

**FINDINGS OF FACT
and
CONCLUSIONS**

I-35W Over the Minnesota River

State Project No. 1981-124

**Prepared by:
Minnesota Department of Transportation**



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FINDINGS OF FACT AND CONCLUSIONS

I-35W OVER THE MINNESOTA RIVER

State Project (SP) No. 1981-124

**Located in:
Dakota and Hennepin Counties, Minnesota**

1 STATEMENT OF ISSUE

The Minnesota Department of Transportation (MnDOT) proposes reconstruction of Interstate 35W (I-35W) between Cliff Road in Burnsville to West 106th Street in Bloomington, including reconstruction of the I-35W Minnesota River Bridge. On northbound I-35W, MnDOT proposes an extension of the existing northbound truck climbing lane from south of West 106th Street to the Cliff Road entrance ramp. At the West 106th Street interchange, MnDOT proposes reconstruction of the I-35W bridges, including reconstruction of the south ramps. Additional project elements include drainage improvements, retaining walls, noise wall, and trail construction. Figure 1 and Figure 2 in Appendix C of this Findings document illustrate the project location. Section 3.1 of this Findings document (Project Description) provides additional information regarding the proposed project.

Preparation of an Environmental Assessment Worksheet (EAW) is required for this project under Minnesota Rules 4410.4300, Subpart 22.A, for construction of a road on a new location over one mile in length. MnDOT is the project proposer. MnDOT also is the Responsible Governmental Unit (RGU) for review of this project, as per Minnesota Rules 4410.4300, Subpart 22.A.

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

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

2 ADMINISTRATIVE BACKGROUND

- 2.1 The MnDOT is the RGU and project proposer for the I-35W Over the Minnesota River Project. A combined Federal EA and State EAW has been prepared for this project in accordance with Minnesota Rules Chapter 4410 and the National Environmental Policy Act (NEPA) (42 USC 4321 et. seq.). The combined EA/EAW

was developed to assess the impacts of the project and other circumstances to determine if an Environmental Impact Statement (EIS) is indicated.

- 2.2 The EA/EAW was filed with the Minnesota Environmental Quality Board (EQB) and circulated for review and comments to the required EAW distribution list. A “Notice of Availability” was published in the EQB Monitor on December 18, 2017. The “Notice of Availability” was published in the EQB Monitor on December 26, 2017 to update the comment deadline. Legal notices were published in the Bloomington *Sun Current* on December 21, 2017 and the Burnsville *Sun Thisweek* on December 22, 2017. Appendix A of this Findings document contains copies of the affidavits of publication for the legal notices. MnDOT distributed a news release to local media outlets. The news release was published on the MnDOT web page at <http://www.dot.state.mn.us/metro/news/17/12/18i35w.html>.
- 2.3 A public hearing meeting was held on January 11, 2018 from 4:30 p.m. to 6:30 p.m. at Oak Grove Middle School (1300 West 106th Street, Bloomington). The public hearing was held in an open house format. Appendix B of this Findings document includes additional information pertaining to the publication of the EA/EAW and the public hearing/open house meeting.
- 2.4 Table 1 lists the locations where the EA/EAW was made available for public review in Dakota and Hennepin Counties. The EA/EAW was also available at MnDOT Waters Edge (1500 West County Road B2, Roseville), the MnDOT Library (395 John Ireland Boulevard, St. Paul), and on the MnDOT project web page at <http://www.dot.state.mn.us/metro/projects/i35wbloomington/index.html>.

Table 1 – EA/EAW Public Review Locations

Dakota County	Hennepin County
Burnsville City Hall 100 Civic Center Parkway Burnsville, MN 55337	Bloomington City Hall 1800 West Old Shakopee Road Bloomington, MN 55431
Burnhaven Library 1101 West County Road 42 Burnsville, MN 55306	Penn Lake Library 8800 Penn Avenue South Bloomington, MN 55431
--	Hennepin County Library Minneapolis Central, Environmental Conservation Library Government Documents, 2nd Floor 300 Nicollet Mall Minneapolis, MN 55401

- 2.5 Comments were received through January 25, 2018.
- 2.6 Six agency and six public citizen comments were received during the EA/EAW comment period. All comments received during the EA/EAW comment period were considered in determining the potential for significant environmental impacts. Appendix B of this Findings document includes comments received during the comment period and responses to substantive comments.

3 FINDINGS OF FACT

3.1 Project Description

3.1.1 Existing Conditions:

The I-35W is a principal arterial, freeway facility that connects the Twin Cities Metropolitan Area to greater Minnesota and beyond. The I-35W Over the Minnesota River Project extends from the West 106th Street interchange to the Cliff Road interchange. The I-35W Over the Minnesota River Project is in the City of Bloomington, Hennepin County and the City of Burnsville, Dakota County.

The I-35W Bridge over the Minnesota River (MnDOT Br. No. 5983) was constructed in 1957 and currently carries approximately 114,100 vehicles per day (vpd). The bridge is a seven-span, continuous steel girder structure (with pinned hanger assemblies). The total length of the structure is 1,387 feet with minimum span lengths of 169.5 feet and maximum span lengths of 224 feet.

The I-35W bridges over West 106th Street (MnDOT Br. No. 9043 and MnDOT Br. No. 9044) also were constructed in 1957. Br. No. 9043 and Br. No. 9044 are three-span, continuous steel beam bridges. One bridge pier is located along the north side of West 106th Street. Another bridge pier is located along the south side of West 106th Street. Sidewalks are located along West 106th Street between the bridge piers and slope pavement. The total length of each structure is 141 feet. The main spans over West 106th Street are 61 feet long. The deck width on Br. No. 9043 is 55.0 feet. The deck width on Br. No. 9044 is 59.3 feet. There are three lanes on the southbound I-35W bridge and four lanes on the northbound I-35W bridge.

There are three travel lanes on northbound I-35W from Cliff Road to south of West 106th Street. A northbound I-35W truck climbing lane begins approximately 1,100 feet south of exit ramp to West 106th Street. There are four lanes on the northbound I-35W bridge over West 106th Street. There are three lanes on the southbound I-35W bridge over West 106th Street. A fourth lane is added on southbound I-35W at the entrance ramp from West 106th Street. The four lanes on southbound I-35W continue to the south across the Minnesota River to Cliff Road. The northbound and southbound lanes are separated by a concrete median barrier. The inside lane in both directions operates as a MnPASS managed lane.

3.1.2 Proposed Project:

The proposed project includes the following roadway design features. Figure 3 through Figure 7 in Appendix C of this Findings document illustrate the preliminary design layout.

3.1.2.1 I-35W Bridge Over the Minnesota River

The proposed project will reconstruct the I-35W Bridge over the Minnesota River. The new I-35W Minnesota River Bridge will be constructed approximately 30 feet to the east of the existing bridge. One bridge will be constructed for the southbound I-35W lanes (MnDOT Bridge No. 27W39) and a second bridge will be constructed for the northbound I-35W lanes (MnDOT Bridge No. 27W38). The northbound I-35W Bridge will include a multi-use trail along the east side of the bridge.

A steel girder type bridge design is identified in the EA/EAW. MnDOT will allow the design-build contractor the flexibility to propose a Preferred Alternative bridge type for the I-35W Minnesota River crossing. The design-build contractor will be required to present the identified bridge type to the public and other stakeholders during the detailed design process.

Section 4.2.2 of the EA/EAW describes the range of possible bridge types that will be allowed by MnDOT. Bridge types that include above-deck structural elements such as trusses, arches, towers, or cables will not be allowed. The design-build contractor will be required to follow all standards and requirements identified by MnDOT in the design-build Request For Proposals (RFP) for proposing the bridge type to be constructed, including all permitting requirements and commitments identified through the environmental review process.

3.1.2.2 I-35W Bridges Over West 106th Street

The proposed project will reconstruct the I-35W bridges over West 106th Street. The new I-35W bridge will be constructed as one single structure spanning over the entire width of West 106th Street. The proposed I-35W bridge over West 106th Street will be designed and constructed to not preclude future pedestrian/bicycle trails along West 106th Street under I-35W.

3.1.2.3 I-35W, Cliff Road to West 106th Street

The proposed project will reconstruct northbound and southbound I-35W from the Cliff Road interchange to the West 106th Street interchange. The roadway grade south of the Minnesota River will be raised by increasing the low roadway elevation approximately two feet above the existing roadway elevation. The proposed roadway elevation will be above the 100-year floodplain elevation, eliminating potential overtopping of the roadway in the 100-year flood event. Retaining walls ranging in height from approximately five feet tall to 20 feet tall will be constructed along both the east and west sides of I-35W.

A new northbound I-35W lane will be constructed along the outside of the roadway from the Cliff Road interchange to the existing truck climbing lane located along the Minnesota River bluff south of the West 106th Street interchange in Bloomington.

3.1.2.4 I-35W/Black Dog Road Interchange

The project includes reconstruction of the I-35W/Black Dog Road interchange ramps and loops. The interchange ramps and loops will be reconstructed to tie into the proposed I-35W alignment across the Minnesota River and to improve ramp and loop geometrics. Retaining walls ranging in height from approximately seven feet tall to 30 feet tall will be constructed along the I-35W/Black Dog Road southeast ramp and I-35W/Black Dog Road southwest ramp.

3.1.2.5 Pedestrian/Bicycle Accommodations

The existing City of Burnsville recreational trail along the east side of I-35W from Cliff Road to Black Dog Road will be temporarily closed during construction. The trail will be reconstructed following completion of adjacent roadway construction.

A new multi-use trail will be constructed in the southeast quadrant of the I-35W/Black Dog Road interchange from the northbound I-35W Minnesota River Bridge to Black Dog Road. A trail crossing and connection will be constructed along the south side of Black Dog Road to provide connectivity for non-motorized users to the Minnesota River Greenway Regional Trail.

The project will not preclude a future Minnesota Valley State Trail crossing under the I-35W bridges along the north shoreline of the Minnesota River.

A new multi-use trail will be constructed along the east side of I-35W between the northbound I-35W Minnesota River Bridge and Lyndale Avenue South. A retaining wall ranging in height from approximately 15 feet tall to 40 feet tall will be constructed along the south side of the trail as it curves to the east, away from I-35W, and connects into Lyndale Avenue South near the top of the bluff. An aggregate trail will be constructed at the north end of the I-35W Minnesota Bridge, connecting to the Russell A. Sorenson landing east of I-35W.

3.1.2.6 Preliminary Drainage Design

Best management practices (BMPs) to store, treat, and provide rate control for stormwater runoff will be constructed along the I-35W project corridor. Figure 3 through Figure 7 in Appendix C of this Findings document illustrate the proposed stormwater BMPs. A stormwater pond and filtration basin will be constructed along the east side of I-35W between the freeway and Lyndale Avenue South, north of the Minnesota River. The existing stormwater ponds under the I-35W Minnesota River Bridge along the north and south shorelines of the Minnesota River will be restored to maximize their design capacity.

Details regarding the preliminary drainage design are described in the *I-35W Bridge Replacement Preliminary Drainage Design Memorandum*, available for review from the MnDOT Project Manager.¹

3.1.2.7 Noise Walls

One new noise wall will be constructed along the I-35W project corridor. The proposed noise wall will be approximately 20 feet high and is in the northeast quadrant of the West 106th Street interchange. The existing noise wall along the west side of I-35W, from West 106th Street to West 99th Street, will remain in-place. Figure 7 in Appendix C of this Findings document illustrates the location of the proposed noise wall.

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

The following information pertaining to the project has been added or updated since the EA/EAW was published. Clarifications to information presented in the EA/EAW also are noted.

3.2.1 Alignment Alternatives: Wetland Impact Evaluation

Section 4.2.3 of the EA/EAW presents the results of the I-35W alignment alternatives evaluation (on existing alignment alternative and east shifted alignment alternative). Table 4.3 of the EA/EAW tabulates the results of the wetland evaluation for the on existing alignment alternative based on Level 1 wetland boundaries. Table 4.3 from the EA/EAW is updated with the minimization costs, reduced wetland impacts, and total impacts (with minimization) for Wetland #1 and presented in Table 2 of this Findings document.

3.2.2 Project Funding

The project is listed in MnDOT's 2018-2021 *State Transportation Improvement Program* (STIP).² \$74 million is programmed for fiscal year 2018. An additional \$66 million in advance construction (AC) funding is identified for fiscal year 2018, with payback in fiscal years 2019 and 2020. \$4.56 million is programmed for design-build activities (\$1.289 million in fiscal year 2018, \$1.885 million in fiscal year 2019, and \$1.386 in fiscal year 2020). Project funding will include a combination of federal-aid, state and local sources.

¹ The *I-35W Bridge Replacement Preliminary Drainage Design Memorandum*, available for review from the MnDOT Project Manager (Scott Pedersen, scott.pedersen@state.mn.us or 651-234-7726).

² Minnesota Department of Transportation. September 2017. *2018-2021 State Transportation Improvement Program (STIP)*. Approved by FHWA/FTA November 9, 2017. Available at <http://www.dot.state.mn.us/planning/program/stip.html>. Accessed January 9, 2018.

Table 2 – Wetland Impact Matrix (On Existing Alignment Alternative, Level 1 Wetland Delineation)

Wetland ID	Roadway Impacts (acres)	Trail Impacts (acres)	Bridge Impacts (acres)	Drainage Impacts (acres)	Roadway Staging Impacts (acres)	Total Impacts (acres) (before minimization)	Minimization Technique	Minimization Costs	Reduced Wetland Impacts (acres)	Total Impacts (acres) (with minimization)
Wetland #1	0.35	0	0.02	0	0	0.37	Add 15 ft. of retaining wall (15 ft. tall)	\$638,000	-0.35	0.02
Wetland #2	0	0	0	0	0	0	N/A	0	0	0
Wetland #3, Wetland #4, Wetland #5	0.23	0	0.19	0	0	0.42	Add 1,300 ft. of retaining wall (15 to 30 ft. tall)	\$1,978,000	-0.23	0.19
Wetland #6	1.1	0	0	0.84	0	1.94	Add 550 ft. of retaining wall (15 to 20 ft. tall)	\$833,000	-0.67	1.27
Wetland #7	0.13	0	0	0	0	0.13	Add 400 ft. of retaining wall (10 ft. tall)	\$320,000	-0.13	0
Wetland #8	0.57	0.48	0	0	0	1.05	Add 905 ft. of retaining wall (10 to 20 ft. tall)	\$1,020,000	-0.57	0.48
Wetland #9	0	0	0	0	0	0	N/A	\$0	0	0
Wetland #10	0	0	0	0	0	0	N/A	\$0	0	0
Wetland #11	0	0	0	0	0	0	N/A	\$0	-0.11	0
Wetland #12	0.17	0	0	0	0	0.17	<ul style="list-style-type: none"> • Adjust trail and retaining wall profile • Adjust trail alignment 	\$0	-0.17	0
Totals	2.55	0.48	0.21	0.84	0	4.08	N/A	\$4,789,000	-2.12	1.96

Estimated wetland impacts based on Level 1 wetland delineation (National Wetland Inventory (NWI) boundaries) and preliminary design construction limits for the on existing alignment alternative. The impact evaluation shown in Table 4.3 was completed prior to the Level 2 wetland delineation.

3.2.3 Demolition, Removal, or Remodeling of Existing Structures

The proposed project includes demolition and removal of the existing I-35W Minnesota River Bridge. The bridge deck and steel beams will be disassembled into manageable pieces using standard construction practices. Dropping the existing bridge into the Minnesota River will not be allowed. The on-land bridge piers and abutments will be removed using standard construction practices to an elevation below the ground surface. All debris will be removed from the project site.

The two existing in-water bridge piers will be removed from the Minnesota River. The design-build contractor will be required to prepare a removal plan for the existing in-water bridge piers. The removal plan will identify all proposed methods for removal and best management practices to be implemented during removal. The removal plan will be reviewed and approved by MnDOT and permitting agencies prior to the start of in-water pier removal activities.

The following additional measures will be implemented for in-water bridge pier removal:

- All required permits shall be granted prior to the start of removal operations in the Minnesota River.
- The in-water bridge piers shall be completely removed to a depth of two feet below the Minnesota River channel bottom.
- All fugitive dust emissions during the pier removal process shall be contained.
- No turbid and/or sediment laden water shall leave the project limits.
- The design-build contractor shall perform turbidity monitoring, both upstream and downstream from the removal site, at least every two hours during active removal operations. The turbidity monitoring shall indicate no sediment being added to the Minnesota River as a result of the removal operations.
- All rubble and debris shall be contained and removed.
- All efforts shall be made to minimize noise impacts.
- The design-build contractor shall perform side sonar to confirm the required removal depth and indicate any obstructions remaining in the Minnesota River channel. This information shall be documented and provided to MnDOT.

3.2.4 Permits and Approvals

The Minnesota Pollution Control Agency (MPCA) dredged materials management permit is identified in Table 5.3 of the EA/EAW (Permits and Approvals). A dredged materials management permit is required for on-land management of material that is excavated at or

below the Ordinary High Water Level (OHWL) of waterways, watercourses, public waters, or public water wetlands.³ Depending on final location of the bridge piers and construction methods, a dredged materials management permit may be required for excavation and on-land management of materials excavated from the Minnesota River. The project will be delivered following the design-build process. If necessary, the design-build contractor will submit all required information and obtain a dredged materials management permit from the MPCA for the identified bridge type.

A Nine Mile Creek Watershed District erosion control permit, US Army Corps of Engineers (USACE) Section 408 permit, and City of Burnsville conditional use permit have been added to the Agency Approvals and Permits table. Table 6 of this Findings document lists permits and approvals required for the project.

3.2.5 Regional Plans

The *Minnesota River Greenway Regional Trail Master Plan* was adopted by Dakota County in October 2011 and approved by the Metropolitan Council in January 2012. The Minnesota River Greenway Regional Trail begins at Lilydale Regional Park in St. Paul and follows the Minnesota River to the Dakota/Scott County boundary. The *Minnesota River Greenway Master Plan*⁴ shows the trail following Black Dog Road under the I-35W Minnesota River Bridge, through the City of Burnsville's Minnesota River Quadrant redevelopment area west of I-35W, to future recreational trails in Scott County.

The project will not preclude the future construction of a trail along Black Dog Road under the I-35W Minnesota River Bridge. The trail proposer will be required to obtain a limited use permit from MnDOT for a trail crossing through highway right of way prior to construction. The proposed trail along the I-35W Minnesota River Bridge and connection to Black Dog Road, when combined with the existing Minnesota River Greenway Regional Trail and future trail segment west of I-35W, will improve connectivity for non-motorized uses in the study area.

3.2.6 Water Resources, Surface Waters

The proposed bridge piers will be constructed along the north and south shorelines of the Minnesota River. The project will result in permanent fill in the Minnesota River. The estimated amount of permanent fill is approximately 50 square feet. Elements of the proposed I-35W Minnesota River Bridge such as the bridge piers will be constructed below the Minnesota River ordinary high water level (OHWL). Permanent fill in the Minnesota River and elements of the proposed bridge below the Minnesota River OHWL will be

³ Minnesota Pollution Control Agency. Wastewater: Dredged Materials Management. Available at <https://www.pca.state.mn.us/water/wastewater-dredged-materials-management>. Accessed January 29, 2018.

⁴ Dakota County. *Minnesota River Greenway Master Plan*. Adopted by the Dakota County Commissioners on October 18, 2011. Available at <https://www.co.dakota.mn.us/parks/Planning/Greenways/Documents/MinnesotaRiverMasterPlan.pdf>.

reviewed by regulatory agencies as part of the Section 10/404 and public waters permitting processes.

3.2.7 Fish, Wildlife, Plant Communities, and Sensitive Ecological Resources

The Black Dog Fen is located south of the Minnesota River and east of I-35W, outside of the project area. The Black Dog Fen is a calcareous fen, which is a type of fen where the ground surface is continuously wet and is fed by mineral-rich groundwater. Calcareous fens provide habitat for many rare plant species.

The project will not directly impact Black Dog Fen; however, the artesian conditions that feed into Black Dog Fen may extend into the project area (see correspondence from DNR in Appendix B of this Findings document). A contingency plan will be prepared for control of artesian flows if encountered during construction, specifically from any buried utilities or proposed foundations installed for walls and structures. This plan will include a general process and procedures for sealing and stopping artesian flows.

3.2.8 Traffic Noise Analysis

One noise wall was determined feasible and reasonable (i.e., meets MnDOT's noise reduction design goal of at least 7 dBA⁵ at one benefited receptor behind each noise wall and MnDOT's cost effectiveness criteria of \$43,500 per benefited receptor) based on preliminary design studies. Section 3.3.1.6 of this Findings document summarizes the benefited receptor solicitation process which finalizes the noise walls to be part of the final design of the project. Figure 7 in Appendix C illustrates the location of the proposed noise wall.

Noise Wall 5 is located along the east side of I-35W, north of West 106th Street. The total length of Noise Wall 5 is 1,024 feet. The height of Noise Wall 5 is 20 feet. Noise Wall 5 provides a reduction that varies from 0.0 dBA to 8.5 dBA (L₁₀). The cost effectiveness of Noise Wall 5 described in the EA/EAW was \$19,696 per benefited receptor.

The number of apartment units adjacent to Noise Wall 5 have been updated based on information provided by the property owner. The EA/EAW described a total of 17 benefited receptors representing 20 residences adjacent to Noise Wall 5. Benefited receptors achieve a 5 dBA reduction or greater with the proposed noise wall. There will be a total of 17 benefited receptors adjacent to Noise Wall 5 representing 25 residences. Table 3 (daytime results) and Table 4 (nighttime results) tabulate the updated cost effectiveness for Noise Wall 5. The updated cost effectiveness of Noise Wall 5 is \$15,757 per benefited receptor. Noise Wall 5 is proposed for construction.

⁵ dBA = A-weighted decibels, an adjustment of the high- and low-pitched sound that reflects the way that the average person hears sound.

Table 3 – Wall 5 Daytime 20-Foot Wall Cost Calculation (east side of I-35W, north of West 106th Street)

	Receptors	Daytime L ₁₀ Noise Level		Noise Reduction (dBA)	Total Benefited Receptors	Design Goal Reduction (≥ 7 dBA)	Length of Noise Wall (ft)	Noise Wall Area (sq ft)	Total Cost of Noise Wall (\$20/sf)	Cost/benefited receptor
		Build year 2040 (no wall)	Build year 2040 (with noise wall)							
Daytime	No wall vs. 20-foot wall									
	G1-1	<u>75.2</u>	<u>69.7</u>	5.5	1	0	1,024	19,696	\$393,920	\$15,757
	G1-2	<u>77.7</u>	<u>74.1</u>	3.6	0	0				
	G2-1	<u>75.1</u>	68.0	7.1	2	2				
	G2-2	<u>77.7</u>	<u>72.5</u>	5.2	2	0				
	G3-1	<u>74.2</u>	66.1	8.1	1	1				
	G3-2	<u>77.6</u>	<u>70.0</u>	7.6	1	1				
	G4-1	<u>73.4</u>	65.3	8.1	1	1				
	G4-2	<u>77.6</u>	<u>69.1</u>	8.5	1	1				
	G5-1	67.2	66.4	0.8	0	0				
	G5-2	<u>71.8</u>	<u>70.9</u>	0.9	0	0				
	G6-1	66.8	65.6	1.2	0	0				
	G6-2	<u>72.1</u>	<u>70.9</u>	1.2	0	0				
	G7-1	67.2	65.6	1.6	0	0				
	G7-2	<u>72.4</u>	<u>70.5</u>	1.9	0	0				
	G8-1	67.8	65.4	2.4	0	0				
	G8-2	<u>72.8</u>	<u>70.1</u>	2.7	0	0				
	G9-1	64.9	64.6	0.3	0	0				
	G9-2	<u>70.8</u>	<u>69.5</u>	1.3	0	0				
G10-1	67.1	66.7	0.4	0	0					
G10-2	<u>71.1</u>	<u>69.6</u>	1.5	0	0					
G11-1	67.8	67.3	0.5	0	0					

- (1) **Bold** numbers exceed State daytime standards. Underlined numbers approach or exceed Federal noise abatement criteria.
- (2) **Bold** numbers indicate noise reduction greater than 5.0 dBA (benefited receptors).
- (3) Noise wall area incorporates wall tapers at both ends.

