

Minnesota Department of Transportation

TH 34 Passing Lanes from Detroit Lakes to Nevis

Findings of Fact and Conclusions

March 2014

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Table of Contents

Administrative Background	2
Findings of Fact	2
Project Description.....	2
Agency and Public Comments on the EAW	3
Decision Regarding Need for Environmental Impact Statement	4
Type, Extent, and Reversibility of Impacts.....	4
Land Use	4
Geology, Soils, and Topography.....	5
Water Resources	5
Contamination/Hazardous Materials/Waste.....	7
Fish, Wildlife, Plant Communities, and Sensitive Ecological Resources	8
Historic Properties	8
Noise	9
Transportation	9
Cumulative Potential Effects of Related or Anticipated Future Projects.....	9
Extent to which the Environmental Effects are Subject to Mitigation by Ongoing Public Regulatory Authority	10
Extent to which Environmental Effects can be Anticipated and Controlled as a Result of Other Environmental Studies	10
Conclusions.....	11
Appendix A. Comments and Responses	
Appendix B. Noise Barrier 1.1 Public Involvement Worksheet	

Administrative Background

The Minnesota Department of Transportation (MnDOT) proposes constructing improvements to Trunk Highway (TH) 34 at eight locations between Detroit Lakes and Akeley (just east of Nevis) to provide turn lanes and/or passing lanes. The improvements will affect approximately 12 miles of the 57 mile corridor in Becker and Hubbard Counties (see [Figure 1](#)).

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

The EAW was filed with the Minnesota Environmental Quality Board (EQB) and circulated for review and comment to the required EAW distribution list. A Notice of Availability was published in the *EQB Monitor* on December 23, 2013. A notice was also published in the Detroit Lakes Tribune and Park Rapids Enterprise. This notice included a description of the project, information on where copies of the EAW were available, and invited the public to provide comments that would be used in determining the need for an EIS on the proposed project. The EAW was made available for public review online at <http://www.dot.state.mn.us/d4/projects/hwy34/> and in hard copy at the following locations:

- Detroit Lakes Public Library, 1000 Washington Avenue, Detroit Lakes, MN 56501
- Park Rapids Public Library, 210 1st Street W, Park Rapids, MN 56470
- Bemidji Public Library, 509 American Avenue NW, Bemidji, MN 56601
- Fergus Falls Public Library, 205 E Hampden, Fergus Falls, MN 56537
- Hennepin County Library, 300 Nicollet Mall, Minneapolis, MN 55401

The EAW comment period was from December 23, 2013 through January 22, 2014. Five written comments were received during the comment period, and one comment letter received after the comment period. All comments received were considered in determining the potential for significant environmental impacts. Comments and responses to comments are included in [Appendix A](#).

Based upon the information in the record, which is composed of the EAW for the proposed project, the issues raised during the public comment period, the responses to comments, and other supporting documents, MnDOT makes the following Findings of Fact and Conclusions.

Findings of Fact

Project Description

TH 34 is a two-lane rural highway that provides the primary east-west route between Detroit Lakes and Walker, Minnesota, a distance of approximately 68 miles. TH 34 has been long-targeted for improvements and has recently received funding authorization through Minnesota's Corridors of Commerce program, which has two major goals: to provide additional highway capacity on sections where there are currently bottlenecks in the system, and to improve the movement of freight and reduce barriers to commerce.

To achieve the Corridors of Commerce goals, this project will provide preliminary and detailed design services for the construction of passing lanes, turning lanes, and intersection improvements at eight designated locations on TH 34 between Detroit Lakes and Akeley (just east of Nevis), Minnesota.

The project includes eight sections of TH 34 as shown in [Figure 1](#). The eight sections are located at the following reference points, which relate to the marked mile posts along the highway, with Detroit Lakes starting at approximately Reference Point (RP) 34 and Akeley at approximately RP 93. All work will be performed within existing state right-of-way, except for small strips of new right-of-way in Sections 7 and 8. The work is planned to be completed during the 2014 construction season.

<u>Section 1</u>	RP: 36.7 to 37.1	Add center left turn lane for CR 141 – minor widening split to both sides of roadway
<u>Section 2</u>	RP: 38.2 to 40.5	Add center left turn for CSAH 29 and widen TH 34 to the south for passing lane
<u>Section 3</u>	RP: 43.2 to 43.8	Remove center depressed median and perpetuate center left turn
<u>Section 4</u>	RP: 47.0 to 48.6	Widen TH 34 to the north and south for passing lanes (4 lanes wide)
<u>Section 5</u>	RP: 58.0 to 59.9	Widen TH 34 to the north for westbound (WB) passing lane, than ½ mile gap, widen to the south for eastbound (EB) passing lane
<u>Section 6</u>	RP: 66.5 to 68.4	Widen TH 34 to the north and south for passing lanes (4 lanes wide)
<u>Section 7</u>	RP: 87.0 to 88.6	Widen TH 34 to the south for WB passing lane
<u>Section 8</u>	RP: 89.9 to 91.5	Widen TH 34 to the south for EB passing lane

Proposed work also includes extending approximately 31 centerline culverts. A few of these culverts may require replacing, or jacking in new culverts depending on existing culvert conditions.

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

Since the EAW was published, the following project items have changed or been updated:

- A narrow strip of new right-of way will be purchased in Sections 7 and 8 totaling 48,787 square feet or 1.12 acres from six different property owners. Modifications have been made to the roadway design through these sections of the project that require MnDOT to purchase additional right-of-way. Modifications include changing the side slopes from 1:3 with guardrail to a 1:4 through the clear zone and then dropping to a 1:3 slope. Guardrail is considered an additional obstacle along the roadway and is avoided if feasible. In the location of the new right-of-way, no other environmentally sensitive resources were identified; therefore, the decision to modify the roadway design through these two sections was considered and ultimately approved. See [Figure 2](#) for new right-of-way.
- Along with the additional right-of-way, the total area of impact (construction limits) has increased in size by 6.9 acres due to the change in side slopes through Project Sections 7 and 8, along with design modifications made in other sections to maintain a 1:4 slope in the roadway clear zone. As noted for Sections 7 and 8, the slope modifications in the remaining section did not result in additional impacts to wetlands or other sensitive resources. The analysis for this additional impact area is addressed in the following finding summary.
- A stormwater pond has been added to the design in Section 3. This stormwater pond is adjacent to the TH 34 and County Road 29 intersection and is located within existing right-of-way. This pond

is located north of TH 34, where two lanes of the existing four lane highway is located. In this location, the proposed improvements will shift the roadway south and remove the median separating east and west bound traffic. No wetlands or other resources are identified within the stormwater pond location (**Figure 3**).

Agency and Public Comments on the EAW

MnDOT received five written comments during the EAW comment period, one from the Minnesota Pollution Control Agency (MPCA) and four from citizens. After the comment period, one additional comment letter was received from the DNR with some suggested guidance for construction. Consistent with state and federal environmental review rules, responses have been prepared for all substantive comments submitted during the 30-day comment period. Written responses have been provided for substantive comments pertaining to analysis conducted for and documented in the EAW (see **Appendix A**).

Decision Regarding Need for Environmental Impact Statement

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

Type, Extent, and Reversibility of Impacts

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

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

Land Use

According to the Natural Resources Conservation Service (NRCS) Web Soil Survey, 19 of the 39 soil types within the study area are classified as prime farmland or farmland of statewide importance. The project will primarily stay within existing highway right-of-way, and will not affect these farmlands. The additional right-of-way to be purchased will not affect any prime or statewide importance farmland.

The Otter Tail River State Water Trail, Smoky Hills State Forest, Heartland State Trail, and various snowmobile trails were identified near the project area. The Otter Tail River Water Trail, Smoky Hills State Forest, and the Heartland State Trail would not be impacted by the proposed improvements. Snowmobile trails that follow ditch bottoms will not be impacted as construction will occur in summer, and any modifications to ditch bottoms (ditch checks; reconstructed ditches) will be designed to allow continued snowmobile use. In Section 6, a portion of the future Heartland Trail extension will be graded for future trail use, within the exiting road right-of-way as part of this project.

