on February 21, 2017 in the City of Baudette Council Chambers, 106 Main Street West, Baudette, Minnesota, from 5:00 to 7:00 p.m. Additional information pertaining to the publication of the EA/EAW and the public hearing/open house meeting is located in Appendix A.
- 2.4 The EA/EAW was made available for public review at the following locations. Comments were received through March 23, 2017:
  - Baudette Public Library, 110 1st Ave SW, Baudette, MN 56623
  - MnDOT District 2 Office, 3920 Highway 2 West, Bemidji, MN 56601
  - MnDOT Library, 395 John Ireland Boulevard, St. Paul, MN 55155
  - Environmental Conservation Library, Hennepin County Library, 300 Nicollet Mall, Minneapolis, MN 54401
- 2.5 Five agencies provided comments that were received during the EA/EAW comment period. No public citizens provided comments during the EA/EAW comment period. All comments received during the EA/EAW comment period were considered in determining the potential for significant environmental impacts. Comments received during the comment period and responses to substantive comments are provided in Appendix B.

## 3.0 FINDINGS OF FACT

### 3.1 Project Description

#### 3.1.1 Existing Conditions:

The purpose of the Baudette / Rainy River International Bridge Replacement Project is to address the deteriorating condition of the bridge structure in order to maintain the international exchange of vehicular, freight and pedestrian traffic across the Rainy River at this location.

The existing bridge is a two-lane, six-span, 192.5-foot-long Pennsylvania through-truss structure. The current sidewalk is constructed of a timber plank decking over steel beams and stringers that are in similar condition to the other structural members under the main bridge deck. With the six steel beam approach spans, the total length is approximately 1,286 feet (0.24 miles).

MnDOT's Minnesota Structure Inventory Report<sup>2</sup> indicates that the existing bridge is a fracture critical (non-redundant) bridge with a sufficiency rating of 48.8 out of 100. The bridge inspection notes provided in the Structure Inventory Report also indicate that inspections were performed with both MnDOT and MTO present on an annual basis.

The current bridge structure is eligible for listing in the National Register of Historic Places (NRHP). Since federal funds will be used to complete this project, effects to the bridge must be evaluated in accordance with Section 106 of the National Historic Preservation Act, as well as Section 4(f) of the Department of Transportation Act.

Per the joint bridge ownership agreement, MnDOT and MTO are required to make joint decisions when addressing the needs of the bridge. Based on the Ontario Heritage Bridge Guidelines, the existing bridge structure was disqualified from the Ontario Heritage Bridge List; therefore, MTO concluded that rehabilitation of the existing bridge is not a viable option and recommended replacement. Without MTO support, rehabilitation is not a prudent or feasible avoidance alternative. Therefore, rehabilitation of the existing bridge was eliminated from consideration.

#### 3.1.2 Proposed Project:

The Proposed Project (SP 3905-09, TH 72) involves reconstructing TH 72/Highway 11 along a new alignment immediately upstream of the existing bridge for approximately 0.37 miles. The existing Baudette / Rainy River International Bridge will be removed and the replacement bridge ("Preferred Alternative") will be built

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<sup>2</sup> MnDOT. *Minnesota Structure Inventory Report: Bridge 9412, TH 72 over Rainy River*. Accessed April 21, 2016.

along the new alignment approximately 46.7 feet upstream (south) of the existing alignment. Decommissioning of the existing bridge structure will occur within the proposed project area defined in the EA/EAW. Major features of the Preferred Alternative include:

- A five-span haunched continuous steel girder structure.
- Two 11.5-foot wide lanes, two 8-foot wide shoulders, and a 6-foot wide pedestrian/bicyclist facility on the south (upstream) side of the bridge. This results in a total bridge width, including barriers, of 48.2 feet.
- Tie-into the existing alignment on both the U.S. and Canadian roadway approaches just before the channelization of the Port of Entry lanes.

The proposed replacement bridge is funded under the Chapter 152 program. Chapter 152 of the Minnesota Legislature 2008 Session Laws directs MnDOT to establish a bridge improvement program with an emphasis on structurally deficient and fracture critical bridges.

The Preferred Alternative geometric layout (EA Figure 18 – Preferred Alternative Plan and Profile) is provided in this document in Appendix C. Construction of the proposed bridge is planned to begin in Spring of 2018 and is expected to last two construction seasons, followed by the decommissioning of the existing bridge. The existing bridge crossing will be maintained during construction.

### **3.2 Additional Information Regarding Items Discussed in the EA/EAW Since It Was Published**

Since the EA/EAW was published, the following information pertaining to the project has been added or updated (shown in *italics*):

#### **3.2.1 EA Section 4.1.9.1.3.4 (Shorelands) has been revised to read as follows:**

*The Minnesota side of the proposed project is within a Lake of the Woods County Shoreland District per the Lake of the Woods County Zoning Ordinance<sup>3</sup>. Language related to public roads and parking areas is located within Article 9, Section 903. These zoning regulations address considerations such as erosion control measures, compatibility with natural vegetation and topography, and structure setbacks. Although MnDOT is not subject to local zoning ordinances, efforts to minimize erosion and vegetation impacts will be considered in the project design development.*

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<sup>3</sup> Source: [http://www.co.lake-of-the-woods.mn.us/PDF/Ordinances/Zoning\\_Ordinance\\_February\\_1\\_2017.pdf](http://www.co.lake-of-the-woods.mn.us/PDF/Ordinances/Zoning_Ordinance_February_1_2017.pdf)

*Per the Floodplain Zoning Ordinance for the City of Baudette, Minnesota<sup>4</sup>, floodplain zoning regulations apply to the Minnesota side of the project because it is located within a Special Flood Hazard Area. However, the floodplain zoning ordinances pertain to site developments and do not apply to bridge or road approach projects that cross public waters.*

- 3.2.2 The second paragraph under EA Section 4.1.13.3 (Invasive Species) has been revised to read as follows:

The Rainy River has been designated as infested with aquatic invasive species due to the known presence of the spiny water flea. Additionally, there are reports of zebra mussels having been introduced into the watershed. As a result, precautions to prevent the spread of zebra mussels into or out of the project area will be in place prior to project commencement *while satisfying Minnesota Department of Natural Resources Best Practices<sup>5</sup>.*

*MnDNR Invasive Species Specialists will be contacted in the event that off-site treatment or authorization of a customize alternative are necessary. Additionally, these Best Practices will be incorporated into the Stormwater Pollution Prevention Plan (SWPPP).*

A memo dated August 26, 2013 from the MnDOT Roadside Vegetation Management Unit states that there are not likely to be any impacts to rare species, rare native plant communities, trees, shrubs, or other notable vegetation from the project. However, typical erosion control and native reseeding practices should be implemented.

- 3.2.3 EA Section 5.2.5.4 (U.S. State Department) has been revised to read as follows:

A tele-conference meeting with the U.S. State Department was held on February 23, 2016 to identify and discuss *any* future agreements between the U.S. and Canada that would be needed to facilitate construction, operation, and maintenance of the proposed bridge.

The U.S. State Department (DOS) is also coordinating with Global Affairs Canada (GAC) to determine *whether the project should be* submitted for approval through the International Joint Commission (IJC). *However, on June 30, 2017, the U.S. Department of State and Global Affairs Canada determined that no approvals from*

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<sup>4</sup> Source: [http://www.ci.baudette.mn.us/index.asp?SEC=E8C6CC9D-2A26-4FCE-9588-CD37AB8D2397&DE=4C974684-DBA5-4F53-AF96-87A65FF38DD6&Type=B\\_BASIC](http://www.ci.baudette.mn.us/index.asp?SEC=E8C6CC9D-2A26-4FCE-9588-CD37AB8D2397&DE=4C974684-DBA5-4F53-AF96-87A65FF38DD6&Type=B_BASIC)

<sup>5</sup> Source: See EA Appendix D – MnDNR Best Practices for Meeting DNR GP 2004-0001, version 4, October 2014. This handout was attached to the email from MnDNR dated June 19, 2015, also in EA Appendix D.

*the IJC were needed, nor is a special agreement required between the United States and Canada (see Appendix D of this FOFC document for the DOS/GAC letter).*

- 3.2.4 EA Section 5.2.5.9 (International Joint Commission) has been revised to read as follows:

The Project falls under the International Boundary Waters Treaty Act which is internationally administered by the International Joint Commission (IJC). The Act is intended, in part, to address disputes regarding water quality and quantity in boundary waters. The governments of Canada and the U.S. have a mutual obligation with respect to implementing the Act. *On June 30, 2017, the U.S. Department of State and Global Affairs Canada determined that no approvals from the IJC were needed, nor is a special agreement required between the United States and Canada (see Appendix D of this FOFC document for the DOS/GAC letter).*

### **3.3 Findings Regarding Criteria for Determining the Potential for Significant Environmental Effects**

Minnesota Rules 4410.1700 provides that an environmental impact statement shall be ordered for projects that have the potential for significant environmental effects. In deciding whether a project has the potential for significant environmental effects, the following four factors described in Minnesota Rules 4410.1700, Subp.7 shall be considered:

- A. type, extent, and reversibility of environmental effects;
- B. cumulative potential effects. The RGU shall consider the following factors: whether the cumulative potential effect is significant; whether the contribution from the project is significant when viewed in connection with other contributions to the cumulative potential effect; the degree to which the project complies with approved mitigation measures specifically designed to address the cumulative potential effect; and the efforts of the proposer to minimize the contributions from the project;
- C. the extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority. The RGU may rely only on mitigation measures that are specific and that can be reasonably expected to effectively mitigate the identified environmental impacts of the project; and
- D. the extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other EISs.



MnDOT's key findings with respect to each of these criteria are set forth below:

### **3.3.1 Type, Extent, and Reversibility of Impacts**

MnDOT finds that the analysis completed during the EA/EAW process is adequate to determine whether the project has the potential for significant environmental effects. The EA/EAW describes the type and extent of impacts anticipated to result from the proposed project. In addition to the information in the EA/EAW, the additional information described in Section 3.2 of this Findings of Fact and Conclusions document as well as the public/agency comments received during the public comment period (see Appendix B) were taken into account in considering the type, extent and reversibility of project impacts. Following are the key findings regarding potential environmental impacts of the proposed project and the design features included to avoid, minimize, and mitigate these impacts:

- 3.3.1.1 Wetlands – A wetland/watercourse site assessment was conducted in May 2015 to determine the presence and spatial arrangement of any wetlands and watercourses within the project area. One wetland (W-1) was mapped within the project limits. Wetland W-1 is a PEMB, Type 2 (emergent marsh) wetland and is 1.98 acres in size. Two watercourses were identified adjacent to or within the Study Area and mapped. The delineated wetland boundaries were approved by MnDOT and Lake of the Woods County.

Wetlands and Watercourses are afforded federal protection under the Clean Water Act (Section 404, Executive Order 11990 – Protection of Wetlands). The Minnesota Wetland Conservation Act (WCA) regulates wetlands but does not regulate watercourses. The Minnesota Department of Natural Resources (MnDNR) regulates wetlands and watercourses if identified on the MnDNR Public Water Inventory maps (see EA Figure 24 – Public Waters). The Baudette and Rainy Rivers are both shown as public waters on the MnDNR Public Water Inventory maps and thus are subject to MnDNR public water permits for the proposed temporary and permanent watercourse impacts.

Impacts to wetlands within the project area are described in EA Section 4.1.11.2.4 (Water Resources – Surfaces Waters). Impacts to wetlands within the project area are anticipated for construction of the new bridge abutment and piers as listed in Table 1 below.

Under USACE Section 404 jurisdiction, the project is anticipated to have no permanent wetland impacts, however there will be approximately 739.2 sq. ft of permanent watercourse impacts due to the new bridge piers. Temporary impacts to wetlands within the watercourse amount to approximately 0.71 acres in addition to 0.25 acres strictly within the watercourse, as shown in Figure 27A of the EA. As part of the USACE Section 404 program, temporary impacts are allowed to remain in place for up to three months, however, upon request, the USACE may extend this period where appropriate.

Under the Wetland Conservation Act (WCA) program, temporary wetland impacts amount to approximately 222 sq. ft (0.005 acres) whereas, under MnDNR jurisdiction, there are 0.98 acres of watercourse impacts under MnDNR jurisdiction as shown in Figure 27B. As part of the WCA program, temporarily affected wetland areas must be restored within 180 days. Temporary wetland impacts do not require replacement under the Minnesota Wetland Conservation Act. These temporary wetland impacts are located in Major Watershed # 79, which is in Bank Service Area (BSA) 2. Should the temporary impacts become permanent or should another regulatory entity require replacement for temporary wetland impacts, MnDOT would propose to use wetland bank credits from the Reed Bank (account #1492) in BSA 2. The WCA replacement ratio for is 1.0 for within-BSA replacement for BSA 2.

**Table 1 – Summary of Wetland Impacts reported in the EA**

	USACE Section 404	MnDNR / WCA
Total Wetland Area	1.98 acres	
Temporary Wetland/Watercourse	0.96 acres	0.99 acres
Existing Structures to be removed within Wetland/Watercourse	789.2 sq. ft.	
Permanent Wetland/Watercourse	739.2 sq. ft.	0 acres

More details on wetland mitigation requirements will be known as the project proceeds into final design and wetland impacts can be more accurately quantified, and disclosed in the required wetland permits. Current laws and rules will be used at the time of permitting to determine jurisdictional authority and mitigation.

3.3.1.2 Floodplain – No significant change in headwater or tailwater elevations will result. Hydraulic models of the existing and post-construction conditions indicate an expected stage decrease of 0.01 feet associated with the new bridge crossing of the Rainy River. A floodplain assessment was completed in accordance with Presidential Executive Order 11988. No substantial floodplain impacts are anticipated as a result of the project. Floodplain impacts will be minimized during final design.

3.3.1.3 Stormwater/Erosion Control – Prior to construction, under existing conditions, stormwater runoff from the bridge is discharged directly to the river through the open-grate bridge deck. Impacts to stormwater from the proposed action are described in EA Section 4.1.11.2.2 (Water Resources – Stormwater).

Permanent stormwater management is required for projects where one or more acres of new impervious surface are added. This project is adding approximately 0.90 acres of new impervious surface on the U.S. portion. Stormwater Best Management Practices (BMPs) will be determined in the final design phase of the project.

Temporary erosion and sediment control measures will be implemented throughout construction activities to protect receiving waters. A Construction Storm Water Permit will be acquired and a project stormwater pollution prevention plan (SWPPP) will be developed, which will include directives for both construction stage and permanent sediment and erosion control.

- 3.3.1.4 Fish, Wildlife, Plant Communities, and Sensitive Ecological Resources (Rare Features) – Existing conditions and impacts from the proposed action are outlined in EA Section 4.1.13 (Fish/Wildlife/Ecological Resources). Possible effects to fish, wildlife, plant communities, and known threatened and endangered species include possible acoustic and turbidity effects and associated habitat impacts from construction and clearing. Other permanent impacts include minimal tree clearing of terrestrial habitat on the southern side of the Rainy River and the removal of the existing bridge potentially providing habitat to barn swallows.