Table 3 – Wall 5 Daytime 20-Foot Wall Cost Calculation (east side of I-35W, north of West 106th Street)

	Receptors	Daytime L ₁₀ Noise Level		Noise Reduction (dBA)	Total Benefited Receptors	Design Goal Reduction (≥ 7 dBA)	Length of Noise Wall (ft)	Noise Wall Area (sq ft)	Total Cost of Noise Wall (\$20/sf)	Cost/benefited receptor
		Build year 2040 (no wall)	Build year 2040 (with noise wall)							
Daytime	No wall vs. 20-foot wall									
	G11-2	<u>71.1</u>	<u>69.6</u>	1.5	0	0	1,024	19,696	\$393,920	\$15,757
	G12-1	68.4	67.9	0.5	0	0				
	G12-2	<u>70.9</u>	<u>69.5</u>	1.4	0	0				
	G13-1	<u>70.5</u>	62.2	8.3	1	1				
	G13-2	<u>75.1</u>	67.3	7.8	1	1				
	G14-1	<u>70.0</u>	62.5	7.5	1	1				
	G14-2	<u>74.2</u>	67.5	6.7	1	0				
	G15-1	68.7	61.1	7.6	2	2				
	G15-2	<u>72.5</u>	64.5	8.0	2	2				
	G16-1	68.1	61.5	6.6	1	0				
	G16-2	<u>72.1</u>	66.1	6.0	1	0				
	G17	68.1	67.7	0.4	0	0				
	G18	67.4	67.0	0.4	0	0				
	G19	67.0	65.9	1.1	0	0				
	G20	<u>73.8</u>	66.5	7.3	3	3				
	G21	<u>73.6</u>	67.6	6.0	3	0				
G22	62.1	62.1	0.0	0	0					
G23	65.8	65.8	0.0	0	0					

(1) **Bold** numbers exceed State daytime standards. Underlined numbers approach or exceed Federal noise abatement criteria.

(2) **Bold** numbers indicate noise reduction greater than 5.0 dBA (benefited receptors).

(3) Noise wall area incorporates wall tapers at both ends.

Table 4 – Wall 5 Nighttime 20-Foot Wall Cost Calculation (east side of I-35W, north of West 106th Street)

	Receptors	Nighttime L ₁₀ Noise Level		Noise Reduction (dBA)	Total Benefited Receptors	Design Goal Reduction (≥ 7 dBA)	Length of Noise Wall (ft)	Noise Wall Area (sq ft)	Total Cost of Noise Wall (\$20/sf)	Cost/benefited receptor
		Build year 2040 (no wall)	Build year 2040 (with noise wall)							
Nighttime	No wall vs. 20-foot wall									
	G1-1	74.6	68.9	5.7	1	0	1,024	19,696	\$393,920	\$15,757
	G1-2	77.4	73.5	3.9	0	0				
	G2-1	74.5	67.2	7.3	2	2				
	G2-2	77.4	71.9	5.5	2	0				
	G3-1	73.6	65.3	8.3	1	1				
	G3-2	77.3	69.4	7.9	1	1				
	G4-1	72.8	64.5	8.3	1	1				
	G4-2	77.3	68.4	8.9	1	1				
	G5-1	66.7	65.9	0.8	0	0				
	G5-2	71.1	70.2	0.9	0	0				
	G6-1	66.1	64.8	1.3	0	0				
	G6-2	71.3	70.1	1.2	0	0				
	G7-1	66.5	64.8	1.7	0	0				
	G7-2	71.6	69.7	1.9	0	0				
	G8-1	67.1	64.6	2.5	0	0				
	G8-2	72.1	69.2	2.9	0	0				
	G9-1	64.1	63.8	0.3	0	0				
	G9-2	70.0	68.6	1.4	0	0				
	G10-1	66.4	66.0	0.4	0	0				
G10-2	70.3	68.7	1.6	0	0					
G11-1	67.1	66.6	0.5	0	0					

- (1) **Bold** numbers exceed State nighttime standards.
- (2) **Bold** numbers indicate noise reduction greater than 5.0 dBA (benefited receptors).
- (3) Noise wall area incorporates wall tapers at both ends.

Table 4 – Wall 5 Nighttime 20-Foot Wall Cost Calculation (east side of I-35W, north of West 106th Street)

	Receptors	Nighttime L ₁₀ Noise Level		Noise Reduction (dBA)	Total Benefited Receptors	Design Goal Reduction (≥ 7 dBA)	Length of Noise Wall (ft)	Noise Wall Area (sq ft)	Total Cost of Noise Wall (\$20/sf)	Cost/benefited receptor
		Build year 2040 (no wall)	Build year 2040 (with noise wall)							
Nighttime	No wall vs. 20-foot wall									
	G11-2	70.3	68.8	1.5	0	0	1,024	19,696	\$393,920	\$15,757
	G12-1	67.8	67.3	0.5	0	0				
	G12-2	70.2	68.9	1.3	0	0				
	G13-1	70.0	61.6	8.4	1	1				
	G13-2	74.6	66.7	7.9	1	1				
	G14-1	69.4	61.9	7.5	1	1				
	G14-2	73.7	66.8	6.9	1	0				
	G15-1	68.1	60.3	7.8	2	2				
	G15-2	71.9	63.7	8.2	2	2				
	G16-1	67.5	60.8	6.7	1	0				
	G16-2	71.5	65.3	6.2	1	0				
	G17	67.1	66.8	0.3	0	0				
	G18	66.4	66.0	0.4	0	0				
	G19	66.1	64.9	1.2	0	0				
	G20	73.3	65.9	7.4	3	3				
	G21	73.1	66.9	6.2	3	0				
	G22	61.4	61.4	0.0	0	0				
G23	65.2	65.2	0.0	0	0					

- (1) **Bold** numbers exceed State nighttime standards.
- (2) **Bold** numbers indicate noise reduction greater than 5.0 dBA (benefited receptors).
- (3) Noise wall area incorporates wall tapers at both ends.

3.2.9 Section 7, Endangered Species Act

The project was reviewed by MnDOT Office of Environmental Stewardship (OES) staff for compliance with Section 7 of the Endangered Species Act. MnDOT OES, acting as the non-federal representative for the Federal Highway Administration (FHWA), initially determined that the project may affect, but will not cause a prohibited incidental take of the northern long-eared bat (*Myotis septentrionalis*). Under the 4(d) Rule for Northern long eared bat, notice of this determination was provided to the U.S. Fish and Wildlife Service (USFWS) on November 10, 2016. No response was received within the 30-day comment period.

Since the EA/EAW was published, MnDOT has determined that tree clearing activities will occur outside of the winter period (November 1 to March 31, inclusive). MnDOT OES prepared an updated review for the project in compliance with Section 7 of the Endangered Species Act. MnDOT OES, acting as the non-federal representative for FHWA, determined that the project may affect, and is likely to adversely affect the northern long-eared bat (*Myotis septentrionalis*).

Section 3.3.1.11 of this Findings document lists conservation measures that will be implemented by MnDOT. Appendix D of this Findings document includes the Information for Planning and Consultation (IPaC) record for the I-35W Over the Minnesota River Project and correspondence from USFWS.

3.2.10 Section 4(f) – Parks, Recreation Areas, Wildlife and Waterfowl Refuges, and Historic Sites

Section 6.6.4 of the EA/EAW describes Section 4(f) resources in the project area. This section identifies the recreational trail along the south side of the Minnesota River, east of I-35W as the Big Rivers Regional Trail, Black Dog Segment. This trail should be identified as the Minnesota River Greenway Regional Trail.

3.2.11 Floodplains

Section 6.13 of the EA/EAW describes floodplain impacts of the proposed action. Approximately 33,000 cubic yards of fill would be placed in the Minnesota River floodplain with the project. This estimate was based on roadway cross sections at 500-foot intervals along I-35W and extrapolated between the cross sections.

Since the EA/EAW was published, floodplain fill impacts have been refined based on roadway cross sections at 50-foot intervals. Approximately 56,600 cubic yards of fill (approximately 52,900 cubic yards south of the Minnesota River and approximately 3,700 cubic yards north of the Minnesota River) would be placed within the Minnesota River floodplain with the project. Floodplain fill is the result of the I-35W grade change, the I-35W Minnesota River Bridge alignment, construction of the additional northbound I-35W lane, and reconstruction of the I-35W/Black Dog Road interchange ramps.

Table 1.1 of the EA/EAW summarizes anticipated impacts, benefits, and proposed mitigation measures for the project. The “Floodplains” issue area in Table 1.1 of the EA/EAW lists anticipated floodplain impacts and identifies 1:1 compensatory storage (to be identified in

final design) as a mitigation measure. Section 5.9 of the EA/EAW describes the City of Burnsville's 1:1 compensatory storage requirement under the "Floodplain Zoning Districts" sub-heading. The City of Burnsville is the floodplain authority for the project area south of the Minnesota River. If 1:1 compensatory storage is not feasible, then the compensatory storage requirement can be waived if a no-rise certification can be provided along with supporting modeling information.

Preliminary design studies indicate it is not feasible to provide 1:1 compensatory storage for the project. There is limited space available in MnDOT right of way to provide any compensatory storage. Soil and groundwater contamination associated with the Freeway Landfill, a superfund site, is along the west side of I-35W. The Minnesota River Valley National Wildlife Refuge is along the east side of I-35W. A "No-Rise Certificate" was issued by MnDOT's hydraulic engineer on February 9, 2016. Appendix I of the EA/EAW includes the "No-Rise Certificate". The project will result in zero increase in the flood elevation. MnDOT will obtain a variance from the City of Burnsville's compensatory storage requirements for the project.

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

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

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

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

3.3.1 Type, Extent, and Reversibility of Impacts

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

3.3.1.1 Traffic During Construction

The project has the potential to cause temporary vehicle delays on I-35W during construction. Section 5.6 of the EA/EAW discusses temporary traffic impacts during construction and potential mitigation measures. MnDOT has developed a preliminary Transportation Management Plan (TMP) for the project, including maintenance of traffic criteria. The design-build RFP will define maintenance of traffic criteria to be used by the contractor during construction.

The design-build contractor will be allowed to maintain traffic on I-35W in one of two configurations. The first is six-lane configuration that provides for two general purpose lanes in each direction and one MnPASS lane in each direction. MnDOT modeled the Metro region with I-35W being restricted to six lanes and determined that temporary improvements to parallel routes would not be required for this condition. MnDOT will monitor the operations of the system and determine if any temporary improvements would be required based upon the volume of traffic diverting from I-35W.

The second allowable configuration is a five-lane configuration that would provide for two general purpose lanes in each direction and a reversible MnPASS lane to provide capacity in the peak period and peak direction. The design-build contract will be incentivized to minimize the duration that I-35W is in the five-lane configuration, minimizing impacts to transit and roadway users in the non-peak period and non-peak direction. The expected duration that I-35W would be in a five-lane configuration ranges from 0 days to 420 days.

MnDOT has reviewed potential mitigation measures for Trunk Highway (TH) 169 and TH 77. These mitigation measures will be temporary and only considered for the I-35W five-lane configuration. Potential mitigation measures for TH 169 and TH 77 are summarized below.

- MnDOT will monitor traffic operations on TH 169 and determine if re-striping TH 169 to provide additional capacity between TH 13/TH 101 and Pioneer Trail would be beneficial to the system.
- Currently, a third lane of capacity is added on northbound TH 77 at the I-35E interchange with the entrance ramp from southbound I-35E. MnDOT will monitor traffic operations on TH 77 and determine if it would provide more benefit to traffic

operations for this lane to be added with the higher volume loop from northbound I-35E to northbound TH 77.

- MnDOT will monitor traffic operations on TH 13 from TH 169 to TH 77 and on I-35E from the I-35E/I-35W split to TH 77 and determine if temporary improvements would help the operations on these corridors.

Once I-35W is returned to the six-lane condition, temporary strategies to mitigate the impacts of diverting traffic will be removed.

The entrance ramp from Cliff Road to northbound I-35W and the exit ramp from southbound I-35W to Cliff Road will be temporarily closed during construction. The duration of the ramp closures will be restricted to a maximum of 90 days. The design-build contractor will be further restricted from closing the entrance ramp from Cliff Road to northbound I-35W until after August 1, 2019. This will allow MnDOT to complete a separate project to add a high occupancy vehicle (HOV) bypass lane to the entrance loop from Burnsville Parkway to northbound I-35W. It is anticipated that Minnesota Valley Transit Authority buses would use the Burnsville Parkway ramp to access northbound I-35W while the ramp from Cliff Road to northbound I-35W is restricted.

MnDOT will provide temporary detection at ½-mile intervals throughout the I-35W work zone. Temporary detection will allow MnDOT to communicate travel times on permanent and portable message boards and manage the pricing in the MnPASS lane. MnDOT will monitor I-35W operations and determine if extending the hours of operation for the MnPASS lane would provide benefits to transit, carpoolers, and MnPASS users.

MnDOT has contracted with several agencies to change the demand for I-35W as part of the I-35W and Lake Street Improvement Project (SP 2782-327). These efforts are being done to address the I-35W and Lake Street Improvement Project; however, they will also provide benefit to the I-35W Over the Minnesota River Project as well. MnDOT is contracting with the Metropolitan Council (Metro Transit and Minnesota Valley Transit Authority, indirectly) to supplement their operations to maintain service during I-35W construction. MnDOT has contracted with Move Minneapolis to provide information regarding I-35W and Lake Street Improvement Project construction, information regarding I-35W Over the Minnesota River Project construction, and information regarding alternatives to driving on I-35W during construction. MnDOT also has contracted with the Humphrey Institute to extend the E-Workplace effort to encourage employers and employees to telework and reduce the amount of travel on I-35W.

MnDOT will partner with the City of Burnsville, City of Bloomington, Dakota County, Metro Transit, and Minnesota Valley Transit Authority to market the I-35W Over the Minnesota River Project. This will include communicating the benefits gained from the project; associated impacts related to construction; and alternatives to driving, including but not limited to the use of bus rapid transit on the corridor, carpools, and van pools.

The design-build contractor will prepare maintenance of traffic plans. The design-build contractor will be required to analyze the impacts associated with their proposed maintenance of traffic plans and update the TMP for the project, including outreach to affected stakeholders.

3.3.1.2 Water Resources

Stormwater Management

The project will increase the amount of impervious surface within the project corridor by approximately 6.5 acres.

The project includes a stormwater pond and filtration basin along the east side of I-35W north of the Minnesota River. Figure 7 in Appendix C of this Findings document illustrates the location of the proposed stormwater pond and filtration basin. Infiltration was investigated; however, soil types in the project area do not support infiltration. Existing stormwater ponds under the I-35W Minnesota River Bridge will be restored to maximize their design capacity.

The existing stormwater pond under I-35W on the north side of the Minnesota River will be temporarily filled to facilitate construction of the proposed bridge piers. An analysis will be completed during final design to verify that this pond will maintain sufficient conveyance and storage capacity in compliance with regulatory requirements. If necessary and if feasible, the pond could be expanded to the west towards the MnDOT right of way limits to provide additional storage capacity. Following construction, this pond will be restored and redesigned to maximize treatment.

The project will require a National Pollutant Discharge Elimination System (NPDES) construction stormwater permit and a plan review from the Lower Minnesota River Watershed District. Plans for stormwater management will be refined through the final design process and will meet all permitting requirements.

Groundwater

A drinking water supply management area (DWSMA) is located south of the Minnesota River in Burnsville. The project is within an area of the DWSMA ranked as a “very high” vulnerability DWSMA. A Burnsville Wellhead Protection Area (WPA) also is located south of the Minnesota River. The project does not include infiltration basins.

The Minnesota Department of Health County Well Index identifies 14 wells within the project limits. Dakota County, in their comments on the EA/EAW, also provided information regarding wells in the project area. Appendix B of this Findings document includes comments from Dakota County Physical Development Division. Impacted wells will be sealed by a licensed well contractor according to Minnesota Rules, Chapter 4725. If any unused or unsealed water wells are discovered in the project area during construction, they will also be addressed in accordance with Minnesota Rules, Chapter 4725.

Surface Water Bodies

The existing I-35W Minnesota River Bridge piers will be removed from the Minnesota River. Section 3.2.3 of this Findings document describes pier removal. The preliminary bridge design described in the EA/EAW is based on a steel girder type bridge. The bridge piers for the steel girder type bridge would be located along the north and south shorelines of the Minnesota River. The project will result in permanent fill (approximately 50 square feet) in the Minnesota River. The Preferred Alternative bridge type will meet river navigation

clearance requirements; adhere to permitting requirements (e.g., U.S. Coast Guard Section 9 permit, USACE Section 10/404 permit, DNR Public Waters Work Permit); and incorporate commitments identified as part of the environmental review process.

Three-sided coffer dams and dock walls are anticipated to be constructed along the north and south shorelines of the Minnesota River during bridge construction, extending approximately 30 feet into the river from the shoreline. No temporary causeways or falsework are anticipated with bridge construction. Temporary fill impacts from cofferdams and dock walls will be coordinated with and reviewed by the USACE as part of the Section 10/404 permitting process and the DNR as part of the public waters permitting process.

Construction of the I-35W Minnesota River Bridge will result in temporary interruptions to river traffic. Short-duration closures are anticipated to allow for safe construction of the steel superstructure. Approximately six to eight closures are expected during each construction season. Each closure is anticipated to last two days. Temporary disruptions to commercial and recreational river traffic will be coordinated with the U.S. Coast Guard, USACE, local barge operators, and the DNR. Notification of closures will be provided along the Minnesota River State Water Trail, at the Russell A. Sorenson landing, and on the DNR website.

Navigational clearance requirements will be maintained with the proposed project. The USCG has established a minimum vertical clearance of 55.5 feet above the Minnesota River normal pool elevation for the middle 200 feet of the river, and a horizontal clearance of 300 feet from pier face to pier face. A minimum horizontal clearance of 200 feet will be required during bridge construction. All temporary construction impacts and permanent impacts to the Minnesota River navigational channel will be coordinated with the USCG as part of the Section 9 permitting process.

Section 14 of the Rivers and Harbors Appropriation Act of 1899 (33 USC 408) authorizes the USACE to grant permission for the temporary or permanent alteration, occupation, or use of a USACE Civil Works project, including navigation. The USACE maintains a 9-foot navigation channel on the Minnesota River from the convergence with the Mississippi River to River Mile 14.7. MnDOT will obtain a Section 408 permission from the USACE prior to the start of construction.

The project is anticipated to be authorized by the DNR under General Public Waters Work Permit GP 2004-0001. Work exclusion dates to allow for fish spawning and migration are March 15 to June 15, inclusive. A limited work-in water waiver will be provided by the DNR to allow for continuous work. Limitations to in-water work during the March 15 to June 15 fish spawning and migration period are identified in the DNR comment letter in Appendix B of this Findings document, and will be addressed in the Public Waters Work Permit authorization. Permit conditions, including work in-water limitations, will be incorporated into the project.

Calcareous Fens

The Black Dog Fen is located south of the Minnesota River and east of I-35W. The Black Dog Fen will not be directly impacted by the project. Stormwater runoff from I-35W will be conveyed to the north along the I-35W corridor to the Minnesota River.

Calcareous fens can be impacted by changes in water flow. See comments from the DNR in Appendix B. A contingency plan for control of artesian flows if encountered during construction, specifically from any buried utilities or proposed foundations installed for walls and structures, will be prepared for the project. This plan will include a general process and procedures for sealing and stopping artesian flows.

3.3.1.3 Erosion Control

Erosion and sedimentation of all exposed soils within the project construction limits will be minimized by implementing best management practices (BMPs) during construction. Some of the typical temporary erosion control measures include ditches, dikes, silt fences, bale checks, and temporary seeding/mulching. Temporary and permanent erosion control plans will be identified in the final construction plans, as required by the NPDES construction stormwater permit and the Storm Water Pollution Prevention Plan (SWPPP). Erosion control measures will be in place and maintained throughout the entire construction period. Removal of erosion control measures will not occur until all disturbed areas have been stabilized.

All disturbed areas will be re-vegetated in accordance with the SWPPP and related permitting requirements. Disturbed soils in areas that are not proposed for mowed turf grass will be re-vegetated using native seed mixes.

3.3.1.4 Aquatic Resource Impacts

Aquatic Resource Impacts

The project will result in approximately 0.61 acres of aquatic resource impacts, including approximately 0.30 acres of permanent wetland impacts. Section 5.11 of the EA/EAW lists anticipated aquatic resource impacts by resource type. Temporary and permanent impacts to the Minnesota River and adjacent stormwater basins will be determined in final design with the bridge design. The Section 404 permit will be prepared and submitted to the USACE.

Sequencing (Avoidance, Minimization, Mitigation)

The Wetland Impact Assessment and Two-Part Finding in Appendix K of the EA/EAW describes avoidance measures and minimization efforts. Minimization efforts are summarized below and identified in the commitments matrix in Appendix F of this Findings document.

- Steeper inslopes (1:4 or steeper).
- Narrow inside shoulders and lane widths.
- Retaining walls.
- Adjusting trail alignments.
- Locating proposed pretreatment pond and filtration basin in an upland area along the Minnesota River bluff.

It is anticipated that wetlands will be replaced at a 2:1 ratio within Bank Service Area 9 (BSA 9). The specific wetland bank credits will be determined through consultation with the USACE and the MnDOT Office of Environmental Stewardship (OES).

3.3.1.5 Contamination/Hazardous Materials/Wastes

Potentially Contaminated Sites

A Phase I Environmental Site Assessment (ESA) was completed for the proposed project. Twenty (20) high-risk and two medium-risk sites were identified within the project area (i.e., within 500 feet of the approximate construction limits). These sites include closed landfills, active and inactive superfund sites, unpermitted dump sites, and leaking underground storage tank (LUST) sites. Section 5.12 of the EA/EAW lists the sites identified in the Phase I ESA.

MnDOT completed a Phase II investigation of locations where contaminated soil or groundwater may be encountered during construction. The Phase II investigation included 17 soil borings, field screening of soil samples for organic vapors and evidence of soil contamination, in-situ measurements of methane, and associated sampling for analytical testing. A copy of the entire Phase II ESA Report (which also includes the Phase I ESA) is available for review from the MnDOT Project Manager and the MnDOT OES at 395 John Ireland Boulevard in St. Paul, Minnesota.

Impacts from contaminated properties established during the Phase II investigations will be mitigated by modifying the project design where warranted, avoiding purchasing a contaminated property if possible, and/or avoiding encountering contaminated materials during construction. If contaminated materials cannot be avoided, plans and special provisions will be developed to properly handle and treat any contaminated materials encountered during project construction in accordance with applicable state and federal regulations.

MnDOT will prepare special provisions for handling of impacted groundwater and soil during construction. Section 5.12 of the EA/EAW describes MnDOT's procedures for special handling of impacted groundwater and soil during construction.

Project Related Use/Storage of Hazardous Material

No above- or below-ground storage tanks are planned for permanent use in conjunction with this project. Temporary storage tanks for petroleum products may be in the project area for refueling construction equipment during roadway construction. Any contaminated spills or leaks that occur during construction are the responsibility of the contractor, who will notify and work with the MPCA to contain and remediate contaminated soil/materials in accordance with state and federal standards.

Regulated Materials

The following regulated materials were identified on the I-35W Minnesota River Bridge that will require special handling: asbestos, mercury (HID), lead paint, lead, PCBs and treated wood. A regulated materials survey will be completed by MnDOT for the I-35W bridges over West 106th Street prior to the start of construction.

All regulated material and/or waste will be managed on this project in accordance with MnDOT special provisions. The MPCA regulates asbestos management activities and disposal activities. The disposal of asbestos regulated waste will be in accordance with MPCA rules. Toxic or hazardous materials will not be present at the site, except for fuel and oil necessary for maintaining and running heavy construction equipment or chemical products (pavement sealants, etc.) routinely used in roads.

3.3.1.6 Fish, Wildlife, Plant Communities, and Sensitive Ecological Resources (Rare Features)

3.3.1.6.1 Impacts of the Project

Sensitive Plant Species/Communities

Based on coordination with the DNR and the information provided with the Natural Heritage Inventory System (NHIS) data search, no direct or indirect impacts to sensitive plant species or communities are anticipated from the implementation of this project.

