

Appendix C: Agency Correspondence

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January 26, 2015

Scott Janowiak, Planner
SEH Inc.
3535 Vadnais Center Drive
St. Paul, MN 55110

Subject: **DNR Initial Project Review:**
Project I.D. 7210-00-08/76
STH 63
Red Wing - Ellsworth
Redwing - Mississippi River Bridge
Pierce County, WI & Goodhue County, MN

Dear Mr. Janowiak:

The Department has received the information you provided for the proposed above-referenced project on January 9, 2015. According to your proposal, the purpose of this project is to replace the STH 63 Bridge over the Mississippi River.

Preliminary information has been reviewed by DNR staff for the project under the DOT/DNR Cooperative Agreement. Initial comments on the project as proposed are included below and assume that additional information will be provided that addresses all resource concerns identified.

A. Project-Specific Resource Concerns

Wetlands:

Wetland impacts will occur as a result of this project, as proposed. Wetland impacts should be avoided and/or minimized to the greatest extent possible. Unavoidable wetland impacts must be mitigated for in accordance with the DOT/DNR Cooperative Agreement and the Wisconsin Department of Transportation Wetland Mitigation Banking Technical Guideline. The Department requests information regarding the amount and type of unavoidable wetland impacts.

Waterways:

Fisheries/Stream work

In order to protect developing fish eggs and substrate for aquatic organisms, all in-stream work that could adversely impact water quality should be undertaken between May 15th and March 15th.

Dredging

The width and depth of the Mississippi River must not be altered. However, a minor amount of dredging necessary to place the structure elements is permissible.

Navigation

Commercial and recreational navigation occurs, and the placement of navigational aids will be necessary. Coordination and approvals from the US Coast Guard will be necessary for construction and demolition.

Endangered Resources:

Endangered Resources are present: Based upon a review of the Natural Heritage Inventory (NHI) and other Department records on 1/21/2015, there are numerous Endangered Resources that are, or have been known to occur in the project area or its vicinity and could be impacted by this project.

Mussels – There are twelve state listed mussel species that are threatened, endangered, or of special concern. Two of these species are federally listed endangered species. A mussel survey will be required due to anticipated disturbance to the riverbed. The Department will initiate coordination with Lisie Kitchel, Bureau of Endangered Resources.

Fish – There are thirteen state listed fish species that are threatened, endangered, or of special concern. Timing restrictions will be required, to protect these species and other game fish species during spawning and the development of their eggs.

Bats – The existing structure will need to be inspected and surveyed for bats and bat roosting habitat. Depending on the survey results, there may be timing restrictions on demolition, and additional requirements for incorporating habitat structures on the new bridge. The Department will initiate coordination with Lisie Kitchel, Bureau of Endangered Resources.

Migratory birds:

The bridge should be inspected for evidence of past migratory bird nesting on the existing structure. Under the U.S. Migratory Bird Treaty Act, destruction of swallows and other migratory birds or their nests is unlawful unless a permit has been obtained from the U.S. Fish & Wildlife Service. Therefore, the project should either utilize measures to prevent nesting (e.g., remove unoccupied nests during the non-nesting season and install barrier netting prior to May 1), or should occur only between August 30 and May 1 (non-nesting season). (If netting is used, ensure it is properly maintained, then removed as soon as the nesting period is over.) If neither of these options is practicable then the U.S. Fish & Wildlife Service must be contacted to apply for a depredation permit.

Invasive species & VHS:

The Mississippi River is infested by the invasive zebra mussel species.

Adequate precautions should be taken to prevent transporting or introducing invasive species via construction equipment, as provided under NR 40, Wis. Administrative Code. This website provides further information and lists those species classified as Restricted or Prohibited under NR 40:

<http://dnr.wi.gov/topic/Invasives/classification.html>

The Department will work with project managers to help identify specific locations of problem areas across the project site and to recommend preventive measures. The following Best Management Practices (BMPs) for rights-of-way provide a series of measures that will ensure reasonable precautions are taken throughout the stages of construction: <http://council.wisconsinforestry.org/invasives/transportation/pdf/ROW-Manual.pdf>

In particular, the following measures will be important for this project:

http://dnr.wi.gov/topic/fishing/documents/vhs/disinfection_protocols.pdf

For work involving waterbodies:

All equipment must be properly cleaned and disinfected to address the spread of invasive species and viruses. Special provisions should require contractors to implement the following measures before and after mobilizing in-water equipment to prevent the spread of Viral Hemorrhagic Septicemia (VHS), Zebra Mussel, and other invasive species. Follow **STSP 107-055** Environmental Protection – Aquatic Exotic Species Control, which includes the protocol found here:

For up to date information on invasive species and infested waters go to

<http://dnr.wi.gov/lakes/invasives/AISByWaterbody.aspx>

Seeding and mulching recommendations:

- The appropriate native seed mix should be used.
- Use weed-free mulch: <http://wcia.wisc.edu/mulch.pdf>

Floodplains:

The project lies within the floodway of the Mississippi River. In order to meet the standards of NR 116, Floodplain Management, a hydraulic and hydrologic analysis must be conducted for the 100-year flood event for any new structures (including temporary structures). Plans for the structure must comply with the provisions of the local community's floodplain zoning ordinance. DNR requires submittal of the results of a 100-year flood analysis for the structure(s).

If the new structure(s) will create an increase of 0.01 feet or more in the 100-year backwater condition, DNR requires that all affected upstream landowners be notified, appropriate legal arrangements made, and the local floodplain ordinance must be amended. For project-specific information, please consult with the Pierce County Zoning Administrator.

Staging and access will likely all take place in the floodway. A contingency plan should be in place for removal of equipment and temporary structures, for the high water events that may occur during the course of the project.

