

**STATE OF MINNESOTA
MINNESOTA DEPARTMENT OF TRANSPORTATION
ADEQUACY DETERMINATION**

**TRUNK HIGHWAY 60 – WINDOM TO ST. JAMES
FINAL SUPPLEMENTAL FINAL ENVIRONMENTAL IMPACT STATEMENT**

The pages to follow contain the Minnesota Department of Transportation (MnDOT) Adequacy Determination regarding the Final Supplemental Final Environmental Impact Statement (SFEIS) for the Trunk Highway (TH) 60 Project between Windom and St. James. This determination was developed in conformance with Minnesota Rules 4410, particularly 4410.2800. Those rules charge the Minnesota Responsible Governmental Unit (RGU) with making such a determination whenever it has completed a Final EIS and further set forth the conditions under which a Final EIS shall be determined adequate. MnDOT is the RGU for this project under the environmental review laws and rules found at Minnesota Statutes 116D and Minnesota Rules Chapter 4410.

Regarding the Adequacy Determination required by State of Minnesota Environmental Review Rules, Minnesota Rule 4410.2800 stipulates the following:

Subp. 4. Conditions. The final EIS shall be determined adequate if it:

- A. addresses the potentially significant issues and alternatives raised in scoping so that all significant issues for which information can be reasonably obtained have been analyzed in conformance with part 4410.2300, items G and H;**
- B. provides responses to the substantive comments received during the Draft EIS review concerning issues raised in scoping; and**
- C. was prepared in compliance with the procedures of the act and parts 4410.0200 to 4410.6500.**

Since the Highway 60 Final EIS was completed and the Record of Decision (ROD) released in 1984, several segments of the original preferred alternative between the cities of Worthington and St. James, Minnesota (a distance of approximately 52 miles) have been constructed. These transportation improvements were constructed over many years and completed through multiple project lettings. The past projects have involved capacity (four-lane sections), safety (divided sections, interchanges, etc.), and/or mobility (community bypasses) improvements. However, three highway segments (East Gap – St. James to Butterfield; Middle Gap – Butterfield to Mountain Lake; and West Gap – Mountain Lake to Windom) were reconstructed only as two lane roads rather than four-lane divided highways as proposed in the original Final EIS. As a result, a Draft Supplemental Final Environmental Impact Statement (SFEIS) was completed for the two-lane “gap” sections and approved by MnDOT and the Federal Highway Administration (FHWA) in November 2011. A Final SFEIS for the three gaps was approved by MnDOT and FHWA in July 2012.

A. DECISION

The Selected Alternative for the reconstruction of Highway 60 in the three gap sections between Windom, Cottonwood County and St. James, Watonwan County, Minnesota, is Alternative 2 (constructing four-lane rural expressway) with the Clear Lake “Full” design option and Bingham Lake “Widen North” design option. The Bingham Lake “Widen North” design option was modified to shift the alignment slightly south near the intersection of Cottonwood County Road 2 in order to reduce impacts on Wetland #25 located north of Highway 60. The total length of the Selected Alternative for the three gap segments is approximately 17 miles.

The East Gap of the Selected Alternative begins just west of the City of St. James and extends to the eastern edge of the City of Butterfield (approximately 5.3 miles). The Middle Gap covers the two-lane highway section from the western edge of the City of Butterfield to just east of the City of Mountain Lake (approximately 4.2 miles). The west Gap extends from just west of the City of Mountain Lake to the northeast edge of the City of Windom (approximately 7.5 miles). Within the East and Middle Gaps, the highway is proposed to be expanded to the south of the existing alignment and will parallel the southern right-of-way line of the Union Pacific (UP) Railroad corridor in several areas. The West Gap of the Selected Alternative proposes widening the highway to the north of the existing alignment and will parallel the north right-of-way line of the UP corridor with the exception of the portion through the City of Bingham Lake.

In order to reestablish access to several developments along the corridor, new local roadway connections and/or modified driveway connections are proposed. Furthermore, the Selected Alternative includes the construction of several storm water management ponds that will be constructed to collect and treat surface water runoff from the highway and roadway improvements.

MnDOT and Federal Highway Administration (FHWA) identified Alternative 2 with the Clear Lake “Full” and Bingham Lake “Widen North” design options as the Preferred Alternative following the Draft SFEIS comment period, which officially closed on January 4, 2012. The Preferred Alternative, as detailed in the Final SFEIS, underwent a revised analysis of potential social, economic, and environmental impacts and is presented in the Final SFEIS which was approved on July 26, 2012.

B. ALTERNATIVES CONSIDERED

The Draft SFEIS was approved and circulated for review and comment on November 14, 2011. This document analyzed, in detail, one primary build alternative and the No Build Alternative. The Draft SFEIS also assessed two design options for the Clear Lake area and three design options through the community of Bingham Lake. The design options were all associated with the West Gap segment of Alternative 2. The Draft SFEIS identified the potential social, economic, and environmental impacts associated with each alternative and design option. The Draft SFEIS did not identify a preferred alternative. The Draft SFEIS was circulated for comments and then presented to the public at two hearings that were held on December 13, 2011, in the City of Windom (Cottonwood County) and December 15, 2011, in the City of Butterfield (Watonwan County).