Construction of the bridge will require in-river work within the footprint of the proposed piers, however the new bridge structures will not increase the flow velocities in the river. Therefore, no affect to fish movements are anticipated. Construction operations that may impact the river bed would not occur during fish spawning and migration periods (March 15th through June 15th in the U.S. and April 1st through July 15th in Canada) without approval from MnDNR and the Ontario Ministry of Natural Resources and Forestry (MNRF). Additionally, MnDNR Best Practices will be followed to mitigate the spread of the spiny water flea and zebra mussels prior to placing construction equipment into Rainy River, throughout construction, and upon construction completion. The Best Practices will also be incorporated into the Stormwater Pollution Prevention Plan (SWPPP). MnDNR Invasive Species Specialists will be contacted as necessary.

- 3.3.1.5 Contamination, Hazardous Materials, and Wastes – Existing conditions and impacts from the proposed action can be found in EA Section 4.1.12 (Contamination, Hazardous Materials, and Wastes). Regulated materials are present on the existing bridge and would be disposed of per State and Federal rules and regulations when the existing bridge is removed.

Potential environmental hazards were reviewed within the surrounding project area as part of the completed Phase I and Phase II Environmental Site Assessments (ESAs). Two areas of recognized environmental condition or contamination were found within the project area.

The results of the Phase II ESA investigation indicated petroleum impacts to soil and groundwater in the northern portion of the project area. Since the intended replacement of the Baudette / Rainy River International Bridge will involve earthwork activities (road construction, grading, drainage, etc.) potential fill material may be sourced from within the project area. Special provisions will be developed for properly handling contaminated soil and/or groundwater encountered during construction in accordance with all applicable state and federal regulations.

- 3.3.1.6 Cultural Resources / Historical Properties – The project has been reviewed for impacts to archaeological, historic, and architecturally significant properties. The existing bridge structure (Bridge #9412) has been determined to be eligible for listing in the National Register of Historic Places (NRHP). Removal of the bridge has been reviewed pursuant to Section 106 of the National Historic Preservation Act. Mitigation measures for impacting the existing bridge is documented in the Memorandum of Agreement among the MnHPO, FHWA, and MnDOT (see Appendix E of this FOFC document). Furthermore, in compliance with the Programmatic Section 4(f) Evaluation and Approval for FHWA Projects that Necessitate the Use of Historic Bridges, the U.S. half of the existing bridge will be made available for alternative use and be put up for ‘sale’. The bridge will be offered first to public agencies who would have the ability to maintain the historic nature of the truss bridge, and then it will be offered to the public. A marketing plan outlining the sale of the U.S. owned bridge section has been developed and is provided in Appendix D of this FOFC document along with relevant correspondence.
- 3.3.1.7 Section 4(f) Peace Park – Peace Park, located directly adjacent to the current bridge, is a protected park property under Section 4(f) of the Department of Transportation Act. The project will impact part of the park both temporarily and permanently, however impacts to the park will be minimal and will not alter or affect the use of the park. The City of Baudette Public Works Department is the Official With Jurisdiction (OWJ) over Peace Park. The park will be temporarily used to stage construction equipment. The City signed a Temporary Occupancy letter of agreement stating that the temporary occupancy of the land is so minimal that it does not constitute a use. The Temporary Occupancy correspondence is provided in Appendix D of this FOFC. Permanent impacts to Peace Park will consist of the removal of approximately four trees to allow for construction movements. FHWA made a preliminary determination that the impacts will be minimal and will not alter or affect the use of the park. Notice of FHWA’s intent to make a Section 4(f) de minimis determination was provided in the EA/EAW. As the OWJ over Peace Park, the City Public Works Director signed a letter of concurrence that the project will not adversely affect the activities, features, and attributes of the park property. The Section 4(f) de minimis correspondence is attached in Appendix D of this FOFC. FHWA’s issuance of a FONSI constitutes the lead federal agency’s determination of a Section 4(f) de minimis impact to Peace Park.
- 3.3.1.8 Right-of-Way – Approximately 0.45 acres of temporary right-of-way (0.26 acres from the City of Baudette; 0.19 acres from General Services Administration (GSA)) will be required for work on the U.S. approach. No people, homes or businesses will be relocated with this project.
- 3.3.1.9 Summary finding with respect to this criteria: MnDOT finds that the Project, as it is proposed, does not have the potential for significant environmental effects based on the type, extent, and reversibility of impacts to the resources evaluated in the

EA/EAW and in the Findings summary above. Project impacts will be mitigated as described in the EA/EAW and in the Findings above.

### **3.3.2 Cumulative Potential Effects of Related or Reasonably Foreseeable Future Projects**

- 3.3.2.1 Wetlands – Wetlands in the project vicinity may be affected by the foreseeable future actions. However, these impacts will be mitigated, as required by state and federal regulations.

Wetlands are afforded protection under Federal (the Clean Water Act – Section 404, Executive Order 11990 – Protection of Wetlands) and State (Minnesota Wetland Conservation Act (WCA) in Minnesota) laws that mandate “no net loss” of wetland functions and values. These Federal and State laws require the avoidance of wetland impacts when possible, and when avoidance is not possible, impacts must be minimized and mitigated. Both Federal and State laws require permits. Given the requirements in place, negative impacts would be mitigated, and no adverse cumulative wetland impacts are anticipated to result from the project.

- 3.3.2.2 Stormwater – Federal, state, and local surface and groundwater regulations require mitigation be provided in conjunction with proposed actions. Given the design standards and management controls available for protecting the quality of surface waters, it is likely that potential impacts of the project, along with other future actions, will be minimized or mitigated to a substantial degree. Therefore, substantial adverse cumulative effects on stormwater are not anticipated.

Identified foreseeable actions may result in increased impervious surfaces and stormwater effects. However, these projects will be required to provide mitigation in conformance with NPDES and/or watershed regulations, minimizing surface water impacts.

- 3.3.2.3 Fish, Wildlife, Plant Communities, and Sensitive Ecological Resources (Rare Features) – Impacts to fisheries and other aquatic species resulting from in-river work of foreseeable future actions will be minimized through project coordination with the U.S. Fish and Wildlife Service and the Minnesota Department of Natural Resources. Substantial cumulative effects to wildlife are not anticipated.
- 3.3.2.4 Contamination, Hazardous Materials, and Wastes – Hazardous materials and regulated waste encountered as part of the proposed and future actions would be handled and disposed of according to applicable state and federal rules and regulations. As a result, substantial cumulative effects resulting from hazardous materials or regulated waste are not anticipated within the project.
- 3.3.2.5 Cultural Resources / Historic Properties – Substantial cumulative impacts to cultural resources are not anticipated in conjunction with the identified foreseeable future actions. A Memorandum of Agreement (MOA) has been accepted by all

signatories to document mitigation of the adverse effect (see Appendix E). Given the requirements in place and that the negative impacts would be mitigated, no adverse cumulative cultural resource impacts are anticipated to result from the project. If federal funds, licenses, or permits are required on future actions, the Section 106 process and associated federal requirements would apply.

Impacts to Peace Park in the City of Baudette will be temporary and will be documented through the Section 4(f) process. Substantial cumulative effects to Peace Park are not anticipated. Removal of the bridge will be mitigated through the Section 106 process and documented through the use of a Programmatic 4(f) for Historic Bridges. See EA Appendix H for the Programmatic Section 4(f) Evaluation and Approval for FHWA Projects that Necessitate the Use of Historic Bridges for Bridge #9412.

### **3.3.3 Extent to Which the Environmental Effects are Subject to Mitigation by Ongoing Public Regulatory Authority**

3.3.3.1 The mitigation of environmental impacts will be designed and implemented in coordination with regulatory agencies (including the coordination and approvals described in Section 3.3.1 above) and will be subject to the plan approval and permitting processes. Permits and approvals that have been obtained or may be required prior to project construction include those listed in Table 2.

3.3.3.2 The permits listed in Table 2 include general and specific requirements for mitigation of environmental effects of the project. Therefore, MnDOT finds that the environmental effects of the project are subject to mitigation by ongoing regulatory authority.

3.3.3.3 FHWA and MnDOT are ultimately responsible for monitoring and enforcing mitigation measures. MnDOT and the contractor are responsible for compliance assurance of all related commitments and regulatory permit conditions made or obtained for the Baudette / Rainy River International Bridge Replacement project. MnDOT will use an Environmental Management Commitments (“Green Sheets”) tracking system to document and manage all environmental and design commitments made for the proposed project through the EA/EAW and permit review process. Green Sheets will be included in the construction documents and updated throughout project construction.

**Table 2 – Agency Approvals and Permits**

<b>Unit of Government</b>	<b>Type of Application/Permit</b>	<b>Status</b>
<b>Federal</b>		
Federal Highway Administration (FHWA)	Environmental Assessment Approval	Completed
	EIS Need Decision	Pending
	Section 4(f) determination	Pending
	Section 106 determination	Complete
Federal Aviation Administration (FAA)	FAA 7460-1 Permit	Notice of Proposed Construction had been submitted to FAA. Study is underway.
U.S. Army Corps of Engineers (USACE)	Section 404 Permit	Pending
	Section 10 Permit	Waived – the USACE defers to the USCG Section 9 permit
U.S. Coast Guard (USCG)	Section 9 Permit	Pending
U.S. Department of State	Secretary of State Approval of agreements between MnDOT and MTO	On-going
	Special Agreement with Global Affairs Canada (if IJC Permit is not required – See EA Section 4.1.8.2)	Pending
U.S. Fish and Wildlife Service (USFWS)	Endangered Species Act Section 7 Determination	Completed
<b>Tribal</b>		
Tribal Historic Preservation Officer (THPO)	Section 106 (Historic / Archeological) Consultation	Completed

Unit of Government	Type of Application/Permit	Status
<b>State</b>		
MnDOT	Environmental Assessment Approval	Completed
	EIS Need Decision	Pending
	Minnesota Wetland Conservation Act / Replacement Plan	Pending
Minnesota Department of Natural Resources (MnDNR)	State Endangered Species Review	Completed
	Dewatering permit	Not Submitted
	Public Waters Work Permit	Not Submitted
	Water Appropriations Permit (if needed)	Not Submitted
	Prohibited Invasive Species Permit (if needed)	Not Submitted
	License to Cross Utility Permit	Not Submitted
Minnesota Pollution Control Agency (MPCA)	Section 401 Certification	Not Submitted
	National Pollutant Discharge Elimination System Permit	Not Submitted
	Notification to Manage Dredged Materials without a Permit	Not Submitted
Minnesota State Historic Preservation Officer (MnHPO)	Section 106 (Historic / Archeological) Consultation	Completed
<b>Local</b>		
City of Baudette	Wetland Conservation Act, Restoration Plan Approval	Not Submitted
County(s) of: Lake of the Woods	Floodplain Permit	Not Submitted



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

3.3.4.1 MnDOT has extensive experience in roadway construction. Many similar projects have been designed and constructed throughout the area encompassed by this governmental agency. All design and construction staff are very familiar with the project area.

3.3.4.2 No problems are anticipated which the MnDOT staff have 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 the assessment of potential issues during the environmental review process and MnDOT's experience in addressing similar issues on previous projects.

#### 4.0 CONCLUSIONS

1. The Minnesota Department of Transportation has jurisdiction in determining the need for an environmental impact statement on this project.
2. All requirements for environmental review of the proposed project have been met.
3. The EA/EAW and the permit development processes to date related to the project have generated information which is adequate to determine whether the project has the potential for significant environmental effects.
4. Areas where potential environmental 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. Mitigative measures will be incorporated into project design, and have been or will be coordinated with state and federal agencies during the permit processes.
5. Based on the criteria in Minnesota Rules part 4410.1700, subp. 7, the project does not have the potential for significant environmental effects.
6. An Environmental Impact Statement is not required for the Baudette / Rainy River International Bridge Replacement Project.
7. Any findings that might properly be termed conclusions and any conclusions that might properly be called findings are hereby adopted as such.

Based on the Findings of Fact and Conclusions contained herein and on the entire record:

The Minnesota Department of Transportation hereby determines that the Baudette / Rainy River International Bridge Replacement Project will not result in significant environmental impacts, and that the project does not require the preparation of an environmental impact statement.

For Minnesota Department of Transportation



Lynn Clarkowski  
MnDOT Chief Environmental Officer

Date August 28, 2017

## **Appendix A – Public Involvement: EA/EAW Comment Period**

**Public Hearing Record**

**Newspaper Legal Notices**

**EQB Notice of Availability**

**Public Hearing Certificate of Compliance**

## **Public Hearing Record**

A public hearing and open house for Baudette / Rainy River International Bridge Replacement Project was held as follows:

Tuesday, February 21, 2017 from 5:00 pm to 7:00 pm

City of Baudette Council Chambers, 106 Main Street West, Baudette, Minnesota

One individual from a local business (Ronnings) attended the public hearing/open house meeting, but did not provide comments. The purpose of the meeting was to provide an update on the project and receive comments on the EA/EAW. At the public hearing, attendees were invited to provide comments through one of two ways: written comments (on comment cards provided at the meeting) and oral statements to a certified court reporter. Copies of all written and oral testimonies are included in Appendix B along with responses to substantive comments.

Staff from MnDOT and their consultant were on hand at the public hearing/open house meeting to discuss the project and to answer questions. Several informational items regarding the project were made available at the meeting including the following:

- Copies of the EA/EAW for review during the public hearing
- Project Display Boards
  - Welcome to the EA Public Hearing
  - Objectives
  - Coordinated Environmental Assessment Process
  - The Preferred Plan / The Proposed Bridge
  - Bridge Aesthetics
  - Summary of Key Findings / Mitigation & Protection Commitments
  - Thank you for Attending / Commenting on the EA
- Comment & Feedback Form

A formal presentation was not prepared for this public hearing.

Included on the following pages are copies of the newspaper legal notices and Minnesota Environmental Quality Board (EQB) Monitor publication that announced the availability of the EA/EAW and provided details of the public hearing/open house meeting.

## Newspaper Legal Notices

STANTEC  
THERESA MAAHS-HENDERSON  
3717 23RD STREET S  
ST. CLOUD, MN 56301  
PUBLIC HEARING ON BAUDETTE/RR  
INTERNATIONAL BRIDGE  
REPLACEMENT

STATE OF MINNESOTA  
County of Lake of the Woods

## Affidavit of Publication

1) Doris Knutson, being duly sworn on oath says that she is the Managing Editor of the newspaper known as the NORTHERN LIGHT REGION, and has full knowledge of the facts stated in this Affidavit, which is made pursuant to Minnesota Statutes §331A.07.

2) The newspaper has complied with all of the requirements to constitute a qualified newspaper under Minnesota law, including those requirements found in Minnesota Statutes §331A.02.

3) The dates of the month and the year and day of the week upon which the public notice attached/copied to this document was published in the newspaper are as follows: February 15, 2017

4) The publisher's lowest classified rate paid by commercial users for comparable space, as determined pursuant to § 331A.06, is as follows:  
\$10.60/column inch

5) Pursuant to Minnesota Statutes §580.033 relating to the publication of mortgage foreclosure notices: The newspaper's known office of issue is located in Lake of the Woods County. The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

FURTHER YOUR AFFIANT SAITH NOT.