Burning:

If burning of brush will occur as part of this project, the contractor should be informed that it is illegal to burn materials other than clean wood. In addition, a permit may be required to burn any material during the wildland fire season. For information regarding current fire danger and burning permit restrictions please refer to the DNR Forestry website at <http://dnr.wi.gov/topic/ForestFire/restrictions.asp>

Burning permits are available through the local DNR ranger or fire warden.

Other Issues/Unique Features:

- **Oak Wilt:**
If this project involves work that may involve cutting or wounding of oak trees, please avoid cutting or pruning of oaks from April through September, to prevent the spread of oak wilt disease,. See the DNR webpage at: <http://dnr.wi.gov/topic/foresthealth/oakwilt.html>
- **Lighting:**
Architectural lighting should be aimed down and minimized to lighting the structure. Please refer to the guidance from Peter Leete with the Minnesota DNR.

B. Construction Site Considerations:

The following issues may be addressed in the Special Provisions and the contractor will be required to outline their construction methods in the Erosion Control Implementation Plan (ECIP).

Erosion control

Erosion control devices should be specified on the construction plans. All disturbed bank areas should be adequately protected and restored as soon as feasible.

An adequate erosion control implementation plan (ECIP) for the project must be developed by the contractor and submitted to this office for review at least 14 days prior to the preconstruction conference.

If erosion mat is used along stream banks, the department recommends that biodegradable and non-netted mat be used (e.g., Class I Type A Urban, Class I Type B Urban, or Class II Type C). Long-term netted mats may cause animals to become entrapped while moving in and out of the stream. Avoid the use of fine mesh matting that is tied or bonded at the mesh intersection such that the openings in the mesh are fixed in size.

Stormwater

A storm water management plan must be designed, and it must meet the post-construction performance standards as stated in TRANS 401.

Structure removal/Bridge demolition

Due to the characteristics of this section of the Mississippi River, STSP 203-020, *Removing Old Structure Over Waterway With Minimal Debris*, will be adequate for this project. Please coordinate with DNR early in the design phase of the project if the bridge must be dropped into the waterway before removal.

Demolition timing may be an issue, and should be coordinated with the DNR and the U.S. Coast Guard.

Temporary structure

It appears that a causeway may be required to build this bridge. Please provide DNR with details describing the dimensions of the causeway, and what materials would be used to construct it. In addition, the DOT must meet the standards of NR 116, Floodplain Management, for the causeway. If a causeway is needed, clearly marking the causeway for safety should be coordinated and approved by the U.S. Coast Guard. Additionally, detailed bathymetric data for the area of the causeway may be required, so the aquatic bed can be restored to the original condition.

Asbestos

A Notification of Demolition and/or Renovation and Application for Permit Exemption, DNR form 4500-113 (NR 406, 410, and 447 Wis. Adm. Code) may be required. Please refer to DOT FDM 21-35-45 and the DNR's notification requirements web page: <http://dnr.wi.gov/topic/Demo/Asbestos.html> for further guidance on asbestos inspections and notifications. Contact Mark Davis, Air Management Specialist 608-266-3658, with questions on the form. The DNR's online notification system is available at <http://dnr.wi.gov/topic/Demo/Asbestos.html>. The notification must be submitted 10 working days in advance of demolition projects.

The above comments represent the Department's initial concerns for the proposed project and do not constitute final concurrence. Final concurrence will be granted after review of plans and further consultation if necessary. If any of the concerns or information provided in this letter requires further clarification, please contact this office at (715) 839-1609.

Sincerely,



Environmental Analysis & Review Specialist

CC: Nick Schaff, DOT Regional Environmental Coordinator
Wendy Maves, DOT
Mohamad Hayek, DOT
Lisie Kitchel, DNR

From: [Scott Janowiak](#)
To: [Scott Janowiak](#)
Subject: Fw: Revision/update to MnDNR comments on MnDOT Early Notification Memo: RE: US 63 River Bridge (Red Wing Bridge) and Approach Roadways Project (SP 2515-21)
Date: 02/02/2015 12:00 PM
Attachments: [DNR Early Notification Response.pdf](#)
[AIS \(from Chapter 1\).pdf](#)
[RE Red Wing Bridge - lighting.pdf](#)

From: "Leete, Peter (DOT)" <peter.leete@state.mn.us>
 To: Bob Rogers <brogers@sehinc.com>,
 Cc: "Hanson, Chad (DOT)" <chad.hanson@state.mn.us>, "Moynihan, Debra (DOT)" <Debra.Moynihan@state.mn.us>, "Wingert, Sarah E MVP (Sarah.E.Wingert@usace.army.mil)" <Sarah.E.Wingert@usace.army.mil>, "Phil Delphey (Phil_delphey@fws.gov)" <Phil_delphey@fws.gov>, "Joyal, Lisa (DNR)" <Lisa.Joyal@state.mn.us>, "Haworth, Brooke (DNR)" <Brooke.Haworth@state.mn.us>, "Stauffer, Kevin W (DNR)" <kevin.stauffer@state.mn.us>, "Blommer, Craig J (DNR)" <craig.blommer@state.mn.us>, "Huber, Bill P (DNR)" <bill.huber@state.mn.us>, "Alcott, Jason (DOT)" <jason.alcott@state.mn.us>
 Date: 01/26/2015 02:18 PM
 Subject: Revision/update to MnDNR comments on MnDOT Early Notification Memo: RE: US 63 River Bridge (Red Wing Bridge) and Approach Roadways Project (SP 2515-21)

Bob,

The original letter dated November 3, 2010, is still valid. However there are a few points that can be refined now that more is known about the project.