After concluding the Draft SFEIS comment period, an evaluation and screening process was initiated to identify a preferred alternative. The evaluation process considered all public and agency comments received and weighed the project goals and needs against the technical analysis and potential effects of each alternative. Through this process, Alternative 2 with the Clear Lake “Full” and Bingham Lake “Widen North” design options was identified as the Preferred Alternative in the Final SFEIS. A modification to the Bingham Lake “Widen North” design option was made in order to reduce potential wetland impacts in the area.

The alternatives considered and reasons for their dismissal in favor of the Preferred Alternative were identified in the Final SFEIS. The reasons for identifying Alternative 2 with the Clear Lake “Full” and the modified Bingham Lake “Widen North” design options as the Preferred Alternative are summarized below. The Preferred Alternative:

- Provides for safe and efficient travel through the study area by providing a continuous four-lane highway section with improved access and intersection conditions.
- Is consistent with the design of Highway 60 in areas where the corridor has already been converted to a four-lane expressway. The capacity expansion will occur immediately south of the existing highway in the East and Middle Gaps and immediately north of the existing highway in the West Gap.
- The two design options provide a balanced approach in minimizing social, economic, and environmental impacts, while satisfying the overall project purpose and need objectives.
- Inclusion of the modified Bingham Lake “Widen North” Option minimizes potential impacts to operating businesses in the community, reduces impacts on Wetland #25 (north of Highway 60 near County Road 44), and provides an opportunity to clean up a potentially hazardous site (former vehicle salvage business) that if untreated could result in long-term soil and/or groundwater contamination concerns. This modified design option requires the least amount of right-of-way and farmland conversion to accommodate the improvements. Also, it avoids impacts to a sewer lift station located south of Highway 60 near Cottonwood County Road 44 (520th Avenue) and avoids the City’s main sanitary sewer and watermain lines that are located south of Highway 60 and run parallel to the corridor toward Windom.
- The Clear Lake “Full” design option will minimize the potential for snow drifting and icy roadway conditions, which can result in run off the road and injury crashes. This option does not require safety barriers (guardrail), which can act as a snow traps and limit snow storage.
- Alternative 2 with the identified design options has a positive (greater than 1.0) benefit-cost ratio indicating the benefits of the project outweigh the costs.
- Alternative 2 received the greatest amount of public support.

C. MEASURES TO MINIMIZE HARM

A variety of measures have been identified to mitigate social, economic, and environmental impacts associated with the construction of the Selected Alternative. The specific elements of the proposed mitigation plan are detailed in Section 4.0 of the Final SFEIS. Commitments

typically include components that will be incorporated in the final design of the Selected Alternative and mitigation measures that will be implemented as part of the construction phase. This project will comply with all federal and state laws and regulations which are applicable at the time of permitting.

All practicable measures to minimize environmental harm have been incorporated into the decision. These measures include the following:

Land Use

Controlling potential land use changes that occur following implementation of the proposed improvements would be accomplished primarily through local government zoning authority. MnDOT has already coordinated with local units of government (i.e. cities, counties, and townships) regarding the project and further discussions will continue to occur to discuss land use and transportation planning efforts. MnDOT encourages local units of government to use Smart Growth techniques and innovative best management practices for stormwater, such as those listed on the NEPA Stormwater Green Sheet, prepared by the Environmental Protection Agency.

Access management will be implemented to preserve the integrity of the Interregional Corridor (IRC) performance standards. The proposed improvements will close private access to the highway in some locations and will reroute these residential or field accesses to local roads. Direct private access will continue to be permitted where the distance to a secondary street (county or township road) or resulting impacts of relocating the access are too great.

Right-of-Way and Relocation

Relocation assistance will be offered to residential and commercial/business displacees in accordance with governing federal and state regulations. MnDOT has a relocation and right-of-way acquisition process that assures all right-of-way and relocation concerns are addressed in accordance with the Uniform Relocation and Real Property Acquisition Act of 1970, as amended (42 USC 4601).

Wetlands

Wetland impacts that cannot be avoided will be reduced through incorporation of construction and design features devised to minimize wetland encroachment. This will include standard soil erosion control measures such as silt fencing, minor modifications in the alignment, and opportunities to incorporate steeper foreslopes/backslopes.

A Combined Wetland Permit Application and Replacement Plan will be prepared and submitted for the Preferred Alternative prior to construction of each gap segment. Replacement of lost wetlands functions and values will be in accordance with Wetland Conservation Act (WCA) criteria, Minnesota Department of Natural Resources (MNDNR) Public Waters requirements (where applicable), and federal Clean Water Act Section 404 regulations.