Terrestrial Wildlife Resources

State-Listed Species

Blanding's turtles (*Emydoidea blandingii*), a state-listed threatened species, have been reported in the project vicinity. There is the possibility that these turtles could be encountered during construction as they undertake their seasonal moments.

Surveys for Blanchard's cricket frog (*Acris blanchardi*), have been previously conducted in the study area. No Blanchard's cricket frogs were found in wetlands under the I-35W Minnesota River Bridge; however, Blanchard's cricket frogs have been observed west of the bridge. Because Blanchard's cricket frogs have been identified in the general project vicinity, these frogs could be encountered during construction.

Birds

The U.S. Fish and Wildlife Service identifies the Lower Minnesota River Valley as a known corridor of bird concentration, where the likelihood of migratory bird collisions with human-made structures (e.g., bridges) is increased. The groups of birds most vulnerable to potential collisions with structures in the Lower Minnesota River Valley include waterfowl, raptors, and migrant landbirds.⁶

Aquatic Wildlife Resources

Freshwater Fishes

The project will involve work within the Minnesota River to remove the existing structure/support work along with the construction of the new I-35W Minnesota River

⁶ US Fish and Wildlife Service. Ecological Services. February 10, 2016 Potential Bird-Structure Collision Areas Map accessed at https://www.fws.gov/midwest/es/planning/Minnesota/pdf/MN_BirdCorridorsMap040611.pdf

Bridge. Cofferdams and barge docking areas are anticipated to be constructed along the Minnesota River shoreline. Fish could be encountered during construction; however, effects are anticipated to be minimal. Fish would likely move away from the project area during construction.

Freshwater Mussels

A mussel survey was completed at the I-35W Minnesota River Bridge in July 2017. Two species of state-listed mussels were encountered. No federally-listed mussels were identified.

Invasive Species

Implementation of this project is unlikely to introduce aquatic invasive species. Any in-water work will follow the provisions outlined by the DNR in their guidance document *Best Practices for Preventing the Spread of Aquatic Invasive Species* (e.g., all equipment being transported into and out of the project site will be inspected and free of any aquatic plants, water, and prohibited invasive species).

3.3.1.6.2 Measures to Avoid, Minimize, or Mitigate Adverse Effects

Design elements and construction best management practices will be incorporated into the project to avoid, minimize, and mitigate potential impacts to fish, wildlife, and ecologically sensitive resources present in the project area.

Sensitive Plant Species/Communities

The DNR's best management practices for protecting Areas of Environmental Sensitivity will be implemented with the project to avoid indirect effects. Areas of Environmental Sensitivity adjacent to MnDOT right of way will be identified on the project plans. Disposal of excess materials will not occur outside of MnDOT right of way in Areas of Environmental Sensitivity. Stormwater runoff from the construction area will be prevented from reaching Areas of Environmental Sensitivity, including the use of redundant erosion control measures. Immediately following construction, disturbed soils in areas that are not proposed for mowed turf grass will be re-vegetated using native seed mixes.

Terrestrial Wildlife Resources

State-Listed Species

Blanding's turtles (*Emydoidea blandingii*), a state-listed threatened species, have been reported in the project vicinity and may be encountered during construction. The DNR recommended Blanding's Turtle Fact Sheet will be provided to all contractors working on site so that the appropriate measures can be followed if turtles are encountered during construction.

Blanchard's cricket frog (*Acris blanchardi*), a state-listed endangered species, is known to occur in the general project area. MnDOT will limit staging equipment and materials to the west of the I-35W Minnesota River Bridge. MnDOT will review dewatering plans with DNR nongame wildlife staff. Restriction dates will be incorporated into the project construction schedule, minimizing adverse impacts to any Blanchard's cricket frogs that may be present in the project area.

Birds

Based on the best available information, there are no known bald eagle (*Haliaeetus leucocephalus*) nests within the project area. A survey for bald eagle nests will be completed prior to the start of construction. If bald eagle nests are identified in the project area, then USFWS recommendations to avoid the non-purposeful take of bald eagles or their young will be followed (e.g., maintaining a buffer of at least 660 feet between the nest tree and project activities; restrict all clearing, construction, and landscaping activities within 660 feet of the nest outside of the bald eagle nesting season).

Bridge No. 5983 (I-35W Minnesota River Bridge), Bridge No. 9043 (southbound I-35W over West 106th Street), and Bridge No. 9044 (northbound I-35W over West 106th Street) will be inspected for barn swallow and cliff swallow nests prior to the start of construction. In accordance with MnDOT policy and in compliance with the Federal Migratory Bird Treaty Act, 50 CFR 21.41, the destruction of swallows will be avoided by preventing the birds from nesting until completion of the project.

The following measures will be implemented to minimize the effects of the project on migratory birds:

- The potential bridge types for the proposed I-35W Minnesota River Bridge will be limited to types of bridges without structures above the bridge deck. This is consistent with recommendations to minimize potential effects on migratory birds.
- The Visual Quality Manual (VQM) for the project identifies entry monuments near the bridge abutments on both sides of the Minnesota River (see Section 5.15, Visual). The entry monuments would extend approximately 30 feet above the bridge deck. Concept designs from the VQM were discussed with U.S. Fish and Wildlife (USFWS) staff. USFWS does not anticipate any concerns with the entry monuments and migratory birds. Lighting on the entry monuments will be directed downwards towards the roadway and bridge deck.
- Highway lighting on I-35W and the Minnesota River Bridge will follow MnDOT's lighting standards to provide 0 percent uplight and restrict backlight. Lighting will be directed downwards towards the roadway and bridge deck. Full cutoff luminaire lighting heads will be used.
- Pedestrian-level lighting will not be constructed on the I-35W Minnesota River Bridge along the trail.

Aquatic Wildlife Resources

Freshwater Fishes

A limited Work in Water waiver has been granted by the DNR to allow continuous work in the Minnesota River. MnDOT will follow all limitations identified by the DNR under this authorization. Appendix B of this Findings document includes correspondence from the DNR.

Freshwater Mussels

Two state-listed mussel species were encountered in surveys at the I-35W Minnesota River Bridge. MnDOT will coordinate with the DNR to identify compensatory mitigation obligations. MnDOT will obtain an endangered species take permit from the DNR prior to the start of construction.

Other Wildlife Related Concerns

The proposed bridge will maintain the existing open space areas between the bridge abutments and the Minnesota River. The causeway along the north side of the Minnesota River will be maintained, allowing for animal movement along the river. See Section 3.3.1.12 of this Findings document regarding the causeway and commitments to accommodate the future Minnesota Valley State Trail.

Passage benches will be designed and constructed along the north and south sides of the I-35W Minnesota River Bridge following MnDOT standard plans and guidance identified in the DNR Manual *Best Practices for Meeting General Permit 2004-0001* (Version 4, October 2014). Locations for passage benches are summarized below.

- Between Black Dog Road and the south shoreline of the Minnesota River.
- Between the bridge abutment and north end of the stormwater basin along the north side of the Minnesota River.

Erosion control best management practices will be identified in the SWPPP. Bio-netting, natural-netting (category 3N or 4N) or woven type products will be used where identified in the SWPPP. Welded plastic mesh netting erosion control products will not be used on the project.

3.3.1.7 Visual Quality

The project spans the Minnesota River between Bloomington and Burnsville. Natural environments and built elements are located adjacent to the project corridor. The project replaces the existing I-35W Minnesota River Bridge and does not introduce a new river crossing. The alignment of the proposed bridge is in the existing river crossing corridor, and is not anticipated to result in negative visual impacts for river crossing users. See Section 3.1.2.1 of this Findings document regarding the proposed I-35W Minnesota River bridge type.

MnDOT and project partners prepared a Visual Quality Manual (VQM) for the project. The VQM describes the visual quality planning process, provides project context and background information, and documents design elements for the overall project as well as specific bridge and roadway components. The VQM is available for review from the MnDOT Project Manager.

Measures to minimize light pollution impacts are summarized below.

- Pedestrian-level lighting will not be included on the I-35W Minnesota River Bridge.
- Proposed entry monuments at the ends of the I-35W Minnesota River Bridge will be approximately 30 feet tall, with detail and color matching bridge piers. The entry monuments will be lighted at night. Entry monument lighting will be focused downwards towards the road and bridge deck.
- The I-35W Minnesota River Bridge will not include aesthetic lighting or accent lighting, other than the lighting on the entry monuments. River navigation lighting will be installed on the underside of the bridge deck as required by the U.S. Coast Guard.
- Highway lighting will be installed along I-35W and the Minnesota River Bridge. The project will follow MnDOT's lighting standards to provide 0 percent uplight and restrict backlight, minimizing light pollution. Lighting will be directed downwards towards the roadway and bridge deck. Full cutoff luminaire lighting heads will be used.

3.3.1.8 Traffic Noise Analysis

The project is a federal Type 1 project; therefore, a traffic noise analysis was prepared for the project. Section 5.17.2 of the EA/EAW summarizes the traffic noise analysis results. Appendix H of the EA/EAW includes the traffic noise analysis report.

The traffic noise analysis for the project was completed following FHWA's traffic noise regulation is in 23 Code of Federal Regulations (CFR) Part 772 (Procedures for Abatement of Highway Traffic Noise and Construction Noise) and the 2015 MnDOT Highway Noise Policy. Existing and future traffic noise levels were modeled using MINNOISEV31. Traffic noise levels were modeled at 164 receptor locations representing residential, commercial, and industrial land uses as well as proposed trail uses along the I-35W project corridor. The traffic noise modeling results are summarized below:

- Future year 2040 daytime L_{10} noise levels were predicted to range between 59.9 dBA and 77.7 dBA, exceeding Minnesota state noise standards at 83 receptor locations;
- Future year 2040 nighttime L_{10} levels were predicted to range between 59.1 dBA and 77.4 dBA, exceeding Minnesota state noise standards at 104 receptor locations;
- Future year 2040 daytime L_{10} noise levels were predicted to approach or exceed Federal Noise Abatement Criteria (NAC) at 51 receptor locations; and
- Modeled traffic noise levels with the project were predicted to vary by -0.6 dBA to 2.4 dBA (L_{10}) compared to existing conditions. None of the modeled receptor locations were predicted to experience a substantial increase (increase of 5 dBA or greater) between existing conditions and the 2040 Build Alternative.

The traffic noise analysis was based on a profile developed for the steel girder bridge type and for I-35W to be constructed at a minimum of two feet above the 100-year floodplain

elevation south of the Minnesota River. The design-build contractor will be required to evaluate noise impacts based on their design and demonstrate that modeled noise levels do not exceed the levels that were modeled with the steel girder bridge and the I-35W preliminary design profile.

One noise wall (Noise Wall 5) was determined to be feasible based on preliminary design studies, meet MnDOT's design reduction goal of at least 7 dBA at one benefited receptor behind each noise wall, and meet MnDOT's cost-effectiveness criteria of \$43,500 per benefited receptor. The traffic noise analysis report in Appendix H of the EA/EAW describes the noise wall cost-effectiveness results for Noise Wall 5. Section 3.2.8 of this Findings documents describes the updated noise wall cost-effectiveness results for Noise Wall 5.

The following summarizes the results of the noise wall solicitation process for Noise Wall 5. Appendix E of this Findings document includes copies of the noise wall solicitation ballot and noise wall solicitation brochure. The results of the noise wall solicitation process concluded with Noise Wall 5 being voted to part of the project. Table 5 of this Findings document summarizes the voting point results for Noise Wall 5. Figure 7 in Appendix C of this Findings document illustrates the location of Noise Wall 5.

Noise Wall 5

Noise Wall 5 is located along the east side of I-35W, north of West 106th Street in Bloomington. Seventeen (17) benefited receptors representing 25 residences were identified adjacent to Noise Wall 5. The total number of possible voting points for Noise Wall 5 is 126. Fifty percent (50%) of all possible voting points for Noise Wall 5 is 63. Solicitation forms were received from three of the benefited receptors and the property owner. A total of 87 voting points was in favor of the proposed noise wall. A total of two voting points was against construction of the noise wall.

A total of 89 voting points (69% of all possible voting points) were received during the solicitation period. A majority of voting points received indicated a preference of "Yes" to construction of a noise wall along the east side of I-35W, north of West 106th Street. Noise Wall 5 is proposed for construction.

Statement of Likelihood

The traffic noise analysis for the proposed noise walls described above is based upon preliminary design studies completed to-date. Final mitigation decisions will be subject to final design considerations. If it subsequently develops during the final design stage that conditions have substantially changed, noise abatement measures may not be provided. Affected benefited receptors and local officials will be notified of plans to eliminate or substantially modify a noise abatement measure prior to the final design process. This notification will explain any changes in site conditions, additional site information, any design changes implemented during the final design process, and noise barrier feasibility and reasonableness. A final decision regarding barrier installation will be made upon completion of the project's final design and the public involvement process.

Table 5 – Noise Wall Voting Point Results

Noise Wall	Noise Wall Location	Total Number of Benefited Receptors	Total Possible Voting Points	Points For (Percent of Voting Points Received)	Points Against (Percent of Voting Points Received)	50 Percent of All Possible Voting Points	Is Noise Wall Constructed (Yes or No)
Noise Wall 5	East side of I-35W, north of West 106 th Street	17 benefited receptors representing 25 residences	126	87 (98 percent)	2 (2 percent)	63 Voting Points	Yes

3.3.1.9 Relocation and Right of Way

The project will not require commercial relocations, residential relocations, or right of way acquisition. A stormwater pond, filtration basin, and a multi-purpose trail connection from I-35W to Lyndale Avenue South will be located on two parcels currently owned by the City of Bloomington. The City of Bloomington will deed these parcels to the State of Minnesota. MnDOT will then deed the parcels for highway right of way purposes.

3.3.1.10 Environmental Justice

Data from the 2010 U.S. Census, the 2011-2015 American Community Survey 5-Year Estimates, and input from local governments were used to identify low-income and minority populations within the study area. Minority and low-income populations were identified north of the I-35W/West 106th Street interchange.

Potential Effects of the Project

Potential effects of the project were evaluated to identify any disproportionately high and adverse effects to low-income and/or minority communities. Section 6.3.5 of the EA/EAW describes the results of this evaluation. Issues considered included social impacts, temporary construction impacts, noise impacts, visual impacts, air quality impacts, and right of way impacts.

Potential Benefits of the Project

Potential benefits of the project were also considered as part of the environmental justice analysis. Section 6.3.6 of the EA/EAW describes potential benefits of the project.

Environmental Justice Finding

Based on the analysis presented above, the proposed project will not result in disproportionately high or adverse effects to low-income or minority populations. Therefore, in accordance with the provisions of Executive Order 12898 and FHWA Order 6640.23, no further environmental justice analysis is required.

3.3.1.11 Section 7, Endangered Species Act

The project was reviewed by MnDOT Office of Environmental Stewardship (OES) staff for compliance with Section 7 of the Endangered Species Act. MnDOT OES, acting as the non-federal representative for FHWA, determined that the project would have no effect on the Higgins eye pearl mussel (*Lampsilis higginsii*), the snuffbox mussel (*Epioblasma triquetra*), the rusty patched bumble bee (*Bombus affinis*), and the prairie bush clover (*Lespedeza leptostachya*).

MnDOT OES determined that the project may affect, and is likely to adversely affect the northern long-eared bat (*Myotis septentrionalis*). Notice of the may affect, likely to adversely affect determination for northern long-eared bat was provided to the USFWS on March 16, 2018. USFWS concurrence with this determination was received on March 23, 2018. USFWS concluded that the I-35W Over the Minnesota River Project is consistent with the December 15, 2016 Biological Opinion for federally funded or approved transportation projects that may affect the northern long-eared bat. Projects that are consistent with the

December 15, 2016 Biological Opinion will not cause a prohibited incidental take under the Endangered Species Act section 4(d) rule for northern long-eared bat. The incidental take of northern long-eared bats resulting from the proposed project does not require an exemption from the USFWS.

Appendix D of this Findings document includes the I-35W Over the Minnesota River IPaC record and correspondence from USFWS.

MnDOT will implement the following conservation measures:

- Rolled erosion control products (EG erosion control blanket) will be limited to bio-netting, natural netting (category 3N or 4N) or woven type products, and specifically not allow welded plastic mesh netting.
- Expansion joint gaskets on the I-35W Minnesota River Bridge will be removed or sliced to increase airflow and moisture entering the expansion joint and to reduce the likelihood bats would use the bridge during construction. Expansion joint gaskets will be removed or sliced between November 1, 2018 and March 31, 2019.
- Time of year restrictions on tree removal. Tree removal not allowed from June 1 to August 15, inclusive during calendar year 2018. Any post-calendar year 2018 tree removal will only be allowed between November 1 and March 31, inclusive.
- MnDOT will coordinate with the City of Bloomington or the USFWS and place a single Rocket Box Bat House adjacent to the I-35W Minnesota River Bridge. The Rocket Box Bat House will be installed between September 1, 2018 and April 1, 2019.
- MnDOT will ensure all operators, employees, and contractors working in areas of known or presumed bat habitat are aware of all FHWA environmental commitments, including all applicable avoidance and minimization measures (AMMs).
- On-site personnel will use best management practices, secondary containment measures, or other standard spill prevention and countermeasures to avoid impacts to possible hibernacula. Where practicable, a 300-foot buffer will be employed to separate fueling areas and other major containment risk activities from caves, sinkholes, losing streams, and springs in karst topography.
- Temporary lighting will be directed away from suitable northern long-eared bat habitat during the active season (April 1 to October 31, inclusive).
- Section 3.3.1.6 of this Findings document describes measures to minimize light pollution and effects on migratory birds. The project will follow MnDOT's lighting standards to provide 0 percent uplight and restrict backlight. Lighting will be directed downwards towards the roadway and bridge deck. Full cutoff luminaire lighting heads will be used.
- MnDOT will design all phases/aspects of the project to avoid tree removal to the maximum extent practicable.

- MnDOT will ensure tree removal is limited to that specified in project plans. MnDOT will ensure that contractors understand clearing limits and how they are marked in the field (e.g., install bright colored flagging or fencing prior to any tree clearing to ensure contractors stay within clearing limits).

3.3.1.12 Section 4(f) Resources

City of Burnsville Recreational Trail

The City of Burnsville Trail between Cliff Road and Black Dog Road will be temporarily closed during project construction. The trail will be reconstructed following the completion of adjacent roadway improvements.

Minnesota River State Water Trail

The Minnesota River State Water Trail crossing under the I-35W Minnesota River Bridge will be periodically closed during project construction. Short duration closures of the Minnesota River State Water Trail at the I-35W Minnesota River Bridge are expected to allow for safe construction (i.e., erection of the steel superstructure). Approximately six to eight closures are likely during each construction season. Each closure is anticipated to last for approximately two days.

MnDOT will coordinate with the DNR to identify locations for posting state water trail closure signs upstream and downstream of the I-35W Minnesota River Bridge (e.g., Russell A. Sorenson Landing). Information regarding timing and duration of closures will be provided to the DNR during construction for posting to the DNR's Minnesota River State Water Trail website. Navigation along the Minnesota River State Water Trail upstream and downstream of the I-35W Minnesota River Bridge would be unaffected by the proposed project.

MnDOT will remove the existing I-35W Minnesota River Bridge piers from the Minnesota River and restore the river bottom after the piers have been removed. All equipment and excess materials/soils will be removed and the river channel, and adjacent shoreland areas will be restored prior to the end of construction. Commercial and recreational navigation along the Minnesota River will be maintained with the project.

City of Bloomington Trail

The City of Bloomington Trail crossing under the I-35W Minnesota River Bridge will be temporarily closed during project construction. MnDOT will coordinate with the City of Bloomington to identify a trail detour route. Signs notifying trail users of the closure and detour route will be provided during construction. The City of Bloomington Trail crossing through I-35W right of way under the I-35W Minnesota River Bridge will be opened prior to the end of project construction. The City of Bloomington Trail will be fully restored to its existing condition.

Minnesota Valley State Trail

The planned Minnesota Valley State Trail crosses under the I-35W Minnesota River Bridge along the causeway between the north shoreline and stormwater pond. The planned trail alignment follows the gravel access road along the causeway to the Russell A. Sorenson Landing. The following avoidance measures will be implemented by MnDOT to accommodate the future Minnesota Valley State Trail:

- The causeway along the north shoreline under the I-35W Minnesota River Bridge between the river and stormwater pond will be maintained;
- The existing profile and elevation of the causeway under the I-35W Minnesota River Bridge will be maintained; and
- A 20-foot wide gravel access road and 10-foot wide trail will be accommodated along the causeway and the east side of the I-35W Minnesota River Bridge, connecting to the Russell A. Sorenson Landing. Exhibit E12 in Appendix E of the EA/EAW illustrates the gravel access road and proposed trail typical section.

Russell A. Sorenson Landing

The project will not impact the Russell A. Sorenson landing. No new right of way would be required from the Russell A. Sorenson landing. Preliminary construction limits are located west of the portion of the landing located within MnDOT right of way. Vehicular access to the Russell A. Sorenson Landing from Lyndale Avenue South will be maintained during construction. Access to the Minnesota River at the Russell A. Sorenson Landing will be maintained during construction.

3.3.1.13 Section 106, Historic and Archaeological Resources

The project was reviewed by MnDOT Cultural Resources Unit (CRU) staff for historic and archaeological resources. MnDOT CRU initially determined that there are no historic properties affected by the proposed project, as there are no historic properties within the area of potential effect (APE).

The project APE was expanded in 2016 to include the proposed stormwater pond and filtration basin along the east side of I-35W, north of the Minnesota River Bridge. Archaeological surveys identified a site that was determined potentially eligible for listing in the National Register of Historic Places (NRHP). The stormwater pond and filtration basin will avoid the archaeological site. Mitigation measures will be implemented to protect this site during project construction are listed below. MnDOT CRU determined that the project will have no effect on the archaeological site.

- A fence will be installed to keep construction equipment away from the archaeological site and to avoid any potential compaction of soils on the site.
- A fence will be installed along the northernmost construction limits between the existing I-35W right of way and the archaeological site to keep construction equipment from impacting a culturally sensitive area north of the project area along the Minnesota River bluff.

- All fencing will be inspected by MnDOT CRU staff prior to the start of construction.

MnDOT CRU determined that there would be no historic properties affected by the reconstruction of the I-35W bridges over West 106th Street.

3.3.1.14 Floodplains

Two segments of I-35W south of the Minnesota River are located below the 100-year floodplain elevation. The project will raise the I-35W profile grade to provide at least two feet of freeboard above the 100-year flood elevation at the outside shoulder and reduce potential impacts to the freeway during a 100-year flood event.

Section 6.13 of the EA/EAW and Section 3.2.11 of this Findings document describes the floodplain impacts of the project. Table 6.5 of the EA/EAW lists the type of floodplain encroachments and estimated lengths of the encroachments. Approximately 56,600 cubic yards of fill will be placed within the floodplain with the project. Floodplain fill is the result of the profile grade raise, the proposed bridge alignment, construction of the additional northbound I-35W lane, and reconstruction of the I-35W/Black Dog Road interchange ramps. Floodplain fill will be minimized by constructing retaining walls along I-35W south of the Minnesota River.

Appendix I of the EA/EAW includes the “No-Rise Certificate” for the project. The project will result in zero increase in the flood elevation. It is not feasible to provide compensatory storage because of site constraints. MnDOT will obtain a variance from the City of Burnsville’s compensatory storage requirements for the project.

It has been determined that the project will not result significant floodplain impacts as described below.

- There is no significant increased potential for interruption of a transportation facility. The I-35W Minnesota River Bridge is located above the 100-year floodplain. The I-35W roadway grade south of the Minnesota River will be raised to provide two feet of freeboard above the 100-year floodplain elevation at the roadway shoulder.
- Impacts on the natural environment are anticipated to be minimal because the fill is within an existing freeway corridor in MnDOT right of way. No substantial fisheries or wildlife impacts are anticipated. Construction operations within the Minnesota River will follow in-water work limitations identified by the DNR.
- No changes in public access to the Minnesota River will occur because of the project. The Russell A. Sorenson Landing will be maintained with the project.
- No significant increased risk of flooding will result because the project does not cause any changes in headwater or tailwater elevations that would endanger life or property. Appendix I of the EA/EAW includes “No-Rise Certificate” issued by MnDOT’s hydraulic engineer on February 9, 2016.
- The project will not cause incompatible floodplain development because the project does not provide new access to the floodplain area for development.