1. A mussel survey was conducted in August 2013. The survey shows that there are rare species (both WI and MN listed species) in the area. What is not known is the level of impact within the construction zone identified as the Potential Area of Impact. Project start dates are going to be close to the limit (currently set for 2018). This project may need to be resurveyed closer to construction start dates. The need for a resurvey would also be triggered if there are change to the Potential Area of Impact that was defined for the survey. Please contact Jason Alcott, MnDOT Biologist, as to the status of the project in regards to native mussel impacts.
2. The Mississippi River is designated as 'infested' with Aquatic Invasive Species (zebra mussels and Eurasian watermilfoil). These waters should be identified as infested on project plans. No work should be allowed in them if avoidable (including pumping water for construction purposes). Any equipment that comes in contact with the waters should be inspected for vegetation and zebra mussels, and if present, removed prior to transport on roads. I have attached best practices that have been developed for construction equipment to prevent their spread.
3. There has been discussion in regards to birds and aesthetic lighting of the structure. Our general guidance was further refined for the Winona Bridge project and we have the same expectations for the Red Wing Bridge project (copy of that email is attached). In short all non-essential lighting should be able to be turned off during the Mayfly hatch and

also follow the Audubon 'lights out' program. This a program that darkens all buildings and structures during the bird migration from midnight to dawn March 15-May31 and August 15 - Oct 31.... Information on this program is here: <http://mn.audubon.org/what-do-when-and-why>

I am a member of the projects Technical Advisory Committee (TAC), and these points have been presented during those sessions. So this is not new information. However I realize it is needed separately for completion of environmental documentation.

DNR folks, the latest on project development can be found on the projects website:

<http://www.dot.state.mn.us/d6/projects/redwing-bridge/>

Contact me if you have questions

Peter Leete

Transportation Hydrologist (DNR-MnDOT Liaison)

DNR Ecological & Water Resources

Peter.Leete@state.mn.us

Ph: 651-366-3634

Office location: MnDOT's Office of Environmental Stewardship





Minnesota Department of Natural Resources

500 Lafayette Road
St. Paul, Minnesota 55155-4010

November 3, 2010

Chad Hanson
MnDOT District 6
2900 48th St
Rochester, MN 55901

RE: Response to MnDOT Early Notification Memo Requesting Information and Early Coordination Regarding TH63 Mississippi River bridge replacement (SP2515-21) Goodhue County

Dear Mr. Hanson:

The Minnesota Department of Natural Resources (DNR) has completed review of the information submitted in the MnDOT Early Notification Memo regarding a proposed replacement of the TH 63 bridge over the Mississippi River and TH61 at the City of Red Wing, Goodhue County. The following comments were submitted to me during DNR field review of the project:

1. The Mississippi River is a Public Watercourse and as such a Public Waters Work Permit will be required for work within the Ordinary High Water Elevation (OHW) of the river. As the project moves forward, design of the crossing should meet the conditions listed in GP 2004-0001 (copy attached to cover email). Authorization for the project under this permit will require final review of the project at a later date. Guidance for conditions of the GP (including guidance on construction methods) may be found in the Manual "Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-0001". A pdf version of this manual may be found at:
http://www.dnr.state.mn.us/waters/watergmt_section/pwpermits/gp_2004_0001_manual.html

Additional design considerations and information on specific GP conditions are:

- a. It is unknown how much of the proposed project will require work within the OHW of the river. However acceptable criteria for permanent and/or temporary impacts (including demolition/construction methods) should be identified in project documents.
- b. The Mississippi River is listed as 'infested' with zebra mussels being the primary species to address. Suitable precautions against their spread will be required.
- c. Commercial and recreational navigation occurs in the area. The demolition and/or construction phases should recognize the possibility of boaters in the area and plan accordingly so their safety is not compromised. The DNR may defer to the US Coast Guard regarding this issue.
- d. Hydraulic/Hydrologic reporting is required. All temporary or permanent fill/structures will be required to be modeled for 100yr flood elevation impacts. Detailed Flood Studies exist for this reach of the Mississippi River and new approaches and bridge design must meet those requirements.
- e. A primary issue we see with bridge replacement projects is that the demolition/construction often conflicts with fish spawning dates. For construction purposes, Work Exclusion dates for the Mississippi River at this location is March 15 through May 15. These dates are to allow for fish migration and spawning. A waiver may be possible should methods of demolition/construction be determined not to adversely affect fish migration or spawning. However, work during these dates shall not occur adjacent to, or in the water during this time without prior written approval of the DNR.
- f. Due to habitat, flood elevation, and sediment concerns, the DNR prefers that barges be utilized to the maximum extent possible for demolition and construction. Any temporary structures proposed in the water must also be approved by the DNR (EG causeways, workpads, staging areas, etc.). In addition to habitat concerns, these structures would be required to be modeled for flood elevation impacts, and/or provide a Removal Contingency Plan. This plan would detail how the contractor would plan on removing the temporary structures before flooding, how the contractor will ensure all construction equipment and materials are removed from these structures to prevent being swept away by the river, and restoration plans upon complete removal.
- g. At areas adjacent to Public Waters, revegetate disturbed soil with native plant species suitable to the local habitat.