Replacement acreage for the East Gap improvements will require the use of wetland banking. MnDOT's existing wetland bank system will provide eligible credits for wetland replacements. There are existing accounts and credits located in Watonwan County that are held by MnDOT. This site is located within the Bank Service Area and will be used for the replacement acreage for the East Gap. The replacement plan for the Middle and West Gaps are not known at this time.

Due to the number of years until these gap segments are constructed, additional bank sites could be developed to accommodate the replacement needs of the Middle and West Gaps. Furthermore, if viable replacement sites are identified within the Middle or West Gaps, they will also be pursued as potential mitigation sites, subject to regulatory approval.

Floodplains

The proposed project is not expected to impact any regulatory floodplains.

Vegetation

Prairie remnant areas were identified and mapped in the field. Several prairie remnants were identified adjacent to the Union Pacific Railroad corridor. In most areas the highway widening is proposed on the opposite side of the highway and as a result would not impact prairie remnants. However, in one location in the West Gap (near Bingham Lake), the highway is proposed to be widened in an area where a prairie remnant exists in order to reduce impacts on a wetland basin.

Efforts will be made to avoid, minimize, or if necessary mitigate impacts to prairie remnants during the final design phase. Since construction in the West Gap is not likely to occur for several years, it is recommended that reevaluation of prairie remnant sites near Bingham Lake occur prior to the completion of the final design and start of construction. MnDOT will include language into the special provisions of the contract that will not allow work or equipment staging to occur within the identified prairie remnant areas between the dates of April 1 to August 1. Furthermore, efforts to limit right-of-way acquisition and construction activities within these natural vegetation areas will be made, including appropriately locating staging areas needed during the construction phase and through the use of protective fencing for areas within the right-of-way that occur outside the limits of construction. A substantial amount of right-of-way will be available with the Preferred Alternative that may be appropriate for prairie vegetation establishment.

MnDOT's integrated roadside management planning guidelines will assist in minimizing the potential spread of invasive plant species through reestablishment of native plant communities in all disturbed areas as well as routine maintenance of the state highway right-of-way corridor.

Other tree and landscape mitigation will follow MnDOT and FHWA policies and guidance for compensating owners and replacing impacted vegetation. Compensation will be determined through the MnDOT right-of-way process.

Threatened and Endangered Species

No federally listed species will be adversely impacted. As part of the environmental review process, several prairie remnants were identified as Sites of Biodiversity and the Sullivant's Milkweed (*Asclepias sullivantii*), a state-listed threatened species, is known to occur within some of these prairie remnants. If state-listed species are encountered within the construction limits or staging areas, the MNDNR will be consulted for plant salvage possibilities. MnDOT and the MNDNR have an established plant salvage program to implement when there are unavoidable impacts to native plants. Other additional measures (e.g. adjusting grading plans, salvaging topsoil, and reseeding with native seeds from a local source) may be incorporated as coordination continues between the MNDNR and MnDOT through final design and project construction.

Recreational Facilities

Construction of the Preferred Alternative may affect grant-in-aid snowmobile trails (Cottonwood and Riverside Trail) since these trails parallel and/or cross over Highway 60 in some locations. However, the route of these trails is fluid and dependent upon landowner agreements. Construction of the Preferred Alternative will not prohibit these trails and they will still be allowed to cross and parallel the highway corridor.

There are no pedestrian or bicycle facilities currently located along the three two-lane segments of Highway 60. Future regional trail corridors within the Highway 60 study area are shown on the 2010 Trail Corridor Plan, which was prepared by the Southwest Regional Development Commission (RDC). The Plan identifies a trail corridor south of Highway 60 beginning at Windom and traversing northeast toward Mountain Lake and beyond. A second future trail corridor has been identified running north-south near Bingham Lake. These trail corridors appear to cross Highway 60 near Bingham Lake and Mountain Lake. No funding for these trail corridors has been programmed and the timing of construction has not been scheduled. Construction of the Preferred Alternative will not prohibit the future construction of these trails.

The Preferred Alternative will include 10-foot shoulders along Highway 60, which will perpetuate the existing condition and can be used by pedestrians/bicyclists. The Preferred Alternative may improve safety of pedestrians/bicyclists crossing Highway 60 since with the construction of a four-lane divided roadway section, these types of movements will no longer have to cross both directions of traffic at the same time. The center median can serve as a refuge for pedestrian and/or bicycle movements where they can cross one direction of traffic at a time. Also, the additional traffic lane in each direction allows vehicles to shy away from cyclists on the shoulder of the highway.

Cultural Resources

No NRHP-eligible historic architecture properties or archaeological sites will be adversely impacted by the Preferred Alternative. Therefore, no mitigation is required.

Utilities

Several local and regional utility lines and distribution and/or transmission facilities can be found within the project area. These utilities primarily consist of local electric and telephone distribution lines, natural gas pipelines, and fiber optic communication lines. Construction of the additional lanes will cause the relocation of certain utilities currently located in or directly adjacent to the current right-of-way. Temporary disruptions in service are possible as a result of these relocations.