BY:

*Doris Knutson*

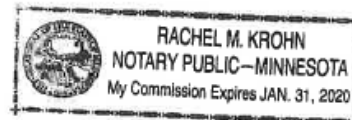
Doris Knutson

TITLE: Managing Editor

Subscribed and sworn to me this 16th day of March 2017.

Notary Public:

*Rachel M. Krohn*



# TICES

Wednesday, February 15, 2017/9A

## Environmental Assessment - Notice of Availability and Public Hearing Project Title: Baudette/Rainy River International Bridge Replacement Project (SP 3905-09).

The Minnesota Department of Transportation (MnDOT), along with its partner, the Ministry of Transportation Ontario (MTO) is proposing to replace the existing Baudette/Rainy River International Bridge with a new structure located on a new alignment immediately upstream of the existing bridge. The project will include reconstruction of the U.S. and Canadian approaches to tie into the existing roadway on Trunk Highway 72 in the City of Baudette and Highway 11 in the Town of Rainy River.

The EA/EAW, which documents the purpose and need of the project along with the anticipated social, economic, and environmental impacts, including Federal Section 106 and Section 4(f) impacts, is available on the project website at [www.mndot.gov/d2/projects/audette-bridge](http://www.mndot.gov/d2/projects/audette-bridge). Copies of the EA will be available for review during the open house and public hearing, and are also available for public viewing during business hours at the following locations from February 6, 2017 through March 24, 2017:

- Baudette Public Library, 110 1st Ave SW, Baudette, MN 56623
- MnDOT District 2 Office, 3920 Highway 2 West, Bemidji, MN 56601
- MnDOT Library, 395 John Ireland Boulevard, St. Paul, MN 55155
- Environmental Conservation Library, Hennepin County Library, 300 Nicollet Mall, Minneapolis, MN 54401

To afford an opportunity for all interested persons, agencies, and groups to comment on the EA, a public hearing/open house meeting has been scheduled for Tuesday, February 21, from 5:00 p.m. to 7:00 p.m. at the City of Baudette Council Chambers, located at 106 Main Street West in Baudette. There will be no formal presentation.

The EA describes the proposed project, impacts, and mitigation. The EA includes documentation on the Section 106 findings regarding historic properties, as well as a Draft Memorandum of Agreement which outlines the future design review process. The EA document also includes information on the Section 4(f) impacts and the preliminary de minimis finding, i.e., that adverse impacts to Peace Park would not result from the proposed project. Any comments received regarding this issue during the public comment period will be taken by the Federal Highway Administration in making its final de minimis determination. More information about Section 4(f) and the de minimis finding is available on the project website.

Written comments will be accepted at the public hearing or via mail or email, prior to the close of the 45-day public comment period on March 23, 2017, to Joseph McKinnon, Project Manager, 3920 Highway 2 West, Bemidji, MN 56601.

To request this document in an alternative format, please contact MnDOT at 651-366-4718 or 1-800-657-3774 (Greater Minnesota). Individuals who are hearing or speech impaired may contact the Minnesota Relay service toll-free at 1-800-627-3529 (TTY, Voice or ASCII) or 711. You may also email your request to [ADArequest.dot@state.mn.us](mailto:ADArequest.dot@state.mn.us).

Publish February 15, 2017

## **EQB Monitor Notice**





# The *EQB Monitor*

520 Lafayette Road North, Saint Paul, MN 55155 - [www.eqb.state.mn.us](http://www.eqb.state.mn.us)  
[EQB.Monitor@state.mn.us](mailto:EQB.Monitor@state.mn.us) - (651)-757-2873

**Publication Date:** February 6, 2017  
Vol. 41, No. 6

**Publication Schedule:** Mondays at 8:00 AM  
**Submission Deadline:** [View 2017 Schedule](#)  
Use the [EQB Monitor Submission Form](#)

The *EQB Monitor* is a weekly publication announcing environmental review documents, public comment periods and other actions of the Environmental Quality Board. For more information on environmental review, please visit the [EQB website](#).

You can manage your subscription to the *EQB Monitor* [here](#). Be sure to add [MNEQB@public.govdelivery.com](mailto:MNEQB@public.govdelivery.com) to your address book or safe sender list.

Check the [EQB Calendar](#) for more details on *Monitor* deadlines and Board Meetings. Meeting minutes, agendas and additional notices are also posted on the [EQB Website](#). You can also find us on [Twitter](#) and [Facebook](#).



## In this publication:

- [Environmental Assessment Worksheets](#)
- [Environmental Assessment/Environmental Assessment Worksheets](#)
- [Environmental Impact Statement Need Decisions](#)
- [Environmental Assessments](#)
- [Notices](#)

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## Environmental Assessment/Environmental Assessment Worksheets

### Project Title: Baudette/Rainy River International Bridge Replacement Project

Comment Deadline: March 23, 2017

**Project Description:** The Minnesota Department of Transportation (MnDOT), along with its partner, the Ministry of Transportation Ontario (MTO) is proposing to replace the existing Baudette/Rainy River International Bridge with a new structure located on a new alignment immediately upstream of the existing bridge. The project will include reconstruction of the U.S. and Canadian approaches to tie into the existing roadway on Trunk Highway 72 in the City of Baudette and Kings Highway 11 in the Town of Rainy River.

The EA/EAW, which documents the purpose and need of the project along with the anticipated social, economic, and environmental impacts, including Federal Section 106 and Section 4(f) impacts, is available on the project website at <http://www.dot.state.mn.us/d2/projects/baudette-bridge/index.html>. Copies of the EA will be available for review during an open house and public hearing, and are also available for public viewing during business hours at the following locations from February 6, 2017 through March 24, 2017:

- Baudette Public Library, 110 1st Ave SW, Baudette, MN 56623
- MnDOT District 2 Office, 3920 Highway 2 West, Bemidji, MN 56601
- MnDOT Library, 395 John Ireland Boulevard, St. Paul, MN 55155
- Environmental Conservation Library, Hennepin County Library, 300 Nicollet Mall, Minneapolis, MN 54401

To afford an opportunity for all interested persons, agencies, and groups to comment on the EA, a public hearing/open house meeting has been scheduled for Tuesday, February 21, from 5:00 p.m. to 7:00 p.m. at the City of Baudette Council Chambers, located at 106 Main Street West in Baudette. There will be no formal presentation.

The EA describes the proposed project, impacts, and mitigation. The EA includes documentation on the Section 106 findings regarding historic properties, as well as a Draft Memorandum of Agreement which outlines the future design review process. The EA document also includes information on the Section 4(f) impacts and the preliminary de minimis finding, i.e., that Peace Park would not be adversely impacted from the proposed project. Any comments received regarding this issue during the public comment period will be considered by the Federal Highway Administration in making its final de minimis determination. More information about Section 4(f) and the de minimis finding is available on the project website.

Written comments will be accepted at the public hearing or via mail, prior to the close of the 45-day public comment period on March 23, 2017, to Joseph McKinnon, Project Manager, 3920 Highway 2 West, Bemidji, MN 56601. To request this document in an alternative format, please contact MnDOT at 651-366-4718 or 1-800-657-3774 (Greater Minnesota). Individuals who are hearing or speech impaired may contact the Minnesota Relay service toll-free at 1-800-627-3529 (TTY, Voice or ASCII) or 711. You may also email your request to [ADArequest.dot@state.mn.us](mailto:ADArequest.dot@state.mn.us).

**Responsible Governmental Unit (RGU):** MnDOT

**RGU Contact Person:**

Joseph McKinnon  
MnDOT Project Manager  
3920 Highway 2 West  
Bemidji, MN 56601  
218-755-6517  
[joseph.mckinnon@state.mn.us](mailto:joseph.mckinnon@state.mn.us)

## **Public Hearing Certificate of Compliance**

STATE OF MINNESOTA  
DEPARTMENT OF TRANSPORTATION

..... CERTIFICATE OF COMPLIANCE.....

MINNESOTA PROJECT NO. \_\_\_\_\_ STATE PROJECT NO. 3905-09

TRUNK HIGHWAY NO. 72 **OR** LOCAL AGENCY ROUTE NO. \_\_\_\_\_  
(CSAH, MSAS, Other)

Being that section of the highway between the Canadian Port of Entry, Rainy River  
Ontario and the U.S. Port of Entry,

Baudette in Lake of the Woods County, the State of Minnesota.

In conformance with the requirements of SECTION 128, TITLE 23, UNITED STATES  
CODE, the undersigned does hereby certify that

\_\_\_\_\_ the public has been afforded an opportunity for a public hearing, **or**

**X** a public hearing was held

and that consideration has been given to the social and economic effects of the project,  
its impact on the environment, and its consistency with the goals and objectives of such  
urban planning as has been promulgated by the community.

The public was advised of the

\_\_\_\_\_ objectives of such a hearing, the procedures for requesting a hearing, the  
deadline for the submission of such a request, **or**

**X** time, place, and objectives of the hearing

by notices published in news media having a general circulation within the area of said  
project. Affidavit(s) of such publication is (are) enclosed herewith.

\_\_\_\_\_ The deadline date for the submission of a request for a hearing was \_\_\_\_\_20\_\_\_\_,  
**or**

**X** The hearing was held on February 21, 2017 in Baudette, Minnesota.  
(City, Township, Other)

Signed \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_  
Mn/DOT District Engineer

**OR**

Signed \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_  
Local Agency Title:

## **Appendix B – EA/EAW Comments and Responses**

The EA/EAW for the Baudette / Rainy River International Bridge Replacement Project was distributed on February 6, 2017 to agencies and organizations on the official distribution list, as well as additional agencies/organizations that had either requested a copy of the document, and/or that could be affected by the proposed project. The comment period for the EA/EAW officially closed at the end of the business day on March 23, 2017. A public hearing and open house to receive comments on the proposed project and EA/EAW was held on February 21, 2017 (see Appendix A to further details). At the public hearing, attendees were invited to provide comments through one of two ways: written comments and oral statements.

- Written Statements: Attendees were invited to submit written comments through January 30, 2015 on cards provided at the open house, in letter, or via e-mail.
- Oral Statements: Statements were recorded by a certified court reporter.

During the public review and comment period, FHWA and MnDOT received comments on the EA/EAW from five agencies and zero individuals. No oral statements were received at the public hearing.

Consistent with state and federal environmental review rules, substantive comments received are responded to in this appendix, as part of the Findings of Fact and Conclusions for the project record. Specifically, responses have been prepared for substantive statements pertaining to analysis conducted for and documented in the EA/EAW, including: incorrect, incomplete or unclear information; permit requirements; content requirements. These comments and responses are included in Appendix B1 below. Written comments agreeing with the EA/EAW project information, general opinions, statements of fact, or statements of preference were not formally responded to, but are included in Appendix B2 below.

### **Appendix B1 – Comments Letters and Responses**

This section contains the comments and written responses to substantive comments received from the following individuals/agencies during the public comment period:

- U.S. Department of State
- U.S. Environmental Protection Agency (EPA)
- General Services Administration (GSA)
- Minnesota Pollution Control Agency (MPCA)
- Minnesota Department of natural Resources (MnDNR)

## **Appendix B2 – Other Comments Received**

No other comments were received during the open comment period advertised in the EQB Monitor on February 6, 2017 and the Northern Light Region newspaper on February 15, 2017, or at the February 21, 2017 Public Hearing.

## **Public Hearing Transcript**

- City of Baudette Council Chambers, 106 Main Street West, Baudette, Minnesota. February 21, 2017.

## **Appendix B1 – Comment Letters and Responses**



Baudette / Rainy River International Bridge Replacement Project EA  
Comment Letter 1: U.S. Department of State (Page 1 of 2)

MnDOT Responses



United States Department of State  
Bureau of Western Hemisphere Affairs  
Washington, D.C. 20520-6258  
March 8, 2017

Joseph McKinnon  
Project Manager  
MnDOT District 2  
3920 Highway 2 West  
Bemidji, MN 56601

RE: Comments for Baudette/Rainy River International Bridge Replacement Project  
(SP 3905-09) – Environmental Assessment/Environmental Assessment Worksheet

Dear Mr. McKinnon,

Thank you for the opportunity to comment on the joint environmental assessment  
prepared for the Baudette Rainy River International Bridge Replacement Project.

We would like to clarify information provided in sections 5.2.5.4 and 5.2.5.9 of the  
report, regarding the Department of State and the International Joint Commission  
(IJC).

1

Section 5.2.5.4 outlines the role of the State Department. We concur generally  
with the information provided in this section, and confirm that we are engaging our  
counterparts at Global Affairs Canada to discuss whether the governments will  
pursue IJC approval or a special agreement for the project. As you know, we await  
the hydrologic and hydraulic technical reports in order to inform our discussions  
appropriately. We suggest a few clarifying edits below:

A tele-conference meeting with the U.S. State Department was held on February 23, 2016  
to identify and discuss **any** future agreements between the U.S. and Canada that would be  
needed to facilitate construction, operation, and maintenance of the proposed bridge.

The U.S. State Department is also coordinating with Global Affairs Canada to determine  
~~the need to pursue whether the project should be~~ submitted for approval through the  
International Joint Commission (IJC).

2

Section 5.2.5.9 however, suggests that the governments have already reached a  
decision both regarding whether a special agreement will be pursued and the  
content of any such agreement when it states that,

1. The clarifying edits to Section 5.2.5.4 have been made and are provided in Section 3.2 of this FOFC document.
2. The revision to Section 5.2.5.9 has been made and is provided in Section 3.2 of this FOFC document.



Baudette / Rainy River International Bridge Replacement Project EA  
Comment Letter 1: U.S. Department of State (Page 2 of 2)

MnDOT Responses

2 (continued)

*“Through meetings and correspondence, a Special Agreement between governments will be prepared to cover all of the potential effects and mitigation of changes to levels and flow of the Rainy River as a result of the project and construction. This Special Agreement would circumvent the IJC review process and no further approvals would be required from the IJC.”*

This is not the case. We would therefore recommend that this text be amended to reflect that a decision has not yet been reached regarding this matter, and suggest the following revision:

“The governments may decide to enter into a special agreement regarding the project, which would negate the need to submit the project to the International Joint Commission for approval. **However, the governments have not yet reached this decision point.**”

Thank you for your consideration of our comments. Please do not hesitate to contact us, should you have any additional information.

Regards,



Chris Sandrolini  
Office of Canadian Affairs  
United States Department of State  
Washington, DC

cc: Theresa Maahs Henderson, Stantec  
Pam Teel, Environmental Protection Agency

Responses provided on previous page.

Baudette / Rainy River International Bridge Replacement Project EA  
Comment Letter 2: U.S. Environmental Protection Agency (Page 1 of 6)

MnDOT Responses



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

MAR 09 2017

REPLY TO THE ATTENTION OF:  
E-19J

Joseph Campbell  
Area Engineer  
Federal Highway Administration – Minnesota Division  
Cray Plaza  
380 Jackson Street, Suite 500  
St. Paul, Minnesota 55101-4802

Joe McKinnon  
Project Manager  
Minnesota Department of Transportation, District 2  
3920 Highway 2 West  
Bemidji, Minnesota 56601

Re: Baudette / Rainy River International Bridge Replacement Project, Environmental Assessment (EA) / Environmental Assessment Worksheet (EAW), Trunk Highway 72 From the United States Border Control to the Canadian Border Control in City of Baudette, in Lake of the Woods County, Minnesota and Town of Rainy River, in Province of Ontario, Canada.