2. There are currently no bicycle or pedestrian accommodations on the bridges. While it is likely that they would be included as a part of the project, we encourage that this be incorporated into the project. Also, when the existing bridges were built, access was cut off to the stairway to the top of the adjacent Barns Bluff. Consideration for reconnecting this feature should also be considered.
3. The Minnesota Natural Heritage Information System has been queried to determine if any rare plant or animal species, native plant communities, or other significant natural features are known to occur within an approximate one-mile radius of the project area. Based on this query, rare features have been documented within the search area. Please note that the following **rare features may be impacted** by the proposed project:
 - a. The Minnesota County Biological Survey (MCBS) has identified and Site of Outstanding Biodiversity Significance adjacent to the project area (GIS shapefiles of MCBS Sites of Biodiversity Significance and MCBS Native Plant Communities can be downloaded from the DNR Data Deli at <http://deli.dnr.state.mn.us>). Sites of Biodiversity Significance have varying levels of native biodiversity and are ranked based on the relative significance of this biodiversity at a statewide level. Sites ranked as Outstanding contain the best occurrences of the rarest species, the most outstanding examples of the rarest native plant communities, and/or the largest, most intact functional landscapes present in the state. This particular Site contains Sugar Maple – Basswood Forest, Dry Bedrock Bluff Prairie, and known occurrences of a state-listed endangered plant. Actions to avoid or minimize disturbance to this ecologically significant area should be taken. Actions to minimize disturbance to this site of ecological significance should be taken. A standard guidance sheet for the protection of Areas of Environmental Sensitivity is included in the manual "Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-0001". See Chapter 1, page 10. I have attached page 1-10 to the cover email. This page may be used in your projects documents. A pdf version of the entire manual may be found at: http://www.dnr.state.mn.us/waters/watermgmt_section/pwpermits/gp_2004_0001_manual.html
 - b. Peregrine falcons (*Falco peregrinus*), a state-listed threatened species, have been documented in the vicinity of the TH 63 bridge during the breeding season, and in the last few years have nested on a grain elevator in Red Wing. In urban areas, peregrine falcons nest on tall buildings, bridges, and smokestacks. Construction activities at the TH 63 bridge site will not affect these birds as long as the birds do not choose the bridge as a nest site. If construction activities will take place during the breeding season (April through July), the bridge should be inspected (during the construction year) prior to the onset of any construction work to determine whether the falcons are using the bridge as a nesting site (please see the enclosed list of surveyors for consultants who may be able to perform this service). **Please contact me if the bridge is being actively used by peregrine falcons** during the year of construction, as seasonal work restrictions may be required.
 - c. Several state-listed mussels have been documented in the Mississippi River in the vicinity of the bridge, and a mussel survey may be required if the project will include disturbance to the riverbed. Given that this project is seven years out, this issue will need to be re-evaluated closer to the letting date.

The Natural Heritage Information System (NHIS), a collection of databases that contains information about Minnesota's rare natural features, is maintained by the Division of Ecological Resources, Department of Natural Resources. The NHIS is continually updated as new information becomes available, and is the most complete source of data on Minnesota's rare or otherwise significant species, native plant communities, and other natural features. However, the NHIS is not an exhaustive inventory and thus does not represent all of the occurrences of rare features within the state. Therefore, ecologically significant features for which we have no records may exist within the project area.

If you have questions regarding this letter, please e-mail me at peter.leete@state.mn.us or call at (651) 366-3634.

On behalf of the DNR

Sincerely,



Peter Leete
 DNR Transportation Hydrologist
 (DNR-MnDOT OES Liaison)
 @ Office of Environmental Services, mail stop 620
 Minnesota Department of Transportation
 395 John Ireland Blvd. St. Paul, MN 55155

C: ERDB file 20100712



Best Practices for Preventing the Spread of Aquatic Invasive Species

All equipment¹ being transported on roads or placed in Waters of the State shall be free of prohibited and regulated invasive species and unlisted non-native species (any other species not native to Minnesota)

1. **Project plans or documents should identify Designated Infested Waters²** located in or near the project area.
2. **Prior to transportation along roads into or out of any worksite, or between water bodies within a project area, all equipment** must be free of any aquatic plants, water, and prohibited invasive species.
 - A. **Drain** all water from equipment where water may be trapped, such as tanks, pumps, hoses, silt curtains, and water-retaining components of boats/barges (see Figures 5 & 6) **AND**
 - B. **Remove** all visible aquatic remnants (plants, seeds and animals). Removal of mud & soil is not required at all sites, though is encouraged as a Best Practice. Removal of mud and soil may be required on sites designated as infested (see #4).
3. **Prior to placing equipment into any waters**, all equipment must be free of aquatic plants and non-native animals.
4. **Additional measures are required on Designated Infested Waters to remove and kill prohibited species such as zebra mussels, quagga mussels, New Zealand mudsnails, faucet snails, or spiny waterfleas.**

Note: The DNR is available to train site inspectors and/or assist in these inspections. Contact the appropriate Regional Invasive Species Specialist: www.mndnr.gov/invasives/ais/contacts.html

- A. For day use equipment (in contact with the water for 24 hours or less); Perform #2 above or,
- B. For in-water exposure greater than 24 hours: Perform #2 above, and inspect all equipment for the prohibited invasive species present (see Figure 1).

Then choose one of the following three: **on-site treatment**, **off-site treatment**, or **customized alternative**.

On-Site Treatment

Remove by handscraping or powerwashing (minimum 3000 psi) all accessible areas (Figures 1 and 2) **AND**

Kill Prohibited Aquatic Invasive Species in non-accessible areas using one or more of the following four techniques:

- **Hot Water (minimum 140°F) for ten seconds** (Figure 2) for zebra mussels, quagga mussels, New Zealand mudsnails, faucet snails **OR**
- **Air Dry** (Figures 3 & 4)
 - Spiny waterfleas – air dry for a minimum of 2 days
 - New Zealand mudsnails – air dry for a minimum of 7 days
 - zebra or quagga mussels, faucet snails – air dry for a minimum of 21 days **OR**
- **Freezing Temperatures**
 - zebra mussels - expose to continuous temperature below 32°F for 2 days **OR**
- **Crush**
 - Crush rock, concrete, or other debris by running it through a crushing plant to kill prohibited species

Off-Site Treatment

Under certain conditions, the DNR will allow transportation of equipment off-site after partial removal of prohibited species (for example, after “removal” has been done and equipment will be taken to a facility to complete final treatment [i.e., “kill”]) This is a ‘one-way pass’ to allow transport to a storage area or disposal facility. This option can only be utilized if the receiving site is at least 300 feet from riparian areas, wetlands, ditches, stormwater inlets or treatment facilities, seasonally-flooded areas, or other waters of the state. To be allowed to use the off-site treatment option you must do the following:

- Read, complete, and comply with the appropriate authorization form for transportation of Prohibited Invasive Species at www.mndnr.gov/invasives/ais_transport.html (Note that a completed form is required to be in every vehicle that is transporting equipment containing infested species) **AND**
- Complete on-site treatment described in 4B above prior to re-use in or adjacent to water.