Coordination with utility providers will occur during the final design phase of each gap segment to ensure all utilities within the area are identified, so avoidance and minimization measures can be implemented. Minimization efforts may include minor alignment shifts of the Preferred Alternative or alterations to the typical roadway cross-section.

Contaminated Properties

A Phase I environmental site assessment was completed for the study area, which revealed a number of potentially contaminated properties that may be impacted by the Selected Alternative. A more detailed Phase II assessment at one high risk site in the West Gap (former salvage yard in Bingham Lake) was completed, consisting of soil and groundwater testing. The Phase II investigations provided MnDOT with a better understanding of the contamination (type,

quantity, and location) at the site. Based on the findings of the Phase II assessment, the contamination appears to be contained on-site and the type and level of contaminants is not anticipated to result in extraordinary liabilities associated with ownership or substantial cleanup costs.

Prior to construction, properties within the Selected Alternative with potential contamination will be further investigated to precisely determine the presence and/or extent of any contaminated soil or groundwater. If necessary, a plan will be developed during detailed design for properly handling and treating contaminated soil and/or groundwater during construction in accordance with all applicable state and federal regulations.

Noise

A detailed noise mitigation analysis was performed to gauge the feasibility and reasonability of constructing noise walls along the corridor. Several locations were determined to be feasible from a constructability perspective. However, the cost-effectiveness analysis revealed that none of the locations met the acoustically effectiveness and MnDOT cost reasonableness criteria. Therefore, no noise barriers are proposed.

Excess Materials

The contractor will dispose of excess materials and debris from this project in accordance with state and federal regulation and MnDOT Standard Specification for Construction, 2104.3C and Minnesota Rule 7035.2825. In particular, excess materials and debris will not be placed in wetlands or floodplains.

Construction Impacts

A traffic management plan will be developed and implemented during construction of each gap segment to ensure reasonably convenient access to residences, businesses, and local roads. Sustained detours are not anticipated with the proposed improvements.

MnDOT will coordinate construction activities, sequencing, and traffic management plans with local fire, police, and emergency rescue services to minimize potential delays during the construction period.

To reduce the impacts of construction noise, the construction contract will require that motorized equipment be operated in compliance with State laws and regulations relating to noise levels permissible within and adjacent to the project construction site.

Groundwater

Construction BMPs will be used to minimize potential impacts to surface water and ground water. The abandonment of any wells will be conducted in accordance with Minnesota Department of Health regulations. Continuity of existing farmland drain tile systems will be sustained during and after construction.

Fish and Wildlife

Impacts to wetlands and vegetation have been discussed and proposed mitigation is described in each respective section. If requested by MnDNR, appropriate fish passage measures would be implemented in accordance with MnDOT fish passage guidance and standards during the final design phase for implementation during and after construction. MnDOT has been and will

continue to closely coordinate with the MNDNR to identify and resolve any fisheries issues that may arise.

Farmland

Several parcels of farmland will be impacted as a result of the Selected Alternative. The disposition of uneconomic remnants and/or severed parcels will be further addressed during final design. An attempt will be made to return these parcels to a viable agricultural use. As mentioned previously, all right-of-way acquisition will be in accordance with the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended. Continuity of existing farmland drain tile systems will be sustained during and after construction.

Surface Water Management

To minimize surface water impacts from stormwater, final design plans will include vegetated slopes, ditches directing runoff to ponds, stormwater detention ponds upstream of water bodies, and use and location of vegetated areas for stormwater filtration. In addition, Erosion and sedimentation will be controlled in accordance with an erosion control plan and MnDOT standard specifications.

Water Quality

A Storm Water Pollution Prevention Plan (SWPPP) prepared for construction of the Selected Alternative will address temporary and permanent pollution control measures. Storage of potential contaminants during construction, as well as a functional spill reporting and cleanup procedure, will be an important element of the SWPPP to minimize potential impacts to local water supply wells. The location and design of permanent stormwater storage and conveyance systems have been carefully considered for the East Gap. Further consideration will also be provided during the final design phase of the Middle Gap and West Gap. Furthermore, the Selected Alternative will require permits from the MPCA and MNDNR which will ensure potential impacts from erosion and sedimentation will not adversely impact water quality.

D. MONITORING OR ENFORCEMENT PROGRAM

The proposed project is subject to further review by federal and state agencies and local units of government during final design. Several permits will be required prior to the commencement of construction. The review and permit processes will be implemented in cooperation with the appropriate regulatory agencies.

Additional monitoring and enforcement that will occur for the Highway 60 project includes:

- Erosion prevention, stormwater treatment, and dewatering monitoring, inspection, and reporting will be required during construction as part of the National Pollutant Discharge Elimination System permit requirements.
- In accordance with the current Section 404 permit and the Wetland Conservation Act approval, MnDOT is required to monitor wetland restoration sites for a minimum of five years after completing restoration. The purpose of wetland replacement monitoring is to ensure the replacement wetland achieves the goal of replacing lost functions and values.