The proposed improvements are consistent with the requirements of current zoning and other special district regulations. The project will not result in a substantial change in land use.

Geology, Soils, and Topography

Thirty-nine different soil types are present in the general project area. A portion of the soils within the project area are not suitable for the planned roadway improvements and soil amendments will be required. The construction operations include stripping existing shoulder and topsoil at edge of roadway, and filling along roadway to create new lanes and shoulders, and re-grading slopes in widening areas. Full depth excavation into virgin material is not anticipated for this project. Approximately 88,000 cubic yards of embankment and 83,000 cubic yards of excavation will be required for the improvements (covering 12 miles for the eight sections). Due to the anticipated amount of soil that will need to be hauled away, erosion and sediment control inspections will include an emphasis on sediment tracking and measures to prevent erosion and sedimentation. During construction operations, stringent erosion and sediment control practices will be implemented to avoid impacting downstream water bodies.

The steepest existing slopes within the project area are located within Sections 1, 2, 7 and 8, with 5 percent roadway gradients and 1V:3H side slopes adjacent to roadway ditches in several areas. 1:4 slopes will be used throughout to the project within the clear zone to avoid using guardrail which is considered an additional road obstacle. The clear zone for a rural trunk highway extends out 42 feet from the edge of the travel lane.

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

Water Resources

Surface Water

The project area will impact up to 15 wetlands and five wet roadside ditches. All wetland impacts are located in Sections 2 and 5, and all identified wet ditch impacts are located in Section 2, 4 and 5. A summary of wetland impacts is provided in **Table 1**. Wetlands are prevalent along most of the TH 34 corridor and therefore the project was designed to avoid the majority of the wetlands within the right-of-way through careful selection of the passing lane locations.

Wetland impacts and documentation of avoidance and minimization efforts have been included in the required permit application with the Army Corps of Engineers and other regulatory bodies.

Wetland impacts have been refined and are depicted in the table below. A total of 0.70 acres of wetland will be impacted as a result of this project.

The grading of roadway ditches will result in 0.37 acres of impacts to ditch areas with wetland characteristics that will also be evaluated by the Army Corps of Engineers. These ditches will be reconstructed and their functions replaced adjacent to the new roadway improvements. Currently, the Corps counts these impacts in determining the type of wetland permit necessary for a project, but does not typically require additional replacement for these ditches as they will be replaced in kind within the project area as part of the project.

Wetland mitigation credits from Bank Service Areas 4 and/or 5 (BSA4 or BSA5) will be used to compensate for the wetland impacts as this project has wetland impacts within both bank service areas. Approximately up to 1.40 acres of credits will be withdrawn from available credits in MnDOT's or the Board of Water and Soil Resource's wetland bank depending on credit type and availability at the time of permit application review.

Table 1. Wetland Impacts by Section

Project Section	Wetland ID	NWI Type	Field Wetland Type	C-39 Type	DNR #	Dominant wetland vegetation	Proposed impacts (sq. ft.)
2	27	PEMC	wet meadow, shallow marsh	2, 3	284P	cattail/canary	2,011.38
2	28	PEMB	wet meadow	2	N/A	canary/phragmites	1545.96
5	29	PEMB	wet meadow	2	N/A	cattail/sedge	1,990.96
5	30	PEMC	wet meadow	2	N/A	sedge	262.61
5	31	PEMB	wet meadow	2	N/A	sedge	1062.71
5	32	PEMB	wet meadow	2	N/A	sedge	626.72
5	33	PEM/SSC	wet meadow, shallow marsh	2, 6	N/A	sedge	354.88
5	34	PEMC	wet meadow	2	N/A	sedge/cattail	1,221.53
5	35	PEMC	shallow marsh	3	N/A	cattail	3,377.26
5	36	PEMC	seasonally flooded	1, 2	N/A	sedge/canary	4,925.39
5	37	PFO6C	forested	7	N/A	ash/cattail	1,743.25
5	39	PEMA	seasonally flooded	1	N/A	canary	1,346.89
5	40	PEMB	wet meadow, shallow marsh	2, 6	N/A	sedge/cattail	7,205.42
5	41	PFO6C	tamarack swamp	8	N/A	sedge/alder/tamarack	1,679.44
5	42	PEMC	wet meadow	2	N/A	sedge	1,041.70
Total Wetland Impact							30,396.10 (0.7 acres)
4	D4						437.65
2	D8						701.45
2	D9						1,179.52
2	D11						103.35
2	D12						4,520.26
5	D18						1,558.47
Total Wet Ditch Impact							16,314.40 (0.37 acres)

Surface water features such as lakes, streams, and ponds will not be physically altered or indirectly impacted with the proposed improvements. Highway drainage ditches located adjacent to the roadway will be re-graded in areas of added turn lanes and passing lanes. In these areas, the cross-section of the ditch will be preserved by re-grading a new adjacent ditch within the right-of-way. In order to provide treatment volumes equal to jurisdictional requirements, a portion of existing ditches will be modified to act as Best Management Practices (BMPs) to allow infiltration, where feasible, and retain stormwater to maintain current water runoff volumes and water quality.

Ditches and other waterways that cross under TH 34 may have their culverts extended where the road surface is widened. A few culverts will be replaced (via jacking) or lined. The impacts to these crossings will be minimized through use of erosion control BMP's and by maintaining existing culvert sizes and locations.

Stormwater

The addition of turn and passing lanes will result in a net increase of approximately 13.7 acres in impervious area within the project limits, which will have a direct increase in stormwater runoff. Per the Pelican River Watershed District (PRWD) rules, the project cannot result in increases in stormwater discharge rates to a lake or stream, or to adjoining properties for the 5-year, 25-year, and 100-year 24-hour rainfall events. Sections 1, 2 and 3 of the project are located within the jurisdiction of the PRWD, however only Section 1 drains to the Pelican River directly. To mitigate the runoff increase, permanent ditch blocks will be installed as part of a design for modified roadway ditches to retain and where possible, infiltrate the additional runoff volume in conjunction with vegetated swales. A stormwater pond has been added to the design in Section 3. This stormwater pond is adjacent to the TH 34 and County Road 29 intersection and is located within existing right-of-way. This pond is located north of TH 34, where two lanes of the existing four lane highway is located. In this location, the proposed improvements will shift the roadway south and remove the median separating east and west bound traffic. No wetlands or other resources are identified within the stormwater pond location (**Figure 3**).

These Best Management Practices will provide for the partial removal of phosphorous and total suspended solids to maintain stormwater quality with the increased runoff. A National Pollutant Discharge Elimination System Stormwater Permit for Construction Activities (SWPPP) will be completed and submitted to the MPCA 30 days prior to the start of construction.

Contamination/Hazardous Materials/Waste

According to the MPCA's "What's In My Neighborhood?" GIS database, there are multiple known contaminated sites along the project corridor. Within approximately 500 feet of the project corridor, five small quantity generators, six tank sites, seven leak sites, and one Petroleum Remediation Program site are mapped. In addition, a permit by rule landfill is mapped just outside of the project corridor; however, the location could be within the corridor. Sites within Becker and Hubbard County with poor locations (specifically zip code centroid, county centroid, interpolation other, interpolation unknown, no coordinates, and unknown) sites were identified. In some cases sites were eliminated based on city/township name. In Hubbard County (Nevis or Akeley), three leaks sites and eighteen tank sites have poor locations. There are no other poor location sites within Hubbard County outside of Nevis or Akeley that could be ruled out. In Becker County (Detroit Lakes), four leak sites, twenty tank sites, and one permitted landfill site have poor locations. Within Becker County not listed within Detroit Lakes; four tank sites, one leak site, and one Voluntary Investigation and Cleanup site have poor locations.