Dear Mr. Campbell and Mr. McKinnon:

The U.S. Environmental Protection Agency (EPA) has reviewed the Federal Highway Administration (FHWA) / Minnesota Department of Transportation (MnDOT) referenced EA/EAW dated January 2017. We are providing comments pursuant to our authorities under the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

MnDOT and the Ministry of Transportation Ontario (MTO) propose to replace the existing Baudette/Rainy River International Bridge. The project involves the decommissioning and removal of the existing Bridge #9412, construction of the replacement bridge on a new alignment, and construction of the U.S. and Canadian approaches to be tied in with existing roads. The project is intended to address, in part, the deteriorating condition of the bridge structure in order to maintain the international exchange of vehicular, freight and pedestrian traffic across the Rainy River.

The EA/EAW assesses and discloses potential impacts on the U.S. side. Alternative A, Configuration A1-2 is identified as the Preferred Alternative. Alternative A, Configuration A1-2 is a five-span, haunched continuous steel I-girder superstructure/replacement bridge on new

Responses begin on next page.

Baudette / Rainy River International Bridge Replacement Project EA  
Comment Letter 2: U.S. Environmental Protection Agency (Page 2 of 6)

MnDOT Responses

2

alignment immediately upstream from the existing bridge. It has two 11.5-foot travel lanes, a 6-foot wide pedestrian/bicyclist facility on the south (upstream) side of the bridge, two 8-foot wide shoulders, and four substructures (piers) in the river bed. The existing bridge and its substructures would be removed after completion of the new bridge.

1

**Stormwater/Hazardous Materials Spills:** The EA/EAW (pages 36 and 70) states *"The current deck is open grate, allowing stormwater to drain directly to the Rainy River without treatment. Roadway contaminants (gasoline, oil, salt, etc.) or accidental spills of hazardous materials also discharge directly into the Rainy River. . . . the proposed bridge features a solid deck to eliminate direct drainage from the bridge into Rainy River. Additional stormwater treatment methods and inclusion of permanent Stormwater Best Management Practices (BMPs) will be determined in the final design phase of the project. . . . In addition, potential impacts to surface water and the stormwater management plan has been developed for the entire project and provides protection measures for both sides of the border."*

Recommendation: In order to protect wetlands, water quality, and aquatic resources of the Rainy River, EPA recommends the new bridge design allow for the capture and treatment of stormwater and hazardous materials spills prior to discharging into the Rainy River and/or associated wetlands. We recommend the final EA/EAW include the proposed stormwater management plan and final EA/EAW figures identify potential locations for stormwater/hazardous materials detention/retention treatment facilities. These facilities should not be located in wetlands.

2

**Climate Change Adaptation and Resiliency:** The U.S. Global Change Research Program's National Climate Assessment (NCA) (<http://nca2014.globalchange.gov/report>), in part, provides information valuable to determining how the project could be made more resilient to the impacts of climate change. The report finds that, in the Midwest, extreme heat, heavy downpours, and flooding will affect infrastructure, health, air and water quality, and more.

Recommendation: We recommend the final EA/EAW identify and discuss whether measures are needed to improve resiliency to climate change in the project's design and/or during project construction. Identify protective measures if needed, such as enhanced stormwater management. We recommend the hydraulic report concerning the Rainy River and the proposed project be included as an appendix in the final EA/EAW.

3

**Construction Methods/Options:** EA/EAW (page 41) identifies two construction methods that were determined to be feasible for this project: *Method 1 – Conventional Erection Method*, and *Method 2- Launching the Bridge from Canada into the United States*. A preferred method is not identified. According to the EA/EAW both methods are to be carried forward and evaluated during the Detail Design Study. Method 2 is identified as having environmental advantages because construction and removal of stability towers in the river would not be needed.

Recommendation: EPA supports the selection of the construction method that would likely have the fewest impacts on the aquatic resources of the Rainy River.

1. Providing on-site treatment of stormwater runoff would generate additional wetland impacts. Therefore, as described in the EA/EAW, drainage of the site will involve overland flow. A stormwater management plan is being developed and will be included as part of the final design phase of the project.
2. Minnesota's climate requires transportation infrastructure to withstand a wide spectrum of weather events, from cold and ice to heat and flooding. There is an increased likelihood that the project area will experience more heavy rain/flooding events, warmer winters, new species ranges, droughts, and high heat due to climate change. The Rainy and Baudette Rivers may experience increased flooding due to heavy rain events. The project is being designed using Atlas 14 estimates (per MnDOT standards) to manage stormwater and reduce flooding risks along the Rainy and Baudette Rivers floodplain. In addition, all infrastructure is being designed using MnDOT best management practices to ensure the project will meet its useful life.
3. Comments noted.

Baudette / Rainy River International Bridge Replacement Project EA  
Comment Letter 2: U.S. Environmental Protection Agency (Page 3 of 6)

MnDOT Responses

3

4

**Demolition Pier Removal Methods/Options:** EA/EAW (page 63) identifies two pier removal methods that might be used: 1) barge with hoe ram, and 2) use of cofferdams. A preferred method is not identified. According to the EA/EAW, the final pier removal method will be selected during final design. The document identifies the Minnesota Department of Natural Resources' (MnDNR) concerns regarding construction and demolition seismic activities, such as pile driving, sheet pile installation/removal, or implosions for span or pier removal, that could frighten or harm migrating or spawning fish.

Recommendation: EPA supports the selection of the pier removal method and demolition activities that would best protect aquatic resources and water quality of the Rainy River.

5

**Historic Properties:** The Baudette Bridge (Bridge 9412) is eligible for listing in the National Register of Historic properties. The EA/EAW (page 75) identifies that Bridge 9412 is the only historic property within the area of potential effect (APE) that will be adversely affected by the proposed project. Mitigation measures for impacting the existing Bridge 9412 will be documented in a memorandum of agreement (MOA) among the Minnesota Historic Preservation Officer (MnHPO), FHWA, and MnDOT.

Recommendation: EPA recommends the fully executed (signed/dated) Section 106 Memorandum of Agreement (MOA) between MnHPO, FHWA and MnDOT be included in the final EA/EAW.

6

**Construction Air Quality:** Diesel powered equipment will most likely be used during project construction and demolition.

Recommendation: To protect air quality and human health in the project area during project construction/demolition, we recommend MnDOT consider strategies to reduce diesel emissions, such as project construction/demolition contracts that require the use of equipment with clean diesel engines and the use of clean diesel fuels. See the enclosed Construction Emission Control Checklist for additional information. We recommend the final EA/EAW identify the diesel reduction strategies that MnDOT proposes to use for this project.

7

**Bridge Lighting:** EA/EAW (page 77) states "*Recommendations from the Project Advisory Committee (PAC) will be used to make further refinements on the bridge in the areas of lighting, railing and border delineation.*"

Recommendation: EPA recommends the use of energy efficient lighting, including the use of solar powered lights when feasible.

**EA/EAW Appendix D – Agency Correspondence:**

8

Recommendation: EPA recommends final EA/EAW, Appendix D include updated correspondence and coordination documentation from the U.S. Fish and Wildlife Service, Minnesota Department of Natural Resources, Minnesota Pollution Control Agency, U.S.

4. Comments noted.
5. Comments noted. The signed MOA has been added to Appendix E of this FOFC document.
6. The EPA Construction Emissions Control Checklist is not used by MnDOT at this time because Minnesota has no areas that are in nonattainment for particulate matter; however MnDOT is currently working with stakeholders to develop best practices to minimize diesel emissions on construction projects and will consider incorporating EPA's construction emission reduction checklist into the draft dust suppression Best Management Practices (BMPs). At this time, the emission reduction checklist is not included in the BMP for dust control. MnDOT has developed contract language to control dust conditions during construction activities. See MnDOT Standard Specifications for Construction, items 2051 and 2130/2131, for additional information. MnDOT is also in the process of purchasing devices to be used in an idling reduction pilot project.
7. Comment noted.
8. Comment noted. The January 2017 EA Appendix D contains the latest coordination documentation with respect to the USFWS, MnDNR, MPCA, USCG, USACE, FAA, and relevant Canadian Agencies as noted in the comment, unless otherwise provided in this FOFC document. Appendix D of this FOFC document contains additional agency correspondence received after the EA distribution.

Baudette / Rainy River International Bridge Replacement Project EA  
Comment Letter 2: U.S. Environmental Protection Agency (Page 4 of 6)

MnDOT Responses

4

Coast Guard, U.S. Army Corps of Engineers, Federal Aviation Administration, and relevant Canadian agencies.

We appreciate the opportunity to comment on the EA/EAW. EPA requests a hardcopy and CD of the FHWA/MnDOT final EA/EAW and FHWA's signed/dated Finding of No Significant Impact when they become available. If you or your staff have any questions or concerns, contact Virginia Laszewski of my staff at [laszewski.virginia@epa.gov](mailto:laszewski.virginia@epa.gov) or 312-886-7501.

Sincerely,



Kenneth A. Westlake, Chief  
NEPA Implementation Section  
Office of Enforcement and Compliance Assurance

Enclosure: U.S. EPA Construction Emission Control Checklist

cc (email): Ben Orne, U.S. Army Corps of Engineers – St. Paul District,  
[Benjamin.G.Orne@usace.army.mil](mailto:Benjamin.G.Orne@usace.army.mil)  
Peter Fasbender/Andrew Horton, U.S. Fish and Wildlife Service,  
[Andrew.Horton@fws.gov](mailto:Andrew.Horton@fws.gov)  
Peter Leete, Permit Coordinator, Minnesota Department of Natural Resources,  
[Peter.leete@state.mn.us](mailto:Peter.leete@state.mn.us)  
Dan Card, Supervisor, Environmental Review Unit, Minnesota Pollution Control  
Agency, [dan.card@state.mn.us](mailto:dan.card@state.mn.us)  
Karen Kromar, Minnesota Pollution Control Agency, [Karen.kromar@state.mn.us](mailto:Karen.kromar@state.mn.us)  
Dale Grove, Stantec, [Dale.Grove@stantec.com](mailto:Dale.Grove@stantec.com)

Responses provided on previous pages.

U.S. Environmental Protection Agency  
Construction Emission Control Checklist

Mobile and Stationary Source Diesel Controls

Purchase or solicit bids that require the use of vehicles that are equipped with zero-emission technologies or the most advanced emission control systems available. Commit to the best available emissions control technologies for project equipment in order to meet the following standards.

- On-Highway Vehicles: On-highway vehicles project should meet, or exceed, the U.S. EPA exhaust emissions standards for model year 2010 and newer heavy-duty, on-highway compression-ignition engines (e.g., long-haul trucks, refuse haulers, shuttle buses, etc.).<sup>7</sup>
- Non-road Vehicles and Equipment: Non-road vehicles and equipment should meet, or exceed, the U.S. EPA Tier 4 exhaust emissions standards for heavy-duty, non-road compression-ignition engines (e.g., construction equipment, non-road trucks, etc.).<sup>8</sup>
- Low Emission Equipment Exemptions: The equipment specifications outlined above should be met unless: 1) a piece of specialized equipment is not available for purchase or lease within the United States; or 2) the relevant project contractor has been awarded funds to retrofit existing equipment, or purchase/lease new equipment, but the funds are not yet available.

Consider requiring the following best practices through the construction contacting or oversight process:

- Use onsite renewable electricity generation and/or grid-based electricity rather than diesel-powered generators or other equipment.
- Use ultra-low sulfur diesel fuel (15 ppm maximum) in construction vehicles and equipment.
- Use catalytic converters to reduce carbon monoxide, aldehydes, and hydrocarbons in diesel fumes. These devices must be used with low sulfur fuels.
- Use electric starting aids such as block heaters with older vehicles to warm the engine.
- Regularly maintain diesel engines to keep exhaust emissions low. Follow the manufacturer's recommended maintenance schedule and procedures. Smoke color can signal the need for maintenance (e.g., blue/black smoke indicates that an engine requires servicing or tuning).
- Retrofit engines with an exhaust filtration device to capture diesel particulate matter before it enters the construction site.
- Repower older vehicles and/or equipment with diesel- or alternatively-fueled engines certified to meet newer, more stringent emissions standards (e.g., plug-in hybrid-electric vehicles, battery-electric vehicles, fuel cell electric vehicles, advanced technology locomotives, etc.).
- Retire older vehicles, given the significant contribution of vehicle emissions to the poor air quality conditions. Implement programs to encourage the voluntary removal from use

<sup>7</sup> <http://www.epa.gov/otaq/standards/heavy-duty/hdci-exhaust.htm>

<sup>8</sup> <http://www.epa.gov/otaq/standards/nonroad/nonroadci.htm>

Responses provided on previous pages.

Baudette / Rainy River International Bridge Replacement Project EA Comment Letter 2: U.S. Environmental Protection Agency (Page 6 of 6)	MnDOT Responses
<p>and the marketplace of pre-2010 model year on-highway vehicles (e.g., scrappage rebates) and replace them with newer vehicles that meet or exceed the latest U.S. EPA exhaust emissions standards.</p> <p><b><u>Fugitive Dust Source Controls</u></b></p> <ul style="list-style-type: none"> <li>• Stabilize open storage piles and disturbed areas by covering and/or applying water or chemical/organic dust palliative, where appropriate. This applies to both inactive and active sites, during workdays, weekends, holidays, and windy conditions.</li> <li>• Install wind fencing and phase grading operations where appropriate, and operate water trucks for stabilization of surfaces under windy conditions.</li> <li>• When hauling material and <b>operating</b> non-earthmoving equipment, prevent spillage and limit speeds to 15 miles per hour (mph). Limit speed of earth-moving equipment to 10 mph.</li> </ul> <p><b><u>Occupational Health</u></b></p> <ul style="list-style-type: none"> <li>• Reduce exposure through work practices and training, such as turning off engines when vehicles are stopped for more than a few minutes, training diesel-equipment operators to perform routine inspection, and <b>maintaining</b> filtration devices.</li> <li>• Position the exhaust pipe so that diesel fumes are directed away from the operator and nearby workers, reducing the fume concentration to which personnel are exposed.</li> <li>• Use enclosed, climate-controlled cabs pressurized and equipped with high-efficiency particulate air (HEPA) filters to reduce the operators' exposure to diesel fumes. Pressurization ensures that air moves from inside to outside. HEPA filters ensure that any incoming air is filtered first.</li> <li>• Use respirators, which are only an interim measure to control exposure to diesel emissions. In most cases, an N95 respirator is adequate. Workers must be trained and fit-tested before they wear respirators. Depending on the type of work being conducted, and if oil is present, concentrations of particulates present will determine the efficiency and type of mask and respirator. Personnel familiar with the selection, care, and use of respirators must perform the fit testing. Respirators must bear a NIOSH approval number.</li> </ul>	<p>Responses provided on previous pages.</p>

Baudette / Rainy River International Bridge Replacement Project EA Comment Letter 3: General Services Administration (GSA) (Page 1 of 1)	MnDOT Responses
<p><b>From:</b> Massiel Lucca-Amador - 5P2ME &lt;massiel.lucca-amador@gsa.gov&gt;  <b>Sent:</b> Wednesday, March 22, 2017 8:27 AM  <b>To:</b> Maahs-Henderson, Theresa  <b>Cc:</b> kathryn.leonardo@gsa.gov; donald.melcher@gsa.gov; Mark Spann (SPCCL); Ribachonek, Allison; joseph.mckinnon@state.mn.us  <b>Subject:</b> Re: Baudette/Rainy River International Bridge Replacement Project (SP 3905-09) - EA Distribution for Review</p> <p>Hi Theresa,</p> <p>We have reviewed the Environmental Assessment/Environmental Assessment Worksheet for the proposed Baudette/Rainy River International Bridge Replacement Project dated January 2017 and have no comments or concerns.</p> <p>Thank you for the opportunity to review.  Massiel</p>	<p>Comments noted.</p>



Baudette / Rainy River International Bridge Replacement Project EA  
Comment Letter 4: Minnesota Pollution Control Agency (MPCA) (Page 1 of 1)

MnDOT Responses



Minnesota Pollution Control Agency

520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300  
800-657-3864 | Use your preferred relay service | [info.pca@state.mn.us](mailto:info.pca@state.mn.us) | Equal Opportunity Employer

March 23, 2017

Mr. Joe McKinnon  
Project Manager  
Minnesota Department of Transportation  
3920 Highway 2 West  
Bemidji, MN 56601

Re: Baudette/Rainy River International Bridge Replacement Project Environmental Assessment/  
Environmental Assessment Worksheet

Dear Mr. McKinnon:

Thank you for the opportunity to review and comment on the Environmental Assessment/  
Environmental Assessment Worksheet (EA/EAW) for the Baudette/Rainy River International Bridge  
Replacement project (Project) located in the city of Baudette, Lake of the Woods County, Minnesota.  
The Project consists of decommissioning of the existing bridge and construction of the replacement  
bridge. Minnesota Pollution Control Agency (MPCA) staff has reviewed the EA/EAW and have 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  
EA/EAW, please contact me via email at [Karen.kromar@state.mn.us](mailto:Karen.kromar@state.mn.us) or via telephone at 651-757-2508.