E. COMMENTS ON FINAL ENVIRONMENTAL IMPACT STATEMENT

Minnesota Rule 4410.2800, subd. 2, establishes a ten day comment period for a final EIS. During the comment period for this Final SFEIS, a total of four written comments (including letters and e-mails) from regulatory agencies, local governments, interest groups, elected officials, and private citizens were received.

The substantive comments specific to the adequacy of the Final SFEIS content or process are summarized and responses provided below. No response is provided for statements of preference, statements of fact, general opinions, or comments agreeing with the information.

U.S. Environmental Protection Agency (Page 1 of 5)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 04 2012

REPLY TO THE ATTENTION OF:

E-19J

Philip Forst
Federal Highway Administration
380 Jackson St., Ste. 500
St. Paul, Minnesota 55101

**RE: Final Supplemental Final Environmental Impact Statement for Trunk Highway 60
from St. James to Windom, Cottonwood and Watonwan County, MN; CEQ # 20120270**

Dear Mr. Forst:

The U.S. Environmental Protection Agency has received and reviewed a Final Supplemental Final Environmental Impact Statement (Final Supplemental EIS) dated July 2012, prepared by the Minnesota Department of Transportation (MnDOT) and Federal Highway Administration (FHWA) for proposed improvements to Trunk Highway 60 (Highway 60) in Cottonwood and Watonwan Counties, Minnesota. This letter provides our comments on the Final Supplemental EIS, pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1500-1508), and Section 309 of the Clean Air Act.

Highway 60 is a principal arterial northeast-southwest highway in southwestern Minnesota. A Final EIS (FEIS; 1983) and Record of Decision (ROD; 1984) were previously prepared for a 52-mile segment of Highway 60 from St. James to Worthington. The preferred alternative identified in the FEIS/ROD consisted of constructing Highway 60 on new alignment to modern highway design standards with subsequent stages to provide added capacity with construction to a four-lane divided highway. To date, nearly 35 miles of the Highway 60 corridor between St. James and Worthington have been constructed as a four-lane divided highway; however, three segments (totaling approximately 17 miles) of the original EIS study limits remain as two-lane highway sections between St. James and Windom.

The Final Supplemental EIS proposes actions by FHWA and MnDOT to upgrade the three gap segments from two-lane roadway to four-lane divided highway. The gaps are known as the West Gap, the Middle Gap, and the East Gap.

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West Gap

The western terminus of the West Gap begins near the northeast edge of the City of Windom near the intersection of John Caldwell Drive and extends east to its western terminus just west of the City of Mountain Lake, approximately 750 feet west of Cottonwood County Road 47/560th Avenue. The west gap length is approximately 7.5 miles. The Draft Supplemental EIS study area proposed the construction of two additional travel lanes immediately north of the existing Highway 60 alignment to serve westbound traffic; the existing lanes would serve eastbound traffic. This alignment was selected as the Preferred Alternative in the Final Supplemental EIS. Two areas within the West Gap (the "Bingham Lake" area and the "Clear Lake" area) were studied with alternatives in order to minimize impacts to existing developments and water resources.

The Preferred Alternative through the community of Bingham Lake in the West Gap includes a modified "Widen North" design option from the Draft Supplemental EIS. This design option was modified to shift the road alignment slightly south to reduce impacts to Wetland #25 but still avoid commercial business relocations on the south side of the highway corridor.

The Preferred Alternative near Clear Lake in the West Gap includes the "Full 90-foot Centerline Spacing" in lieu of a "Compressed Median." While this design option will result in more impact (fill) to Clear Lake, this design option was selected to minimize the potential for snow drifting and icy roadway conditions that can result in safety concerns, including vehicles leaving the roadway and injury crashes. The "Full" design option does not require installation of guardrail along the road shoulders. Guardrail can exacerbate snow drifting that causes snow deposition on the roadway, causing safety concerns for both motorists and MnDOT maintenance crews.

Middle Gap

The western terminus of the Middle Gap begins just east of the City of Mountain Lake and extends east to just east of the City of Butterfield, approximately 900' west of Watonwan County Road 102. The middle gap length is approximately 4.2 miles. The Draft Supplemental EIS study area proposed the construction of two additional travel lanes immediately south of the existing Highway 60 alignment to serve eastbound traffic; the existing lanes would serve westbound traffic. This alignment was selected as the Preferred Alternative in the Final Supplemental EIS.

East Gap

The western terminus of the East Gap begins south of the City of Butterfield and extends east to just west of the City of St. James. The east gap length is approximately 5.3 miles. The Draft Supplemental EIS study area proposed the construction of two additional travel lanes immediately south of the existing Highway 60 alignment to serve eastbound traffic; the existing lanes would serve westbound traffic. This alignment was selected as the Preferred Alternative in the Final Supplemental EIS.

On April 12, 2012, EPA attended an inter-agency wetland review field meeting to view water resource impacts associated with the project as well as discuss concerns raised in our December 22, 2011, comment letter on the Draft Supplemental EIS. As a result of review of EPA's comments and field investigations, two additional wetland areas (Wetland #32 and Wetland #33) were identified and have since been delineated. No impacts to these wetlands are anticipated. EPA commends the attention taken to investigate and resolve our concerns regarding wetlands and wetland impacts as noted in our December 22, 2011, comment letter.