MPCA regulatory file reviews were completed for the project. Based on this review, it was determined that a Phase 1 Environmental Site Assessment was not required. If contaminants are encountered during construction, per the NPDES/SDS Construction Stormwater Permit, all toxic and hazardous materials used during construction will be stored with secondary containment in place.

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

Fish, Wildlife, Plant Communities, and Sensitive Ecological Resources

A state-listed threatened fish species was observed in Pelican River in 1975, although no recent sightings have been recorded. Impacts to the Pelican River and fish species will be avoided as no work will be conducted within the stream banks. To avoid indirect impacts to water quality, the project will adhere to stringent erosion prevention and sediment control practices, including following work exclusion dates for non-trout waters (March 15-June 15).

All work will be primarily conducted within existing state right-of-way. The project will result in minimal loss of maintained roadside right-of-way, tree cover, and grassland. Based on the minimal extent of the project construction limits, the low quality of existing habitat within the right-of-way, and the availability of adjacent habitat, impacts to wildlife habitat will be negligible. Work areas adjacent to Wildlife Management Areas, such as the Struss Wildlife Protection Area or the Schultz Lake Wildlife Management Area, will be managed to stay free of weeds and will be replanted with a native seed mix that does not conflict with DNR's vegetation management of the area.

Impacts to vegetation will occur at sites requiring culvert repairs/replacements and along stretches of road widening. Anticipated impacts to roadside vegetation are tree removals, impacts to tree root systems as well as impacts to turf and forbs. To the maximum extent practicable, efforts will be made to protect large, visible hardwoods and conifers that may be considered landmarks, including a white pine at RP 46.4 EB, a white pine at RP 45 WB or the hardwood at RP 45.2 EB, including fencing to protect roots. Fencing will not be removed or crossed by construction activities (Standard Specification 2572.3). When tree roots are encountered, all root cutting will be done as cleanly as possible and the roots covered immediately to prevent excess drying (Standard Specification 2572.3 A.2). In addition and where practical, supplemental water may be provided to landscape trees in maintained landscapes where root systems are disrupted (Standard Specification 2572.3 A.3). Areas near or under trees and the remnant prairie in Section 6 will not be used as staging areas for parking, equipment or materials.

The dry prairie site along Section 6 will be protected in accordance with MnDOT Standard Specification 2572.3. All construction activity will be restricted from the area of environmental sensitivity, and all disturbed areas within Section 6 will be revegetated with native vegetation suitable to the local habitat. Therefore, no impacts to rare plants or Sites of Biodiversity Significance are anticipated.

To provide better vegetation coverage on the dry soils of Section 6 and to better control spotted knapweed, dry sandy soils will be replanted with seed mix '35-221 Dry General Prairie.' The following guidelines will help to limit the spread of noxious weeds during the construction phase:

- identify where weeds are present
- prioritize these areas for weed control before construction begins
- prevent movement of soil harboring a strong seed bank (soil under a weed infestation)
- prevent the spread of reproductive weed parts (seed and roots) by cleaning equipment before it is moved from one site to another
- post construction monitor for noxious weeds and control as necessary
- BMPs for construction equipment cleaning before relocation between project sections will be implemented

Historic Properties

TH 34 is built on top of a historic roadway and passes through potentially archeological sensitive areas, particularly the section between Detroit Lakes and the south shore of Height of Land Lake; however, Sections 1-6 of the project take place entirely within existing right-of-way and will not disturb previously undisturbed ground. MnDOT Cultural Resources Unit (CRU) determined on December 3, 2013 that the

project has no potential to affect properties listed in the State or the National Registers of Historic Places or to affect known or suspected archaeological sites. New right-of-way is being acquired in Sections 7 and 8. MnDOT CRU reviewed this new right-of-way area and determined on February 21, 2014 that there are no known historical or archeological sites located within this new right-of-way. Therefore, no consultation with the MHS or the OSA is required, and the historical/archaeological review is complete (see attached email correspondence).

Noise

Noise walls were evaluated at all locations along the proposed project areas where future L_{10} and L_{50} values exceeded either the nighttime or daytime noise standards. The modeled walls were then evaluated for noise level reductions that are at least seven dBA at any receptor. The walls that did not receive a seven dBA reduction at a receptor behind the wall were removed from future consideration. The remaining walls were analyzed for cost effectiveness.

Noise wall 1.1 located in Noise Sensitive Area (NSA) 1 on the north side of TH 34 was the only wall to meet both monetary and acoustic criteria. Noise wall 1.1 would be approximately 1,045 feet long and was proposed for construction at a height of 16 feet. The 16-foot high wall would provide a seven decibel or more reduction at two receptors corresponding to four benefitted receivers and a five decibel reduction at four receptors corresponding to eight benefitted receivers. The total cost of wall 1.1 at 16 feet high would be \$418,000, not including right-of-way acquisition and other associated costs; it only includes the \$20 per square foot calculation outlined in the noise policy. The cost-effectiveness of wall 1.1 would be \$41,800 per benefitted receptor.

This wall was presented to the neighborhood for their vote and to decide whether the wall should be constructed. Ballots were mailed to 14 parties on December 24, 2013. The property owners and residents were invited to a meeting held January 16, 2014, which four people attended. A deadline of January 31, 2014 was given as a deadline for returning ballots. A total of nine ballots were submitted by owners/residents.

Appendix B shows the detailed results of the voting process, for which 60 percent of all available points were in opposition to construction of the wall, 16 percent of all available points were in favor of construction of the wall, and 25 percent of all available points were not returned. The Minnesota Noise Policy states that if more than 50 percent of the available points are in opposition to construction of a noise barrier, the barrier is not reasonable, and should not be constructed. Therefore, this noise barrier is not reasonable, and will not be constructed.

Transportation

Providing the proposed passing opportunities and turning lanes should enhance highway safety and mobility by reducing pressure for traffic to make high-risk passes when traveling behind slower moving vehicles, commercial trucks, and recreation traffic. The TH 34 project corridor is presently operating on average several miles per hour below the 55 mph inter-regional corridor target, and this trend will continue to decline as traffic continues to increase. In addition, an excessive crash history at the TH 34/CSAH 141 intersection exists along with the TH 34/CSAH 29 intersection, necessitating designated left and right turn lanes to be added to these intersections.

Cumulative Potential Effects of Related or Anticipated Future Projects

The proposed project presents opportunities to improve existing conditions or mitigate potential impacts. Required stormwater management techniques will be implemented to reduce impacts of increased impervious surface and remove pollutants. It is the intent of this project to design and construct stormwater

features to meet the requirements of the Pelican River Watershed. Any potential wetland impacts associated with this project will be mitigated through in-kind replacement and wetland bank credits.

Any present or future development projects are required to go through local development review process. The potential cumulative effect of impacts would be mitigated by each project. Wetland impacts and stormwater management techniques are required to meet City, State, and Federal regulations. Therefore, no cumulative effects are anticipated as a result of project specific mitigation being implemented.

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

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

Table 2. Permits and Approvals Required

Permit/Approval Type	Unit of Government	Status
Federal		
Section 404 Permit	U.S. Army Corps of Engineers	In process
State		
EIS Need Decision	Mn/DOT	In Progress
Geometric Layout	Mn/DOT	In Progress
Construction Plans	Mn/DOT	In Progress
Wetland Conservation Act (Replacement Plan)	MnDOT	In Process
Section 401	MPCA	Part of the Section 404 permit
Public Waters Work Permit	DNR	In Process
National Pollutant Discharge Elimination System Stormwater Permit for Construction Activities (NPDES and SWPPP)	MPCA	In Progress
Section 106 (Historic/Archeological)	Mn/DOT CRU	Complete
Local		
Land alterations, impervious surface, culverts	Pelican River Watershed District	In Progress

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

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

Conclusions

1. All requirements for environmental review of the proposed project have been met.
2. The EAW and the permit development processes related to the project have generated information which is adequate to determine whether the project has the potential for significant environmental effects.
3. Areas where potential environment effects have been identified will be addressed during the final design of the project. Mitigation will be provided where impacts are expected to result from project construction, operation, or maintenance. Mitigation measures are incorporated into project design and have been or will be coordinated with state and federal agencies during the permit process.
4. Based on the criteria in Minnesota Rules part 4410.1700, the project does not have the potential for significant environmental effects.
5. An Environmental Impact Statement is not required for the proposed TH 34 project.