Figure 1. Invasive species may not be readily visible on equipment. Some species are less than 1/4 inch in size.

Photo credit: Brent Wilber, Lunda Construction



Figure 2. Removal of aquatic remnants is required before transporting.

Photo credit: Peter Leete, DNR

Best Practices for Preventing the Spread of Aquatic Invasive Species

Contact a DNR Invasive Species Specialist for authorization of a customized alternative

There may be situations due to time of year, length of exposure, type of equipment, or site conditions that a DNR Invasive Species Specialist could approve alternative methods or requirements for treatment. Contact the appropriate Regional Invasive Species Specialist:
www.mndnr.gov/invasives/contacts.html

5. Temporary appropriations of water from Designated Infested Waters to utilize elsewhere (such as for dust control, landscaping, bridge washing, etc.) is not allowed except by permit, thus should be avoided.

If use of Designated Infested Waters is unavoidable, permit information is located at www.mndnr.gov/waters/watermgmt_section/appropriations/permits.html



Figure 3. Drying will also kill aquatic organisms. Lay out materials to dry in the proper time. Drying times vary by species. Inspect after drying period is over.
 Photo credit: Dwayne Sterlund, MnDOT



Figure 4. Drying techniques must not trap water. This equipment will not dry adequately.
 Photo credit: Peter Leete, DNR



Figure 5. Pumping from designated infested waters for use elsewhere on the project is prohibited without a permit.
 Photo credit: Peter Leete, DNR



Figure 6. Drain all water from equipment where water may be trapped. Remove drain plugs and drain hoses prior to transport.
 Photo Credit: Peter Leete, DNR

Document Information

www.mndnr.gov/waters/watermgmt_section/pwpermits/gp_2004_0001_manual.html

Best Practices for Meeting DNR GP 2004-0001 (published 5/11, updated 12/12) – Chapter 1/Page 8

More on the DNR Invasives Species Program can be found at: www.mndnr.gov/AIS

¹ **'Equipment'** is defined as any implement utilized in construction. This includes boats, barges, heavy machinery, light machinery, or other material that may be moved on-site or off-site, including but not limited to rock (riprap) or timber for temporary workpads, backhoes, pumps, hoses, worksite isolation materials (eg, sheet pile or jersey barriers), boats, barges, temporary staging materials, erosion prevention products, sediment control products (eg, silt curtain), water trucks that take water from open bodies of water (eg, dust control), or dewatering components.

² **List of Designated Infested Waters:** http://files.dnr.state.mn.us/eco/invasives/infested_waters.pdf

DNR Contact Information



DNR Ecological and Water Resources lists area office staff at www.mndnr.gov/waters

DNR Ecological and Water Resources
 500 Lafayette Road, Box 32, St. Paul, MN
 55155-4032, (651)259-5700 or 5100

DNR Ecological and Water Resources website provides information at www.mndnr.gov or by calling (651) 259-5700 or 5100.

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DNR Information Center

Twin Cities: (651) 296-6157
 Minnesota toll free: 1-888-646-6367
 Telecommunication device for the deaf (TDD): (651) 296-5484
 TDD toll free: 1-800-657-3929

This information is available in an alternative format on request

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Minnesota Department of Transportation

395 John Ireland Boulevard
Saint Paul, MN 55155

February 4, 2015

Andrew Horton
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
Twin Cities ES Field Office
4101 American Blvd East
Bloomington, MN 55425-1665

State Project 2515-12, Trunk Highway 63, Bridge and Approach Roadway Project, City of Red Wing, Goodhue County Minnesota, Pierce County Wisconsin

Request for Concurrence – May Affect, Not Likely to Adversely Affect Determination – Higgins eye pearlymussel (*Lampsilis higginsii*)
Request for Concurrence – May Affect, Not Likely to Adversely Affect Determination – snuffbox (*Epioblasma triquetra*)
Request for Concurrence – May Affect, Not Likely to Adversely Affect Determination – spectaclecase (*Cumberlandia monodonta*)
No Effect Determination – dwarf trout lily - (*Erythronium propullans*)
No Effect Determination – prairie bush clover- (*Lespedeza leptostachya*)
No Jeopardy Determination – northern long-eared bat - (*Myotis septentrionalis*)

Project Description

The project encompasses three components: the Wisconsin approach to the US 63 bridge, the Minnesota approach to the US 63 river crossing bridge and the US 63 river bridge itself.

The Wisconsin approach to the US 63 bridge will be constructed as a jug-handle intersection at 825th Street. This design provides a four-legged intersection with a median on US 63.

