July 9, 2018

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

Request for Concurrence - May affect, NLAA – Northern long-eared bat (*Myotis septentrionalis*)

No Effect Determination – Higgins eye pearlymussel (*Lampsilis higginsii*)
No Effect Determination – Snuffbox (*Epioblasma triquetra*)
No Effect Determination – Rusty-patched bumble bee (*Bombus affinis*)

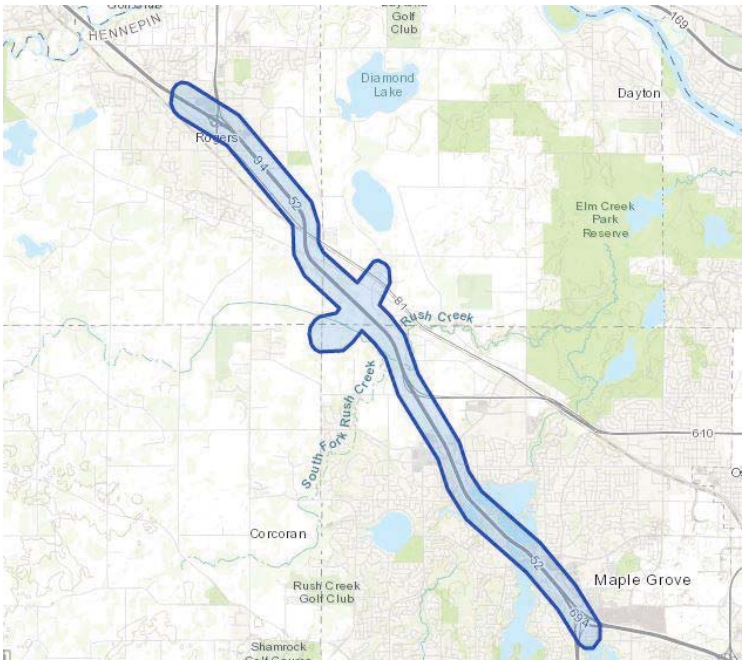
S.P. 2780-97, I-94
S.A.P. 229-010-001
Hennepin County, Minnesota

Project Description

The proposed project will resurface (e.g., concrete overlay) Interstate (I) 94 between the I-494/I-694 split in Maple Grove, to Trunk Highway (TH) 101 in Rogers, Minnesota. The proposed project will also: construct a new interchange, and new auxiliary lanes at select locations; repair/replace guardrail; repair/replace culverts; repair/upgrade bridge supports; bridge repair/maintenance (e.g., bridge painting, struts); lighting repairs/installation; recreational trail modifications; stormwater pond repair or creation; ditch grading; wetland impacts; and associated activities.

Tree clearing is anticipated, but all tree clearing will occur during the winter months (Nov. 1 to March 31, inclusive). Anticipated totals:

Distance From Road Surface (Feet)	Quantity (Acres)
< 100	3
100-300	4
> 300	13
Total:	**20**



Action Area identified for the proposed project.

Conservation Measures

- Winter tree removal required – tree removal November 1 to March 31, inclusive.
- If rolled erosion control products (EG erosion control blanket) are to be utilized, must be limited to 'bio-netting', 'natural-netting' (category 3N or 4N) woven type products, and specifically not allow welded plastic mesh netting. See page 25 of chapter one in the manual:' Best Practices for Meeting GP 2004-0001', at http://www.dnr.state.mn.us/waters/watermgmt_section/pwpermits/gp_2004_0001_manual.html and DNR's Nongame Wildlife Program factsheet at http://files.dnr.state.mn.us/eco/nongame/wildlife-friendly-erosion-control.pdf.
- Revegetation of disturbed soils should follow the Metro District's Vegetation Establishment Recommendations (http://www.dot.state.mn.us/environment/erosion/pdf/vegetation/metro_2016.pdf), and use native mixes in areas that are not proposed for mowed turf grass. For additional information, visit: http://www.dot.state.mn.us/environment/erosion/seedmixes.html

Species List for the Project County

According to the official County Distribution of Minnesota Federally-Listed Threatened, Endangered, Proposed, and Candidate Species list (revised in January 2018), maintained by the Service, the project county is within the range of the following:

Revised January 2018

County	Species	Status	Habitat
Hennepin	Northern long-eared bat *Myotis septentrionalis*	Threatened	Hibernates in caves and mines - swarming in surrounding wooded areas in autumn. Roosts and forages in upland forests during spring and summer.
	Higgins eye pearlymussel *Lampsilis higginsii*	Endangered	Mississippi River
	Snuffbox *Epioblasma triquetra*	Endangered	Mississippi River
	Rusty patched bumble bee *Bombus affinis*	Endangered	Grasslands with flowering plants from April through October, underground and abandoned rodent cavities or clumps of grasses above ground as nesting sites, and undisturbed soil for hibernating queens to overwinter.