Sincerely,

A handwritten signature in blue ink that reads "Karen Kromar".

Karen Kromar  
Planner Principal  
Environmental Review Unit  
Resource Management and Assistance Division

KK:bt

cc: Ken Westlake, U.S. Environmental Protection Agency  
Dan Card, MPCA, St. Paul  
Jim Ziegler, MPCA, Detroit Lakes

Comments noted.

Baudette / Rainy River International Bridge Replacement Project EA  
Comment Letter 5: Department of Natural Resources (MnDNR) (Page 1 of 2)

MnDOT Responses



NORTHWEST REGION  
ECOLOGICAL & WATER RESOURCES  
2115 BIRCHMONT BEACH RD NE  
BEMIDJI, MN 56601

March 24, 2017

Joe McKinnon  
MnDOT Project Manager  
3920 Highway 2 West  
Bemidji, MN 56601

Dear Mr. McKinnon:

The Minnesota Department of Natural Resources (DNR) appreciates the opportunity to review and comment on the Environmental Assessment/ Environmental Assessment Worksheet for the Baudette/Rainy River International Bridge Replacement Project. Below are general and specific comments.

General Comments

1

- DNR recommend that the lights have an on/off switch for when the Mayfly hatch occurs. Typically the city and/or the nearest MnDOT truck station would have access to the switches. Congregations of mayflies can and have been a safety concern on other bridges, particularly along the Mississippi River.

2

- DNR also recommends utilizing standard guidelines for lighting associated with Bird Migration. DNR has a standard guideline to turn off architectural lighting during the spring and fall migrations, especially during foggy/overcast nights. The best practice is to follow Minnesota Audubon's 'Lights out' Program to satisfy migration concerns: Lights out midnight till dawn 3/15 through 5/31 and 8/15 through 10/31 (<http://mn.audubon.org/what-do-when-and-why>). Also DNR recommends using low intensity/short wavelength lighting.

Specific Comments

3

- Page 44, Section 4.1.8.1 – A DNR License to Cross may be needed if there are any utility crossings associated with the replacement of the bridge. If there are, please coordinate with Pam Arndt at [pamela.arndt@state.mn.us](mailto:pamela.arndt@state.mn.us) or Phone: 218-308-2683.

4

- Page 51, Section 4.1.9.1.3.4 – DNR recommends clarifying the statement regarding the Rainy River not being included in the Lake of the Woods County Shoreland Ordinances. According to the February 1, 2017 Lake of the Woods County Zoning Ordinances, Section 101 states “The shoreland of public water bodies extend 1,000 feet landward from the Ordinary High Water Level (OHWL) of Lake of the Woods, 300 feet landward from the OHWL of the Rainy River and all classified Tributaries...” Also under Section 701 states “For Lake of the Woods, the Rainy River and classified Tributaries directly accessible by boat from Lake of the Woods or the Rainy River, the structure must not exceed ten (10) feet in height, exclusive of safety rails, and shall not occupy an area greater than 400 square feet. Detached decks must not exceed eight (8) feet above ground at any point.” Section 1018 states “If docking, moorings, or over-water storage of more than six (6) watercraft is to be allowed at a controlled access lot, then the width of the lot (while keeping the same lot depth) must be increased by the percent of the requirements for Minnesota Department of Natural Resources • Division Name

Address 1, address 2, City, State, Zipcode

- Comments noted. This request may require coordination between the City of Baudette and U.S Customs and Border Protection and therefore may not be possible due to security concerns. If feasible, an on/off switch will be considered for inclusion during final design.
- Comments noted. This request may require coordination between the City of Baudette and U.S Customs and Border Protection and therefore may not be possible due to security concerns. If feasible, a “Lights Out” program and low intensity/short wavelength lighting will be considered for inclusion during final design.
- Comment noted. A License to Cross permit will likely be required for potential electric and communication utility lines on the proposed bridge. Therefore, the permit has been added to Table 2 of this FOFC document.
- Per Section 101 of the Lake of the Woods County Zoning Ordinance, the Minnesota half of the project is located within a Shoreland District. Sections 701 and 1018 do not pertain to the Minnesota half of the proposed bridge and roadway approaches as these structures do not meet the definition of “Accessory Structures”. Revisions to Section 4.1.9.1.3.4 (Shorelands) have been made to reflect these developments and are provided in Section 3.2 of this FOFC document.

Baudette / Rainy River International Bridge Replacement Project EA  
Comment Letter 5: Department of Natural Resources (MnDNR) (Page 2 of 2)

MnDOT Responses

5

riparian residential lots for each watercraft beyond six, which is 20% for the Rainy River and 25% for the rivers classified as Tributary, Forested, or Remote." And there are several other provisions for the Rainy in the zoning ordinances. Please clarify.

- Page 72, Section 4.1.13.3 – DNR recommends adding a decontamination process for pre- and post-construction for both the spiny water flea and zebra mussel. This will also need to be a part of the SWPP.

Thank-you again for the opportunity to comment. If you have any additional questions, please contact me at Theresa.olson@state.mn.us or at 218-308-2682.

Sincerely,



Theresa Olson  
Assistant Regional Manager  
Ecological and Water Resources

CC: Craig Collison

5. Revisions to Section 4.1.13.3 (Invasive Species) have been made to reflect these requests and are provided in Section 3.2 of this FOFC document.

## **Appendix B2 – Other Comments Received**

No other comments were received.

## **Public Hearing Transcript**

PUBLIC HEARING  
BAUDETTE INTERNATIONAL BRIDGE PROJECT

Number: 3905-09

\*\*\*\*\*

On Behalf of Stantec

\*\*\*\*\*

TRANSCRIPT OF PROCEEDINGS

Date: February 21, 2017  
Time: 5:00 o'clock p.m.  
Place: City Hall  
Baudette, Minnesota

REPORTER: Lorna D. Jacobson, Notary Public  
Registered Professional Reporter  
P. O. Box 177  
Bemidji, Minnesota 56619

JACOBSON REPORTING & VIDEO SERVICES \* 800-974-4282

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TRANSCRIPT OF PROCEEDINGS

This Public Hearing was convened  
at 5:00 o'clock p.m. in Baudette, Minnesota.

There were no testimonials or  
written materials presented to this court reporter.

The Hearing was adjourned at  
7:00 o'clock p.m.

\*\*\*\*\*

1  
2 STATE OF MINNESOTA )  
3 ) SS:  
4 COUNTY OF BELTRAMI )  
5

6 REPORTER'S CERTIFICATE


7 I, Lorna D. Jacobson, a Registered  
8 Professional Reporter and Notary Public in and for  
9 the County of Beltrami and State of Minnesota, do  
10 hereby certify that I was present at the  
11 Public Hearing in this matter at the time and place  
12 hereinbefore stated;

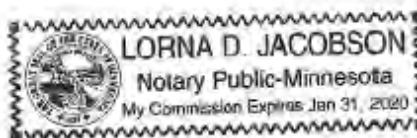
13 THAT the cost of the original has been  
14 charged to the party who noticed the hearing, and  
15 that all parties who ordered copies have been  
16 charged at the same rate for such copies;

17 THAT I am not a relative or employee or  
18 attorney or counsel of any of the parties, or a  
19 relative or employee of such attorney or counsel;

20 THAT I am not financially interested in the  
21 action and have no contract with the parties,  
22 attorneys, or persons with an interest in the  
23 action that affects or has a substantial tendency  
24 to affect my impartiality;

25 WITNESS MY HAND AND SEAL this 12th day  
of April, 2017.

26  
27   
28 Lorna D. Jacobson, Notary Public  
29 Registered Professional Reporter



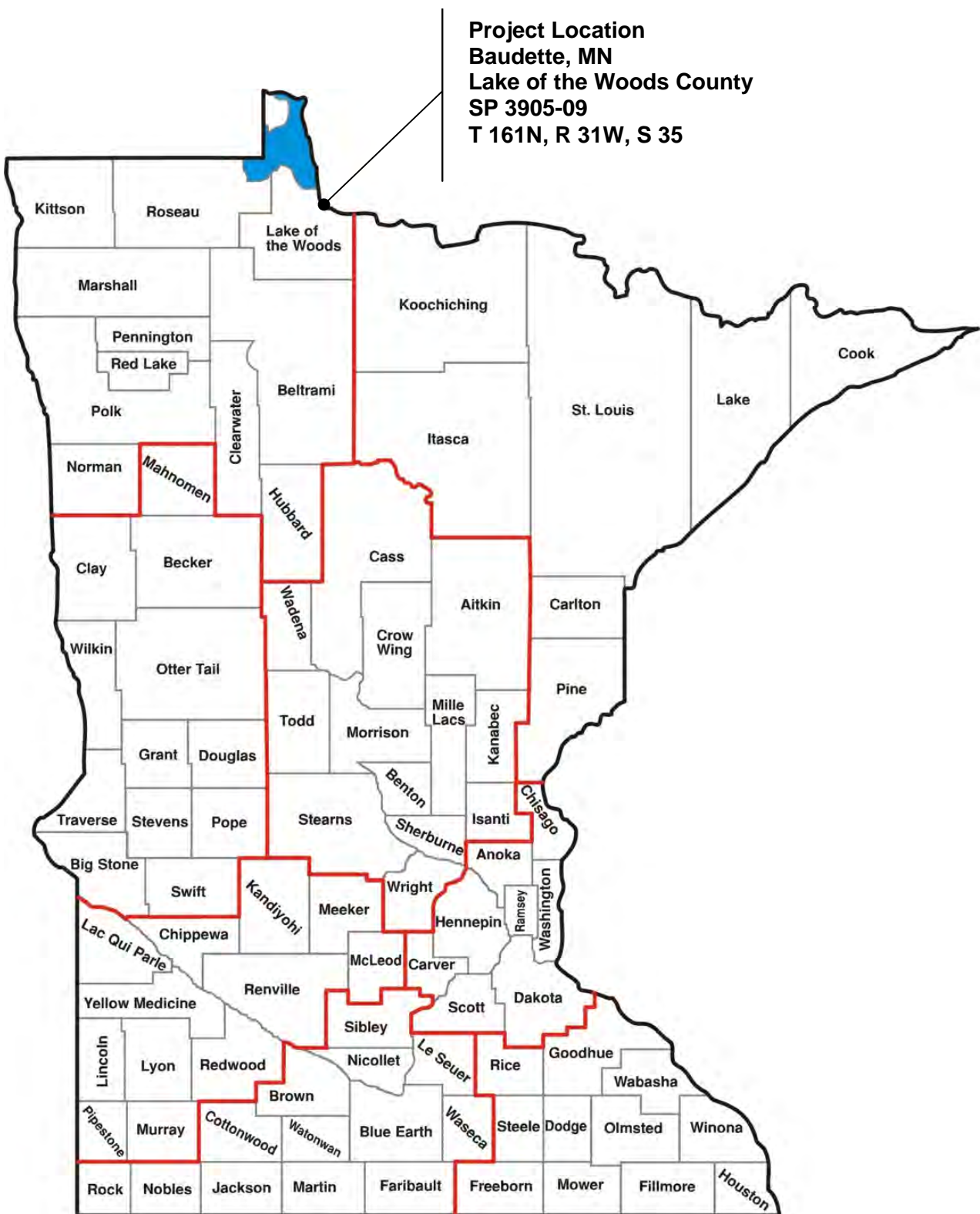


## **Appendix C – Figures**

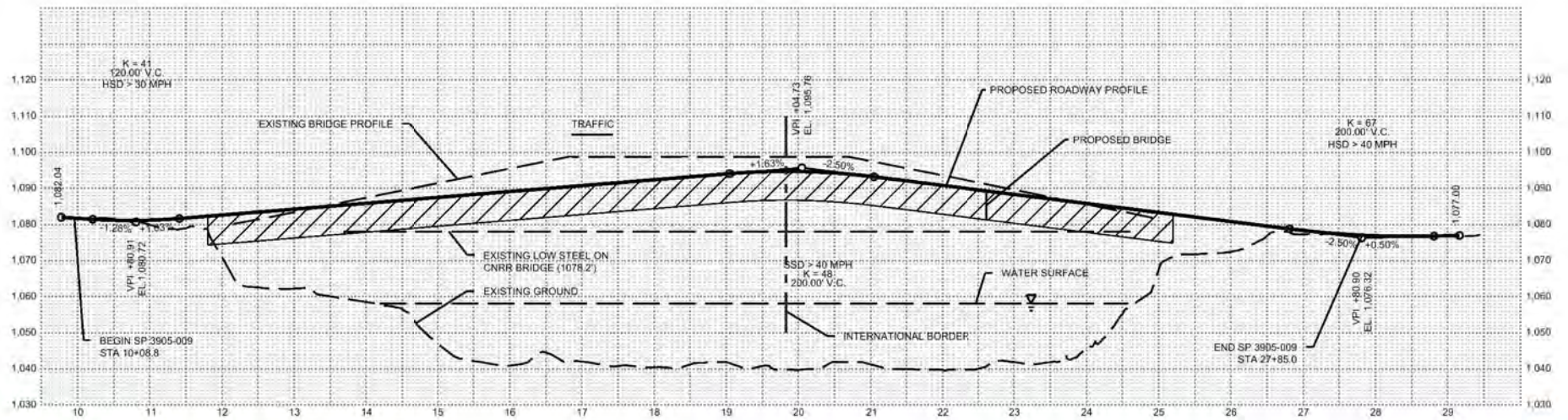
**EA Figure 3 – Area Map**

**EA Figure 18 – Preferred Alternative Plan and Profile**

# BAUDETTE / RAINY RIVER INTERNATIONAL BRIDGE REPLACEMENT PROJECT



**Figure 3: Area Map**



PREFERRED ALTERNATIVE - PLAN AND PROFILE

## **Appendix D – Recent Project Correspondence**

**MnDOT – listing the U.S. half of existing bridge for sale**

**City of Baudette – letter from Parks Department regarding Section 4f impacts**

**Letter from U.S. Department of State (DOS) and Global Affairs Canada (GAC) regarding the International Joint Commission (IJC) Determination**



## **Baudette Bridge Background and Relocation/Reuse Requirements**

(This information will be on the MnDOT Property sales website)

### **Version 8-17-17**

#### **Bridge and Location Description**

The Baudette Bridge (MnDOT Bridge 9412) on Minnesota Trunk Highway 72 in Baudette Minnesota, spans the Rainy River between the towns of Baudette, MN and Rainy River Ontario. The location is an international border crossing with US and Canadian Ports of Entry with Border Patrol and Custom facilities are located just off each end of the bridge. The bridge is a 1,285 foot long Pennsylvania through truss originally constructed in 1959 & 1960.