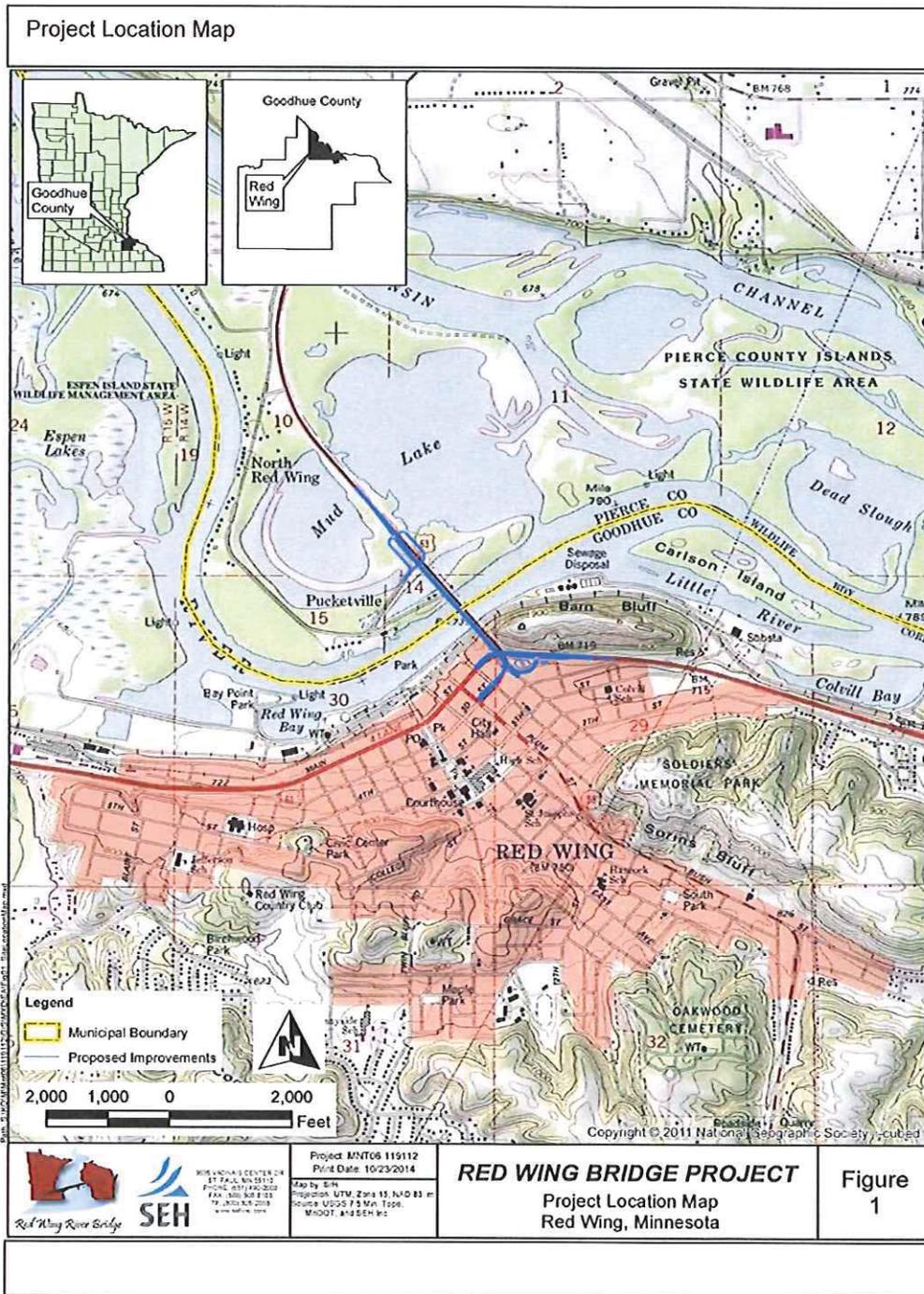
The Minnesota approach to the US 63 bridge will be constructed as a buttonhook intersection with a slip ramp. This recommended alternative replaces Bridge 9103 over US 61 and creates a new at-grade intersection of US 63 and US 61 east of downtown Red Wing. Bridge 9103 will be removed as part of the project. The concept allows southbound US 63 traffic to access downtown Red Wing and MN 58 along a new one-way slip ramp to 3rd Street. It provides approximately 1,100 feet between the new intersection and Potter Street in downtown Red Wing. . See Figure 1 on the next page for the project location map.

The existing US 63 river bridge, Bridge 9040, will be replaced by a new steel box girder structure. The existing structure will be replaced due to a variety of factors including it is fracture critical and not structurally redundant, has low sufficiency ratings due to uneven foundation settlement, excessive longitudinal movement, and poor deck condition. The new US 63 river bridge will be located immediately upstream of the in-place river bridge. The proposed new structure will include two 12 feet wide lanes, two 6 feet shoulders, and a 12 feet wide trail on the west side (upstream side) of the bridge. This results in a total width, including barriers, of 52 feet and 4 inches.

Construction: River Impacts - Due to the need to get construction materials and construction equipment into or onto the river to build the bridge, river impacts are expected including dredging, building temporary cofferdams around piers, dewatering, fill, and removal of cofferdams after construction.

Construction would involve temporary interruption to the navigation channel at various stages of construction to allow for pier construction, launching of materials, and construction of the superstructure. These temporary interruptions would need to be coordinated with the USACE, USCG, and barge operators. Recreational boating activities would also be impacted and notification would be provided at local marinas and public access. The timing and duration of temporary interruptions would vary. The majority of the project will occur in previously developed areas within the City of Red Wing and previously disturbed areas on the Wisconsin approach.

Project Schedule - Construction is anticipated to begin in 2017 and be completed by fall of 2018. Because the existing bridge will remain open during construction of the new bridge, substantial traffic disruption to users is not expected.