MnDOT consults the Minnesota Department of Natural Resources Natural Heritage Information System (Copyright 2018 State of Minnesota, Department of Natural Resources), and other resources as available, to determine if proposed projects may affect listed species.

Endangered Species Act – Section 7 Consultation

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.

Concurrence Requests

Request for Concurrence **-** May affect, NLAA – Northern long-eared bat (*Myotis septentrionalis*)

Northern long-eared bat – *May affect, not likely to adversely affect.*
No documented occurrences, including hibernacula and maternity roost trees, for this species exist within the Action Area. Much of the project is within unsuitable urban habitat, but isolated patches of suitable habitat do occur within the Action Area, and these small areas of habitat are anticipated to be impacted. The majority of tree clearing is anticipated at the proposed new interchange. The remaining tree clearing will scattered throughout the project corridor (Attachment 1). All tree clearing will be completed during the northern long-eared bat's inactive season. Minor bridge work is anticipated on bridges within the Action Area. There are no documented occurrences of NLEB on these bridges. Proposed activities are not anticipated to result in incidental take and/or significant

modification or degradation to suitable habitat. **MnDOT on behalf of the FHWA has determined that the proposed action may affect, but is not likely to adversely affect the species and is requesting concurrence for this determination.**

No Effect Determinations

No Effect Determination – Higgins eye pearlymussel (*Lampsilis higginsii*)
No Effect Determination – Snuffbox (*Epioblasma triquetra*)
No Effect Determination – Rusty-patched bumble bee (*Bombus affinis*)

Higgins eye pearlymussel – *No effect determination.*
No documented occurrences for this species exist within the Action Area. Suitable habitat is not anticipated to be impacted by the proposed project. ***Therefore, MnDOT on behalf of the FHWA has made a determination of no effect for this species.***

Snuffbox – *No effect determination.*
No documented occurrences for this species exist within the Action Area. Suitable habitat is not anticipated to be impacted by the proposed project. ***Therefore, MnDOT on behalf of the FHWA has made a determination of no effect for this species.***

Rusty-patched bumble bee – *No effect determination.*
No documented occurrences for this species exist within the Action Area. Suitable habitat is not anticipated to be impacted by the proposed project. ***Therefore, MnDOT on behalf of the FHWA has made a determination of no effect for this species.***

Please contact me if there are questions or concerns.

Digitally signed by Christopher E Smith
Date: 2018.07.09 16:46:12 -05'00'

Christopher E. Smith, M.Sc., C.W.B.
Wildlife Ecologist | Protected Species Coordinator

Minnesota Department of Transportation
Office of Environmental Stewardship
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mndot.gov

DEPARTMENT OF TRANSPORTATION

LEGEND
100' FROM EDGE OF ROAD
300' FROM EDGE OF ROAD
CLEAR AND GRUB INSIDE 300'
CLEAR AND GRUB OUTSIDE 300'
COUNTY
30
MATCH LINE
494
94
610
81
101
BROCKTON LN
SCALE IN FEET
0 150 300

Smith, Christopher E (DOT)

From: Horton, Andrew <andrew_horton@fws.gov>
Sent: Friday, August 03, 2018 11:57 AM
To: Smith, Christopher E (DOT)
Subject: S.P. 2780-97, I-94 S.A.P. 229-010-001, Hennepin County, Minnesota

Chris,

I have looked over the information provided regarding the construction activities proposed along I94 between the I-494/I-694 split in Maple Grove, to Trunk Highway (TH) 101 in Rogers, Minnesota (S.P. 2780-97). You have made the determination that the proposed project may affect, but will not adversely affect the northern long-eared bat (*Myotis septentrionalis*).

We concur that this project may affect, but is not likely to adversely affect the northern long-eared bat. Based on the information provided, the trees will be removed in the winter when bats will not be present and the loss of 20 acres of available habitat will be spread along a long linear corridor that is already subject to some disturbance. If the northern long-eared bat utilizes the habitat within the action area, we do not anticipated the loss of this sub-optimal habitat to have a significant impact to the species.

This concludes consultation under Section 7 of the Endangered Species Act, as amended. Please contact our office if this 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 original request.

Andrew Horton
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