For the Minnesota Department of Transportation


Lynn Clarkowski
Chief Environmental Officer


Date


Appendix A. Comments and Responses

Minnesota Department of Natural Resources

From: Leete, Peter (DOT)
Sent: Thursday, January 30, 2014 2:42 PM
To: Munsterteiger, Paul (DOT)
Cc: Kestner, Nathan (DNR); Herwig, Christine (DNR); Klemek, Blane (DNR); Gorham, Rochelle (DNR); Kingsley, Doug W (DNR); Siira, Emily (DNR); Kelly, Michael (DNR)
Subject: added comments coming in on the TH34 project (SP0303-64).

Paul,

There is a fair amount of chatter coming from DNR folks. I know you have my initial comments during Early Notification Memo review. Though the EAW process has a wider net and while the EAW comment period has now past... comments are still going around. Please consider these additional comments:

- A | • The map in the EAW for the WMA near Shultz Lake shows incorrect location. None of the WMA occurs on the south side of 34. The small unit occurs entirely on the north side adjacent to the lake.
- B | • Another concern at Shultz Lake WMA is the Shultz lake outlet culvert. Invert elevations should remain the same. Shultz Lake is managed for wild rice production and all efforts should be made to maintain run out elevations at that location. Currently the outlet is intermittent and fairly cattail choked right now so this project potentially will improve run out capability.
- C | • Smoky Hills has no "e". The other spelling of Smokey is for the bear. I made the same mistake in my comment letter too. ☺ The original land survey of the area named the hilly country in eastern Becker County the Smoky Hills for the haze in the air that appeared to be smoke.
- D | • There is concern for the potential movement of amphibians/reptiles across TH34 between Schultz Lake and Shultz Lake WMA. We do not have enough information on this to recommend practices to prevent movement across the road. Nor are listed species known to be present. But keep it on your radar. The issue is getting increased awareness as these species are increasing under threat. There may be opportunities of studying various methods of fencing to force the culvert to be utilized in the future. This may be a good spot should the opportunity arise.
- E | • Lady slippers in the right of way. I am getting reports that last year was an unbelievable year for Pink Lady Slippers. The orchids popped up in areas that they had not been seen them before. I am looking to get you a map from DNR filed staff. 

That's it for now... Overall there are no objections to the project... though just a few hurdles to get it done appropriately. That seems to be typical of these 'Corridors of Commerce' projects around the state. ☺

Contact me if you have questions

peter

Peter Leete
Transportation Hydrologist (DNR-MnDOT Liaison)
DNR Ecological & Water Resources
Ph: 651-366-3634

Office location: MnDOT's Office of Environmental Stewardship

Information on Transplanting Wildflowers and Other Plants (Protected by Minnesota Statutes 2003, Chapter 18H.18)

(Prepared by Janet Boe, DNR NW Regional Plant Ecologist; Larry Puchalski and Bob Jacobson, DOT Botanists; and Mark Schreiber, MDA Nursery Inspection & Export Certification Unit Supervisor 5/30/2001. Updated 16 April 2004 by Mark Schreiber, Bob Jacobson, and Janet Boe)

Staff of the Minnesota Department of Agriculture, the Minnesota Department of Transportation, and the Minnesota Department of Natural Resources receive numerous calls each summer requesting information about transplanting orchids from locations threatened by construction or road-building. This information sheet was prepared to answer some of the frequently asked questions and direct inquiries to the appropriate agency.

Collection and sale of native orchids, trilliums, gentians, lilies, lotus (*Nelumbo lutea*), coneflowers, bloodroot, mayapple, and trailing arbutus are regulated by Minnesota Statutes 2003, Chapter 18H.18, Conservation of certain wildflowers. Although this section of Chapter 18H covers other species, most transplant requests and inquiries concern orchids, most commonly the showy lady's-slipper, Minnesota's state flower.

Minnesota Department of Agriculture

The Minnesota Department of Agriculture (MDA) has responsibility for administering the statutes and granting permits for the sale of wildflower species listed in Chapter 18H.18.

Wildflower collection by individuals for personal use (that is, transplanted to their own property and not offered for sale) is an issue between the property owner (whether public or private property) and the individual wishing to collect plants from that property. The collector needs the written permission of the landowner to enter the property and collect the plant species listed in the statute. The MDA requires a permit only if the plants are sold. Landowners may transplant species protected by Chapter 18H.18 within their own property without an MDA permit.

Wildflowers listed in 18H.18 cannot be collected or dug and immediately sold unless the plants are sold specifically for scientific or herbarium purposes. The individual selling the plants must own the land on which the plants are growing or have written permission of the landowner, and have a permit from the MDA. As part of the permit application, the MDA requires 1) written documentation that plants offered for sale grew naturally on the applicant's property or that the applicant had permission to collect them from property of another, and 2) the name and address of the organization receiving the plants.

If wildflowers are to be sold for purposes other than scientific and herbarium use, they must have been either A) growing naturally on the collectors property, then collected and cultivated by the collector on the collector's property, or B) collected with written permission from the property of another, then transplanted to the private property of the collector and cultivated on the collector's property. In either case, one or more permits and inspection by MDA are required prior to sale of the plants. Inspections must take place after the plant emerges from dormancy under cultivation and can be identified to species. As part of the permit application, MDA requires 1) written documentation that plants offered for sale grew naturally on the applicant's property or that the applicant had permission to collect them from the property of another, 2) a record of the dates they were collected and transplanted, 3) the cultivation techniques used by the applicant, and 4) the intended date of sale. Persons considering sale of these species collected from the wild should contact MDA staff listed below for further information.

Mark Schreiber (mark.schreiber@state.mn.us; 651-296-8388) and Steven Shimek (steven.shimek@state.mn.us; 651-296-8619), of the Agronomy and Plant Protection Division of the MDA, are the persons to contact for more information about MDA nursery certification requirements and to apply for permits. Their mailing address is Minnesota Department of Agriculture, Agronomy and Plant Protection Division, 90 West Plato Boulevard, St. Paul, MN 55107. They can also be reached by fax at 651-296-7386.

Minnesota Department of Transportation

The Minnesota Department of Transportation (MnDOT) is the landowner with jurisdiction over all state highways, interstates, and their rights-of-way. Collectors should contact the DOT District Permits Office serving their area to discuss collection of statute-listed plants from DOT-managed land. For plants adjacent to County State Aid Highways, the county engineer in the county in question is the contact person. Other roads may be under the jurisdiction of townships or cities, and township supervisors or city administrators would be the initial contacts for these ownerships.

(http://www.dnr.state.mn.us/waters/watermgmt_section/pwpermits/gp_2004_0001_manual.html)

Best Practices for Meeting DNR GP 2004-0001 (May 2011 Edition)

Chapter 1, Page 12

MnDOT considers lady's-slippers a state asset and makes an effort to transplant those that are likely to be damaged by roadwork. They prefer to use their own crews, because of the dangerous nature of the activity, and to transplant them onto public land. Showy lady's-slippers are given first priority, followed by the two varieties of yellow lady's-slipper. If the road project allows, DOT prefers to mark the plants ahead of time, then dig them in the fall after they've faded and are dormant. Crews replant them the same day or the next day, keeping the plants wet in boxes or packed in the back of a pick-up truck until they can be placed in the ground.

Removal of orchids by private citizens from DOT rights-of-way in which they are threatened by roadwork may be possible but requires a permit from the local DOT District Office. DOT may require that the plants be transplanted to public land rather than to private property. Interested persons should contact either the MnDOT District Environmental Coordinator in their area directly (see the DOT website at www.dot.state.mn.us for contact information for the district offices), or they may contact the DOT Botanist in the DOT Environmental Services office in St Paul. Transplanting orchids and then offering them for sale requires both permission of the landowner (in this case, DOT) and one or more permits from the Minnesota Department of Agriculture.