3.3.1.15 Summary Finding with Respect to this Criteria

MnDOT finds that the Project, as it is proposed, does not have the potential for significant environmental effects based on the type, extent, and reversibility of impacts to the resources evaluated in the EA/EAW and in the Findings summary above. Project impacts will be mitigated as described in the EA/EAW and in the Findings above. Appendix F of this Findings document identifies mitigation commitments for the project.

3.3.2 Cumulative Potential Effects of Related or Reasonably Foreseeable Future Projects

Section 5.19 of the EA/EAW describes the present and reasonably foreseeable future projects within the study area and environmental effects resulting from the proposed I-35W Over the Minnesota River Project. Other present and reasonably foreseeable future projects listed in Section 5.19 of the EA/EAW may also impact the same resources that will be affected by the project.

The cumulative potential effect of present and reasonably foreseeable future projects has been considered. The proposed project has a low potential for cumulative impacts to the resources directly or indirectly affected by the project. Impacts from other reasonably foreseeable future projects will be addressed via regulatory permitting and approval processes; therefore, substantial impacts are not anticipated.

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

The mitigation of environmental impacts will be designed and implemented in coordination with regulatory agencies (including the coordination and approvals described in Section 3.3.1 above) and will be subject to the plan approval and permitting processes. Table 6 lists permits and approvals that have been obtained or may be required prior to project construction.

The permits listed in Table 6 of this Findings document include general and specific requirements for mitigation of environmental effects of the project. Therefore, MnDOT finds that the environmental effects of the project are subject to mitigation by ongoing regulatory authority.

Table 6 – Agency Approvals and Permits

Unit of Government	Type of Application/Permit	Status
Federal		
Federal Highway Administration (FHWA)	Environmental Assessment Approval	Complete
	EIS Need Decision	Pending
	Section 4(f) Determination (Temporary Occupancy Exception)	Pending
	Section 106 Determination	Complete
U.S. Army Corps of Engineers (USACE)	Section 404 Permit (Clean Water Act)	Pending
	Section 408 Permit (Rivers and Harbors Act)	Pending
	Section 10 Permit (Rivers and Harbors Act)	Pending
U.S. Coast Guard (USCG)	Section 9 Permit (Rivers and Harbors Act)	Pending
U.S. Fish and Wildlife Service (USFWS)	Endangered Species Act Section 7 Determination	Complete
State		
Minnesota Department of Transportation (MnDOT)	Environmental Assessment Worksheet (EAW) Approval	Complete
	EIS Need Decision	Pending
	Minnesota Wetland Conservation Act (WCA)	Pending
Minnesota Department of Natural Resources (DNR)	State Endangered Species Permit	Pending
	Public Waters Work Permit	Pending
	Water Appropriation Permit (if necessary)	Pending
Minnesota Pollution Control Agency (MPCA)	Section 401 Certification	Pending
	Dredge Material Management Permit (if necessary)	Pending

Unit of Government	Type of Application/Permit	Status
	National Pollutant Discharge Elimination System (NPDES) Construction Stormwater Permit	Pending
Local		
City of Bloomington and City of Burnsville	Municipal Consent	Complete
City of Burnsville	Conditional Use Permit (for work within floodplain)	Pending
Nine Mile Creek Watershed District	Erosion Control Permit	Pending
Lower Minnesota River Watershed District	Review of Proposed Plans	Pending

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

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

No problems are anticipated which the MnDOT staff have not encountered and successfully solved many times in similar projects in or near the project area. MnDOT finds that the environmental effects of the project can be anticipated and controlled as a result of the assessment of potential issues during the environmental review process and MnDOT's experience in addressing similar issues on previous projects.

4 CONCLUSIONS

1. The Minnesota Department of Transportation has jurisdiction in determining the need for an environmental impact statement on this project.
2. All requirements for environmental review of the proposed project have been met.
3. The EA/EAW and the permit development processes to date related to the project have generated information which is adequate to determine whether the project has the potential for significant environmental effects.
4. Areas where potential environmental effects have been identified will be addressed during the final design of the project. Mitigation will be provided where impacts are expected to result from project construction, operation, or maintenance. Mitigative measures will be incorporated into project design, and have been or will be coordinated with state and federal agencies during the permit processes.
5. Based on the criteria in Minnesota Rules part 4410.1700, subp. 7, the project does not have the potential for significant environmental effects.
6. An Environmental Impact Statement is not required for the I-35W Over the Minnesota River Project.
7. Any findings that might properly be termed conclusions and any conclusions that might properly be called findings are hereby adopted as such.

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

The Minnesota Department of Transportation hereby determines that the I-35W Over the Minnesota River Project will not result in significant environmental impacts, and that the project does not require the preparation of an environmental impact statement.

For Minnesota Department of Transportation

A rectangular box containing a handwritten signature in blue ink and the date "4/6/2018" written to the right of the signature.

Signature and Date
MnDOT Chief Environmental Officer

APPENDIX A – Public Involvement: EA/EAW Comment Period

Public Hearing Record

EQB Notice of Availability

Newspaper Legal Notices

MnDOT News Release

Public Hearing Certificate of Compliance

Public Hearing Record

A public hearing and open house for the I-35W Over the Minnesota River Project was held on Thursday, January 11, 2018 from 4:30 p.m. to 6:30 p.m. in the lunch room at Oak Grove Middle School (1300 West 106th Street, Bloomington).

Twenty-five (25) individuals attended the public hearing/open house meetings. The purpose of the meetings was to provide an update on the project and receive comments on the EA/EAW. At the public hearing, attendees were invited to provide comments through one of two ways: written comments (on comment cards provided at the meeting) and oral statements to a certified court reporter. Appendix B of this Findings document includes copies of all written and oral testimonies along with responses to substantive comments.

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

- Project Layout
- Project Display Boards
 - Goals and Objectives of the Project, Schedule, and Contact Information
 - I-35W Minnesota River Bridge Trail Options
 - I-35W Minnesota River Bridge Pier Options
 - I-35W Retaining Wall Options
 - I-35W Minnesota River Bridge Railing Options
 - Computer Generated Visualizations of Proposed Noise Wall
- General Project Factsheet
- Comment & Feedback Form

Staff from the City of Bloomington also were on hand at the public hearing/open house meeting to provide information and discuss the City's planned project for West 106th Street.

An interpreter was available at the public hearing/open house meeting to provide translation services. Translation of the informational materials into additional alternate languages was available upon request. No requests for additional translations or interpreters were received.

Copies of the Minnesota Environmental Quality Board (EQB) *Monitor* publication, newspaper legal notices, and MnDOT news release that announced the availability of the EA/EAW and provided details of the public hearing/open house meeting are included on the following pages.

December 18, 2017 EQB Monitor Notice



The *EQB Monitor*

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

Publication Date: December 18, 2017
Vol. 41, No. 51

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

In this publication:

- [Environmental Assessment Worksheets](#)
- [Environmental Impact Statement Need Decisions](#)
- [Environmental Impact Statement Adequacy Determination](#)
- [Environmental Assessment Worksheets Joint State and Federal EA/EAW](#)
- [Alternative Urban Areawide Review Updates](#)
- [Notice](#)

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

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

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



Environmental Assessment Worksheets

Project Title: Lake Andrew Development

Comment Deadline: January 17, 2018

Project Description: Zavadiil Development proposes the construction of 52 detached, single-family townhomes, with an additional 10 lake lots to be developed separately, and the associated site grading, roadway, and utility improvements. The project is located within the shoreland district of a sensitive shoreland in Alexandria, Minnesota.

December 18, 2017 EQB Monitor Notice

Responsible Governmental Unit (RGU): City of Alexandria

RGU Contact Person:
Mike Weber
Community Development Director
704 Broadway
Alexandria, MN 56308
320-763-3511
mweber@alexandriamn.city

Environmental Impact Statement Need Decisions

The noted responsible governmental unit has determined the following project does not require preparation of an Environmental Impact Statement. The dates given are, respectively, the date of the determination and the date the Environmental Assessment Worksheet notice was published in the EQB Monitor.

- Minnesota Department of Transportation District 8, TH 23 North Gap: 2-Lane to 4-Lane Conversion Project from Paynesville to Richmond, 12/7/2017 (10/16/2017)

Environmental Impact Statement Adequacy Determination

Public Utilities Commission

Notice of Final Environmental Impact Statement Adequacy Determination of the Minnesota Public Utilities Commission in the Matter of the Applications of Enbridge Energy, Limited Partnership for a Certificate of Need and a Route Permit for the Proposed Line 3 Replacement Project in Minnesota from the North Dakota Border to the Wisconsin Border

Public Utilities Commission Docket Nos. PL-9/CN-14-916 and PL-9/PPL-15-137

NOTICE IS HEREBY GIVEN that at its December 7, 2017 agenda meeting, the Minnesota Public Utilities Commission (Commission) found that the following four deficiencies in the Final Environmental Impact Statement (FEIS) for the Line 3 Replacement Project must be remedied before the FEIS can be considered adequate under Minnesota Rule 4410.2800:

1. The FEIS needs to include additional information to (i) indicate how far and where SA-04 would need to be moved to avoid the karst topography it would otherwise traverse and (ii) provide a revised environmental-impact analysis of SA-04 specifically to reflect the resulting relocation of that alternative.
2. The FEIS needs to clarify that quantitative representations of route and system alternatives do not necessarily reflect the actual qualitative impacts of those alternatives. For example, the acreage of HCA drinking water sources impacted by SA-04 may be less than the same acreage of HCA drinking water sources impacted by other routes based on the nature of those water sources.

December 18, 2017 EQB Monitor Notice

3. The FEIS needs to clearly identify the extent to which resource impacts of route alternatives in the existing Line 3 corridor are or are not additive—i.e., the extent to which that route alternative would introduce new or additional impacts beyond the impacts of the existing pipelines in that corridor.

4. The FEIS needs to clarify that the traditional cultural properties survey must be completed before the start of any construction pursuant to any permit granted in this proceeding.

The Minnesota Department of Commerce shall submit the information identified above by February 12, 2018. The Commission will then reconvene to evaluate the adequacy of the submitted information.

Questions about this project may be directed to Commission staff member Scott Ek at scott.ek@state.mn.us or 651-201-2255.

Environmental Assessment Worksheets Joint State and Federal EAEAW

Project Title: I-35W Over the Minnesota River Project

Comment Deadline: January 17, 2018

Project Description: MnDOT proposes reconstruction of I-35W between Cliff Road in Burnsville to West 106th Street in Bloomington, including reconstruction of the I-35W Minnesota River Bridge. On northbound I-35W, MnDOT proposes an extension of the existing northbound truck climbing lane from south of West 106th Street to the Cliff Road entrance ramp. At the West 106th Street interchange, MnDOT proposes reconstruction of the I-35W bridges, including reconstruction of the south ramps. Additional project elements include drainage improvements, retaining walls, noise wall, and trail construction. The Environmental Assessment describes the proposed project, anticipated impacts, and mitigation commitments. The Environmental Assessment includes the Minnesota Environmental Assessment Worksheet (EAW) form. MnDOT is the project proposer and the Responsible Governmental Unit (RGU). Copies of the Environmental Assessment are available for public viewing on the project web-site: <http://www.dot.state.mn.us/metro/projects/i35wbloomington/index.html> and during business hours at the following locations: • MnDOT Metro District Water's Edge Building, 1500 West County Road B2, Roseville • Bloomington City Hall, 1800 West Old Shakopee Road, Bloomington • Burnsville City Hall, 100 Civic Center Parkway, Burnsville • Penn Lake Library, 8800 Penn Avenue South, Bloomington • Burnhaven Library, 1101 West County Road 42, Burnsville • Hennepin County Library – Minneapolis Central, Environmental Conservation Library, Government Documents, 2nd Floor, 300 Nicollet Mall, Minneapolis • MnDOT Library, 395 John Ireland Boulevard, St. Paul Comments concerning the project may be given at a public hearing to be held on Thursday, January 11, 2018 from 4:30 p.m. to 6:30 p.m. at Oak Grove Middle School (1300 West 106th Street, Bloomington). The public hearing meeting will be held in a non-formal, open house format. A court reporter will be available to take verbal comments, and comment cards will be available for people who wish to provide written comments for the public record. The comment deadline for the Environmental Assessment is Thursday, January 25, 2018. To request this document in an alternative format, please contact MnDOT at 651-366-4718. Individuals who are hearing or speech impaired may contact the Minnesota Relay service toll-free at 1-800-627-3529 (TTY, Voice or ASCII) or 711. You may also email your request to ADArequest.dot@state.mn.us.

Responsible Governmental Unit (RGU): Minnesota Department of Transportation

RGU Contact Person:
Richard Dalton
Environmental Coordinator
1500 West County Road B2
Roseville, MN 55113
651-234-7677
richard.dalton@state.mn.us

December 18, 2017 EQB Monitor Notice

Alternative Urban Areawide Review Updates

Project Title: 2017 Update of the Maple Grove Gravel Mining Area

Comment Deadline: January 3, 2018

Project Description: The City of Maple Grove is updating the Maple Grove Gravel Mining Area Alternative Urban Areawide Review a third time, originally approved in 1996. The 2017 Update summarizes development activity in the Gravel Mining Area since 2010 in preparation of updating the Comprehensive Plan.

Responsible Governmental Unit (RGU): City of Maple Grove

RGU Contact Person:

Dick Edwards
Community Development Director
P.O. Box 1180, 12800 Arbor Lakes Parkway
Maple Grove, MN 55311
763-494-6045
DEdwards@maplegrovern.gov

Project Title: Elk Run AUAR Revised

Comment Deadline: January 3, 2018

Project Description: In 2008, the City of Pine Island approved the Alternative Urban Areawide Review (AUAR) and associated mitigation plan for over 5,150 acres within Pine Island's future land use area. Traffic, wastewater treatment, water supply, stormwater runoff and cultural resources were the centerpieces of the AUAR evaluation. The only significant development in the AUAR study area since 2008 was the Pine Island elementary school. Additionally, major transportation, sewer, and water infrastructure have been installed since 2008. The Minnesota Department of Transportation (MnDOT) installed a high capacity diverging diamond interchange at Highway 52 and County Road 12. They also closed multiple access points along this section of Highway 52 and installed a frontage road system. Olmsted County constructed County Road 5 (125th Street) extension from the new school to the west. The City of Pine Island looped and installed sanitary sewer through the heart of the AUAR study area. The City of Pine Island has modified its development timeline due to the economic downturn and added a 400 acre private motorsports park. Attached is a copy of the original AUAR / mitigation plan, and revised sections. Copies of the revised AUAR will be distributed to the EQB distribution list and other interested agencies. The document is open for public comment until January 3, 2018. A copy of the document is available for viewing at the Pine Island City Hall, 250 South Main Street, the Van Horn Public Library, 115 SE 3rd Street, Pine Island, MN (507-356-8558) and the Rochester Public Library, 101 2nd Street SE, Rochester, MN (507-285-8000), during regular business hours. Comments should be submitted in writing to City Administrator David Todd.

Responsible Governmental Unit (RGU): City of Pine Island

RGU Contact Person:

David Todd
City Administrator
250 South Main Street, P.O. Box 1000
Pine Island, MN 55963
507-356-4591
david.todd@ci.pineisland.mn.us

December 18, 2017 EQB Monitor Notice

Notice

EQB Board Meeting December 20, 2017

The EQB will hold its monthly meeting on December 20, 2017. The proposed meeting agenda and additional information, including details for the live webcast, can be found on the EQB [website](#).

December 25, 2017 EQB Monitor Notice



The *EQB Monitor*

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

Publication Date: December 25, 2017
Vol. 41, No. 52

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

In this publication:

- [Environmental Assessment Worksheets Joint State and Federal EA/EAW](#)

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

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

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



Environmental Assessment Worksheets Joint State and Federal EA/EAW

Project Title: I-35W Over the Minnesota River Project

UPDATE Comment Deadline: January 25, 2018

Project Description: MnDOT proposes reconstruction of I-35W between Cliff Road in Burnsville to West 106th Street in Bloomington, including reconstruction of the I-35W Minnesota River Bridge. On northbound I-35W, MnDOT proposes an extension of the existing northbound truck climbing lane from

December 25, 2017 EQB Monitor Notice

south of West 106th Street to the Cliff Road entrance ramp. At the West 106th Street interchange, MnDOT proposes reconstruction of the I-35W bridges, including reconstruction of the south ramps. Additional project elements include drainage improvements, retaining walls, noise wall, and trail construction. The Environmental Assessment describes the proposed project, anticipated impacts, and mitigation commitments. The Environmental Assessment includes the Minnesota Environmental Assessment Worksheet (EAW) form. MnDOT is the project proposer and the Responsible Governmental Unit (RGU). Copies of the Environmental Assessment are available for public viewing on the project web-site: <http://www.dot.state.mn.us/metro/projects/i35wbloomington/index.html> and during business hours at the following locations: • MnDOT Metro District Water's Edge Building, 1500 West County Road B2, Roseville • Bloomington City Hall, 1800 West Old Shakopee Road, Bloomington • Burnsville City Hall, 100 Civic Center Parkway, Burnsville • Penn Lake Library, 8800 Penn Avenue South, Bloomington • Burnhaven Library, 1101 West County Road 42, Burnsville • Hennepin County Library – Minneapolis Central, Environmental Conservation Library, Government Documents, 2nd Floor, 300 Nicollet Mall, Minneapolis • MnDOT Library, 395 John Ireland Boulevard, St. Paul Comments concerning the project may be given at a public hearing to be held on Thursday, January 11, 2018 from 4:30 p.m. to 6:30 p.m. at Oak Grove Middle School (1300 West 106th Street, Bloomington). The public hearing meeting will be held in a non-formal, open house format. A court reporter will be available to take verbal comments, and comment cards will be available for people who wish to provide written comments for the public record. The comment deadline for the Environmental Assessment is Thursday, January 25, 2018. To request this document in an alternative format, please contact MnDOT at 651-366-4718. Individuals who are hearing or speech impaired may contact the Minnesota Relay service toll-free at 1-800-627-3529 (TTY, Voice or ASCII) or 711. You may also email your request to ADArequest.dot@state.mn.us.

Responsible Governmental Unit (RGU): Minnesota Department of Transportation

RGU Contact Person:

Richard Dalton
Environmental Coordinator
1500 West County Road B2
Roseville, MN 55113
651-234-7677
richard.dalton@state.mn.us

Newspaper Legal Notices

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA) ss
COUNTY OF HENNEPIN

Tonya Orbeck being duly sworn on an oath, states or affirms that he/she is the Publisher's Designated Agent of the newspaper(s) known as:

SC Bloomington

with the known office of issue being located in the county of:

HENNEPIN

with additional circulation in the counties of:
HENNEPIN

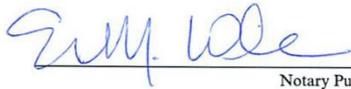
and has full knowledge of the facts stated below:

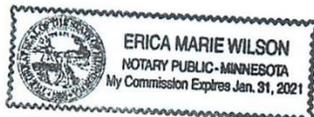
- (A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper as provided by Minn. Stat. §331A.02.
- (B) This Public Notice was printed and published in said newspaper(s) once each week, for 1 successive week(s); the first insertion being on 12/21/2017 and the last insertion being on 12/21/2017.

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

By: 
Designated Agent

Subscribed and sworn to or affirmed before me on 12/21/2017 by Tonya Orbeck.


Notary Public



Rate Information:
(1) Lowest classified rate paid by commercial users for comparable space:
\$34.45 per column inch

Ad ID 765530

I-35W OVER THE MINNESOTA RIVER S.P. 1981-124 LEGAL AD - EA NOTICE OF AVAILABILITY

An Environmental Assessment for the I-35W Over the Minnesota River Project (SP 1981-124) is available for public review and comment beginning December 18, 2017. The project proposes reconstruction of I-35W between Cliff Road in Burnsville to West 106th Street in Bloomington, including reconstruction of the I-35W Minnesota River Bridge. On northbound I-35W, MnDOT proposes an extension of the existing northbound truck climbing lane from south of West 106th Street to the Cliff Road entrance ramp. At the West 106th Street interchange, MnDOT proposes reconstruction of the I-35W bridges, including reconstruction of the south ramps. Additional project elements include drainage improvements, retaining walls, a noise wall, and trail construction.

The Environmental Assessment includes the Minnesota Environmental Assessment Worksheet (EAW) form. MnDOT is the project proposer and the Responsible Governmental Unit (RGU).

To afford an opportunity for all interested persons to comment on the Environmental Assessment, a public hearing meeting is scheduled for Thursday, January 11, 2018 from 4:30 p.m. to 6:30 p.m. at Oak Grove Middle School (1300 West 106th Street, Bloomington). The public hearing meeting will be held in a non-formal, open house format. There will not be a formal presentation. MnDOT staff and engineers will be available to answer questions. A court reporter will be available to take verbal comments, and comment cards will be available for people who wish to provide written comments for the public record.

Copies of the Environmental Assessment, which documents the purpose and need of the project along with the anticipated social, economic, and environmental impacts, is available on the project web page at <http://www.dot.state.mn.us/metro/projects/i35wbloomington/index.html>. The Environmental Assessment also is available for public inspection and copying during business hours at the following locations:

- MnDOT Metro District Office, 1500 West County Road B2, Roseville
- Bloomington City Hall, 1800 West Old Shakopee Road, Bloomington
- Burnsville City Hall, 100 Civic Center Parkway, Burnsville
- Penn Lake Library, 8800 Penn Avenue South, Bloomington
- Burnhaven Library, 1101 West County Road 42, Burnsville
- Hennepin County Library - Minneapolis Central, Environmental Conservation Library, Government Documents, 2nd Floor, 300 Nicollet Mall, Minneapolis
- MnDOT Library, 395 John Ireland Boulevard, St. Paul

The public is encouraged to submit comments on the Environmental Assessment. Comments can be mailed, prior to the close

of the public comment period on Thursday, January 25, 2018, to Rick Dalton, Environmental Coordinator, at the Minnesota Department of Transportation, 1500 West County Road B2, Roseville, MN 55113 or richard.dalton@state.mn.us.

The above referenced document is available in alternative formats by calling 651-366-4718 or emailing ADArequest.dot@state.mn.us. To request an ASL or foreign language interpreter at the public hearings, call 651-366-4720. To request other reasonable accommodations, call 651-366-4718; the Minnesota Relay Service toll-free at 1-800-627-3529 (TTY, Voice or AS-Cl) or 711, or email your request to ADArequest.dot@state.mn.us.

Published in the
Bloomington Sun Current
December 21, 2017
765530

Newspaper Legal Notices

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA) ss
COUNTY OF DAKOTA

Tonya Orbeck being duly sworn on an oath, states or affirms that he/she is the Publisher's Designated Agent of the newspaper(s) known as:

STW Burnsville/Eagan

with the known office of issue being located in the county of:

DAKOTA

with additional circulation in the counties of:
DAKOTA

and has full knowledge of the facts stated below:

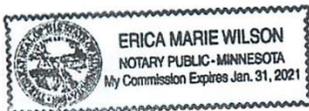
- (A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper as provided by Minn. Stat. §331A.02.
- (B) This Public Notice was printed and published in said newspaper(s) once each week, for 1 successive week(s); the first insertion being on 12/22/2017 and the last insertion being on 12/22/2017.

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

By: 
Designated Agent

Subscribed and sworn to or affirmed before me on 12/22/2017 by Tonya Orbeck.