The preferred alternative for the West Gap's Clear Lake area includes the "Full 90-foot Centerline Spacing" in lieu of a "Compressed Median," which will result in additional impacts to Clear Lake that could have been minimized if the compressed median design had been selected. EPA understands from information provided during the April 2012 field meeting that the full centerline spacing was selected for safety and maintenance reasons, and that MnDOT will work closely with the Minnesota Department of Natural Resources (MnDNR) to provide adequate and thoughtful mitigation for unavoidable impacts. MnDNR has requested that mitigation occur adjacent to Clear Lake in order to improve lake water quality and wildlife habitat. Mitigation measures may include upgrades to the lake's outlet structure (for manipulation of lake water levels), public access improvements, and wetland buffers. In light of the balance of public safety versus the additional water resource impacts to Clear Lake, EPA supports the preferred alternative as selected.

EPA understands that specific design details and construction plans for the project are still forthcoming. To further minimize impacts to wetlands and sensitive aquatic habitats, EPA recommends the following measures be implemented during construction and committed to in the forthcoming Record of Decision (ROD):

- Undertake construction in wetlands during winter/frozen conditions, if/when feasible;
- Minimize widths of temporary access roads/paths;
- Use removable materials for construction of temporary access roads/paths (e.g. timber/swamp mats) in lieu of "fill" materials such as stone, riprap, or wood chips;
- Use timber/swamp mats to distribute the weight of construction equipment in order to minimize soil rutting and compaction;
- Use vehicles and construction equipment with wide tires or rubberized tracks, or low ground-pressure equipment, to further minimize wetland impacts during construction;
- Use long-reach excavators, where appropriate, to avoid driving, traversing, or staging in wetland areas; and
- Install a non-sediment-producing dike, cofferdam, or other barrier to separate work areas or pits from, and to keep sediment from entering, lakes, wetlands, or actively flowing streams (if work areas or pits are located in or adjacent to a work area or pit). Maintain these barriers during construction to minimize the siltation or filling of the stream, lake, or wetland. Remove all barriers post-construction.
- Design both new and replacement culvert crossings to allow fish and other aquatic organism passage and to ensure continuity of the aquatic habitat (by not restricting or altering water depth, flow, or velocity). Span crossings (bridges, 3-sided box culverts, open-bottom culverts or arches) are preferred from both an environmental and fisheries standpoint as they preserve the natural stream channel and maintain favorable habitat, natural processes, and aquatic organism passage under and/or through the structure. If a non-open bottom crossing

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Response 1: Winter work is not feasible because adequate soil compaction cannot be obtained under frozen conditions. When work is adjacent to wetland for which impacts are not accounted in the permit, MnDOT will require the contractor to fence off these areas to avoid unexpected impacts.

Response 2: MnDOT will identify sensitive areas in the plans (delineated wetland, lakes, streams, county ditches) and include performance specifications related to rutting, compaction, temporary fill, and siltation. The choice of methods to meet the specifications will be left to the contractor. Regular MnDOT project inspections, in coordination with permit agencies as appropriate, will ensure compliance with the performance specifications. Additionally, the MNDNR Waters Permit and NPDES Stormwater Runoff Permit will require coordination and approval from the MNDNR and MPCA.

Response 3: Generally, culverts will only be extended and as a result MnDOT will typically match in place sizes. MnDOT will coordinate with the MNDNR regarding specific crossing needs.

<p>is pursued, (such as a four-sided box culvert or a pipe), they should be embedded a minimum of two feet (and at least 25% for round pipe culverts) into the bottom of the channel.</p> <ul style="list-style-type: none"> Construct relocated stream channels in the dry. Specifically, the new length of any relocated channel should be excavated, graded, stabilized with erosion control blankets, seeded, and have vegetation established before the ends of the new channel are opened to flow. 	<p>3 (continued)</p> <p>4</p>
<p>In addition to minimizing prairie, wetland, lake, and stream impacts through thoughtful design of final construction plans, EPA recommends that MnDOT/FHWA commit to the following measures in the ROD for implementation during construction:</p> <ul style="list-style-type: none"> Comply with all applicable federal, state, and local laws and regulations that control the prevention of pollution of the environment, including those related to the introduction or spread of invasive species or pathogens in waterways; Conduct and schedule work operations to avoid or minimize siltation of streams, lakes, and wetlands; Avoid crossing actively flowing streams or operating machinery on the bed of actively flowing streams unless specifically approved to do so by all appropriate regulatory agencies; and Remove existing structures over actively flowing streams in large pieces to minimize the number of smaller pieces that may drop into the water or wetlands. Commit to removing all steel and all concrete pieces or other debris larger than 5 inches in any dimension that fall into any stream, lake, or wetlands. 	<p>5</p>
<p>EPA is aware that MnDNR shares EPA's concerns over proposed impacts to Mesic Prairie remnants near the Bingham Lake area of the West Gap; this native plant community is considered imperiled by MnDNR within the state of Minnesota. MnDNR has recommended complete avoidance of impacts to prairie remnants; EPA supports this recommendation. If full avoidance is deemed infeasible, MnDNR has requested that a qualified botanist conduct a botanical survey of potential impact areas within the Mesic Prairie remnants prior to construction. The botanical survey would assess the environmental effects of the proposed project, reduce the likelihood of an inadvertent taking of state-protected plants such as Sullivant's milkweed (<i>Asclepias sullivantii</i>), and, if needed, to inform the takings permit process. EPA requests that, in the forthcoming ROD, MnDOT/FHWA commit to a prairie botanical survey as specified by MnDNR if full avoidance of prairie impacts is ultimately deemed infeasible.</p>	
<p>In the Final Supplemental EIS (page 84), MnDOT committed to consider further avoidance and minimization measures to limit impacts [to remnant prairie]. MnDOT also committed to including language into future project contracts that will not allow work or equipment staging to occur within the identified prairie remnant areas between the dates of April 1 to August 1. EPA requests that this commitment be specified in the forthcoming ROD.</p>	