For more information about DOT's wildflower program and policies, see the DOT Environmental Services website at: www.dot.state.mn.us/environment

Minnesota Department of Natural Resources

If a citizen becomes aware that lady's-slipper orchids or other statute-listed plants are threatened by construction on public lands, the concerned citizen should contact the agency managing the land. In the case of the Minnesota Department of Natural Resources (DNR), lands are usually managed by either the Division of Forestry or the Division of Fish and Wildlife. Contact your local DNR forester or DNR wildlife manager with questions about orchids or other plants threatened by road construction on these lands. However, neither DOT nor DNR has a list of volunteer orchid rescuers.

Showy lady's-slippers and yellow lady's-slippers are not listed as rare species in Minnesota. However, some plants listed in Chapter 18H.18 are also covered by Minnesota's Endangered Species Act (Minnesota Statute 84.0895), including several species of lady's-slipper and other orchids. These plants are protected from collection or harvest by the state Endangered Species Act. Copies of Statute 84.0895 and associated rules can be found on the Minnesota legislature's web site at <https://www.revisor.mn.gov/pubs/>. The current state list of endangered, threatened, and special concern plants and animals is available from the DNR Natural Heritage and Nongame Research Program, 500 Lafayette Road, Box 25, St. Paul, MN 55155, or from the DNR's web site at <http://www.dnr.state.mn.us/rsg/index.html>

Most Minnesota orchids are also included in Appendix II of CITES (the Convention on International Trade in Endangered Species of Wild Fauna and Flora). Species in Appendix II are not under immediate threat of extinction but require control of trade in order to avoid a level of use incompatible with their survival. An export permit from the U.S. Fish and Wildlife Service is required to export from the U.S. species that are listed under Appendix II. See the CITES website (<http://www.cites.org/>) for more information.

Persons interested in learning more about orchids should consult *Orchids of Minnesota*, a book written by Welby Smith, DNR Botanist, and published by the University of Minnesota Press. This book contains line drawings, color photographs, and descriptions of orchid species that are found in Minnesota.

- A:** Current state GIS mapping shows the WMA is located both north and south of TH 34. However, according to the Minnesota DNR Area Office, the WMA does not extend south of TH 34. The revised boundary is shown in [Figure 4](#).
- B:** In this section, the road will be widened on the south side. Culverts will be cleared and extended on the south side of the road to account for the added passing lane, and temporary and permanent erosion control measures will be implemented during and after construction operations for the project. No work will be done on the north side of the road near Shultz Lake.
- C:** Comment noted. The spelling of Smoky Hills has been corrected in the Findings of Fact document.
- D:** With wetlands located on both sides of the roadway and along the extent of the section, using fencing to force reptiles/amphibians to cross at a single culvert would not likely be effective.
- E:** Comment noted. District 4 will work with MnDNR staff to attempt to relocate any identified lady slippers within the construction limits.

Minnesota Pollution Control Agency



Minnesota Pollution Control Agency

520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300
800-657-3864 | 651-282-5332 TTY | www.pca.state.mn.us | Equal Opportunity Employer

January 22, 2014

Mr. Thomas Lundberg
Project Manager
Minnesota Department of Transportation
1000 Highway 10 West
Detroit Lakes, MN 56501

Re: Trunk Highway 34 Passing Lanes Environmental Assessment Worksheet

Dear Mr. Lundberg:

Thank you for the opportunity to review and comment on the Environmental Assessment Worksheet (EAW) for the Trunk Highway 34 Passing Lanes project (Project) located in Becker and Hubbard counties, Minnesota. The Project consists of construction improvements at eight locations along the highway. Regarding matters for which the Minnesota Pollution Control Agency (MPCA) has regulatory responsibility and other interests, the MPCA staff has the following comments for your consideration.

Permits Required (Item 8)

A

Please note that because this Project will result in disturbance of at least 50 acres of land, and because there are at least two impaired waters within a mile of the proposed disturbed areas of the project, the MPCA requires that the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Construction Stormwater Permit application and Stormwater Pollution Prevention Plan (SWPPP) must be submitted to MPCA at least 30 days prior to beginning work on the Project. The SWPPP must include all calculations for the required permanent stormwater management system(s). Questions regarding SWPPPs or the Construction Stormwater Permit should be directed to Scott Lucas at 218-316-3874.

Geology, Soils and Topography (Item 10.b)

B

Sediment control on slopes as steep as 2:1, particularly those adjacent to surface waters are extremely challenging with regard to installation of sediment control. Perhaps more discussion on how and what types of sediment and erosion controls will be used for steep slopes adjacent to surface waters would help to highlight possible issues or problem areas prior to developing the SWPPP for the Project.

Water Resources (Item 11.b.iii)

C

Given that this Project will involve some culvert replacement, it is quite likely that some dewatering activity will be necessary. The NPDES/SDS Construction Stormwater Permit requires that dewatering plans be included in the SWPPP for any project at which dewatering occurs. MPCA staff strongly suggests that the proposer include a dewatering plan with the SWPPP initially, as dewatering activities that are initiated as a reaction to unexpected conditions on a site frequently have not been thought out well, and often result in illicit discharges. Dewatering violations are among the highest penalized violations of the NPDES/SDS Construction Stormwater Permit.

March 2014

Mr. Thomas Lundberg
Page 2
January 22, 2014

Contamination/Hazardous Materials/Wastes (Item 12.d)

D | The EAW states that all materials stored on site will have secondary containment if possible. Please be aware that the NPDES/SDS Construction Stormwater Permit requires that all toxic or hazardous materials are to be stored with secondary containment in place.

We appreciate the opportunity to review this Project. Please provide your specific responses to our comments and the notice of decision on the need for an Environmental Impact Statement. Please be aware that this letter does not constitute approval by the MPCA of any or all elements of the Project for the purpose of pending or future permit action(s) by the MPCA. Ultimately, it is the responsibility of the Project proposer to secure any required permits and to comply with any requisite permit conditions. If you have any questions concerning our review of this EAW, please contact me at 651-757-2508.

Sincerely,



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

KK:bt

cc: Craig Affeldt, MPCA, St. Paul
Reed Larson, MPCA, St. Paul
Scott Lucas, MPCA, St. Paul

March 2014

- A:** A National Pollutant Discharge Elimination System/State Disposal System Construction Stormwater Permit and Stormwater Pollution Prevention Plan will be submitted to MPCA at least 30 days prior to beginning work on the project.
- B:** Slopes adjacent to surface waters will be no steeper than a 1.4. The back slopes of the ditches will be a 1:3 slope and proper erosion control measures including erosion control blankets and silt fence will be used to prevent sedimentation of the adjacent surface waters.
- C:** A dewatering plan will be included in the SWPPP as required.
- D:** Per the NPDES/SDS Construction Stormwater Permit, all toxic and hazardous materials will be stored with secondary containment in place.

Sue Bartel

From: Bartel, Sue (IHS/BEM) <Sue.Bartel@ihs.gov>
Sent: Thursday, December 26, 2013 9:28 AM
To: Lundberg, Thomas (DOT)
Subject: Highway 34 Project

I read the proposals for the construction improvements on highway 34 between Detroit Lakes and Akely.

I think this is a terrific idea, despite the cost it is going to encounter.

That highway is very treacherous and dangerous, especially in the winter time.

A

My parents were involved in a horrible car accident a few years ago on Highway 34 just east of Detroit Lakes and I think with these added safety improvements ,this will is encouraging to help improve the safety on that highway.

Thank you for your endeavors with this.

Sue Bartel

A: Thank you for your comment.

Tom Mortenson

Tom Mortenson

1252 Lake Avenue

Detroit Lakes, MN 56501

218-849-9946

internetmort@yahoo.com

16 January 2014

Minnesota Department of Transportation
ATTN: Tom Lundberg, MnDOT project manager:
395 John Ireland Blvd
St. Paul, MN 55155-1899

REF: Hwy 34 Passing Lane Project.