Notary Public



Rate Information:

- (1) Lowest classified rate paid by commercial users for comparable space:
\$27.40 per column inch

Ad ID 765533

I-35W OVER THE MINNESOTA RIVER S.P. 1981-124 LEGAL AD - EA NOTICE OF AVAILABILITY

An Environmental Assessment for the I-35W Over the Minnesota River Project (SP 1981-124) is available for public review and comment beginning December 18, 2017. The project proposes reconstruction of I-35W between Cliff Road in Burnsville to West 106th Street in Bloomington, including reconstruction of the I-35W Minnesota River Bridge. On northbound I-35W, MnDOT proposes an extension of the existing northbound truck climbing lane from south of West 106th Street to the Cliff Road entrance ramp. At the West 106th Street interchange, MnDOT proposes reconstruction of the I-35W bridges, including reconstruction of the south ramps. Additional project elements include drainage improvements, retaining walls, a noise wall, and trail construction.

The Environmental Assessment includes the Minnesota Environmental Assessment Worksheet (EAW) form. MnDOT is the project proposer and the Responsible Governmental Unit (RGU).

To afford an opportunity for all interested persons to comment on the Environmental Assessment, a public hearing meeting is scheduled for Thursday, January 11, 2018 from 4:30 p.m. to 6:30 p.m. at Oak Grove Middle School (1300 West 106th Street, Bloomington). The public hearing meeting will be held in a non-formal, open house format. There will not be a formal presentation. MnDOT staff and engineers will be available to answer questions. A court reporter will be available to take verbal comments, and comment cards will be available for people who wish to provide written comments for the public record.

Copies of the Environmental Assessment, which documents the purpose and need of the project along with the anticipated social, economic, and environmental impacts, is available on the project web page at <http://www.dot.state.mn.us/metro/projects/i35wbloomington/index.html>. The Environmental Assessment also is available for public inspection and copying during business hours at the following locations:

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- MnDOT Library, 395 John Ireland Boulevard, St. Paul

The public is encouraged to submit comments on the Environmental Assessment. Comments can be mailed, prior to the close

of the public comment period on Thursday, January 25, 2018, to Rick Dalton, Environmental Coordinator, at the Minnesota Department of Transportation, 1500 West County Road B2, Roseville, MN 55113 or richard.dalton@state.mn.us.

The above referenced document is available in alternative formats by calling 651-366-4718 or emailing ADArequest.dot@state.mn.us. To request an ASL or foreign language interpreter at the public hearings, call 651-366-4720. To request other reasonable accommodations, call 651-366-4718; the Minnesota Relay Service toll-free at 1-800-627-3529 (TTY, Voice or AS-CI) or 711, or email your request to ADArequest.dot@state.mn.us.

Published in the
Burnsville-Eagan Sun Thisweek
December 22, 2017
765533

MnDOT News Release

Environmental Assessment released for I-35W Minnesota River Bridge Project

Page 1 of 2



News Release

Dec. 18, 2017

Environmental Assessment released for I-35W Minnesota River Bridge Project

Public meeting set for January 11, 2018

ROSEVILLE, Minn. — An Environmental Assessment for proposed improvements to the Interstate 35W corridor from West 106th Street in Bloomington to Cliff Road in Burnsville, including replacement of the I-35W Bridge over the Minnesota River, is available for public review and comment beginning December 18, 2017. The Environmental Assessment outlines the purpose of the project and the anticipated social, economic and environmental impacts of the proposed action. Features of the project include:

- Constructing a new bridge over the Minnesota River, parallel to the existing I-35W Minnesota River Bridge.
- Replacing the I-35W bridges over West 106th Street.
- Reconstructing I-35W from West 106th Street to Cliff Road.
- Extending the truck climbing lane on northbound I-35W from West 106th Street to Cliff Road.
- Constructing pedestrian and bicycle trails along the east side of I-35W.

The Minnesota Department of Transportation invites the public to attend a public hearing regarding the proposed improvements to Interstate 35W corridor. The public hearing will be held at the following location and time:

Thursday, January 11, 2018
4:30 p.m. – 6:30 p.m.
Oak Grove Middle School, Lunch room (Door 5)
1300 West 106th Street, Bloomington

The public hearing will be held in a non-formal, open house format. There will not be a formal presentation. The meeting will provide an opportunity for people to learn about the proposed project, make comments and ask questions. MnDOT staff and engineers will be available to answer questions. A court reporter will be available to take verbal comments, and comment cards will be available for people who wish to provide written comments for the public record.

The Environmental Assessment includes the Minnesota Environmental Assessment Worksheet (EAW) form. MnDOT is the project proposer and the Responsible Governmental Unit (RGU).

The Environmental Assessment document is available on the project website at mndot.gov/metro/projects/i35wbloomington/ (<http://www.dot.state.mn.us/metro/projects/i35wbloomington/index.html>). The document also is available for public review and copying during business hours at the following locations:

- MnDOT Metro District Office, 1500 West County Road B2, Roseville
- Bloomington City Hall, 1800 West Old Shakopee Road, Bloomington

<http://www.dot.state.mn.us/metro/news/17/12/18i35w.html>

12/19/2017

MnDOT News Release

Environmental Assessment released for I-35W Minnesota River Bridge Project

Page 2 of 2

- Burnsville City Hall, 100 Civic Center Parkway, Burnsville
- Penn Lake Library, 8800 Penn Avenue South, Bloomington
- Burnhaven Library, 1101 West County Road 42, Burnsville
- Hennepin County Library – Minneapolis Central, Environmental Conservation Library, Government Documents, 2nd Floor, 300 Nicollet Mall, Minneapolis
- MnDOT Library, 395 John Ireland Boulevard, St. Paul

Comments can be mailed, prior to the close of the public comment period on Thursday, January 25, 2018, to Rick Dalton, Environmental Coordinator, at the Minnesota Department of Transportation, 1500 West County Road B2, Roseville, MN 55113 or richard.dalton@state.mn.us (<mailto:richard.dalton@state.mn.us>).

The Environmental Assessment is available in alternative formats by calling 651-366-4718 or emailing ADArequest.dot@state.mn.us (<mailto:ADArequest.dot@state.mn.us>). To request an ASL or foreign language interpreter at the public meeting, call 651-366-4720. To request other reasonable accommodations, call 651-366-4718; the Minnesota Relay Service toll-free at 1-800-627-3529 (TTY, Voice or ASCII) or 711, or email your request to ADArequest.dot@state.mn.us (<mailto:ADArequest.dot@state.mn.us>).

For Minnesota statewide travel information, visit www.511mn.org (<http://www.511mn.org>), or call 5-1-1 or log on to www.mndot.gov (<http://www.mndot.gov>).

###

Contact

- [Kirsten Klein](mailto:kirsten.klein@state.mn.us)
(<mailto:kirsten.klein@state.mn.us>) 651-234-7506

Location

MnDOT Metro District
Office of Communications and Public Affairs
1500 County Rd B2 West
Roseville, MN 55113

Stay current on construction

[Construction updates \(https://public.govdelivery.com/accounts/MNDOT/subscriber/new\)](https://public.govdelivery.com/accounts/MNDOT/subscriber/new)

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[Youtube \(https://www.youtube.com/c/mndotvideos\)](https://www.youtube.com/c/mndotvideos)

<http://www.dot.state.mn.us/metro/news/17/12/18i35w.html>

12/19/2017

Certificate of Compliance

STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION

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

MINNESOTA PROJECT NO. 1981-124 STATE PROJECT NO. Not yet assigned

TRUNK HIGHWAY NO. I-35W **OR** LOCAL AGENCY ROUTE NO. _____
(CSAH, MSAS, Other)

Being that section of the highway between Cliff Road (CSAH 32) to north of West 106th Street in Dakota and Hennepin Counties, the State of Minnesota.

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

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

X a public hearing was held

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

The public was advised of the

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

X time, place, and objectives of the hearing

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

_____ The deadline date for the submission of a request for a hearing was _____ 20____,
or

X The hearing was held on January 11, 2018 in Bloomington, Minnesota.
(City, Township, Other)

Signed *Al Keel* this 12 day of January 20 18
for MnDOT District Engineer

OR

Signed _____ this _____ day of _____ 20 ____
Local Agency Title:

APPENDIX B - EA/EAW Comments and Responses

Appendix B1 – Substantive Comment Letters and Responses

Appendix B2 – Other Comments Received

Appendix B3 – Public Hearing Transcript

EA/EAW Comments and Responses

The EA/EAW for the I-35W Over the Minnesota River Project was distributed on December 18, 2017 to agencies and organizations on the official distribution list, as well as additional agencies/organizations that had either requested a copy of the document, and/or that could be affected by the proposed project. The comment period for the EA/EAW officially closed at the end of the business day on January 25, 2018. A public hearing and open house to receive comments on the proposed project and EA/EAW was held on January 11, 2018 (see Appendix A of this Findings document for further details). At the public hearing, attendees were invited to provide comments through one of two ways: written comments and oral statements.

- Written Statements: Attendees were invited to submit written comments through January 25, 2018 on cards provided at the open house, in letter, or via e-mail.
- Oral Statements: Statements were recorded by a certified court reporter.

During the public review and comment period, FHWA and MnDOT received comments on the EA/EAW from a total of 12 agencies and individuals, including two oral statements that were received at the public hearing.

All written comments received on the EA/EAW are included in Appendix B of this Findings document. Consistent with state and federal environmental review rules, substantive comments received are responded to in this appendix, as part of the Findings of Fact and Conclusions for the project record. Specifically, responses have been prepared for substantive statements pertaining to analysis conducted for and documented in the EA/EAW, including: incorrect, incomplete or unclear information; permit requirements; or content requirements. These comments and responses are included in Appendix B1 below. Written comments agreeing with the EA/EAW project information, general opinions, statements of fact, or statements of preference were not formally responded to, but are included in Appendix B2. The public hearing transcript and responses to substantive oral statements are included in Appendix B3 below.

Appendix B1 – Substantive Comments and Responses to Those Comments

Appendix B1 contains the comments and written responses to substantive comments received from the following agencies/individuals during the public comment period:

- Comment Letter A: U.S. Environmental Protection Agency (US EPA)
- Comment Letter B: Minnesota Department of Natural Resources (DNR)
- Comment Letter C: Minnesota Pollution Control Agency (MPCA)
- Comment Letter D: Metropolitan Council
- Comment Letter E: Metropolitan Council
- Comment Letter F: Dakota County
- Comment Letter G: City of Bloomington

- Comment Letter H: Richard Carter
- Public Hearing Comment Form: Marie Ozame

Appendix B2 – Other Comments Received

Listed below are the individuals who submitted comments during the public comment period which expressed an opinion about the merits of the proposed I-35W Over the Minnesota River Project and/or expressed “support” for various design elements of the project (e.g., I-35W Minnesota River Bridge trail, pier, or railing options; retaining wall options). No response has been provided for these statements of opinion.

- Public Hearing Comment Form: Sandra Ahaus
- Public Hearing Comment Form: John Ahaus

Appendix B3 – Public Hearing Transcript

Appendix B3 contains the transcript from the January 11, 2018 public hearing. Listed below are individuals who provided oral statements at the public hearing. Written responses to substantive oral statements received at the public hearing are included in Appendix B3. Oral statements agreeing with the EA/EAW project information, general opinions, statements of fact, or statements of preference also are included in Appendix B3. No response has been provided for these statements of opinion.

- Oral Statement: John Crampton
- Oral Statement: Peter Freund

Appendix B1 – Substantive Comment Letters and Responses

Comment Letter A: US EPA (Page 1 of 4)



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

JAN 25 2018

REPLY TO THE ATTENTION OF:

Abbi Ginsberg
Area Engineer
Federal Highway Administration – Minnesota Division
380 Jackson Street, Suite 500
St. Paul, Minnesota 55101

Scott Pedersen, PE
Project Manager
Minnesota Department of Transportation, Metro District
1500 West County Road B2
Roseville, Minnesota 55113

Re: Environmental Assessment (EA) - I-35W Over the Minnesota River Project [I-35W from Cliff Road (CSAH 32) to West 106th Street], Cities of Burnsville, Dakota County, and Bloomington, Hennepin County, Minnesota.

Dear Ms. Ginsberg and Mr. Pedersen:

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

MnDOT propose reconstruction of I-35W from Cliff Road to West 106th Street, including replacing the I-35W Minnesota River Bridge and the I-35W bridges over West 106th Street (I-35 Over the Minnesota River Project). The project is intended, in part, to provide structurally sound bridges over the Minnesota River and West 106th Street, improve safety and mobility on I-35W between Cliff Road in Burnsville and West 106th Street in Bloomington.

EA Preferred Alternative: The EA identified preferred alternative features a new bridge crossing constructed 30 feet to the east of the existing Minnesota River Bridge. Two parallel bridges would be constructed, one for southbound traffic and the other for northbound traffic. The east side of the northbound I-35W bridge includes a multi-use trail. I-35W south of the new crossing bridge would be raised above the 100-year floodplain. In addition, a new I-35W bridge would be constructed over 106th Street. The existing Minnesota River Bridge and the bridges over West 106th Street would be demolished and removed. The EA preferred alternative avoids the Freeway Landfill site and the Minnesota River Valley National Wildlife Refuge, and is anticipated to result in approximately 0.61 acres of aquatic resource impacts, including approximately 0.30 acres of permanent wetland impacts.

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Comment Letter A: US EPA (Page 2 of 4)

2

Freeway Landfill: The Freeway Landfill is a Superfund site designated by EPA under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and listed on EPA's National Priority List due to the presence of hazardous chemicals in groundwater and explosive methane gases that may be migrating beyond the landfill boundaries. EPA understands that MnDOT already knows about the explosive methane and groundwater contamination issues, and has some provisions to survey the conditions and respond accordingly during design and construction.

A1

Revised Minnesota legislation gives the Minnesota Pollution Control Agency (MnPCA) new authority to address the site through its Closed Landfill Program (CLP). Since Freeway Landfill is in the process of being deferred to the MnPCA CLP, MnPCA will be implementing investigation and cleanup activities. At this time, EPA does not know the full extent of these activities.

Recommendation: Since the Freeway Landfill site is being deferred to MnPCA, EPA recommends MnDOT make contact with MnPCA's CLP for updated information. The contact person at MnPCA is Jamie Wallerstedt, jamie.wallerstedt@state.mn.us.

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

A2

Recommendation: We recommend MnDOT consider whether measures are needed to improve resiliency to climate change in the project's design, and/or during project construction. Protective measures may be needed, such as enhanced stormwater management capacity.

Pier Removal Methods: EA (page 5-32) states "*The existing bridge piers would be removed from the Minnesota River.*" However, the EA does not identify and discuss various pier removal methods that could be used and potential impacts associated with each method. Consequently, a preferred pier removal method is not identified.

A3

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

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

A4

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

Comment Letter A: US EPA (Page 3 of 4)

3

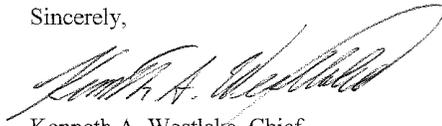
I-35W and Bridge Lighting: EA (page 5-50) *“The I-35W Minnesota River Bridge would not include aesthetic lighting or accent lighting, other than the lighting on the entry monuments described above. River navigation lighting will be installed on the underside of the bridge deck as required by the U.S. Coast Guard. . . . Highway lighting would be installed along I-35W and the Minnesota River Bridge. The project will follow MnDOT’s lighting standards to provide 0 percent uplight and restrict backlight, minimizing light pollution. Lighting will be directed downwards towards the roadway and bridge deck. Full cutoff luminaire lighting heads will be used.”*

A5

Recommendation: EPA commends MnDOT for minimizing light pollution and recommends the use of energy efficient lighting, including the use of solar powered lights when feasible.

We appreciate the opportunity to review and comment on the EA. As soon as it is available, EPA requests a copy of FHWA’s final NEPA decision for this project. If you or your staff have any questions or concerns, contact Virginia Laszewski of my staff at laszewski.virginia@epa.gov or 312-886-7501.

Sincerely,



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

Enclosure: U.S. Environmental Protection Agency - Diesel Emission Reduction Checklist

cc (email): Jamie Wallerstedt, Minnesota Pollution Control Agency, Closed Landfill Program, jamie.wallerstedt@state.mn.us.
Rick Dalton, Environmental Coordinator, MnDOT Metro District, 1500 West County Road B2, Roseville, MN 55113, richard.dalton@state.mn.us.

Comment Letter A: US EPA (Page 4 of 4)

Enclosure
(for EPA 01/25/2018 Ltr to FHWA/MnDOT
EA - I-35W Over Minnesota River Project)

U.S. Environmental Protection Agency - Diesel Emission Reduction Checklist

- Use low-sulfur diesel fuel (15 ppm sulfur maximum) in construction vehicles and equipment.
- Retrofit engines with an exhaust filtration device to capture diesel particulate matter before it enters the construction site.
- Position the exhaust pipe so that diesel fumes are directed away from the operator and nearby workers, reducing the fume concentration to which personnel are exposed.
- Use catalytic converters to reduce carbon monoxide, aldehydes, and hydrocarbons in diesel fumes. These devices must be used with low sulfur fuels.
- Use enclosed, climate-controlled cabs pressurized and equipped with high efficiency particulate air (HEPA) filters to reduce the operators' exposure to diesel fumes. Pressurization ensures that air moves from inside to outside. HEPA filters ensure that any incoming air is filtered first.
- Regularly maintain diesel engines, which is essential to keep exhaust emissions low. Follow the manufacturer's recommended maintenance schedule and procedures. Smoke color can signal the need for maintenance. For example, blue/black smoke indicates that an engine requires servicing or tuning.
- Reduce exposure through work practices and training, such as turning off engines when vehicles are stopped for more than a few minutes, training diesel-equipment operators to perform routine inspection, and maintaining filtration devices.
- Repower older vehicles and/or equipment with diesel- or alternatively-fueled engines certified to meet newer, more stringent emissions standards. Purchase new vehicles that are equipped with the most advanced emission control systems available.
- Use electric starting aids such as block heaters with older vehicles to warm the engine reduces diesel emissions.
- Use respirators, which are only an interim measure to control exposure to diesel emissions. In most cases, an N95 respirator is adequate. Workers must be trained and fit-tested before they wear respirators. Depending on work being conducted, and if oil is present, concentrations of particulates present will determine the efficiency and type of mask and respirator. Personnel familiar with the selection, care, and use of respirators must perform the fit testing. Respirators must bear a NIOSH approval number.

Per Executive Order 13045 on Children's Health¹, EPA recommends operators and workers' pay particular attention to worksite proximity to places where children live, learn, and play, such as homes, schools, daycare centers, and playgrounds. Diesel emission reduction measures should be strictly implemented near these locations in order to be protective

¹ Children may be more highly exposed to contaminants because they generally eat more food, drink more water, and have higher inhalation rates relative to their size. Also, children's normal activities, such as putting their hands in their mouths or playing on the ground, can result in higher exposures to contaminants as compared with adults. Children may be more vulnerable to the toxic effects of contaminants because their bodies and systems are not fully developed and their growing organs are more easily harmed. EPA views childhood as a sequence of life stages, from conception through fetal development, infancy, and adolescence.

Comment Letter B: DNR (Page 1 of 2)



Minnesota Department of Natural Resources
Ecological and Water Resource
1200 Warner Road
St. Paul, MN 55106

January 25, 2017

Transmitted Electronically

Rick Dalton, Environmental Coordinator
MnDOT Metro District
1500 West County Road B2
Roseville, MN 55113

Re: I-35W Over the Minnesota River EA/EAW

Dear Rick Dalton,

During planning of the "I-35W Over the Minnesota River" project, there have been multiple meetings and communications between the Minnesota Department of Natural Resources (DNR) and the Minnesota Department of Transportation (MnDOT) in regards to areas of concern for this project. Table L.2 "List of Commitments (Project Specific Mitigation Measures)" covers many of the concerns we've identified. However, we'd like to submit this comment letter as a reminder of some additional items of concern that have been brought up, and conditions that will likely be included within the project's General Public Waters Work Permit (in addition to many items listed in table L.2).

Calcareous Fens: The Environmental Assessment identifies the presence of calcareous fens to be present, and while the calcareous fens are a distance from the project site and won't be directly impacted, calcareous fens can be highly impacted by changes in water flow. The project must have a contingency plan for control of artesian flows if encountered during construction, specifically from any buried utilities or proposed foundations installed for walls and structures. This plan must include a general process and procedures for sealing and stopping (not diverting) artesian flows. **B1**

As noted in Table L.2, the project will follow DNR's Best Practices for Meeting General Public Waters Work Permit (GP 2004-0001). Many of the conditions that are typically included with authorization of this Permit have been listed in Table L.2. Additional conditions that may be included with project authorization under this authorization include: compliance with 100 year flood elevation FIS models (Hydraulic analysis); aesthetic lighting (see below); specific construction components (see below); and continued coordination with DNR Parks and Trails Staff regarding the future Minnesota Valley Trail. **B2**

- **Aesthetic Lighting:** 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 season from midnight to dawn March 15 - May31 and August 15 - Oct 31. Information on this program can be found at the following website: **B3**

<http://mn.audubon.org/conservation/lights-out-faq> .

- **Construction components:** A limited Work in Water waiver has been granted to allow continuous work. **B4**
Limitations are to include:
 - Do not place silt curtain across the watercourse, or in such a way that it could trap migrating fish.
 - Ensure stringent containment measures to prevent debris or other pollutants from entering the water.

Minnesota Department of Natural Resources • Ecological and Water Resources
1200 Warner Road, St. Paul, MN 55106

Comment Letter B: DNR (Page 2 of 2)

- All exposed soils that are within 200 feet of Public Waters and drain to those waters must complete erosion control measures within 24 hours of its disturbance to prevent sediment from entering Public Waters. **B4**
- No work is allowed that could directly harm nearby fish (such as use of explosives for test piles or pier demolition).
- Sheet pile installation or pile driving should be avoided. Though if required, methods should be reviewed and chosen for minimal sound/sonic impacts (i.e. drilled or vibrated in, vs. hammered).
- Any work that creates in-water disturbance should be staged to be completed in as few consecutive days as possible, yet in-water work shall be limited to daylight hours.
- **Contingency Planning:** A contingency plan shall be developed to ensure all construction equipment and unsecured construction materials are secured, protected, or removed in order to prevent adverse impacts to the river due to accidental spills, storm damage, or flood waters. A draft of this plan should be made available for the Area Hydrologist or the Transportation Hydrologist to review prior to finalization.
- **Temporary impacts during construction:** Construction methods have not been finalized at the time of this review and shall be submitted for review and approval at a later date. This will be a condition of project authorization under GP2004-0001. See the condition 'Temporary impacts during construction' and items 'A' through 'L' for subjected conditions. This is normal procedure for bridge or culvert projects as we recognize that construction and demolition methods are not finalized until a contractor is chosen.

Also, as noted in the EA, if dewatering is required during construction, in volumes that exceed 10,000 gallons of water per day, or 1 million gallons per year, than a DNR Appropriations permit will be required. **B5**

On behalf of the DNR, thank you for your continued coordination on this project, so that our issues/concerns can be addressed.

Sincerely,

/s/ Rebecca Horton

Regional Environmental Assessment Ecologist, Central Region

CC: Peter Leete, Joe Richter

Minnesota Department of Natural Resources • Ecological and Water Resources
1200 Warner Road, St. Paul, MN 55106

Comment Letter C: MPCA (Page 1 of 1)



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January 24, 2018

Richard Dalton
Environmental Coordinator
MnDOT Metro District
1500 West County Road B2
Roseville, MN 55113

Re: I-35W Over the Minnesota River Project Environmental Assessment

Dear Richard Dalton:

Thank you for the opportunity to review and comment on the Environmental Assessment (EA) for the I-35W Over the Minnesota River project (Project) in the cities of Bloomington and Burnsville, Dakota and Hennepin Counties, Minnesota. The Project consists of reconstruction of I-35W from Cliff Road to West 106th Street, including replacing the I-35W Minnesota River bridge. Regarding matters for which the Minnesota Pollution Control Agency (MPCA) has regulatory responsibility or other interests, the MPCA staff has the following comments for your consideration.

Section 5.8 (EAW Item 8: Permits and Approvals)

The EA identifies that a dredge permit is required (page 5-10). However, the volume of dredge material, sampling data of sediments to be dredged, or a disposal location for dredged sediments does not appear to be provided in the EA. Please clarify.

C1

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

Sincerely,

A handwritten signature in black ink that reads 'Karen Kromar'.