#### **National Register of Historic Places**

Bridge 9412 was determined eligible for listing in the National Register of Historic Places under *Criterion A: Transportation* as a significant example of major river crossings in Minnesota. It was also determined National Register eligible under *Criterion C: Engineering* as an example of an uncommon bridge type (Pennsylvania through-truss.)

#### **Status of Bridge**

The bridge is jointly owned by the Minnesota Department of Transportation (MnDOT) and the Ontario Ministry of Transportation (MTO.) Each nation owns their respective portions within their borders which is approximately near the center of the bridge. The bridge is schedule to be replaced with a new structure immediately adjacent to the existing bridge. The construction project will begin spring of 2018 and is expected to be open for traffic in late 2019 or early 2020.

As a mitigation stipulation for the adverse effect to this eligible historic bridge, any or all of the steel truss portions under Minnesota ownership is being marketed to another entity for historic preservation. If ownership of the steel truss(es) are not transferred to another entity for moving to another location for an alternate use, the steel trusses will be demolished along with the other portions of the bridge and all of the bridge portions on the Ontario side.

Re-use of the bridge will be considered. If you are interested in acquiring one, two or three of the trusses on the Minnesota side for adapted, non-vehicular use please read the stipulations for bridge ownership transfer below. This bridge will be marketed until November 20, 2017.

#### **Approximate Bridge Dimensions**

Bridge 9412 consists of six, 192 foot long, Pennsylvania through-truss main spans and six steel-beam approach spans for a total structure length of 1,285 feet. The four south approach spans and three south main spans are on the Minnesota side; the three north spans and two north approach spans are on the Ontario side. The bridge has a two-lane 24 foot wide roadway with an open steel grate deck. There is a six foot wide cantilevered sidewalk on one side of the bridge

#### **Funds for Relocation and Reuse**

There are no funds available associated with this project for disassembling, relocating and reassembling the bridge to an alternate location. All expenses incurred in relocating and rebuilding the bridge at an alternate site shall be the sole responsibility of the recipient.

## Stipulations for Bridge Ownership Transfer

The entity receiving the bridge must agree to the following:

1. The entity must accept full ownership and all financial and legal responsibilities, including maintenance liability of the relocated structure.
2. The entity shall ensure that the re-located bridge is closed to motorized vehicular traffic (i.e., cars and trucks)
3. Relocating and reassembling the steel truss(es) will be the responsibility of the entity taking ownership.
4. The removal must be completed four months after the bridge is first closed.
5. The bridge is adjacent to the U.S. Port of Entry Station and the entity removing the bridge will be required to comply with federal laws and procedures concerning customs, immigration and border security.
6. The removal will be immediately adjacent to the new bridge which shall remain open to traffic during any removal. The entity removing the bridge shall accept all responsibility to any damage to the new bridge caused by any removal procedures.
7. The proposed use of the steel truss(es) will be subject to the approval of the Minnesota Department of Transportation.
8. The entity will be required to execute a preservation agreement to preserve the bridge to maintain its historic appearance and shape.

## Submitting a Proposal

Each possible entity willing to accept the bridge must submit a written proposal. This proposal must be signed by an official authority with the entity. The written proposal shall include:

1. Location and re-use:
  - a. Where will the bridge be relocated? Include maps and photos of new site.
  - b. What will be its new use and how will it be made accessible to the public?
  - c. Will the bridge be reassembled so it maintains its current style/shape?
2. Removal
  - a. Detailed description of the procedures, timeline and estimate of costs for disassembling and removing the truss(es). This description shall be from a construction contractor and/or registered engineer.
  - b. Detailed description on procedures to be used to ensure no damage to the existing bridge during any removal process.
  - c. Explanation of contacts made with the US Customs and Border Protection Agency and how the entity will comply with all federal laws with customs, immigration and border security.
3. Rebuilding
  - a. Have environmental and cultural resource approvals been obtained for the new location? If not describe the process and timeline that will be followed for their approval.
  - b. Describe where and how the truss(es) will be stored prior to reassembly.
  - c. Detailed description of the procedures, timeline and estimate of costs for reassembling the truss(es). This description shall be from a construction contractor familiar with bridges AND a registered engineer.
4. Statement indicating willingness to:
  - a. Accept ownership of the bridge
  - b. Sign a maintenance and rehabilitation agreement
  - c. Assume all legal and financial responsibility for the bridge which may include a statement to hold the State of Minnesota harmless in any liability action.
  - d. Statement on plans for how funding will be obtained.

MnDOT reserves the right to reject without further consideration any proposal that does not adequately address the above requirements.

## Timeline

Written proposals must be accepted by November 20, 2017 12:00 p.m. noon (Central Standard Time) either by hand delivery, mail or e-mail to the MnDOT Project Manager listed below.

MnDOT will review all proposals and make a determination on all proposals by November 30, 2017.

## Contact

This information along with some selected bridge photos are located at:

<http://www.dot.state.mn.us/row/propsales.html>

Questions and submittal of proposals:

Joe McKinnon, MnDOT Project Manager  
3920 Highway 2 West  
Bemidji, MN 56601

[Joseph.mckinnon@state.mn.us](mailto:Joseph.mckinnon@state.mn.us)

218-755-6517

## **Baudette Bridge Marketing Advertisement**

**Version 8-17-2017**

The Minnesota Department of Transportation (MnDOT) is offering the availability of an existing bridge in northern Minnesota to other governments, agencies or groups for possible re-use. The existing bridge is located on State Trunk Highway 72 in Baudette, MN over the Rainy River that spans the river into Rainy River, Ontario.

The existing bridge is a 1,285 foot six span overhead truss bridge originally built in 1959. It will be replaced with a new bridge adjacent to the existing bridge with construction beginning in mid-2018 and planned to be completed in late 2019 or early 2020. The bridge is considered historic because it is eligible for listing in the National Register of Historic Places as an example of a major river crossing and also an example of a unique truss bridge type.

Because of that eligibility, federal law requires any state proposing demolition of a historic bridge must market its availability to any responsible government or other entity. Any or all of the three trusses of the bridge that are on the Minnesota side can be obtained at no cost. The cost to disassemble, move and reassemble at a new location is the responsibility of the party obtaining the bridge. The party obtaining the bridge has to meet stipulations to be considered eligible including accepting all financial, legal and maintenance responsibilities and the entity must reassemble the bridge to maintain its historic appearance and shape. Interested governments, agencies or organizations must submit a proposal for its planned removal and reuse. The existing bridge would be available for removal after the new bridge is open to traffic in mid 2020.

Proposals are due November 20, 2017. Details about the bridge, as well as information about the proposal requirements can be found at the MnDOT property sales website at:

<http://www.state.mn.us/row/propsales.html>



## **Baudette Bridge Marketing Plan**

Version 8-17-2017

### **Timeline**

The advertisement for marketing the Baudette Bridge will begin approximately August 25, 2017 (or earlier if possible.) It will last for three months.

### **Advertising Locations**

- MnDOT Public Website for property sales – publish continuously
  - This is the site used by MnDOT to advertise property and buildings for sale
  - <http://www.state.mn.us/row/propsales.html>
- Official MnDOT Press Release
  - MnDOT will submit a press release to newspaper, radio and television media outlets in Baudette, International Falls and Bemidji area (approximately 50 media contacts) about the marketing plans near the beginning of the three month marketing period.
- Minnesota Department of Natural Resources
  - Contact the MnDNR Division of Parks and Trails
- Lake of the Woods County
  - Contact Lake of the Woods County
- Baudette Newspaper
  - Northern Light Region – publish an advertisement two times approximately two weeks apart
- International Falls News Paper
  - International Falls Journal – publish an advertisement two times approximately two weeks apart
- Duluth Newspaper
  - Duluth News Tribune – publish an advertisement two times approximately two weeks apart
- Minneapolis Star Tribune – publish advertisement once
- St. Paul Pioneer Press – publish adverttismnt once
- Bridgehunter.com
  - Bridgehunter.com is a public website organized by an individual with a database of historic or notable bridges in the US past and present. The site has an unofficial list of bridges from government agencies available for potential re-use.
- Historic Bridge Foundation
  - The Historic Bridge Foundation is a national advocacy organization for the preservation of historic bridges in the United States. They offer support to all persons interested in bridge preservation including a clearinghouse for information on the preservation of historic bridges via a website and newsletter.



Date: April 27, 2017

Mr. Roger Schotl  
Public Works Director  
City of Baudette  
219 8th Avenue SE  
Baudette, MN 56623

RE: Baudette/Rainy River International Bridge Reconstruction  
SP 3905-09  
Temporary Occupancy in Peace Park

Mr. Schotl:

The Minnesota Department of Transportation (MnDOT), in cooperation with the Ontario Ministry of Transportation (MTO), is planning to replace the Baudette/Rainy River International Bridge on Minnesota Trunk Highway 72 in the City of Baudette and Highway 11 in the Town of Rainy River.

The purpose of this project is to address the deteriorating condition of the existing bridge structure in order to maintain the international exchange of vehicular, freight and pedestrian traffic across the Rainy River at this location as follows:

- To provide a level of service that is consistent with the transportation needs of area residents, businesses and industries;
- To improve public safety by providing a roadway that conforms to the current minimum standards for geometry and width; and
- To ensure the continued serviceability of the route.

The proposed improvements involve removing of the existing Bridge and constructing a replacement bridge on a new alignment. The project will also include tying the new bridge structure into the existing U.S. and Canadian approaches. Construction is anticipated to begin in 2018, with substantial completion by the end of 2019.

Peace Park is a City Owned property, located directly adjacent to the project area and is considered to be subject to Section 4(f) regulations (23 CFR 774). Contractors MAY want to request to use a portion of Peace Park during construction for staging purposes, including storage of materials or equipment in the parking lot and using the boat launch to provide access to Rainy River through the Baudette River. The decision to use a portion of the park will depend on the contractor and will originate from the contractor for the project. If contractors utilize the park for staging in this manner, a temporary occupancy of Peace Park will occur.

As per the 23 CFR 774.13(d), a temporary occupancy does not constitute a Section 4(f) use when all of the conditions listed below are satisfied:

- **Duration must be temporary, less than the time needed for construction of the project, and there should be no change in ownership of the land;**

*The duration of the occupancy would be temporary in nature. The City is anticipating that contractors may desire to utilize the parking lot, dock and boat landing within Peace Park for construction staging. The staging work would generally include transporting and storage of materials. SP 3905-09 is anticipated to be constructed under a single contract with a total estimated duration of two construction seasons (approximately 24 months). Staging activities will occur only during construction and will not last beyond the approximate 24 month period.*

*The City of Baudette will retain ownership of Peace Park throughout the duration of the project. No change in ownership will occur.*

- **Scope of the work must be minor, both the nature and the magnitude of the changes to the Section 4(f) property are minimal;**

*Contractor use of the parking lot, dock and boat landing requires authorization from the City of Baudette. Please note that such use will follow the steps set forth below and may result in compensation to the city.*

- **There are no anticipated permanent adverse physical impacts, nor will there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis;**

*There are no anticipated permanent adverse physical impacts or interference with the protected activities, features, or attributes of the property. The site would generally remain open during construction so that visitors would have access to the boat ramp, picnic tables, and other amenities on the site. Limited closures may be needed for safety concerns and for short-term nighttime work. Parking may be temporarily reduced; however additional parking is available on Trunk Highway 72.*

- **The land being used must be fully restored, the property must be returned to a condition which is at least as good as that which existed prior to the project;**

*The parking lot, driveway and dock areas will be fully restored to its prior use upon completion of the project. The land would be fully restored following construction, including replanting trees and other vegetation, repair of asphalt paving if necessary, and removal of all construction equipment and debris.*

*A deviation from the above stated use will result in a temporary occupancy for any use of the park property--outside of the original agreement (Temporary Easement Parcel 211)—and will require approval by the City of Baudette. The following will be used if the park is to have a temporary occupancy:*

- 1. The contractor will prepare a proposal of what they may request to use.*
- 2. The contractor, City & MnDOT will meet to review the proposal.*
- 3. Contractor and city must agree in writing to the proposal and the conditions for any restoration. Note: A temporary occupancy may result in compensation to the city.*
- 4. Existing park conditions of vegetation, turf, trees and paving will be documented prior to any use.*
- 5. At the conclusion of any park use a closeout meeting will be held.*

- **There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions.**

Please review the attached figures and indicate your concurrence with the work proposed, and that the above conditions are met, by signing below. Please forward the signed original back to me for our records. I will forward this information to the Federal Highway Administration for concurrence.

If you have questions regarding this matter, feel free to contact me at your earliest convenience at 218-755-6517. Thank you.

Sincerely,

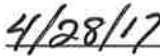


Joe McKinnon, P.E.  
Project Manager, MnDOT District 2

I concur that the assessment of impacts for each of the four conditions and understand this will likely result in a FHWA determination of a temporary occupancy in Peace Park..