Dear Tom Lundberg:

This letter is to express my support for the Minnesota Department of Transportation plans to construct passing lanes and other safety improvements on Hwy 34 between Detroit Lakes and Akeley subject to the following comments.

A

As the former Becker County Administrator, I believe that these improvements as part of the Corridors of Commerce program will contribute to the economic growth of Becker and Hubbard Counties and facilitate improved safety for those using this highway.

In my position as Becker County Administrator, I have repeatedly expressed my safety concerns about lack of passing opportunities, turning lanes, and intersection improvements that create situations where drivers make high-risk passes when traveling behind slower moving vehicles on this two-lane rural highway that provides the primary east-west route between Detroit Lakes and Walker. These proposed improvements are an important first step in solving this problem.

B

In reviewing the Draft Environmental Assessment Worksheet for the project, I am encouraged to see that the Smokey Hills State Forest, the Heartland State Trail, and the Otter Tail River State Water Trail "would not be impacted by the proposed improvements". However, while the plan calls for grading for the future expansion of the Heartland State Trail within Section 6 (along the north side), I recommend that consideration be given to all areas adjacent to any of these improvements accommodate the planned future expansion of the Heartland State Trail and maintain the existing paved surface, multiple-use trail adjacent to Sections 7 & 8 along the north side of TH 34.

C

As you know, we in Becker County and our neighbors in Hubbard County pride ourselves on the snowmobile trails that provide recreational and economic activities for our citizens and visitors alike. Snowmobile trails are allowed within the right-of-way in portions of Sections, 1, 4, 7 and 8 of this project. The decision to allow continued snowmobile use by ensuring that any modifications to ditch bottoms (ditch checks; reconstructed ditches) will be designed to allow continued snowmobile use is the correct one.

March 2014

Tom Mortenson

1252 Lake Avenue

Detroit Lakes, MN 56501

218-849-9946

internetmort@yahoo.com

D | Increased safety along Highway 34 will also be a benefit to our community's Detroit Mountain (currently under construction) which will attract tourists, conventions, jobs and businesses to our County as well as offer additional recreational and educational opportunities.

E | Final wetland impacts and documentation of avoidance and minimization efforts will be included in the required permit review process with the Army Corps of Engineers and other regulatory bodies and procedures should be addressed at the public meetings as to how and when this information will be released to the public?

F | Recommend that coordination be conducted by MnDOT and the Becker Soil and Water Conservation District (SWCD).

G | On the issue of Invasive Species the guidelines to limit the spread of noxious weeds outlined on page 19 should be applicable at all construction sites for this project. Consideration should be given to making these guidelines part of any contract requirements.

H | MnDOT's Office of Environmental Services indicates that Highway 34 "is a historic roadway and that there are historic and archaeological sites near the road in several places". While the "project takes place entirely within existing right of way and will not disturb previously undisturbed ground" the question that remains is: Are their procedures in place that govern the construction related activities such as equipment, storage, etc. in the areas adjacent to the project?

I | I encourage the identification of measures to avoid, minimize or mitigate adverse effects from the generation/storage of solid waste including source reduction and recycling and recommend coordination with Becker County Environmental Services on this issue.

J | The proposed project presents opportunities to improve existing conditions and includes measures to mitigate potential impacts, however since this project will be done under traffic (allowing traffic to pass) I recommend that a public communication section be added outlining procedures and methods of informing the public be included.

Please include these comments as part of the official record and duplication/distribution during public hearings is hereby authorized.

Respectfully submitted,



Tom Mortenson

- A:** Thank you for your comment.
- B:** The rough grading of the Heartland Trail in Section 6 will be completed as a part of this project since the area to be graded is within existing MnDOT right-of-way. The existing trail along Section 7 and 8 will not be disturbed by this project.
- C:** Thank you for your comment.
- D:** Thank you for your comment.
- E:** Final wetland impacts are listed in Table 1 of this Findings document. The wetland alteration permit application will be out for review and public comment during the comment period established by the U.S. Army Corps of Engineers. The permit application will be posted on the U.S. Army Corps of Engineers St Paul District Website for review.
- F:** MnDOT will be in contact with the Becker SWCD before and during construction.
- G:** Thank you for your comment.
- H:** There are procedures in place that require the contractor to limit activities, including equipment storage, to within the approved construction limits.
- I:** Thank you for your comment.
- J:** Thank you for your comment. MnDOT understands the importance of keeping the traveling public informed of road improvements and activities during construction. It will be proactive in getting information posted on the effected road sections and website regarding construction phasing as plans are developed.

Deb Seaberg

From: Deb Seaberg <deb.seaberg@yahoo.com>
Sent: Thursday, December 26, 2013 11:05 AM
To: Lundberg, Thomas (DOT)
Subject: Highway 34-Comment

A | The only thing this is going to do is to encourage our "visitors" to drive more asinine than they do now. They're in a rush to get to their cabins and God help anyone or anything that gets in their way.

Deb Seaberg

A: Thank you for your comment.

Ray Vlasak

From: Ray Vlasak [<mailto:highpines@arvig.net>]
Sent: Tuesday, January 21, 2014 12:44 PM
To: Lundberg, Thomas (DOT)
Cc: Matt Davis
Subject: Hwy 34 Project

Thomas,

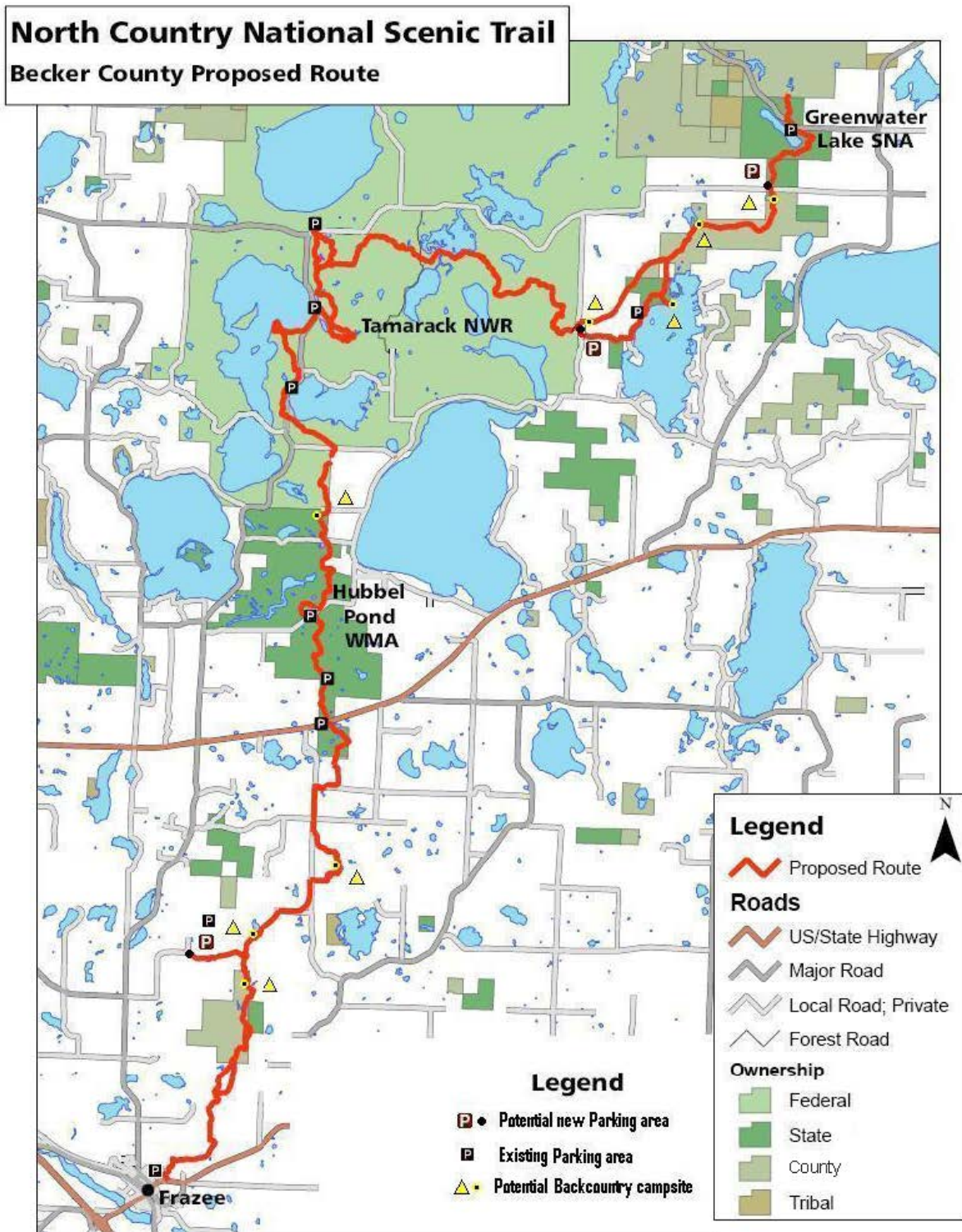
A | I believe Hank Ludtke has already mentioned to you that the North Country National Scenic Trail will be crossing and have a trailhead on Hwy 34 where Hubbel Pond WMA is located. There is already a parking area on the south side of the hwy at this location. We are not sure of the exact timing for the development, because the North Country Trail Association (Laurentian Lakes Chapter) is awaiting final approval for the trail in the WMA. This has been in the planning for several years, but it has been slow going due to federal involvement.