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

Kk:BT

cc: Dan Card, MPCA, St. Paul
Emily Schnick, MPCA, St. Paul
Teresa McDill, MPCA, St. Paul

Comment Letter D: Metropolitan Council (Page 1 of 2)

January 19, 2018

Mr. Rick Dalton
Minnesota Department of Transportation
1500 County Rd B2
Roseville, MN 55113

RE: Interstate 35W over the Minnesota River Environmental Assessment
Metropolitan Council Review File No. 21814-1
Metropolitan Council District 5

Dear Mr. Dalton:

The Metropolitan Council received the EA for the Interstate 35W Minnesota River Crossing project on December 15, 2017. The proposed project will replace approximately two miles of I-35W adjacent to the Minnesota River Bridge and replace the I-35W bridges over West 106th Street.

Council staff has conducted a review of this EA to determine its adequacy and accuracy in addressing regional concerns and the potential for significant environmental impact. Staff have concluded that the EA is adequate and accurate with respect to regional concerns, and that there is not a regional need for an Environmental Impact Statement.

Staff offer the following comments for consideration and inclusion in the final EA.

Item 11.b.ii – Stormwater Management Facilities (Jim Larsen, 651-602-1159)

The EA indicates that the preferred location for a proposed new stormwater pond and filtration basin is a City of Bloomington-owned site along the east side of I-35W north of the Minnesota River, as identified on Project Layout Figure A.7 in Appendix A. Indicated alternative location(s) for stormwater management and infiltration would be wetland areas along the existing roadway corridor. This preferred location is in an area of very steep slopes, 18 to 35 percent, consisting of 'Highly Erodible Land' that is part of the Minnesota River Bluff face within the City of Bloomington. At present, this particular area is erosionally stable and heavily wooded.

D1

Council staff questions the merits of disturbing this stable site by removal of the heavy wooded vegetation to facilitate stormwater management basin construction. As noted in the EA Item 10.b – Soils and Topography section on pages 5-22 and 23, lands with soils characterized as highly erodible Hawick Loamy Sands, when disturbed through construction activities or vegetation removal, have the likelihood of creating unstable conditions that lead to downslope erosion and sedimentation. It would appear that this particular site is also within the City of Bloomington's Bluff Development Overlay District which identifies it as a unique natural resource area which occurs at the transition from urban development on the upland, to the Minnesota Valley National Wildlife Refuge and Recreation area in the floodplain of the Minnesota River, where wooded vegetation should not be removed and land disturbance should be restricted to maintain the environmental and visual integrity of the fragile area.

Council staff strongly urges MnDOT to avoid removal of stable vegetation along the bluff face in this location for the siting of roadway stormwater runoff settling and filtration facilities for the proposed project. While we respect the merits and value of utilizing City of Bloomington owned properties, and would prefer that existing natural wetlands not be impacted for such facilities, we believe that avoidance of this particularly high value site area should receive priority over the potential of additional wetland impact at the base of the slope in this particular case. The potential for significant environmental impact as a result

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Comment Letter D: Metropolitan Council (Page 2 of 2)

Mr. Rick Dalton
January 19, 2018
Page 2

of disturbance of this location is too great to risk removal of stable wooded vegetation on steep slopes exceeding 30 percent in highly erodible soils to construct stormwater management facilities.

Regional Parks (Michael Peterka, 651-602-1361)

Existing and planned portions of the Minnesota River Greenway Regional Trail located close to the project site on the south side of the Minnesota River. The regional trail is operated by Dakota County and is governed by the Metropolitan Council's 2040 *Regional Parks Policy Plan*. The regional trail's master plan was approved by the Metropolitan Council in 2011. Currently, the existing trail's western terminus is on the east side of the I-35W Bridge over the Minnesota River. The master plan contains a planned section of trail that will pass below the bridge and continue west along the Minnesota River. Item 9.a.ii should identify Dakota County's Metropolitan Council-approved master plan for the Minnesota River Greenway Regional Trail and the trail's future alignment passing below the bridge.

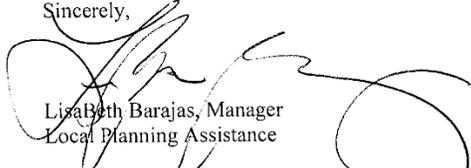
D2

Additionally, the regional trail near the project site is referred to as the Big Rivers Regional Trail throughout the Environmental Assessment - This is inaccurate. All references to the Big Rivers Regional Trail in the document should be changed to Minnesota River Greenway Regional Trail.

D3

This concludes the Council's review of the EA. The Council will not take formal action on the EA. If you have any questions or need further information, please contact Russ Owen, Principal Reviewer, at 651-602-1724.

Sincerely,



LisaBeth Barajas, Manager
Local Planning Assistance

CC: Tod Sherman, Development Reviews Coordinator, MnDOT - Metro Division
Steve Elkins, Metropolitan District 5
Michael Larson, Sector Representative
Russ Owen, Principal Reviewer, Metropolitan Council
Raya Esmaeili, Reviews Coordinator

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Comment Letter E: Metropolitan Council (Page 1 of 2)

From: Owen, Russell <Russell.Owen@metc.state.mn.us>
Sent: Tuesday, January 23, 2018 10:13 AM
To: Dalton, Richard (DOT)
Subject: I-35W MN River Bridge EA comments

Hi Rick,

I am a planner for the Met Council and review EA documents. Our letter was sent to you last week, with our comments, but I just received a few comments from our staff at the Orange Line. I won't send these comments in a new letter, but just wanted to pass them on to you. Hopefully, you can address some of these items, most are just updating the document with most current information. Thanks, let me know if you have any questions.

Orange Line comments on MN River Bridge Environmental Assessment

Page	Comment	
1-6	Include the Orange Line and interruption to new all-day, frequent transitway service as a separate bullet under "Transit" in Table 1.1 Summary of Impacts/Benefits and Mitigation Measures.	E1
3-7	Add a bullet that moves beyond "Keep I-35W bus routes and future Orange Line Bus Rapid Transit open during construction" to add some sort of goal for reliability or transit advantages in developing a maintenance of traffic plan.	E2
3-9	Edit "One BRT station..." to "Two BRT stations are currently planned south of the Minnesota River. Burnsville Heart of the City Station will be located east of I-35W at TH 13 and Nicollet Avenue and I-35W & Burnsville Pkwy Station will be located adjacent to I-35W on Travelers Trail just north of Burnsville Parkway. There are plans for a future extension of the Orange Line to serve southern Burnsville and Lakeville. The METRO Orange Line BRT project is expected to be complete and open for service in 2020. Orange Line buses will travel in the MnPASS lanes while on I-35W. Continuous and reliable access across the Minnesota River at I-35W is necessary to provide and maintain transit services."	E3
3-10	Update reference 4 to cite the updated Orange Line website.	E4
5-62	Orange Line will open in 2020.	E5
5-66	"How will the proposed project affect transit?" The Orange Line BRT is anticipated to begin operations in 2020. (Not 2019)	E6
5-68	Clarify that "related project construction began on I-35W in 2017. The Orange Line BRT is anticipated to be in operation in 2020."	E7
6-3: 6.1.5	Transportation Sensitive Communities: Include information on strategies to minimize and mitigate construction impacts to transportation sensitive communities (non-drivers).	E8

Regards,
 Russ

Comment Letter E: Metropolitan Council (Page 2 of 2)



Russ Owen

Sr. Aviation Planner | MTS
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CONNECT WITH US



Comment Letter F: Dakota County (Page 1 of 10)



Physical Development Division
Steven C. Mielke, Director

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January 12, 2018

Richard Dalton
Environmental Coordinator
1500 West County Road B2
Roseville, MN 55113

Thank you for the opportunity to comment on the Environmental Assessment for the I-35W over the Minnesota River Bridge Project. Dakota County Physical Development Staff reviewed the document and offer the following comments for consideration.

Environmental Resources

Chapter 5, Page 101

5.11 EAW Item 11: Water Resources (Page 5-23 through 5-33)

Item 11.a.ii. Groundwater – aquifers, springs, seeps, (Page 5-26)

3) Identification of any Onsite and/or Nearby Wells

Dakota County Environmental Resources Department Delegated Well Program has the most current and accurate well database, and these wells are shown on the attached map. For more detailed information on each well please contact us at 952-891-7000 or bill.olsen@co.dakota.mn.us. Buildings were present along this corridor since before 1937, wells may be present that are not known and have been abandoned. The Environmental Resources Department may be able to assist in searching for wells or identifying potential abandoned wells.

F1

Item 11.b.ii. Stormwater. (Pages 5-28 and 5-29)

The proposed filtration system is appropriate to treat the additional runoff from the new bridge and will be located on the Hennepin County side. The biggest hurdle for stormwater management will be controlling impacts during construction. A final design for the bridge has not been determined yet, therefore it is difficult to determine full impacts at this point.

F2

Item 11.b.iv. Surface Waters. (Page 5-30)

Several anticipated aquatic resource fill impacts (mostly associated with the new bridge piers) have not yet been quantified in the EAW, presumably because MnDOT is going with a design-build on this project.

F3

Comment Letter F: Dakota County (Page 2 of 10)

Those impacts must be identified once the contractor is selected and final bridge design is generated. It is unclear how this affects the completeness of the EAW.

5.12 EAW Item 12: Contamination/Hazardous Materials/Wastes (Pages 5-33 through 5-38)

5.12.1 Pre-Project Site Conditions. Item 12.a. (Page 5-37)

A Phase I Environmental Site Assessment (ESA) was completed for the proposed project in November 2014. The purpose of the Phase I ESA is to identify all known or potentially contaminated properties in the project area.

F4

The Phase I ESA appears to have been inclusive of a 500 foot buffer of the road corridor. However the Phase I ESA is now three years old and may be in need of an update to evaluate current conditions of the identified sites, evaluate any additional sites and evaluate if the 500 foot buffer covers the planned corridor as currently designed. An updated Dakota County Environmental Review map and table are attached for comparison. If any changes are identified, additional Phase II ESA may be necessary when completing the updated methane/vapor investigation. Additional or current data for the Freeway Landfill (west side of I35) and Freeway Dump (east side of I35) may be available from the MPCA.

Pending the results of the analytical testing, fill material may need to be disposed of offsite. Based on this statement, it is unclear what "disposed offsite" means. Proper disposal conditions or contingencies should be determined and described in the RAP/CCP.

Planning

Dakota County supports the trail connection to the Minnesota River Greenway – Black Dog Trail.

Transportation

The project, as described, does not appear to significantly change the location or design of the County State Aid Highway (CSAH) 32 (Cliff Road) interchange with I-35W. However, Dakota County requests that the Minnesota Department of Transportation involve the County in aspects of the project associated with the CSAH 32 (Cliff Road) interchange, and with the expected traffic impacts of project construction, including project staging.

F5

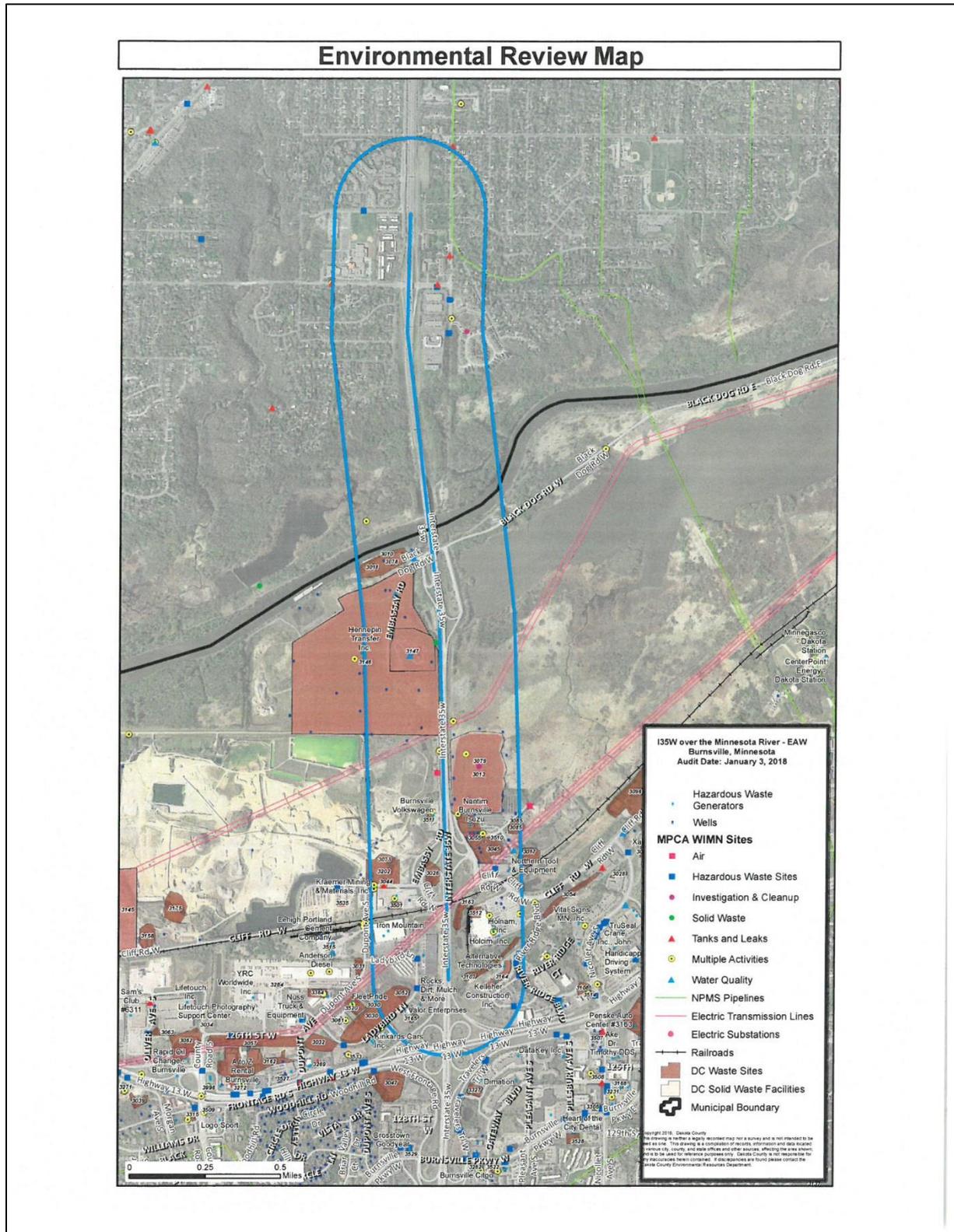
If you have any questions relating to our comments, please contact me at 952-891-7007 or Steven.Mielke@co.dakota.mn.us.

Sincerely,



Steven C. Mielke, Director
Physical Development Division

cc: Commissioner Liz Workman, District 5
Matt Smith, County Manager



Environmental Reveiw Report



Haz Waste Generators

<u>ID</u>	<u>Generator</u>	<u>Address</u>	<u>City</u>	<u>Waste Name</u>	<u>Size</u>	<u>Status</u>
150	Dodge of Burnsville	12101 Hwy 35W	Burnsville	Parts Washer Solvent	VSQG	Generator
150	Dodge of Burnsville	12101 Hwy 35W	Burnsville	Lead Acid Batteries	VSQG	Generator
150	Dodge of Burnsville	12101 Hwy 35W	Burnsville	Used Oil	VSQG	Generator
150	Dodge of Burnsville	12101 Hwy 35W	Burnsville	Oil Filters	VSQG	Generator
150	Dodge of Burnsville	12101 Hwy 35W	Burnsville	Antifreeze	VSQG	Generator
150	Dodge of Burnsville	12101 Hwy 35W	Burnsville	Gasoline	VSQG	Generator
150	Dodge of Burnsville	12101 Hwy 35W	Burnsville	Used Oil Absorbents	VSQG	Generator
212	Burnsville Volkswagen	12020 I-35W S	Burnsville	Lead Acid Batteries	VSQG	Out of Business
212	Burnsville Volkswagen	12020 I-35W S	Burnsville	Used Oil	VSQG	Out of Business
212	Burnsville Volkswagen	12020 I-35W S	Burnsville	Antifreeze	VSQG	Out of Business
212	Burnsville Volkswagen	12020 I-35W S	Burnsville	Oil Filters	VSQG	Out of Business
212	Burnsville Volkswagen	12020 I-35W S	Burnsville	Fluorescent Lamps	VSQG	Out of Business
212	Burnsville Volkswagen	12020 I-35W S	Burnsville	Brake Parts Washer - Aqueous	VSQG	Out of Business
212	Burnsville Volkswagen	12020 I-35W S	Burnsville	Parts Washer - System 1	VSQG	Out of Business
212	Burnsville Volkswagen	12020 I-35W S	Burnsville	Gasoline/Diesel Fuel	VSQG	Out of Business
212	Burnsville Volkswagen	12020 I-35W S	Burnsville	Oil Sorbents/Rags	VSQG	Out of Business
212	Burnsville Volkswagen	12020 I-35W S	Burnsville	Parts Washer - Aqueous	VSQG	Out of Business
450	Edward Kraemer and Sons (Kraemer North America)	1020 W Cliff RD STE 1	Burnsville	Parts Washer Solvent	MQG	Generator
450	Edward Kraemer and Sons (Kraemer North America)	1020 W Cliff RD STE 1	Burnsville	Lead Acid Batteries	MQG	Generator
450	Edward Kraemer and Sons (Kraemer North America)	1020 W Cliff RD STE 1	Burnsville	Used Oil	MQG	Generator
450	Edward Kraemer and Sons (Kraemer North America)	1020 W Cliff RD STE 1	Burnsville	Oil Filters	MQG	Generator
450	Edward Kraemer and Sons (Kraemer North America)	1020 W Cliff RD STE 1	Burnsville	Fluorescent Lamps	MQG	Generator
450	Edward Kraemer and Sons (Kraemer North America)	1020 W Cliff RD STE 1	Burnsville	NiCad Batteries	MQG	Generator
450	Edward Kraemer and Sons (Kraemer North America)	1020 W Cliff RD STE 1	Burnsville	Oil Sorbents	MQG	Generator
450	Edward Kraemer and Sons (Kraemer North America)	1020 W Cliff RD STE 1	Burnsville	Antifreeze	MQG	Generator
450	Edward Kraemer and Sons (Kraemer North America)	1020 W Cliff RD STE 1	Burnsville	Parts Washer - System 1	MQG	Generator
450	Edward Kraemer and Sons (Kraemer North America)	1020 W Cliff RD STE 1	Burnsville	Flammable Liquid	MQG	Generator

Comment Letter F: Dakota County (Page 5 of 10)

450	Edward Kraemer and Sons (Kraemer North America)	1020 W Cliff RD STE 1	Burnsville	Resin	MQG	Generator
450	Edward Kraemer and Sons (Kraemer North America)	1020 W Cliff RD STE 1	Burnsville	Corrosive Liquids/Flammable	MQG	Generator
450	Edward Kraemer and Sons (Kraemer North America)	1020 W Cliff RD STE 1	Burnsville	Corrosive Liquids	MQG	Generator
450	Edward Kraemer and Sons (Kraemer North America)	1020 W Cliff RD STE 1	Burnsville	Electronics	MQG	Generator
450	Edward Kraemer and Sons (Kraemer North America)	1020 W Cliff RD STE 1	Burnsville	Appliances	MQG	Generator
576	Commercial Asphalt Co.	920 W Cliff RD	Burnsville	Parts Washer Solvent	VSQG	Generator
576	Commercial Asphalt Co.	920 W Cliff RD	Burnsville	Fluorescent Lamps	VSQG	Generator
576	Commercial Asphalt Co.	920 W Cliff RD	Burnsville	Used Oil	VSQG	Generator
761	Holnam, Inc.	12200 River Ridge BLVD	Burnsville	Used Oil	VSQG	Out of Business
761	Holnam, Inc.	12200 River Ridge BLVD	Burnsville	Oil Filters	VSQG	Out of Business
761	Holnam, Inc.	12200 River Ridge BLVD	Burnsville	Parts Washer Solvent	VSQG	Out of Business
761	Holnam, Inc.	12200 River Ridge BLVD	Burnsville	Fluorescent Lamps	VSQG	Out of Business
761	Holnam, Inc.	12200 River Ridge BLVD	Burnsville	Oil Sorbents	VSQG	Out of Business
818	Valor Enterprises	771 Lady Bird LN	Burnsville	Paint Thinner	VSQG	Out of Business
818	Valor Enterprises	771 Lady Bird LN	Burnsville	Used Oil	VSQG	Out of Business
818	Valor Enterprises	771 Lady Bird LN	Burnsville	Lead Acid Batteries	VSQG	Out of Business
818	Valor Enterprises	771 Lady Bird LN	Burnsville	Fluorescent Lamps	VSQG	Out of Business
831	Condura Tire Groupe	701 Ladybird LN	Burnsville	Fluorescent Lamps	MQG	Out of Business
831	Condura Tire Groupe	701 Ladybird LN	Burnsville	Lead Acid Batteries	MQG	Out of Business
831	Condura Tire Groupe	701 Ladybird LN	Burnsville	PCB Ballasts	MQG	Out of Business
1041	Alternative Technologies	12350 River Ridge BLVD	Burnsville	Used Oil	VSQG	Generator
1041	Alternative Technologies	12350 River Ridge BLVD	Burnsville	Mixed Solvents	VSQG	Generator
1041	Alternative Technologies	12350 River Ridge BLVD	Burnsville	PCB Debris	VSQG	Generator
1066	Knox Lumber Co.	901 Cliff RD	Burnsville	Lab Packs	MQG	Out of Business
1066	Knox Lumber Co.	901 Cliff RD	Burnsville	Fluorescent Lamps	MQG	Out of Business
1120	Northern Tool & Equipment	12205 River Ridge BLVD	Burnsville	Used Oil	VSQG	Generator
1120	Northern Tool & Equipment	12205 River Ridge BLVD	Burnsville	Oil Filters	VSQG	Generator
1120	Northern Tool & Equipment	12205 River Ridge BLVD	Burnsville	Lead Acid Batteries	VSQG	Generator
1120	Northern Tool & Equipment	12205 River Ridge BLVD	Burnsville	Gasoline	VSQG	Generator
1120	Northern Tool & Equipment	12205 River Ridge BLVD	Burnsville	Gas Absorbents	VSQG	Generator
1120	Northern Tool & Equipment	12205 River Ridge BLVD	Burnsville	Parts Washer - System 1	VSQG	Generator
1120	Northern Tool & Equipment	12205 River Ridge BLVD	Burnsville	Oil Absorbent Rags	VSQG	Generator
1490	Kelleher Construction, Inc.	220 River Ridge CIR	Burnsville	Parts Washer Solvent	VSQG	Out of Business
1490	Kelleher Construction, Inc.	220 River Ridge CIR	Burnsville	Used Oil	VSQG	Out of Business
1490	Kelleher Construction, Inc.	220 River Ridge CIR	Burnsville	Oil Filters	VSQG	Out of Business
1529	Rocks, Dirt, Mulch & More	721 Ladybird LN	Burnsville	Used Oil	MQG	Generator
1529	Rocks, Dirt, Mulch & More	721 Ladybird LN	Burnsville	Oil Filters	MQG	Generator