Response 4: To the extent practical, channel relocations will be completed “in the dry” and vegetation will be established prior to opening the new channel for flow.

Response 5: The final design of the West Gap will minimize potential impacts to native prairie areas and any areas that cannot be avoided will be surveyed for state-listed species. MnDOT will coordinate with the MNDNR on conducting all plant surveys and required permits/plans will be submitted during the final design and permitting phase of the project. During construction, all native prairie areas will be clearly marked and will not be allowed to be used for construction staging/equipment storage.

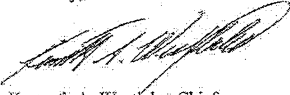
MnDOT will continue to comply with all federal, state, and local laws and regulations that control the prevention of pollution of the environment. The measures listed in the EPA comment letter will be included in the design and/or conducted during the construction of the proposed highway improvements.

U.S. Environmental Protection Agency (Page 5 of 5)

EPA appreciates your diligence in responding to comments raised during the Draft Supplemental EIS comment period and for providing thorough responses to written comments in the Final Supplemental EIS. With the exception of the recommendations noted above, EPA does not have substantive comments on the preferred alternative as selected or on the Final Supplemental EIS.

Thank you for the opportunity to review and comment on this Final Supplemental EIS. Please send us a signed copy of the Record of Decision once it is available. If you have any questions about this letter, please contact Ms. Liz Pelloso, PWS, of my staff at 312-886-7425, or via email at pelloso.elizabeth@epa.gov.

Sincerely,



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

cc: Dave Stidenski, USACE-St. Paul District
Nick Chevance, NPS-Midwest Region
Richard Davis, USFWS-Twin Cities Field Office
Kevin Molloy, MPCA
Karen Kromar, MPCA
Craig Affeldt, MPCA
Peter Leete, MnDNR
Lisa Joyal, MnDNR
Kevin Mixon, MnDNR
Peter Harff, MnDOT
Mark Benson, SEH Inc.

Minnesota Department of Natural Resources (Page 1 of 2)

Minnesota Department of Natural Resources

Southern Region • 261 Highway 15 South • New Ulm, MN • 56073
Phone: (507) 359-6073 Fax: (507) 359-6018 E-mail: kevin.mikon@state.mn.us



August 30, 2012

Mr. Peter Harff, PE
MnDOT District 7 Project Manager
2151 Bassett Drive
Mankato, MN 56001

In re: Highway 60 Gaps Project
Final Supplemental Final Environmental Impact Statement (FSFEIS)
Watonwan and Cottonwood Counties, MN

Dear Peter:

The Minnesota Department of Natural Resources (DNR) appreciates the opportunity to review and comment on the above referenced project. The following comments are based on our review of the FSFEIS and specifically the Minnesota Department of Transportation (MnDOT) response to our January 4, 2012 letter (attached) on the Draft Supplemental Final Environmental Impact Statement (DSFEIS).

In our January 4, 2012 letter the DNR supported the "Compressed Median" design by Clear Lake (Public Water) in order to reduce the impacts. The MnDOT Preferred Alternative is the "Full" design that has higher impacts to the Public Water. The DNR will work with MnDOT on further minimization of impacts during final design and permitting. Please be advised that offsetting the higher impacts associated with the "Full" design will require a more robust mitigation plan to offset the unavoidable impacts. Tom Kresko, DNR Area Hydrologist, can be contacted at 507-831-2900 to coordinate the Public Waters Work Permit associated with Clear Lake and Warren Pond.