Based on the published planning maps there does not appear to be any changes for this section of the hwy. Assuming that approval for the trail is granted, there will be hwy signage similar to hwy MN 113 and US 71. Usage of the parking area will probably be low, but could develop to be significant with time. I did discuss the signage with your signage person (don't remember name) a couple years ago.

Should we meet to review these plans?

Ray Vlasak
President
North Country Trail Association, Laurentian Lakes Chapter
www.northcountrytrail.org/lc

Figure 3 – North Country National Scenic Trail – Becker County Proposed Route.



A: You are correct, the North Country National Scenic Trail crossing of TH 34 is located outside the limits of the TH 34 passing lane project, between Sections 3 and 4. No work is proposed at the proposed North Country National Scenic Trail crossing. Signage questions can be directed to Tom Swenson of MnDOT at thomas.swenson@state.mn.us.

Appendix B. Noise Barrier 1.1 Public Involvement Worksheet

Benefit Receptor Voting Point Results

Receptor	Address ³	Benefited Receptor ¹		Location ²		Owner / Resident			Voting Results		Voting Points			
		Yes	No	1st Row	2nd Row	Owner	Resident	Owner / Resident	Yes ⁴	No ⁵	Available	Yes	No	NA ⁶
A (Owner ⁶)	Mn Hwy 34 202 Unit #105	X		X		X				X	4		4	
A (Resident)	Mn Hwy 34 202 Unit #105	X		X			X				2			2
A (Owner ⁶)	Mn Hwy 34 202 Unit #106	X		X		X				X	4		4	
A (Resident)	Mn Hwy 34 202 Unit #106	X		X			X				2			2
A (Owner ⁶)	Mn Hwy 34 202 Unit # 205	X		X		X				X	4		4	
A (Resident)	Mn Hwy 34 202 Unit # 205	X		X			X				2			2
A (Owner ⁶)	Mn Hwy 34 202 Unit # 206	X		X		X				X	4		4	
A (Resident)	Mn Hwy 34 202 Unit # 206	X		X			X			X	2		2	
D	Mn Hwy 34 1104	X		X				X			6			6
D (Owner)	Mn Hwy 34 1116	X		X		X				X	4		4	
D (Resident)	Mn Hwy 34 1116	X		X			X				2			2
D1 (Owner)	Mn Hwy 34 213	X			X	X			X		2	2		
D1 (Resident)	Mn Hwy 34 213	X			X		X		X		1	1		
E	Mn Hwy 34 1128	X		X				X	X		6	6		
E	Mn Hwy 34 1134	X		X				X		X	6		6	
E (Owner)	Mn Hwy 34 1122	X		X		X				X	4		4	
E (Resident)	Mn Hwy 34 1122	X		X			X			X	2		2	
Total:											57	9	34	14
Percentage:												16%	60%	25%

Notes:

¹ Receptor location that receives a noise reduction at or above 5 dBA with the noise abatement measure.

² The “1st Row” column represents those properties located immediately adjacent to the highway right-of-way. The “2nd Row” column represents all properties not immediately adjacent to the highway right-of-way

³ The owner for all four units within Receptor A is the same person. Only one ballot was provided and received, which represent all four units.

- ⁴ Response from letter soliciting benefited receptor viewpoint (i.e., "Yes, I do want the barrier")
- ⁵ Response from letter soliciting benefited receptor viewpoint (i.e., "No, I do not want the barrier")
- ⁶ No Response / no vote received from owner/resident

Payne, Ashley

From: Payne, Ashley
Sent: Thursday, February 27, 2014 9:28 AM
To: Payne, Ashley
Subject: FW: SP 0303-64, TH 34, Passing lanes

From: Pate, Linda (DOT)
Sent: Friday, February 21, 2014 5:11 PM
To: Munsterteiger, Paul (DOT)
Subject: RE: SP 0303-64, TH 34, Passing lanes

Hello Paul,

Thank you for letting me know about the changes to the ROW and TE for this project. I have checked the MnDOT Cultural Resources Database and the two areas noted in your attached map do not contain known historical or archaeological sites. Also, given the terrain (large expanse without a natural water source) these areas are unlikely to contain significant deposits of either historical or archaeological resources.

I will update our files with the map you provided and with a copy of this e-mail.

Please don't hesitate to contact me if you have any further questions.

Linda Pate, Historian
Cultural Resources Unit
Liaison to USACE
Office of Environmental Stewardship
Mail Stop 620
395 John Ireland Boulevard
St. Paul, MN 55155-1899
Phone: 651.245.8276
FAX: 651.366.3603
linda.pate@state.mn.us

From: Munsterteiger, Paul (DOT)
Sent: Friday, February 07, 2014 8:50 AM
To: Pate, Linda (DOT)
Cc: Munsterteiger, Paul (DOT)
Subject: RE: SP 0303-64, TH 34, Passing lanes

Mornin Linda, Since receiving your clearance letter dated 12-3-2013, which states "NO" additional RW, there is now a change in the project. There will now be additional RW and also some TE, which will all be located in Hubbard County and east of Nevis (the last passing section). This will need to be relooked at due to the additional RW now being proposed. Sorry Linda. Attached is the map showing the new RW and also TE parcels. If you need more info., please call me. Thanks.

From: Pate, Linda (DOT)
Sent: Tuesday, December 03, 2013 3:49 PM
To: Munsterteiger, Paul (DOT)
Subject: SP 030-64, TH 34

Hello Paul,

Attached, please find a letter of determination of no effect on historic properties for State Project 0303-64. Please include this letter when you submit your application for a Corps permit. Although the Corps is required to review the project under federal statutes, usually the Corps APE is limited to parts of the project affecting the waters of the US. Also, I will be the person conducting the review for the Corps and have already considered the Corps' responsibility. Finally, there are historic and archaeological sites near the road in several places. Since this project, as described, will not go outside the existing ROW, we do not feel these resources will be affected. However, if the project changes to go outside the existing ROW, we will have to look again at the sections of the project that have changed.

Please do not hesitate to contact me if you have any further questions.