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1721	Holcim, Inc.	12200 River Ridge BLVD	Burnsville	Used Oil	MQG	Out of Business
1721	Holcim, Inc.	12200 River Ridge BLVD	Burnsville	Oil Filters	MQG	Out of Business
1721	Holcim, Inc.	12200 River Ridge BLVD	Burnsville	Oil Sorbents	MQG	Out of Business
1721	Holcim, Inc.	12200 River Ridge BLVD	Burnsville	Fluorescent Lamps	MQG	Out of Business
1721	Holcim, Inc.	12200 River Ridge BLVD	Burnsville	Parts Washer - System 1	MQG	Out of Business
1721	Holcim, Inc.	12200 River Ridge BLVD	Burnsville	Electronics	MQG	Out of Business
1952	Nantim Burnsville Isuzu	600 W 121st ST	Burnsville	Parts Washer Solvent	VSQG	Out of Business
1952	Nantim Burnsville Isuzu	600 W 121st ST	Burnsville	Antifreeze	VSQG	Out of Business
1952	Nantim Burnsville Isuzu	600 W 121st ST	Burnsville	Used Oil	VSQG	Out of Business
1952	Nantim Burnsville Isuzu	600 W 121st ST	Burnsville	Oil Filters	VSQG	Out of Business
1952	Nantim Burnsville Isuzu	600 W 121st ST	Burnsville	Fluorescent Lamps	VSQG	Out of Business
1952	Nantim Burnsville Isuzu	600 W 121st ST	Burnsville	Lead Acid Batteries	VSQG	Out of Business
1954	Iron Mountain	12301 Dupont AVE S	Burnsville	Chlorinated Solvents	VSQG	Former Generator
1954	Iron Mountain	12301 Dupont AVE S	Burnsville	Flammable Solvents	VSQG	Former Generator
2081	Kraemer Mining & Materials, Inc.	1020 W Cliff RD STE 2	Burnsville	Parts Washer - System 1	MQG	Generator
2081	Kraemer Mining & Materials, Inc.	1020 W Cliff RD STE 2	Burnsville	Used Oil	MQG	Generator
2081	Kraemer Mining & Materials, Inc.	1020 W Cliff RD STE 2	Burnsville	Oil Filters	MQG	Generator
2081	Kraemer Mining & Materials, Inc.	1020 W Cliff RD STE 2	Burnsville	Oil Sorbents	MQG	Generator
2081	Kraemer Mining & Materials, Inc.	1020 W Cliff RD STE 2	Burnsville	Antifreeze	MQG	Generator
2081	Kraemer Mining & Materials, Inc.	1020 W Cliff RD STE 2	Burnsville	Fluorescent Lamps	MQG	Generator
2081	Kraemer Mining & Materials, Inc.	1020 W Cliff RD STE 2	Burnsville	Electronics	MQG	Generator
2081	Kraemer Mining & Materials, Inc.	1020 W Cliff RD STE 2	Burnsville	Lead Acid Batteries	MQG	Generator
2081	Kraemer Mining & Materials, Inc.	1020 W Cliff RD STE 2	Burnsville	Paint Related Material	MQG	Generator
2081	Kraemer Mining & Materials, Inc.	1020 W Cliff RD STE 2	Burnsville	Batteries	MQG	Generator
2081	Kraemer Mining & Materials, Inc.	1020 W Cliff RD STE 2	Burnsville	HID Lamps	MQG	Generator
2081	Kraemer Mining & Materials, Inc.	1020 W Cliff RD STE 2	Burnsville	Mercury Devices	MQG	Generator
2081	Kraemer Mining & Materials, Inc.	1020 W Cliff RD STE 2	Burnsville	Nickel Cadmium Battery	MQG	Generator
2111	Walsler Burnsville Subaru	600 W 121st ST	Burnsville	Antifreeze	MQG	Generator
2111	Walsler Burnsville Subaru	600 W 121st ST	Burnsville	Used Oil	MQG	Generator
2111	Walsler Burnsville Subaru	600 W 121st ST	Burnsville	Oil Filters	MQG	Generator
2111	Walsler Burnsville Subaru	600 W 121st ST	Burnsville	Lead Acid Batteries	MQG	Generator
2111	Walsler Burnsville Subaru	600 W 121st ST	Burnsville	Fluorescent Lamps	MQG	Generator
2111	Walsler Burnsville Subaru	600 W 121st ST	Burnsville	Parts Washer - Cuda	MQG	Generator
2286	Seal Rite Burnsville	12301 Dupont Ave S.	Burnsville	Paint/Solvent	MQG	Generator
2286	Seal Rite Burnsville	12301 Dupont Ave S.	Burnsville	Rags	MQG	Generator
2286	Seal Rite Burnsville	12301 Dupont Ave S.	Burnsville	Paint Filters	MQG	Generator
2454	Walmart Supercenter #5977	12200 River Ridge Blvd	Burnsville	Aerosols	VSQG	Generator
2454	Walmart Supercenter #5977	12200 River Ridge Blvd	Burnsville	Flammable Liquids	VSQG	Generator
2454	Walmart Supercenter #5977	12200 River Ridge Blvd	Burnsville	Corrosive Liquid	VSQG	Generator
2454	Walmart Supercenter #5977	12200 River Ridge Blvd	Burnsville	Acute Pharmaceuticals (P-List)	VSQG	Generator
2454	Walmart Supercenter #5977	12200 River Ridge Blvd	Burnsville	Pharmaceuticals (Not Acute)	VSQG	Generator

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2454	Walmart Supercenter #5977	12200 River Ridge Blvd	Burnsville	Fluorescent Lamps	VSQG	Generator
2454	Walmart Supercenter #5977	12200 River Ridge Blvd	Burnsville	Lead Acid Batteries	VSQG	Generator
2454	Walmart Supercenter #5977	12200 River Ridge Blvd	Burnsville	Toxic Solids	VSQG	Generator
2454	Walmart Supercenter #5977	12200 River Ridge Blvd	Burnsville	Mixed Batteries	VSQG	Generator
2454	Walmart Supercenter #5977	12200 River Ridge Blvd	Burnsville	LIGHTERS	VSQG	Generator
2454	Walmart Supercenter #5977	12200 River Ridge Blvd	Burnsville	OXIDIZING LIQUIDS	VSQG	Generator
2454	Walmart Supercenter #5977	12200 River Ridge Blvd	Burnsville	TOXIC LIQUIDS	VSQG	Generator
2454	Walmart Supercenter #5977	12200 River Ridge Blvd	Burnsville	OXIDIZING SOLIDS	VSQG	Generator
2454	Walmart Supercenter #5977	12200 River Ridge Blvd	Burnsville	Flammable Solids	VSQG	Generator
1095	Minnesota Methane II	1020 Cliff RD W	Burnsville	Used Oil	MQG	Out of Business
1095	Minnesota Methane II	1020 Cliff RD W	Burnsville	Oil Filters	MQG	Out of Business
1095	Minnesota Methane II	1020 Cliff RD W	Burnsville	Lead Acid Batteries	MQG	Out of Business
1095	Minnesota Methane II	1020 Cliff RD W	Burnsville	Fluorescent Lamps	MQG	Out of Business
1095	Minnesota Methane II	1020 Cliff RD W	Burnsville	Antifreeze	MQG	Out of Business

Dakota County Waste/Contaminated Sites

<u>Site ID</u>	<u>MPCA Leak ID</u>	<u>MPCA VICID</u>	<u>Site Name</u>	<u>Waste Site Classification</u>	<u>Comments</u>	<u>File Status</u>
3010			US Salt Demolition Dump	Industrial Waste Disposal		Open
3011			US Salt Demoliton	Industrial Waste Disposal		Open
3013			McGowans Dump	Mixed Municipal/Industrial/Hazardous		Open
3017			Burnsville Compost	Regulated Waste Facility		Open
3026			Cliff Road & Interstate 35 W Demolition Dump	Large, Unlimited Variety		Closed
3030			Astleford Fly Ash Disposal	Industrial Waste Disposal		Open
3043	4804		Ed Kramer & Sons LUST	Spill, Leak, Leach or Inject Release	MPCA closure 1994 GW & soil contamination remaining	Open
3044	5640		Edward Kraemer & Sons LUST	Spill, Leak, Leach or Inject Release	MPCA Closure 1995 No GW Contamination. Cont Soil remain	Open
3045	896		Dodge of Burnsville LUST	Spill, Leak, Leach or Inject Release	MPCA Closure 1989. No Soil or GW Contamination remaining	Closed
3052			Astleford Dump	Industrial Waste Disposal		Open
3055			Astleford Central Dump	Industrial Waste Disposal		Open
3073			Ed Kramer & Sons	Industrial Waste Disposal		Open
3078			US Salt Lagoon	Industrial Waste Disposal		Open
3079			Northern States Power Fly Ash #14	Industrial Waste Disposal		Open
3085			Astleford Dump East	Industrial Waste Disposal		Open
3107			Demo Dump Burnsville Municipal Wells #4 &5	Large, Unlimited Variety	SW Disposal along bluff NW of Muni Wells	Closed
3146			Freeway Sanitary Landfill	Regulated Waste Facility		Open
3147			Freeway Transfer	Regulated Waste Facility		Open
3163			Cliff Road Railroad Disposal	Large, Unlimited Variety		Open
3164			Medical Disposal Systems	Industrial Waste Disposal		Open
3165			Concrete Business	Hazardous Waste Disposal	Drums of haz waste buried along fence	Open
3202	11084		Edward Kraemer & Sons LUST	Spill, Leak, Leach or Inject Release	MPCA Closure 1998 Soil Contamination. GW unevaluated	Open

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3501	997	Knox Lumber CO LUST	Spill, Leak, Leach or Inject Release	MPCA Closure 1994. No GW Cont. Soil Contamination remains	Open
3510	12508	Dodge of Burnsville LUST	Spill, Leak, Leach or Inject Release	MPCA Closure 2001. Soil & GW contamination remain	Open
3511	2110	Burnsville VW LUST	Spill, Leak, Leach or Inject Release	MPCA Closure 1996 GW & Soil Contamination Suspected	Open
3512	3087	Ruan Transport LUST	Spill, Leak, Leach or Inject Release	MPCA Closure 1993 GW & Soil Contamination Remain	Open

MPCA WIMN Sites

<u>MPCA ID#</u>	<u>Name</u>	<u>Address</u>	<u>Activity</u>	<u>Status</u>
MNR000104638	Waldor Pump Equipment Co	12362 River Ridge Blvd	Hazardous Waste, Small to Minimal QG	Active
Multiple Activities	Surmodics	10701 Lyndale Ave S	Multiple Activities	Active
C00036282	Burnsville Industrial Park	Address Unknown	Construction Stormwater Permit	Active
Multiple Activities	Proposed Wal Mart 597700	12200 River Ridge Blvd	Multiple Activities	Active
Multiple Activities	Wal-Mart SuperCenter 5977	12200 River Ridge Blvd	Multiple Activities	Active
SUB0028474	Surmodics Redevelopment Lot 6 Block 2	10730 Lyndale Cir	CSW Site Subdivision	Active
SUB0028473	Surmodics Redevelopment Lot 5 Block 2	10726 Lyndale Cir S	CSW Site Subdivision	Active
SUB0024754	Surmodics Redevelopment Lot 16 Block 1	10739 Lyndale Cir	CSW Site Subdivision	Active
MNR000043521	Kelleher Construction Inc	220 River Ridge Cir	Hazardous Waste, Small to Minimal QG	Active
Multiple Activities	Kraemer Mining & Materials - Burnsville	1020 Cliff Rd W Ste 2	Multiple Activities	Active
2110	Burnsville Vw	35 W & Cliff Rd	Leak Site	Inactive
C00028606	SP 1981-112 - Burnsville	See location description	Construction Stormwater Permit	Inactive
Multiple Activities	Freeway Transfer Station/BFI	11501 Embassy Rd	Multiple Activities	Active
Multiple Activities	Ruan Transport	12204 River Ridge Blvd	Multiple Activities	Inactive
MN0000059956	Ringer Corp	701 Ladybird Ln	Hazardous Waste, Small to Minimal QG	Inactive
124997	Walser Burnsville Suburu	600 121st St W	Tank Site	Active
03700291	Freeway Landfill	11987 Highway 35W S	Air Permit	Active
SUB0029349	Surmodics Redevelopment Lot 3 Block 1	10709 Lyndale Cir	CSW Site Subdivision	Active
C00033552	Burnsville Hotel	250 River Ridge Circle	Construction Stormwater Permit	Inactive
16212	Country Inn	10550 Lyndale Ave S	Tank Site	Active
SUB0028472	Surmodics Redevelopment Lot 4 Block 2	10724 Lyndale Cir	CSW Site Subdivision	Active
A00012542	Burnsville city of, Compost Site - SW	12151 Pleasant Ave S	Industrial Stormwater Permit	Inactive
Multiple Activities	Knox Lumber Co	901 Cliff Rd W	Multiple Activities	Inactive
Multiple Activities	Commercial Asphalt Co - Plant 902	920 Cliff Rd W	Multiple Activities	Active
C00027039	SP 1981-114 TH 35W - Burnsville	See location description	Construction Stormwater Permit	Inactive
MND985749373	Barrows Gene	771 Ladybird Ln	Hazardous Waste, Small to Minimal QG	Inactive

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MND985744762	Valor Enterprises	771 Ladybird Ln	Hazardous Waste, Small to Minimal QG	Inactive
MN0000694166	MM Burnsville Energy LLC	1020 Cliff Rd W	Hazardous Waste, Small to Minimal QG	Active
MND985685130	Pederson Sells Equipment Company	200 N River Ridge Cir	Hazardous Waste, Small to Minimal QG	Inactive
MN0000254888	Alternative Technologies Inc	12350 River Ridge Blvd	Hazardous Waste, Small to Minimal QG	Active
MNR000019448	Unisource Packaging Systems	815 W 106th St	Hazardous Waste, Small to Minimal QG	Inactive
MND147584742	Minnesota Elecenterocoaters	10740 Lyndale Ave S	Hazardous Waste, Small to Minimal QG	Inactive
MN0000486803	Crown Computer Exchange Inc	10640 Lyndale Ave S Ste 12	Hazardous Waste, Small to Minimal QG	Inactive
Multiple Activities	Burnsville Yard Waste Compost Facility	1030 W Cliff Rd	Multiple Activities	Active
Multiple Activities	Dodge of Burnsville	12101 Highway 35W S	Multiple Activities	Active
Multiple Activities	Burnsville Volkswagen	12020 Highway 35W S	Multiple Activities	Active
Multiple Activities	Old Freeway Dump	11937 Hwy 35 W	Voluntary Investigation & Cleanup (VIC)	Active
Multiple Activities	Old Freeway Dump	Cliff Road and I-35W	Multiple Activities	Active
Multiple Activities	NSP Fly Ash	See location description	Multiple Activities	Active
SW354	Freeway Transfer Station	11501 Embassy Rd	Landfill, Open	Active
Multiple Activities	Bloomington Tree Disposal	See location description	Multiple Activities	Active
C00001119	TH 35W SP 2782-250	See location description	Construction Stormwater Permit	Inactive
C00035685	Line 844 Black Dog/Savage	Address Unknown	Construction Stormwater Permit	Active
SUB0029347	Surmodics Redevelopment Lot 1 Block 1	10705 Lyndale Cir	CSW Site Subdivision	Active
SUB0029348	Surmodics Redevelopment Lot 2 Block 1	10707 Lyndale Cir	CSW Site Subdivision	Active
MNS000106476	Walser Subaru	600 121st St W	Hazardous Waste, Small to Minimal QG	Active
Multiple Activities	Edward Kraemer & Sons Inc	1020 Cliff Rd W Ste 1	Multiple Activities	Active
022822167	US Salt Inc - Johnson Enterprises	1020 Black Dog Rd W	Industrial Stormwater Permit	Inactive
MN0000855775	Northern Hydraulics - Burnsville	12205 River Ridge Blvd	Hazardous Waste, Small to Minimal QG	Active
51990	Commercial Asphalt Co (2)	920 Cliff Rd W	Tank Site	Active
MNS000109959	Prime Finishing Co	813 106th St W	Hazardous Waste, Small to Minimal QG	Inactive
Multiple Activities	Honeywell Bloomington	10701 Lyndale Ave S	Voluntary Investigation & Cleanup (VIC)	Inactive
MNR05349H	Freeway Transfer Station	1001 Black Dog Rd	Industrial Stormwater Permit	Active
MN0000117564	Digital Pre Press	12376 River Ridge Blvd	Hazardous Waste, Small to Minimal QG	Inactive
MND985749704	Condura Tire Groupe	701 Ladybird Ln	Hazardous Waste, Small to Minimal QG	Active
C00009146	Surmodics	10701 Lyndale Ave S	Construction Stormwater Permit	Inactive
MNRNE37GG	Freeway Sanitary Landfill	1001 Black Dog Rd	Industrial Stormwater Permit	Active
Multiple Activities	Astleford Site	See location description	Multiple Activities	Inactive

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16214	Country Inn	800 W 106th St	Tank Site	Inactive
MND981776842	Wdgy Radio Station	1100 W 104th St	Hazardous Waste, Small to Minimal QG	Inactive

End of Report

Comment Letter G: City of Bloomington (Page 1 of 1)

I-35W Over the Minnesota River Project - Environmental Assessment

Chapter/ Appendix	Page Ref Number	Reviewer Comments (also - place a flag on the page in the document)	Reviewer Name
Chapter 3	3-4	Spelling of elastometric bearing under Bearings (missing the 's')	S. Segar
Chapter 3	3-5 to 3-7	No mention of limited sight distance on 106th St. due to existing bridge piers	S. Segar
Chapter 3	3-22	First Bullet Point- Discussion of trails that are anticipated to open in 2016 reads strangely given the date of the report is December 2017. Suggest rewording to indicate these facilities reopened in 2016--the Old Cedar Avenue Bridge did at least.	J. Long
Chapter 3	3-22	Last paragraph--Now that the Old Cedar Avenue Bridge is reopened do you want to change the east crossing to the Cedar Avenue (TH 77) crossing instead of I-494?	J. Long
Chapter 3	3-23	The Old Cedar Avenue Bridge did reopen. Suggest modifying	J. Long
Chapter 4	4-10 - 4-15	Suggest having the tables face the same direction so a reader only needs to pivot the book once instead of twice. Also would be helpful when the evaluation criteria starts on Page 4-10 but continues to Page 4-11 to see the header on the left if 4-10 faced the same direction it would be easier to glance at it.	J. Long
Chapter 4	4-23, Table 4.3	Missing a total impact number for Wetland #1. Minimization cost looks incorrect at 0.02.	J. Long
Chapter 4	4-34 - 4-37, Table 4.6	"Trail construction costs (including Structures)" is a header for a column in the table. Yet under the "Structure Requirements" column there is frequently text that states "Retaining wall not included in trail costs" This is confusing. Are the retaining wall costs included or not?	J. Long
Chapter 5	5-6	The detour route proposed for 106th Street closure is good for traffic on the east side of the bridge, but what north-south road do you propose for use on the west side of the bridge?	J. Long
Chapter 5	5-55 - 5-56	Suggest moving L10 definition box from page 5-56 to 5-55 where it is initially highlighted since the page needs to be flipped to see it.	J. Long
Chapter 5	5-69	Given the 106th Street bridge work the City of Bloomington is looking at moving the 106th Street project forward in order to minimize construction impacts to area residents and would like to coordinate with the bridge project.	J. Long
Chapter 6	6-18 - 6-19	Where the habitat for the Higgens Eye Peraly Mussel nad the Snuffbox Mussel is listed as "Mississippi River" Do you want to add "and tributaries" to include the Minnesota River?	J. Long
Chapter 7	7-3	Is the Copy available at Bloomington City Hall or is it available at Bloomington Public Works, 1700 W. 98th Street?	J. Long

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Richard J. Carter

*15430 Founders Lane # 228
Apple Valley, MN 55124*

January 14, 2018

To: Scott Pedersen, Shelly Hanson,
Metro District Project Management Manager City Engineer
Metropolitan District City of Bloomington
1500 West County Road B2 1800 West Old Shakopee Road
Roseville, MN 55113 Bloomington, MN 55431-3027

Re: Advance Planning Input regarding Interstate 35W Bridge over the Minnesota River

Hello,

Thanks for putting on the public meeting regarding the I-35 Bridge reconstruction at Oak Grove Middle School this last week. It was very helpful and informative; and as could be observed, well received.

A little background to start.

My name is Richard Carter. I grew up in Bloomington from 1956 onward. I was raised in a family of state highway engineers, and would have been fourth generation had I decided it would be my avocation; which I did not. Over those years, with keen senses to conversations, studies in mathematics, physics and other sciences, not to mention suffering through six decades of terrible traffic backups of the 35W Interstate (approaching the Minnesota River Valley from both directions) on a daily basis, I thought I'd share some specific thoughts and learned observations which I believe will potentially benefit those who will use the new bridge as it passes through the valley.

As we are all aware, traffic on the stretch of I-35 as it passes through the river valley is frustratingly backed up both northbound in the morning hours (from about 6:30am through approximately 10am), and the evening hours (currently from about 2:30pm through as late as 7pm). These hours are the highest demand times with the highest number of vehicles trying to pass through. To be blunt, for at least fifty years it has been a nightmare of traffic congestion.

Beyond the unending frustration for literally tens of billions of drivers over that time, the cost to commerce, governments, emergency services and businesses has been immense in terms of transportation costs and payroll for wasted hours due to delays. This is not new news for any of us, yet it goes unsolved, even today.

Comment Letter H: Richard Carter (Page 2 of 3)

Might I suggest a plan that may solve a greater percentage of those economic and personal losses.

No solution is perfect. However, this solution is not new. It has been tried and proven effective; and, both cases are within miles of the existing I-35 bridge.

That solution is to design the replacement bridge by building upon the designs used for the Highway 169 bridge crossing the same river and serving the southwestern outer-tier of cities; and, the Cedar/Highway 77 bridge also spanning the same river to the east of I-35, between Bloomington and Eagan.

The difference between those two bridges and the existing I-35 bridge is that the bridge decks of the two newer bridges are raised, not dropping into the valley and then ascending again on the other side, to the drastic degree the I-35 bridge is currently. Granted, the spans and supporting structures are longer; however, the result has been comparatively greater traffic flow and reduced congestion.

I am proposing this because of my recollections of conversations I heard as a child from a family member as to how he and other MNDOT employees had spent untold hours trying to figure out why traffic backed up so much, beginning at the edge of the descents into the valley on both sides and then untwined itself once the traffic was beyond the valley. Those thousands of hours included time in designing and testing as well as hundreds of man-hours spent on site observing and trying to figure out the behavioral issues.

For me, after hearing those conversations and then observing myself as I tried to get through that valley, the problem became quite obvious:

- 1) There is a range of drivers from timid to aggressive; each with an opinion as to how lenient or strict the driving rules should be adhered to; and,
- 2) The way the right of way grade changes from about 106th street to the valley floor and then ascends back up in elevation again from the valley floor to just south of approximately Burnsville Parkway.

Unfortunately, the current bridge (and the Lyndale Avenue bridge preceding it), sit at the very bottom of the elevation of the valley. Picture it, as all these drivers with different perspectives approach the valley from either direction. Some, since they find they are beginning to go downhill, out of reflex they put their foot on the brakes. When they do that, their brake lights come on and those drivers behind them have no alternative but do the same. Whether the first person actually slows down is irrelevant for the most part. Just the fact that their brake lights came on is enough to start the chain reaction behind them. Even if they take their foot off their brake pedal, the ripple effect behind them is already unleashed, and that's just the result of the first set of brake lights coming on.

Compounding from that ripple effect is the natural accordion action that builds and multiplies in distinct harmonic waves behind them. Once congested traffic is stopped and then begins to move

Comment Letter H: Richard Carter (Page 3 of 3)

again, all the vehicles making up that traffic does not begin to move in lock-step. Some drivers are slower than others, more precautious, and the safety zone around each vehicle has to be re-established. All those changes further slows the overall flow of traffic and continues to compound the backups, congestion and accidents behind it.

This occurs at times of heavy traffic as well as leaner traffic. The difference is in the volume of traffic. In the less busy times there's room to shift lanes and proceed. During busy hours, there isn't any space and the only option is for the entire traffic load to slow to a crawl.

As you put all these changes in the traffic pattern on a timeline, you can see the mess which is unavoidable; at least until a 'better way' is implemented. The initiating event which starts it all twice each day, compounds, and compounds the previous compounded actions, until we have traffic crawl and stop-and-go events.

So what's the solution? Simple: **Take the initial stimulus out of the behavior by taking the descending and ascension grades out of the design of the new bridge.** Keep the entire bridge structure level from about 106thth street on the north end of the valley to at least Burnsville Parkway on the south end.

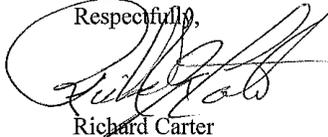
H1

This was accomplished for both the Cedar Avenue and the Highway 169 bridges. The spans of those structures maintain a greater percentage of the height of the roadway as it departs from the surrounding tops of the valleys. This 'leveling' of the roadway maintains uniformity of traffic movement and reduces apprehension for all drivers using those roadways. This equates to GREATER SAFETY for everyone on that stretch of the highway and its approaches.