Page 83 of the FSFEIS includes a MnDOT response (#4) to the January 4, 2012 DNR comment letter on the DSFEIS. The DNR would like to reiterate that avoidance of the native prairie is recommended as this would eliminate the need for a botanical survey to determine if state-listed plants are present. If avoidance is not possible then a botanical survey will be needed and if state-listed threatened or endangered plants are identified a DNR endangered species takings permit would be required. Initiating a plant salvage program does not negate the need for botanical surveys or a DNR endangered species takings permit (if required). In addition, staging should occur outside of native prairie in order to avoid and minimize impacts to the resource. Further coordination should occur with Lisa Joyal (651-259-5109) concerning botanical surveys and further avoidance of impacts.

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Response 1: MnDOT will continue to coordinate with the MNDNR Area Hydrologist on all aspects of the project. The final design for the West Gap segment will begin following the completion of the East and Middle Gaps. A detailed mitigation plan will be prepared and coordinated with the MNDNR for potential impacts to Clear Lake and Warren Pond.

Response 2: The final design of the West Gap will minimize potential impacts to native prairie areas and any areas that cannot be avoided will be surveyed for state-listed species. MnDOT will coordinate with the MNDNR on conducting all plant surveys and required permits/plans will be submitted during the final design and permitting phase of the project.

Minnesota Department of Natural Resources (Page 2 of 2)

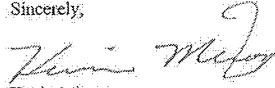
Mr. Peter Harff

-2-

August 30, 2012

Please contact me directly if you have any questions concerning this letter or any other DNR related issue.

Sincerely,

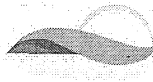


Kevin Nixon
Regional Environmental Assessment Ecologist

Cc: Skip Wright, DNR
Rob Coilett, DNR
Richard Baker, DNR
Lisa Joyal, DNR
Tom Kresko, DNR
Ryan Doorenbos, DNR
Randy Markl, DNR
Bernice Cramblit, DNR
Peter Leete, DNR
R4 REAT, DNR

ERDB#20120186

Minnesota Department of Agriculture (Page 1 of 1)



MINNESOTA DEPARTMENT
OF AGRICULTURE

August 13, 2012

651-201-6369
becky.balk@state.mn.us

Peter Harff, P.E.
MnDOT-District 7 Project Manager
2151 Bassett Drive
Mankato, MN 56001

RE: Highway 60 Final Supplemental Final Environmental Impact Statement

Dear Mr. Harff:

The Minnesota Department of Agriculture (MDA) is satisfied with the Highway 60 Final Supplemental Final Environmental Impact Statement and has no further comments.

Thank you for the opportunity to review.

Sincerely,

A handwritten signature in cursive script that reads "Becky Balk".

Becky Balk, Agricultural Land Use Specialist
Agricultural Marketing and Development Division

1

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Response 1: No response needed

Minnesota Pollution Control Agency (Page 1 of 1)



Minnesota Pollution Control Agency

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August 31, 2012

Mr. Peter Harff
MnDOT-District 7 Project Manager
2151 Bassett Drive
Mankato, MN 56001

RE: Trunk Highway 60 – St. James to Windom Final Environmental Impact Statement

Dear Mr. Harff:

Thank you for the opportunity to review and comment on the Final Environmental Impact Statement (FEIS) for the Trunk Highway 60 – St. James to Windom project (Project) in Cottonwood and Watonwan County, Minnesota. The Project consists of construction improvements to TH 60 from St. James to Windom. Minnesota Pollution Control Agency (MPCA) staff has reviewed the FEIS and have no comments at this time.

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 FEIS please contact me at 651-757-2508.

Sincerely,

A handwritten signature in black ink, appearing to read "Karen Kromar".

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

KK:jab

cc: Craig Affeldt, MPCA, St. Paul
Bob Finley, MPCA, Mankato

1

Response 1: No response needed

ADEQUACY DETERMINATION

Regarding the Adequacy Determination required by State of Minnesota Environmental Review Rules, Minnesota Rule 4410.2800 stipulates the following:

Subp. 4. Conditions. The Final EIS shall be determined adequate if it:

- A. addresses the potentially significant issues and alternatives raised in scoping so that all significant issues for which information can be reasonably obtained have been analyzed in conformance with part 4410.2300, items G and H;**
- B. provides responses to the substantive comments received during the Draft EIS review concerning issues raised in scoping; and**
- C. was prepared in compliance with the procedures of the act and parts 4410.0200 to 4410.6500.**

As indicated in the pages above, the Final SFEIS addressed all the potentially significant issues which were identified during the scoping and Draft SFEIS phases of this project. All issues for which information could reasonably be obtained have been thoroughly analyzed.

The Final SFEIS provided responses to all substantive comments which were received during the Draft SFEIS review period.

As outlined above, the Scoping Process, Draft SFEIS, and Final SFEIS were completed in full compliance with the procedures of Minnesota Statute 116D and with Minnesota Rules parts 4410.0200 to 4410.6500.

As a result of these considerations, and the complete administrative record, the Final SFEIS for the Highway 60 Project between Windom and St. James is determined to be adequate.



Lynn Clarkowski
Chief Environmental Officer
Director, Office of Environmental Services
Minnesota Department of Transportation

November 19, 2012
Date