Mr. Roger Schotl



Date

City of Baudette Public Works

Attachments:

1. Figure 1 – Project Location Map

cc: Joe Campbell, FHWA





U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**Minnesota Division**

January 18, 2017

380 Jackson Street  
Cray Plaza, Suite 500  
St. Paul, MN 55101-4802

651.291.6100  
Fax 651.291.6000

[www.fhwa.dot.gov/mndiv](http://www.fhwa.dot.gov/mndiv)

January 17, 2017

Mr. Roger Schotl  
Public Works Director  
City of Baudette  
219 8th Avenue SE  
Baudette, MN 56623

RE: Baudette/Rainy River International Bridge Reconstruction  
SP 3905-09  
Request for Concurrence on De Minimis Impact to Park

Dear Mr. Schotl:

This letter is regarding the proposed impacts to the Peace Park property located adjacent to the existing international bridge crossing (Bridge #9412), as a result of the bridge replacement project. The Minnesota Department of Transportation (MnDOT), in cooperation with the Ontario Ministry of Transportation (MTO), is planning to replace the Baudette/Rainy River International Bridge on Minnesota Trunk Highway 72 in the City of Baudette and Highway 11 in the Town of Rainy River. The proposed improvements involve removing of the existing Bridge and constructing a replacement bridge on a new alignment. The project will also include tying the new bridge structure into the existing U.S. and Canadian approaches. Construction is anticipated to begin in 2018, with substantial completion by the end of 2019.

As you are aware, this project includes approximately 0.22 acres of temporary easement area to accommodate tree removal for construction movements and equipment (approximately four trees will be removed within the Peace Park boundary). This temporary impact area also includes possible minor excavation activities to facilitate the installation of the proposed bridge abutment and retaining wall. Lastly, construction of the proposed temporary causeway for construction staging will take place within park property. None of the existing park facility structures, historical markers, or graves will be removed, relocated, or temporarily disturbed. Upon construction completion, vegetation and landscaping will be restored as feasible and the existing facilities will not be impacted.

Under Section 4(f) of the U.S. Department of Transportation Act of 1966, this park property is considered a Section 4(f) resource. A review of the project impacts and proposed construction shows that the impacts to the park will be minimal and will not alter or affect the use of the park. Based on this assessment, we intend to make a determination that the impact to the park property would be de minimis.

In order to make the Section 4(f) de minimis finding, your written concurrence that this project will not adversely affect the activities, features, and attributes of the park property is necessary. To acknowledge that you have been notified of the intent to apply the Section 4(f) de minimis finding, and your agreement that the activities, features, and attributes of the park will not be adversely affected, please sign below and return the signed copy to me at the letterhead address. Your prompt response is appreciated.

If you have any questions, please call me at (651) 291-6121.

Sincerely,



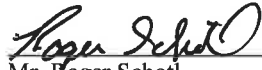
JOSEPH W CAMPBELL  
2017.01.18 10:38:36 -06'00'

Joe Campbell, P.E.

Date

Area Engineer / Assistant Bridge Engineer

As the official with jurisdiction over Peace Park, I hereby concur with the recommendation of the project proponents that the use and impacts associated with this project along with the identified avoidance, minimization, and mitigation measures, will not adversely affect the activities, features, and attributes that qualify the property for protection under section 4(f).



Mr. Roger Schotl

Date

4/28/17

City of Baudette Public Works

## Maahs-Henderson, Theresa

---

**From:** Sandrolini, Christopher J <SandroliniCJ@state.gov>  
**Sent:** Friday, June 30, 2017 2:01 PM  
**To:** joseph.mckinnon@state.mn.us; Kevin.Saunders@ontario.ca; Maahs-Henderson, Theresa; Grove, Dale  
**Cc:** dani.fisher@international.gc.ca; Felicia.Minotti@international.gc.ca; Marcus.Davies@international.gc.ca; Selinger, Kirsten B; Reenshuler, Briana; Katsakis, Nickolas G; Dunlap, Ellen M; Lobel, Hannah J; So, Rachel; Teel.Pam@epa.gov; Rob.dobos@canada.ca; Steve.cobham@canada.ca  
**Subject:** Government Response for Baudette-Rainy Bridge Replacement

Good afternoon,

I am writing to inform you that Global Affairs Canada and United States Department of State (“the governments”) have reviewed the hydraulic reports provided by the Baudette-Rainy River Bridge Replacement Project.

Following consultation with our respective technical agencies, we understand from the analysis provided that any impacts to water levels and flows during or following construction of the new bridge structure would be de minimis. We conclude that an application for an order of approval by the International Joint Commission (IJC) is not necessary, and nor is a special agreement between the United States and Canada.

We would appreciate if the project team would keep the governments as well as the IJC Board apprised of the project developments and updates going forward.

Regards,

Chris Sandrolini

*Christopher Sandrolini  
Director  
Office of Canadian Affairs (WHA/CAN)  
U.S. Department of State  
Tel: 202 647 2273  
Email: sandrolinicj@state.gov*

Official  
UNCLASSIFIED

Official  
UNCLASSIFIED



## **Appendix E – Additional and Updated Studies/Memoranda**

### **Section 106 Memorandum of Agreement (MOA)**



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**Minnesota Division**

March 20, 2017

380 Jackson Street  
Cray Plaza, Suite 500  
St. Paul, MN 55101-4802  
651.291.6100  
Fax 651.291.6000  
[www.fhwa.dot.gov/mndiv](http://www.fhwa.dot.gov/mndiv)

Sara Beimers  
Government Programs and Compliance Manager  
Minnesota State Historic Preservation Office  
Minnesota Historical Society  
345 Kellogg Blvd. W.  
Saint Paul, MN 55102-1903

Re: Section 106 Memorandum of Agreement  
Trunk Highway 72 Rainy River International Bridge  
State Project Number 3905-09  
Between Baudette, MN, and Rainy River, Ontario

Dear Ms. Beimers:

The purpose of this letter is to distribute the fully executed Section 106 Memorandum of Agreement (MOA) for the subject project to the consulting parties.

The executed MOA was filed with the Advisory Council on Historic Preservation via the e106 process. The executed MOA is being sent to the Lake of the Woods County Historical Society via carbon copy of this letter.

Please contact me if you have any questions.

Sincerely,

PHILIP J FORST  
2017.03.20  
08:02:49 -05'00'

Philip Forst  
Environmental Specialist

Enclosure

PJF

cc: 1 MnDOT, Abel, w/enclosure, [Elizabeth.abel@state.mn.us](mailto:Elizabeth.abel@state.mn.us)  
1 Lake of the Woods County Historical Society, Aery, w/enclosure  
1 FHWA, Campbell, e-copy w/enclosure, [joe.w.campbell@dot.gov](mailto:joe.w.campbell@dot.gov)

**MEMORANDUM OF AGREEMENT  
BETWEEN  
THE FEDERAL HIGHWAY ADMINISTRATION  
AND  
THE MINNESOTA HISTORIC PRESERVATION OFFICE  
REGARDING THE  
REPLACEMENT OF THE RAINY RIVER INTERNATIONAL BRIDGE (MINNESOTA BRIDGE  
9412/ONTARIO BRIDGE 45-110) (S.P. 3905-09) BETWEEN BAUDETTE, LAKE OF THE  
WOODS COUNTY, MINNESOTA, AND RAINY RIVER, ONTARIO**

WHEREAS, the Federal Highway Administration (FHWA) plans to provide Federal-Aid Highway Program funds to the Minnesota Department of Transportation (MnDOT) to replace the Rainy River International Bridge (MnDOT Bridge 9412/Ontario Bridge 45-110) carrying Minnesota Trunk Highway 72/Ontario Provincial Highway (King's Highway) 11 over the Rainy River between Baudette, Minnesota, and Rainy River, Ontario, with a new bridge, and reconstruct a portion of the bridge approaches (S.P. 3905-09) (PROJECT); and

WHEREAS, FHWA has determined that the PROJECT is a federal undertaking with the potential to affect historic properties listed in or eligible for listing in the National Register of Historic Places (NRHP) and is therefore subject to review under Section 106 of the National Historic Preservation Act (54 USC § 306108) and its implementing regulations at 36 CFR 800; and

WHEREAS, review of this PROJECT has been conducted per the terms of the *2005 Programmatic Agreement Among the Federal Highway Administration; the Minnesota State Historic Preservation Office; the Advisory Council on Historic Preservation; the Department of the Army, Corps of Engineers, St. Paul District; and the Minnesota Department of Transportation Regarding Implementation of the Federal-Aid Highway Program in Minnesota* (as amended 2014) (Statewide PA), various stipulations of which are incorporated by reference; and

WHEREAS, the PROJECT will require permits from the U.S. Army Corps of Engineers, St. Paul District (Corps), pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC § 403) and Section 404 of the Clean Water Act (33 USC §1344); and

WHEREAS, in accordance with 36 CFR 800.2(a)(2) and per the terms of the Statewide PA, FHWA and the Corps have agreed that FHWA is the lead federal agency in the Section 106 review of this PROJECT; and

WHEREAS, MnDOT's Cultural Resources Unit (MnDOT CRU), on behalf of FHWA and in consultation with the Minnesota Historic Preservation Office (MnHPO), has defined the PROJECT area of potential effects (APE) as shown in Attachments A and B to this Memorandum of Agreement (AGREEMENT); and

WHEREAS, MnDOT CRU, in consultation with MnHPO, has completed surveys of the PROJECT APE and has identified two historic properties within the APE: the Minnesota and Manitoba Railroad Corridor Historic District (LW-RRD-001) and the Rainy River International Bridge (LW-BDC-031), both of which are eligible for listing in the NRHP; and

WHEREAS, MnDOT CRU has determined, and MnHPO has concurred, that based on the draft preliminary alternative layouts dated July 21, 2015, the PROJECT will have no adverse effect

on the Minnesota and Manitoba Railroad Corridor Historic District (LW-RRD-001) but will have an adverse effect on the Rainy River International Bridge (LW-BDC-031) by removing the structure; and

WHEREAS, in accordance with 36 CFR 800.2(c)(2)(ii), MnDOT CRU, on behalf of FHWA, has, in a good faith effort, contacted by letter dated February 16, 2012, the federally recognized American Indian tribes listed in Attachment C to this AGREEMENT, asking if they knew of any properties of historical and/or cultural significance within the APE and inviting their participation in consultation, and none have indicated that they are aware of the presence of these properties and they have not requested to participate in the consultation; and

WHEREAS, in accordance with 36 CFR 800.6(a)(1), FHWA has notified the Advisory Council on Historic Preservation (ACHP) of its finding of adverse effect for the PROJECT and has provided ACHP with documentation specified in 36 CFR 800.11(e), and ACHP has chosen not to participate in the consultation; and

WHEREAS, FHWA has consulted with MnHPO and MnDOT pursuant to 36 CFR 800 to resolve the adverse effect of the PROJECT on the Rainy River International Bridge (LW-BDC-031); and

WHEREAS, MnDOT has assumed certain responsibilities under this AGREEMENT and FHWA has invited MnDOT to become a signatory to this AGREEMENT pursuant to 36 CFR 800.6(c)(2); and

WHEREAS, the Rainy River International Bridge (LW-BDC-031) is jointly owned and maintained by MnDOT and the Ministry of Transportation - Ontario (MTO) and FHWA has consulted with MTO and has asked them to concur with this AGREEMENT pursuant to 36 CFR 800.6(c)(3); and

WHEREAS, MnDOT CRU has consulted with the Lake of the Woods County Historical Society (LOW County Historical Society) per 36 CFR 800.3(f) and has asked them to concur with this AGREEMENT pursuant to 36 CFR 800.6(c)(3); and

WHEREAS, FHWA has conducted public participation in this review in coordination with the scoping, public review and comment, and public hearings conducted to comply with the National Environmental Policy Act (NEPA) and its implementing regulations as allowed per 36 CFR 800.2(d)(3); and

NOW, THEREFORE, FHWA and MnHPO agree that upon FHWA's approval of the PROJECT, FHWA will ensure that the following stipulations are implemented in order to take into account the effects of the PROJECT on historic properties, and that these stipulations shall govern the PROJECT and all of its parts until this AGREEMENT expires or is terminated.

#### **STIPULATIONS**

FHWA shall ensure that the following measures are carried out:

##### **I. HAER RECORDATION OF THE RAINY RIVER INTERNATIONAL BRIDGE (LW-BDC-031)**

- A. Prior to awarding a contract for construction, MnDOT CRU shall have the Rainy River International Bridge (LW-BDC-031) documented according to the standards and guidelines of the Historic American Engineering Record (HAER) by an individual who meets the *Secretary*

*of the Interior's Professional Qualifications Standards* in architecture, historic architecture, or architectural history (36 CFR 61). The recordation shall be Level II and will include: select existing drawings that will be photographed with large-format negatives or photographically reproduced on Mylar; photographs with large-format negatives of the bridge and its relationship to the cities of Baudette, Minnesota, and Rainy River, Ontario, and historic views, where available; an index to photographs; and a written narrative (history and description) of the historic bridge.

- B. MnDOT CRU shall submit a copy of the draft HAER documentation package including a set of example photographs and negatives (both original and of the drawing sets) to the National Park Service (NPS) Midwest Regional Office for review.
- C. MnDOT CRU shall incorporate any changes required by NPS and submit one original final HAER documentation package (including photographs and negatives) to the NPS Midwest Regional Office, one original final HAER documentation package and a PDF copy on an archivally stable CD to MnHPO, and one original final documentation package and a PDF copy on an archivally stable CD to LOW County Historical Society. MnDOT CRU shall upload a PDF copy of the final documentation onto its Historic Bridges website.

## **II. PUBLIC INTERPRETATION AND EDUCATION**

- A. Within two (2) years following execution of this AGREEMENT, MnDOT shall develop and install an interpretive panel in the vicinity of the new bridge that will include photos, graphics and text relating the history and importance of the Rainy River International Bridge (LW-BDC-031) crossing to the history of Baudette and detailing the historical significance and unique features of the bridge structure. MnDOT shall develop the content of the interpretive panel and determine an appropriate location in consultation with LOW County Historical Society and MnHPO. MnDOT CRU shall submit draft interpretive panel content and proposed location to LOW County Historical Society and MnHPO for a sixty-day (60-day) review and comment period. Any written comments received by MnDOT CRU within the sixty-day (60-day) review period will be incorporated into the final interpretive panel design.
- B. Within two (2) years following execution of this AGREEMENT, MnDOT CRU shall prepare an exhibit panel or panels regarding the historical significance of the Rainy River International Bridge (Bridge 9412) (LW-BDC-031) for display at the Lake of the Woods County Museum. Designed for public education, the exhibit shall include photographs and other images of the Rainy River International Bridge (LW-BDC-031), including images from the HAER documentation, and information about its NRHP eligibility within the context of Minnesota's historic bridges and its importance in the history of Baudette and the surrounding area. MnDOT CRU shall develop the content of the exhibit in consultation with LOW County Historical Society, who will take ownership of the exhibit, and MnHPO. MnDOT CRU shall submit draft exhibit content to LOW County Historical Society and MnHPO for a sixty-day (60-day) review and comment period. Any written comments received by MnDOT CRU within the sixty-day (60-day) review period will be incorporated into the final exhibit design.

## **III. POST-REVIEW DISCOVERIES**

If MnDOT CRU determines that the PROJECT will affect a previously unidentified property that may be historic or affect a known historic property in an unanticipated manner, MnDOT CRU shall ensure that the measures contained in Stipulation 5 of the Statewide PA are carried out.



The terms of any mitigation for adverse effects to historic properties identified during post-review discovery shall be addressed by amending this AGREEMENT.

### **III. TREATMENT OF HUMAN REMAINS**

If MnDOT or its contractors discover human remains, possible human remains, or artifacts associated with mortuary features during PROJECT-related construction activities, MnDOT CRU shall follow the terms and conditions of Stipulation 6 of the Statewide PA.