Linda Pate, Historian
Cultural Resources Unit
Liaison to USACE
Office of Environmental Stewardship
Mail Stop 620
395 John Ireland Boulevard
St. Paul, MN 55155-1899
Phone: 651.245.8276
FAX: 651.366.3603
linda.pate@state.mn.us

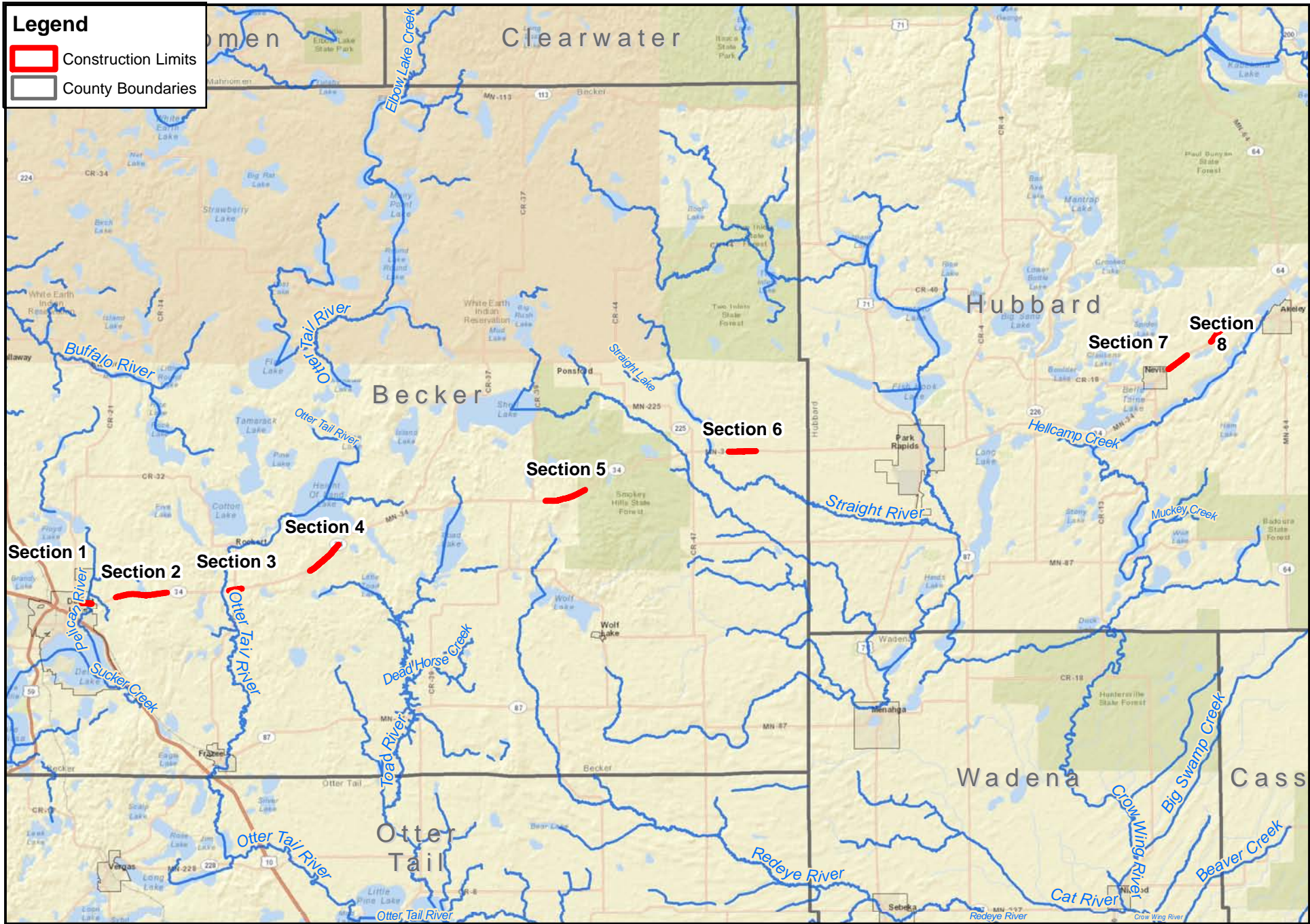






Figure 3. Proposed Stormwater Pond Section 3

TH 34 Passing Lanes Finding of Fact and Conclusions

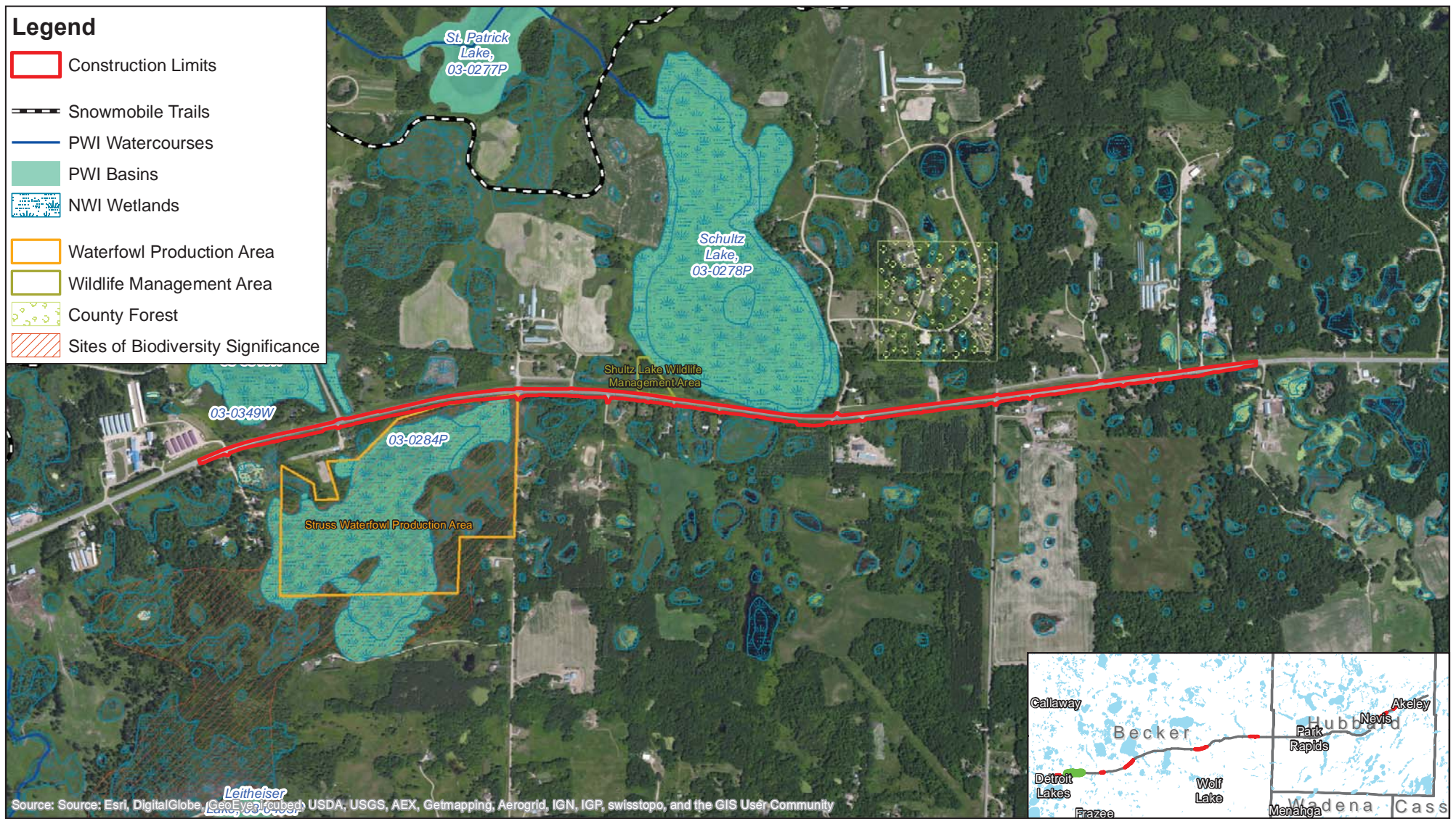


Figure 4. Fish, Wildlife, and Habitat Section 2