Species List for the Project Counties

According to the official County Distribution of Minnesota and Wisconsin's Federally-Listed Threatened, Endangered, Proposed, and Candidate Species list (revised in January 2015), maintained by the Service, the project counties are within the distribution range of the following:

County	Species	Status	Habitat
Goodhue Minnesota	Northern long-eared bat <i>Myotis septentrionalis</i>	Proposed as Endangered	Hibernates in caves and mines - swarming in surrounding wooded areas in autumn. Roosts and forages in upland forests during spring and summer.
	Dwarf trout lily (<i>Erythronium propullans</i>)	Endangered	North facing slopes and floodplains in deciduous forests
	Higgins eye pearl mussel (<i>Lampsilis higginsii</i>)	Endangered	Mississippi River
	Prairie bush clover (<i>Lespedeza leptostachya</i>)	Threatened	Native prairie on well-drained soils
Pierce Wisconsin	Northern long-eared bat <i>Myotis septentrionalis</i>	Proposed as Endangered	Hibernates in caves and mines - swarming in surrounding wooded areas in autumn. During summer, roosts and forages in upland forests.
	Higgins eye pearly mussel <i>Lampsilis Higginsii</i>	Endangered	Mississippi and St. Croix Rivers
	Snuffbox <i>Epioblasma triquetra</i>	Endangered	Small to medium-sized creeks and some larger rivers, in areas with a swift current
	Spectaclecase <i>Cumberlandia monodonta</i>	Endangered	Large rivers
	Prairie bush-clover <i>Lespedeza leptostachya</i>	Threatened	Dry to mesic prairies with gravelly soil

Species Proposed for Federal Listing in the Action Area

Section 7(a)(4) requires Federal agencies to confer with the Services on any agency action that is likely to jeopardize the continued existence of any species proposed for listing or result in the adverse modification of critical habitat proposed to be designated. A conference may involve informal discussions between the Services, the action agency, and the applicant. Following informal conference, the Services issue a conference report containing recommendations for reducing adverse effects. These recommendations are discretionary, because an agency is not prohibited from jeopardizing the continued existence of a proposed species or from adversely modifying proposed critical habitat. However, as soon as a listing action is finalized, the prohibition against jeopardy or adverse modification applies, regardless of the stage of the action.

In reviewing the project impacts, it was determined that the proposed action has minimal potential for impacting the northern long-eared bat. Therefore, based on the current species information and due to the minor amount of vegetation removal required, MnDOT, on behalf of FHWA, has determined that these impacts are not of a magnitude that would result in jeopardizing the continued existence of this species. Currently there is no critical habitat proposed for this species.

Federally-Listed Species – No Effect Determinations

Section 7 of Endangered Species Act of 1973, as amended (Act), requires each Federal agency to review any action that it funds, authorizes or carries out to determine whether it may affect threatened, endangered, proposed species or listed critical habitat. Federal agencies (or their designated representatives) must consult with the U.S. Fish and Wildlife Service (Service) if any such effects may occur as a result of their actions. Consultation with the Service is not necessary if the proposed action will not directly or indirectly affect listed species or critical habitat. If a federal agency finds that an action will have no effect on listed species or critical habitat, it should maintain a written record of that finding that includes the supporting rationale.

Dwarf Trout Lily – Determination of No Effect

There are no known occurrences of this species within the action area. There has been no critical habitat designated for this species. **Therefore, MnDOT on behalf of the FHWA has made a determination of no effect for this species.**

Prairie Bush Clover – Determination of No Effect

There are no known occurrences of this species within the action area. There has been no critical habitat designated for this species. **Therefore, MnDOT on behalf of the FHWA has made a determination of no effect for this species.**

Federally-Listed Species - Concurrence RequestsHiggins Eye Pearlymussel, Snuffbox, Spectaclecase – Request for Concurrence

MnDOT contracted with the Minnesota Department of Natural Resources (MNDNR) to conduct a mussel survey for this project in 2013. No federally-listed species were found alive or recently deceased. The MNDNR concluded that the presence of federally-listed species within the area of impact is very unlikely. The final survey report describing the methodology and summarizing the data is attached to this request.

MnDOT on behalf of the FHWA has determined that the proposed action may affect, but is not likely to adversely affect the Higgins eye pearlymussel (*Lampsilis higginsii*), spectaclecase (*Cumberlandia monodonta*) and the snuffbox (*Epioblasma triquetra*) and is requesting concurrence for these determinations

Please do not hesitate to contact me if there are any questions or concerns,



Jason Alcott
Minnesota Department of Transportation
Office of Environmental Stewardship
395 John Ireland Boulevard
St. Paul, MN 55155
Phone: 651-366-3605
Email: Jason.alcott@state.mn.us



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Twin Cities Field Office
4101 American Blvd E.
Bloomington, Minnesota 55425-1665

March 10, 2015

Mr. Jason Alcott
Natural Resource Specialist
Minnesota Department of Transportation
395 John Ireland Boulevard
St. Paul, Minnesota 55155-1899

RE: Trunk Highway 63 Bridge and Approach Roadway Project
FWS No. 03E1900-2015-I-0081

Dear Mr. Alcott:

We have received your February 4, 2015, letter regarding the proposed Trunk Highway 63 Bridge and Approach Roadway Project (Project) for the Federal Highway Administration (FHWA) and its effects on Higgins eye pearlymussel (*Lampsilis higginsii*), Snuffbox (*Epioblasma triquetra*), Spectaclecase (*Cumberlandia monodonta*), and the Northern long-eared bat (NLEB; *Myotis septentrionalis*), in accordance with Section 7 of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C., 1531 et seq.). The Northern long-eared bat was proposed as federally-endangered on October 2, 2013. Additional information regarding forested habitat for NLEB was received by phone on March 4, 2015.

The Minnesota Department of Transportation (MnDOT) on behalf of FHWA proposes to replace the existing U.S. 63 river bridge with a new steel box girder structure located immediately upstream in Goodhue County, Minnesota. Construction activities will occur on both the Minnesota and Wisconsin approach to meet the new alignment as well as in-water work for construction of the new bridge and removal of the existing U.S. 63 bridge. River impacts include dredging, building temporary cofferdams around piers, dewatering, fill, and removal of cofferdams after construction. Forested habitat impacts are anticipated to consist of less than 0.20 acres of tree removal located in previously developed and urbanized areas within the City of Red Wing and previously disturbed areas along the Wisconsin approach.