### **IV. DISPUTE RESOLUTION**

Should any party to this AGREEMENT object at any time to any actions proposed or the manner in which the terms of the AGREEMENT are implemented, MnDOT CRU on behalf of FHWA shall consult with the objecting party (or parties) to resolve the objection. If objections cannot be resolved, FHWA shall follow the steps outlined in Stipulation 7 of the Statewide PA. FHWA's responsibility to carry out all other actions subject to the terms of this AGREEMENT that are not subjects of the dispute remain unchanged pending resolution.

### **V. DURATION, AMENDMENTS AND TERMINATION**

- A. This AGREEMENT shall remain in effect from the date of full execution for a period not to exceed five (5) years. If FHWA anticipates that the terms of the AGREEMENT cannot be completed within this timeframe, it shall notify the parties in writing at least thirty (30) days prior to the AGREEMENT's expiration date. The AGREEMENT may be extended by the written concurrence of the signatories and invited signatories. If the AGREEMENT expires and FHWA elects to continue with the undertaking, FHWA shall reinitiate review of the undertaking in accordance with 36 CFR 800.
- B. Any signatory or invited signatory to this AGREEMENT may propose to FHWA that the terms of the AGREEMENT be amended. FHWA shall use the same consultation process exercised in creating the original AGREEMENT to consider the proposed amendment. If the signatories and relevant invited signatories elect to amend this AGREEMENT, FHWA shall file the amendment with ACHP upon execution.
- C. If any signatory or invited signatory to this AGREEMENT determines that the AGREEMENT cannot be fulfilled, or that an amendment to the terms of the AGREEMENT must be made, the signatories shall consult to seek an amendment to its terms using the same consultation process as that exercised in creation of the original AGREEMENT. FHWA shall file any amendments with ACHP upon execution.
- D. Any signatory or invited signatory to this AGREEMENT may terminate the AGREEMENT by providing sixty (60) days' written notice to the other parties, provided the parties consult during the period prior to termination to agree on amendments or other actions that would avoid termination. If the AGREEMENT is terminated and FHWA elects to continue with the undertaking, FHWA shall reinitiate review of the undertaking in accordance with 36 CFR 800.

### **VI. IMPLEMENTATION**

- A. This AGREEMENT may be implemented in counterparts, with a separate signature page for each party. This AGREEMENT shall become effective on the date of the final signature by the signatories and invited signatories. The refusal of any concurring party to sign the

AGREEMENT does not invalidate the AGREEMENT. FHWA shall ensure each party is provided with a fully executed copy of the AGREEMENT and that the final AGREEMENT, updates to attachments, and any amendments are filed with ACHP.

- B. Execution of this AGREEMENT by FHWA and MnHPO and implementation of its terms is evidence that FHWA has taken into account the effects of its undertaking on historic properties and has afforded ACHP opportunity to comment pursuant to Section 106 of the National Historic Preservation Act.



**SIGNATORY PAGE**

**MEMORANDUM OF AGREEMENT  
BETWEEN  
THE FEDERAL HIGHWAY ADMINISTRATION AND  
THE MINNESOTA HISTORIC PRESERVATION OFFICE  
REGARDING**

**REPLACEMENT OF THE RAINY RIVER INTERNATIONAL BRIDGE (MINNESOTA BRIDGE  
9412/ONTARIO BRIDGE 45-110) BETWEEN BAUDETTE, LAKE OF THE WOODS COUNTY,  
MINNESOTA, AND RAINY RIVER, ONTARIO**

**SIGNATORY :**

FEDERAL HIGHWAY ADMINISTRATION (FHWA)

By:   
for Arlene Kocher, Minnesota Division Administrator

Date: 3/16/2017

**SIGNATORY PAGE**

**MEMORANDUM OF AGREEMENT  
BETWEEN  
THE FEDERAL HIGHWAY ADMINISTRATION  
AND  
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REGARDING THE  
REPLACEMENT OF THE RAINY RIVER INTERNATIONAL BRIDGE (MINNESOTA BRIDGE  
9412/ONTARIO BRIDGE 45-110) (S.P. 3905-09) BETWEEN BAUDETTE, LAKE OF THE  
WOODS COUNTY, MINNESOTA, AND RAINY RIVER, ONTARIO**

**SIGNATORY :**

MINNESOTA HISTORIC PRESERVATION OFFICE (MnHPO)

By:   
Amy H. Spong, Deputy State Historic Preservation Officer

Date: 1.27.17

**SIGNATORY PAGE**

**MEMORANDUM OF AGREEMENT  
BETWEEN  
THE FEDERAL HIGHWAY ADMINISTRATION  
AND  
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9412/ONTARIO BRIDGE 45-110) (S.P. 3905-09) BETWEEN BAUDETTE, LAKE OF THE  
WOODS COUNTY, MINNESOTA, AND RAINY RIVER, ONTARIO**

**INVITED SIGNATORY:**

MINNESOTA DEPARTMENT OF TRANSPORTATION (MnDOT)

By:   
Charles E. Zelle, Commissioner

Date: 3/8/17

**SIGNATORY PAGE**

**MEMORANDUM OF AGREEMENT  
BETWEEN  
THE FEDERAL HIGHWAY ADMINISTRATION  
AND  
THE MINNESOTA HISTORIC PRESERVATION OFFICE  
REGARDING THE  
REPLACEMENT OF THE RAINY RIVER INTERNATIONAL BRIDGE (MINNESOTA BRIDGE  
9412/ONTARIO BRIDGE 45-110) (S.P. 3905-09) BETWEEN BAUDETTE, LAKE OF THE  
WOODS COUNTY, MINNESOTA, AND RAINY RIVER, ONTARIO**

**CONCURRING PARTY:**

MINISTRY OF TRANSPORTATION - ONTARIO (MTO)

By: \_\_\_\_\_

Date: \_\_\_\_\_

The Ministry of Transportation-Ontario was invited to sign this AGREEMENT and has elected not to take a signature action. Since this concurring party does not have a duty or responsibility under the AGREEMENT, the AGREEMENT is valid without their signature per ACHP guidance documents.

**SIGNATORY PAGE**

**MEMORANDUM OF AGREEMENT  
BETWEEN  
THE FEDERAL HIGHWAY ADMINISTRATION  
AND  
THE MINNESOTA HISTORIC PRESERVATION OFFICE  
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9412/ONTARIO BRIDGE 45-110) (S.P. 3905-09) BETWEEN BAUDETTE, LAKE OF THE  
WOODS COUNTY, MINNESOTA, AND RAINY RIVER, ONTARIO**

**CONCURRING PARTY:**

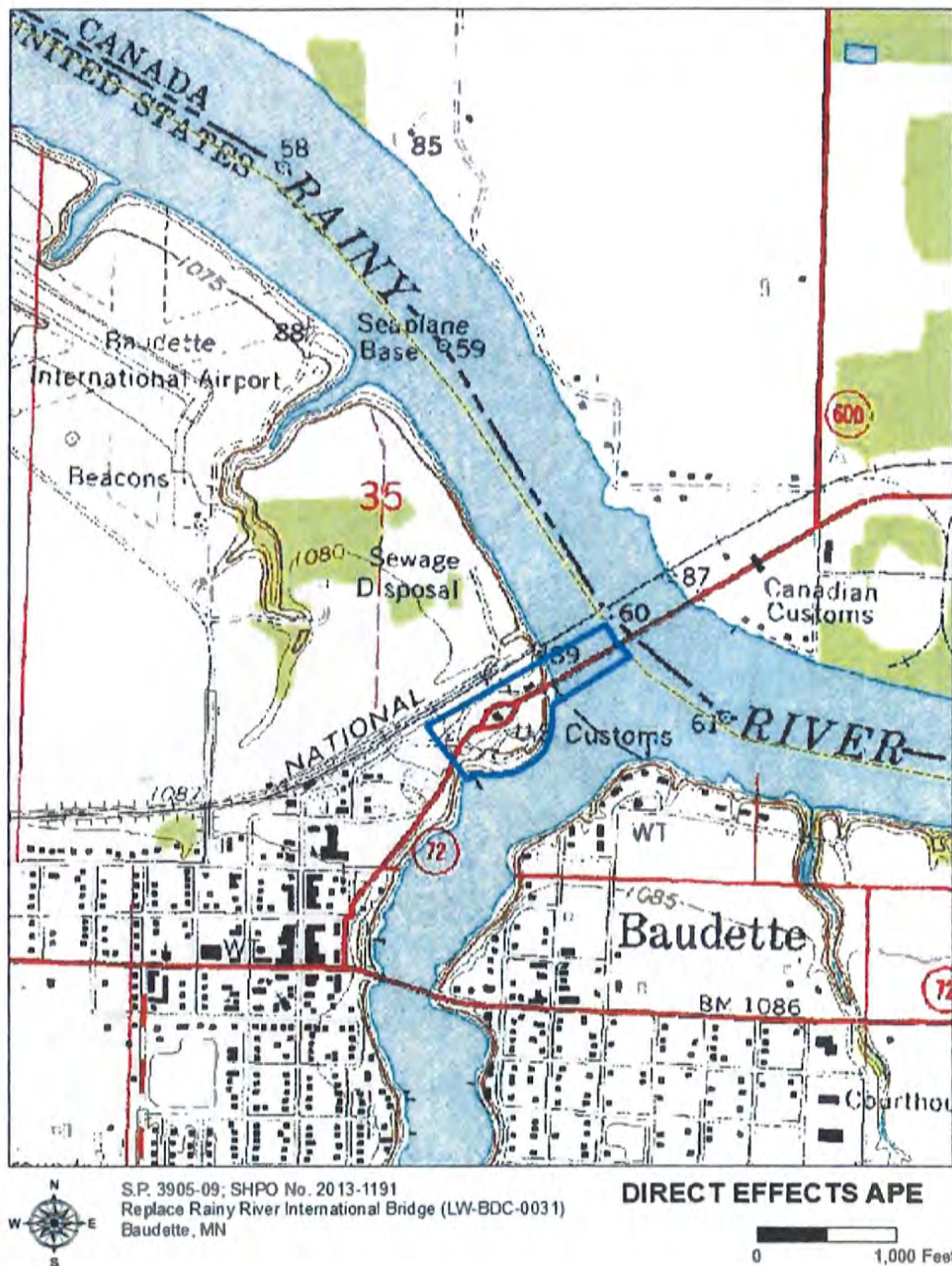
LAKE OF THE WOODS COUNTY HISTORICAL SOCIETY

By:   
Gary Aery, President, Board of Directors

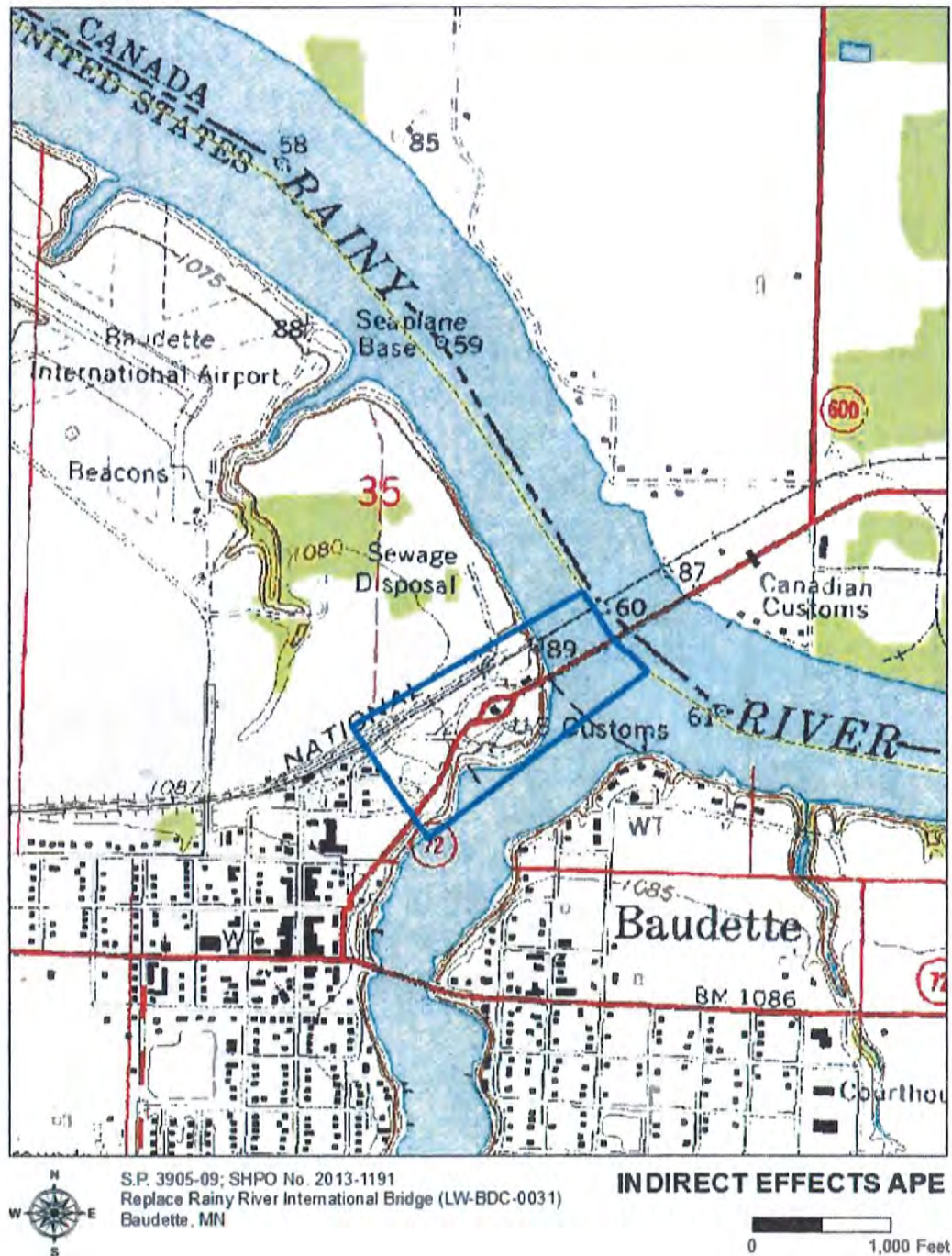
Date: FEB 23 17



ATTACHMENT A



ATTACHMENT B





**ATTACHMENT C**  
**CONTACTED TRIBES**

Bad River Band of Lake Superior Chippewa  
Fort Peck Tribes  
Flandreau Santee Sioux Tribe  
Keweenaw Bay Indian Community  
Lac Courte Oreilles Band of Lake Superior Chippewa  
Lac du Flambeau Band of Lake Superior Chippewa  
Lac Vieux Desert Band of Lake Superior Chippewa  
Red Cliff Band of Lake Superior Chippewa  
Red Lake Band of Chippewa  
St. Croix Chippewa Indians of Wisconsin  
Santee Sioux Tribe  
Shakopee Mdewakanton Sioux Community  
Sokaogon Chippewa Community  
Spirit Lake Tribe  
Standing Rock Sioux Tribe  
Turtle Mountain Band of Chippewa