The MnDOT requested concurrence with a "may affect but not likely to adversely affect" determination for Higgins eye pearlymussel, Snuffbox and Spectaclecase. The MnDOT also requested an informal conference on the NLEB with a non-jeopardy determination. A complete administrative record of this consultation is on file in this office.

Federally listed mussels

Your February 4, 2015, letter included a 2013 survey report conducted by the Minnesota Department of Natural Resources (MNDNR) for the proposed action area. This report made the determination that no federally-listed mussel species were found alive or recently dead, indicating that their presence within the impact area is very unlikely. We concur with your

determination that the proposed project may affect but will not likely adversely affect the Higgins eye pearl mussel, Snuffbox and Spectaclecase. Our concurrence is based on the recent survey results conducted by MNDNR indicating the low likelihood for species presence and that potential effects are discountable.

Northern Long-eared Bat

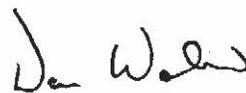
The NLEB was proposed for federal listing under the ESA (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) on October 2, 2013. No critical habitat has been proposed at this time. Pursuant to Section 7(a)(4) of the ESA, federal action agencies are required to confer with the Service if they determine that the proposed federal action is likely to jeopardize the continued existence of the NLEB (50 CFR 402.10(a)). Action agencies may also voluntarily confer with the Service if the proposed action may affect a proposed species. To confer or conference on a species that is proposed for listing is similar to "consultation" on species that is listed under the ESA.

Although species proposed for listing are not afforded protection under the ESA, when a species is listed, the prohibitions against jeopardizing its continued existence and unauthorized "take" are effective immediately, regardless of an action's stage of completion. Therefore, if implementation of the proposed project occurs after a Northern long-eared bat final listing decision is made (a final listing decision is expected by April 2, 2015), consultation will likely be required under Section 7 of the Act. If the NLEB is listed as federally-threatened or endangered under the Act, and the proposed action "may affect" Northern long-eared bat, consultation will be required under Section 7 of the Act.

Your February 4, 2015, letter has made the determination that the proposed project is not likely to jeopardize the continued existence of this species and has requested informal conferencing. Our office will continue to assist the action agency in determining effects and will advise on ways to avoid or minimize adverse effects to the proposed species. The primary recommendation at this time to avoid and/or minimize impacts to NLEB is to conduct tree clearing outside of the summer roost season. The species is not anticipated to be present within the action area between October 15th and March 30th.

This concludes consultation under Section 7 of the Endangered Species Act, as amended, for the Higgins eye pearl mussel, Snuffbox and Spectaclecase and informal conferencing for the NLEB. Please contact the Service if the project changes or new information reveals effects of the action to proposed or listed species or critical habitat to an extent not covered in your biological assessment. If you have questions, please contact Mr. Andrew Horton, Fish and Wildlife Biologist, at 612-725-3548, extension 2208, or via email at andrew_horton@fws.gov.

Sincerely,



FOR Peter Fasbender
Field Supervisor

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
Eighth Coast Guard District

1222 Spruce Street
St. Louis, MO 63103-2832
Staff Symbol: dwb
Phone: (314) 269-2379
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Email: rodney.l.wurgler@uscg.mil
www.uscg.mil/d8/westernriversbridges

16593/790.61 UMR
May 14, 2012

Mr. Keith Molnau
Preliminary Bridge Plans Engineer
MnDOT Bridge Office
3485 Hadley Avenue North
Oakdale, MN 55128

Subj: PROPOSED RED WING HIGHWAY BRIDGE REPLACEMENT, MILE 790.61,
UPPER MISSISSIPPI RIVER

Dear Mr. Molnau:

This is in reply to your email dated April 19, 2012 concerning the proposed new Red Wing Highway Bridge replacement. I have reviewed your potential three new alignments and after consulting with the marine industry, the proposed new alignments will not be acceptable from a navigational standpoint due to the proximity of the bend in the river.

A new companion bridge located immediately upstream of the existing Red Wing Highway Bridge would satisfy the reasonable needs of navigation. The navigational opening of the new companion bridge must match the existing bridge.

We appreciate this opportunity to be involved with the project development and the effects on navigation. If there are any questions, please contact Mr. Rodney Wurgler at the above phone number.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric A. Washburn".

ERIC A. WASHBURN

Bridge Administrator Western Rivers
By direction of the District Commander

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
Eighth Coast Guard District

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16593/790.61 UMR
November 27, 2013

Mr. Daniel Prather, P.E.
Assistant Preliminary Bridge Plans Engineer
MnDOT Bridge Office
3485 Hadley Avenue North
Oakdale, MN 55128

Subj: PROPOSED RED WING HIGHWAY BRIDGE REPLACEMENT, MILE 790.61,
UPPER MISSISSIPPI RIVER

Dear Mr. Prather:

The Coast Guard reviewed the required navigational clearances for this project. Although the existing vertical clearance is 64.7 feet above normal pool, it was determined that the proposed clearance may be a minimum of 60 feet above normal pool at each channel pier due to the haunch in the girder for 35 feet of the channel span at either end. A clearance of 62 feet above normal pool is required for the remaining 362 feet at the center of the span. The total clearance envelope of the navigation span will be 432 feet.

If there are any questions, please contact Rodney Wurgler at the above phone number.

Sincerely,

A handwritten signature in blue ink, appearing to read "Eric Washburn".

ERIC A. WASHBURN
Bridge Administrator Western Rivers
By direction of the District Commander

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