And yes, the initial costs are more; however, the returns on that investment should easily repay itself many, many, many times over in the first ten years, not to mention the probable sixty years the new bridge will be in service. If you add up the lost hours, the lost fuel in idling and unnecessary accelerations, (not to mention the lost commerce due to companies opting for locations with better ingress, traffic flow and egress), and multiply that accounting for fifty to sixty years, the option should be obvious.

So, in summary, I am hoping you will consider spanning the entire Minnesota River Valley when designing and constructing the new I-35 bridge. It only makes sense, common as well as economic.

Respectfully,



Richard Carter

Permission granted to forward this document by you to anyone you believe would benefit from its content.



Metro District
1500 W. County Rd. B2
Roseville, MN 55113-3174

Comment Card

I-35W Over the Minnesota River Environmental Assessment

Your feedback is important. The Environmental Assessment document for the I-35W Over the Minnesota River Project describes the purpose and need of the project and the anticipated social, economic, and environmental impacts of the proposed action. Please write your comments below and leave this sheet in the comment box today, send in U.S. mail, or provide electronically via email. Written comments will become part of the project record. Comments on the Environmental Assessment document will be accepted until **Thursday, January 25** and may be sent to:

U.S. Mail: Minnesota Department of Transportation
Attn: Rick Dalton, Environmental Coordinator
1500 County Road B2 West, Roseville, MN 55113

Email: richard.dalton@state.mn.us

Name: Marie Ozame **Email:** maOzanne20@hotmail.com

Address: 1020 Valley High Dr.

We welcome your comments:

- Retaining Walls option "A"
- Bailings option "C"
- Trail Option "A"
- Pier Option "C"

Big thing is would like updated timelines once construction starts so we know when our street & neighborhood will be affected.

11

An equal opportunity employer

Comment Letter A: US EPA

Comments

A1 Freeway Landfill: The Freeway Landfill is a Superfund site designated by EPA under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and listed on EPA's National Priority List due to the presence of hazardous chemicals in groundwater and explosive methane gases that may be migrating beyond the landfill boundaries. EPA understands that MnDOT already knows about the explosive methane and groundwater contamination issues, and has some provisions to survey the conditions and respond accordingly during design and construction.

Revised Minnesota legislation gives the Minnesota Pollution Control Agency (MnPCA) new authority to address the site through its Closed Landfill Program (CLP). Since Freeway Landfill is in the process of being deferred to the MnPCA CLP, MnPCA will be implementing investigation and cleanup activities. At this time, EPA does not know the full extent of these activities.

Recommendation: Since the Freeway Landfill is being deferred to MnPCA, EPA recommends MnDOT make contact with MnPCA's CLP for updated information. The contact person at MnPCA is Jamie Wallerstedt, jamie.wallerstedt@state.mn.us.

A2 Climate Change Adaptation and Resiliency: The U.S. Global Change Research Program's National Climate Assessment (NCA) (<http://nca2014.globalchange.gov/report>), in part, provides information valuable to determining how the project could be made more resilient to the impacts of climate change. The report finds that, in the Midwest, extreme heat, heavy downpours, and flooding will affect infrastructure, health, air and water quality, and more.

Recommendation: We recommend that MnDOT consider whether measures are needed to improve resiliency to climate change in the project's design, and/or during project construction. Protective measures may be needed, such as enhanced stormwater management capacity.

A3 Pier Removal Methods: EA (page 5-32) states "*The existing bridge piers would be removed from the Minnesota River.*" However, the EA does not identify and discuss various pier removal methods that could be used and potential impacts associated with each method. Consequently, a preferred pier removal method is not identified.

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

A4 Construction Air Quality: Diesel powered equipment will most likely be used during project construction and demolition.

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

- A5** **I-35W and Bridge Lighting:** EA (page 5-50) “*The I-35W Minnesota River Bridge would not include aesthetic lighting or accent lighting, other than the lighting on the entry monuments described above. River navigation lighting will be installed on the underside of the bridge deck as required by the U.S. Coast Guard... Highway lighting would be installed along I-35W and the Minnesota River Bridge. The project will follow MnDOT’s lighting standards to provide 0 percent uplight and restrict downlight, minimizing light pollution. Lighting will be directed downwards towards the roadway and bridge deck. Full cutoff luminaire lighting heads will be used.*”

Recommendation: EPA commends MnDOT for minimizing light pollution and recommends the use of energy efficient lighting, including the use of solar powered lights when feasible.

Responses

- A1** MnDOT will prepare special provisions for handling of impacted groundwater and soil during construction. Section 5.12 of the EA/EAW describes MnDOT’s procedures for special handling of impacted groundwater and soil that may be encountered during construction. MnDOT will coordinate with MPCA as needed to obtain information regarding the Freeway Landfill site.
- A2** Design and construction of the project will meet MnDOT standards and all permitting requirements.
- A3** Section 3.2.3 of this Findings document discusses bridge pier removal. The design-build contractor will be required to follow all best management practices for General Public Waters Work Permit GP 2004-0001 and Work in Water waiver limitations identified by the DNR for removal of the existing bridge piers from the Minnesota River. See Comment B4 from the DNR in this Findings document for a list of Work in Water waiver limitations.
- A4** All construction equipment used on the project will be required to meet the emissions requirements identified in MnDOT’s *Standard Specifications for Construction*.
- A5** All lighting used on the project will follow MnDOT *Standard Specifications for Construction*, including the use of LED lighting.

Comment Letter B: DNR

Comments

- B1** **Calcareous Fens:** The Environmental Assessment identifies the presence of calcareous fens to be present, and while the calcareous fens are a distance from the project site and won't be directly impacted, calcareous fens can be highly impacted by changes in water flow. The project must have a contingency plan for control of artesian flows if encountered during construction, specifically from any buried utilities or proposed foundations installed for walls and structures. This plan must include a general process and procedures for sealing and stopping (not diverting) artesian flows.
- B2** As noted in Table L.2, the project will follow DNR's Best Practices for Meeting General Public Waters Work Permit (GP 2004-0001). Many of the conditions that are typically included with authorization of this Permit have been listed in Table L.2. Additional conditions that may be included with project authorization under this authorization include: compliance with 100-year flood elevation FIS models (Hydraulic analysis); aesthetic lighting (see below); specific construction components (see below); and continued coordination with DNR Parks and Trails Staff regarding the future Minnesota Valley Trail.
- B3** **Aesthetic Lighting:** 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 season from midnight to dawn March 15 – May 31 and August 15 – Oct. 31. Information on this program can be found at the following website:
<http://mn.audubon.org/conservation/lights-out-faq>.
- B4** Construction components: A limited Work in Water waiver has been granted to allow continuous work. Limitations are to include:
- Do not place silt curtain across the watercourse, or in such a way that it could trap migrating fish.
 - Ensure stringent containment measures to prevent debris or other pollutants from entering the water.
 - All exposed soils that are within 200 feet of Public Waters and drain to those waters must complete erosion control measures within 24 hours of its disturbance to prevent sediment from entering Public Waters.
 - No work is allowed that could directly harm nearby fish (such as use of explosives for test piles or pier demolition).
 - Sheet pile installation or pile driving should be avoided. Though if required, methods should be reviewed and chosen for minimal sound/sonic impacts (i.e., drilled or vibrated in, vs. hammered).

- Any work that creates in-water disturbance should be staged to be completed in as few consecutive days as possible, yet in-water work shall be limited to daylight hours.
- **Contingency Planning:** A contingency plan shall be developed to ensure all construction equipment and unsecured construction materials are secured, protected, or removed in order to prevent adverse impacts to the river due to accidental spills, storm damage, or flood waters. A draft of this plan should be made available for the Area Hydrologist or the Transportation Hydrologist to review prior to finalization.
- **Temporary impacts during construction:** Construction methods have not been finalized at the time of this review and shall be submitted for review and approval at later date. This will be a condition of project authorization under GP2004-0001. See the condition ‘Temporary impacts during construction’ and items ‘A’ through ‘L’ for subjected conditions. This is normal procedure for bridge or culvert projects as we recognize that construction and demolition methods are not finalized until a contractor is chosen.

B5 Also, as noted in the EA, if dewatering is required during construction, in volumes that exceed 10,000 gallons of water per day, or 1 million gallons per year, then a DNR Appropriations permit will be required.

Responses

- B1** A contingency plan for control of artesian flows if encountered during construction, including a general process and procedures for sealing and stopping artesian flows, will be prepared for the project. The contingency plan will be provided to the DNR for approval. The contingency plan for artesian flows has been added to the list of commitments for the project. See the list of commitments in Appendix F of this Findings document.
- B2** The construction contractor will be required to follow all conditions identified by the DNR for authorization of the project under General Public Waters Work Permit GP 2004-0001.
- B3** Section 5.15 of the EA/EAW describes lighting plans for the project. The I-35W Minnesota River Bridge will not include aesthetic lighting or accent lighting. Lighting on proposed entry monuments at the north and south ends of the I-35W Minnesota River Bridge will be focused downwards towards the bridge deck. River navigation lighting will be installed on the underside of the bridge deck as required by the U.S. Coast Guard. Highway lighting will be installed along I-35W and the I-35W Minnesota River Bridge.
- B4** The construction contractor will be required to follow all limitations identified by the DNR under the limited Work in Water waiver. Limitations identified in Comment B4 have been included with the commitments matrix for the project. See the list of commitments in Appendix F of this Findings document.

- B5** The construction contractor will be required to obtain an appropriation permit from the DNR for dewatering during construction, if necessary.

Comment Letter C: MPCA

Comments

- C1** The EA identifies that a dredge permit is required (page 5-10). However, the volume of dredge material, sampling data of sediments to be dredged, or a disposal location for dredged sediments does not appear to be provided in the EA. Please clarify.

Responses

- C1** See Section 3.2.4 of this findings document for a discussion of permits and approvals.

Comment Letter D: Metropolitan Council

Comments

- D1** The EA indicates that the preferred location for a proposed new stormwater pond and filtration basin is a City of Bloomington-owned site along the east side of I-35W north of the Minnesota River, as identified on Project Layout Figure A.7 in Appendix A. Indicated alternative location(s) for stormwater management and infiltration would be wetland areas along the existing roadway corridor. This preferred location is in an area of very steep slopes, 18 to 35 percent, consisting of 'Highly Erodible Land' that is part of the Minnesota River Bluff face within the City of Bloomington. At present, this particular area is erosionally stable and heavily wooded.

Council staff questions the merits of disturbing this stable site by removal of the heavy wooded vegetation to facilitate stormwater basin construction. As noted in the EA Item 10.b – Soils and Topography section on pages 5-22 and 23, lands with soils characterized as highly erodible Hawick Loamy Sands, when disturbed through construction activities or vegetation removal, have the likelihood of creating unstable conditions that lead to downslope erosion and sedimentation. It would appear that this particular site is also within the City of Bloomington's Bluff Development Overlay District which identifies it as a unique natural resource area which occurs at the transition from urban development on the upland, to the Minnesota Valley National Wildlife Refuge and Recreation area in the floodplain of the Minnesota River, where wooded vegetation should not be removed and land disturbance should be restricted to maintain the environmental and visual integrity of the fragile area.

Council staff strongly urges MnDOT to avoid removal of stable vegetation along the bluff face in this location for the siting of roadway stormwater runoff settling and filtration facilities for the proposed project. While we respect the merits and value of utilizing City of Bloomington owned properties, and would prefer that existing natural wetlands would not be impacted for such facilities, we believe

that avoidance of this particularly high value site area should receive priority over the potential of additional wetland impact at the base of the slope in this particular case. The potential for significant environmental impact as a result of disturbance of this location is too great to risk removal of stable wooded vegetation on steep slopes exceeding 30 percent in highly erodible soils to construct stormwater management facilities.

- D2** Existing and planned portions of the Minnesota River Greenway Trail located close to the project site on the south side of the Minnesota River. The regional trail is operated by Dakota County and is governed by the Metropolitan Council's *2040 Regional Parks Policy Plan*. The regional trail's master plan was approved by the Metropolitan Council in 2011. Currently, the existing trail's western terminus is on the east side of the I-35W Bridge over the Minnesota River. The master plan contains a planned section of trail that will pass below the bridge and continue west along the Minnesota River. Item 9.a.ii should identify Dakota County's Metropolitan Council-approved master plan for the Minnesota River Greenway Regional Trail and the trail's future alignment passing below the bridge.
- D3** Additionally, the regional trail near the project site is referred to as the Big Rivers Regional Trail throughout the Environmental Assessment – This is inaccurate. All references to the Big Rivers Regional Trail in the document should be changed to Minnesota River Greenway Regional Trail.

Responses

- D1** MnDOT appreciates the input from Metropolitan Council staff regarding the proposed stormwater pond and filtration basin. Section 4.2.3 of the EA/EAW summarizes the decision-making process for the proposed stormwater pond and filtration basin. Additional information is included in the Preliminary Drainage Design Report. The Preliminary Drainage Design Report is available for review from the MnDOT Project Manager. See contact information in Section 7.2.2 of the EA/EAW.

Several locations were evaluated for providing stormwater management at the south end of the I-35W Minnesota River Bridge along the west side of the Black Dog Road interchange. These locations would be susceptible to flooding events as low as the 10-year flood, would impact wetlands, and be susceptible to potential contamination migration from the Freeway Landfill site and were therefore eliminated from further consideration. Other alternative locations along the Minnesota River were determined not feasible because of right of way constraints and flooding concerns.

The proposed approach to stormwater management for the project, including the stormwater pond and filtration basin location along the Minnesota River bluff on the east side of I-35W, was reviewed with City of Bloomington staff. The proposed approach was agreed to by MnDOT and Bloomington. The proposed stormwater pond and filtration basin will treat runoff from the I-35W corridor at the West 106th Street interchange that is currently untreated.

The design-build contractor will prepare the final drainage design for the project and will have the opportunity to consider alternative innovative strategies for meeting the stormwater management requirements for the project.

D2 See Section 3.2.5 of this Findings document for a discussion of the Minnesota River Greenway Regional Trail.

D3 Correction noted. Preliminary construction plans received during project development identified the segment of this trail east of I-35W as the Big Rivers Regional Trail – Black Dog Segment. It is understood that this facility should be identified as the Minnesota River Greenway Regional Trail. See the project layout figures (Figure 5) in Appendix C of this Findings document.

Comment Letter E: Metropolitan Council

Comments

E1 EA Page 1-6. Include the Orange Line and interruption to new all-day, frequent transitway service as a separate bullet under “Transit” in Table 1.1 Summary of Impacts/Benefits and Mitigation Measures.

E2 EA Page 3-7. Add a bullet that moves beyond “Keep I-35W bus routes and future Orange Line Bus Rapid Transit open during construction” to add some sort of goal for reliability or transit advantages in developing a maintenance of traffic plan.

E3 EA Page 3-9. Edit “One BRT station...” to “Two BRT stations are currently planned south of the Minnesota River. Burnsville Heart of the City Station will be located east of I-35W at TH 13 and Nicollet Avenue and I-35W & Burnsville Pkwy Station will be located adjacent to I-35W on Travelers Trail just north of Burnsville Parkway. There are plans for a future extension of the Orange Line to serve southern Burnsville and Lakeville. The METRO Orange Line BRT project is expected to be complete and open for service in 2020. Orange Line buses will travel in the MnPASS lanes while on I-35W. Continuous and reliable access across the Minnesota River at I-35W is necessary to provide and maintain transit services.”

E4 EA Page 3-10. Update reference 4 to cite the updated Orange Line website.

E5 EA Page 5-62. Orange Line will open in 2020.

E6 EA Page 5-66. “How will the proposed project affect transit?” The Orange Line BRT is anticipated to begin operations in 2020. (Not 2019)

E7 EA Page 5-68. Clarify that “related project construction began on I-35W in 2017. The Orange Line BRT is anticipated to be in operation in 2020.”

E8 EA Page 6-3. Transportation Sensitive Communities: Include information on strategies to minimize and mitigate construction impacts to transportation sensitive communities (non-drivers).

Responses

E1 The METRO Orange Line Bus Rapid Transit (BRT) is anticipated to be open for service in 2020. Construction of the I-35W Over the Minnesota River Project is anticipated to be complete in fall 2021. Section 5.6.2 of the EA/EAW describes temporary impacts to traffic during construction. Vehicle delays during construction could also potentially interrupt all-day frequent transitway service along I-35W.

See the response to Comment E8 regarding the I-35W MnPASS lanes. The design-build contractor will update the TMP for the project based on their maintenance of traffic plans, including outreach to transit providers to help identify strategies to minimize disruptions to all-day frequent transitway service along I-35W during construction.

E2 See Section 3.3.1.1 of this Findings document for a discussion of transit advantages during construction.

E3 Correction noted. It is understood that two BRT stations are currently planned south of the Minnesota River, that the METRO Orange Line BRT project between Burnsville and Minneapolis is expected to be open for service in 2020 and that there is a proposal for a future extension of the Orange Line BRT to serve southern Burnsville and Lakeville.

E4 Correction noted. Background information regarding the METRO Orange Line BRT project can be found on Metro Transit's webpage at <https://www.metrotransit.org/orange-line-faqs>.

E5 Correction noted. It is understood that METRO Orange Line BRT operations between Burnsville and Minneapolis are anticipated to begin in 2020.

E6 Correction noted. See the response to Comment E5.

E7 Correction noted. It is understood that METRO Orange Line BRT-related construction began on I-35W in 2017 and that the METRO Orange Line BRT between Burnsville and Minneapolis is anticipated to be in operation in 2020.

E8 The I-35W MnPASS lanes will remain in operation during construction. During the period of construction that I-35W is in a five-lane configuration, the project will provide for two general purpose lanes in each direction with a reversible MnPASS lane in the peak period/peak direction. For the period of construction that I-35W is not restricted to five lanes, a minimum of six lanes will be maintained. The configuration of the I-35W six lane condition will include two general purpose lanes and one MnPASS lane in each direction.

The MnPASS lane will provide a travel time advantage during construction for transit users (non-drivers); however, some construction-related delays are to be expected. Sidewalks are located along West 106th Street under I-35W. Pedestrian accommodations will be provided during construction along West 106th Street to the maximum extent feasible. MnDOT will identify an Alternate Pedestrian Route

(APR) for sidewalks that are impacted by replacement of the I-35W bridges over West 106th Street.

Comment Letter F: Dakota County

Comments

F1 Dakota County Environmental Resources Department Delegated Well Program has the most current and accurate well database, and these wells are shown on the attached map. For more detailed information on each well please contact us at 952-891-7000 or bill.olsen@co.dakota.mn.us. Buildings were present along this corridor since before 1937, wells may be present that are not known and have been abandoned. The Environmental Resources Department may be able to assist in searching for wells or identifying potential abandoned wells.

F2 The proposed filtration system is appropriate to treat the additional runoff from the new bridge and will be located on the Hennepin County side. The biggest hurdle for stormwater management will be controlling impacts during construction. A final design for the bridge has not been determined yet, therefore it is difficult to determine full impacts at this point.

F3 Several anticipated aquatic resource fill impacts (mostly associated with the new bridge piers) have not yet been quantified in the EAW, presumably because MnDOT is going with a design-build on this project.

Those impacts must be identified once the contractor is selected and final bridge design is generated. It is unclear how this affects the completeness of the EAW.

F4 A Phase I Environmental Site Assessment (ESA) was completed for the proposed project in November 2014. The purpose of the Phase I ESA is to identify all known or potentially contaminated properties in the project area.

The Phase I ESA appears to have been inclusive of a 500-foot buffer of the road corridor. However, the Phase I ESA is now three years old and may be in need of an update to evaluate current conditions of the identified sites, evaluate any additional sites and evaluate if the 500-foot buffer covers the planned corridor as currently designed. An updated Dakota County Environmental Review map and table are attached for comparison. If any changes are identified, additional Phase II ESA may be necessary when completing the updated methane/vapor investigation. Additional or current data for the Freeway Landfill (west side of I35) and Freeway Dump (east side of I35) may be available from the MPCA.

Pending the results of the analytical testing, fill material may need to be disposed of offsite. Based on this statement, it is unclear what “disposed offsite” means. Proper disposal conditions or contingencies should be determined and described in the RAP/CCP.

F5 The project, as described, does not appear to significantly change the location or design of the County State Aid Highway (CSAH) 32 (Cliff Road) interchange with I-35W. However, Dakota County requests that the Minnesota Department of

Transportation involve the County in aspects of the project associated with the CSAH 32 (Cliff Road) interchange, and with the expected traffic impacts of project construction, including project staging.

Responses

- F1** Thank you for the information regarding wells in the study area. Any wells that will be impacted by construction will be sealed. If any unused or unsealed wells are discovered in the project area during construction, they will be addressed in accordance with Minnesota Rules Chapter 4725 or through an annual maintenance permit.
- F2** Stormwater runoff from the new I-35W bridge over the Minnesota River will be conveyed to existing stormwater basins at the north and south abutments. These basins will be dredged and restored to their original design condition.
- Existing basins are expected to be used for stormwater management during construction. It is likely that temporary filling of these existing ponds may be necessary to facilitate bridge pier construction. The design-build contractor will be required to verify that sufficient conveyance and storage remain during construction to comply with NPDES and Lower Minnesota River Watershed District regulations. The design-build contractor will follow all NPDES, watershed district, and DNR Public Waters Work Permit requirements for stormwater management and erosion control during construction.
- F3** The MnDOT Wetland Impact Assessment and Two-Part Finding Form in Appendix K of the EA/EAW describes aquatic resource impacts. Section 3.2.3 of this Findings document describes removal methods for existing bridge piers in the Minnesota River. Section 3.3.1.2 of this Findings document describes anticipated impacts to surface water bodies. Construction of the proposed I-35W Minnesota River Bridge is expected to result in temporary and permanent aquatic resource impacts (e.g., Minnesota River and stormwater basins along the Minnesota River).
- MnDOT will allow the design-build contractor to identify the bridge type for the I-35W Minnesota River crossing. The design-build contractor will be required to keep construction limits within the identified footprint across the Minnesota River (i.e., extension of MnDOT's right of way limits on the north side of the river to MnDOT's right of way limits on the south side of the river). The preliminary construction limits and impacts identified in the EA/EAW were based on a steel girder type bridge. The steel girder type bridge would span the Minnesota River. Construction of bridge piers, coffer dams, and barge docking areas along the shoreline would result in temporary impacts to the Minnesota River. The steel girder type bridge would place two piers in the stormwater basin along the north side of the Minnesota River.
- The final bridge design will be subject to Section 10/404, Section 9, and Public Waters Work Permit requirements. The design-build contractor will follow all USACE, U.S. Coast Guard, and DNR permitting stipulations and limitations for construction of the new I-35W Minnesota River Bridge.

- F4** MnDOT will prepare special provisions for handling of impacted groundwater and soil during construction. Section 5.12. of the EA/EAW document summarizes MnDOT’s procedures for special handling of impacted groundwater and soil during construction, including: methane in soil gas, metals in fill materials, metals in soil, and groundwater.
- F5** The project will not impact the location or design of the I-35W/Cliff Road (CSAH 32) interchange in Burnsville. A portion of the existing entrance ramp from Cliff Road to northbound I-35W will be reconstructed to accommodate the proposed truck climbing lane extension north of Cliff Road.
- Section 5.6 of the EA/EAW describes a preliminary construction staging plan. The design-build contractor will be required to develop a TMP, including a construction staging plan, for the project. Outreach to affected stakeholders will be required as part of the TMP development process. Dakota County will be included as part of the TMP outreach activities.

Comment Letter G: City of Bloomington

Comments

- G1** EA Chapter 3. Page 3-4. Spelling of elastometric bearing under **Bearings** (missing the ‘s’).
- G2** EA Chapter 3. Page 3-5 to 3-7. No mention of limited sight distance on 106th St. due to existing bridge piers.
- G3** EA Chapter 3. Page 3-22. First Bullet Point – Discussion of trails that are anticipated to open in 2016 reads strangely given the date of the report is December 2017. Suggest rewording to indicate these facilities reopened in 2016 - the Old Cedar Avenue Bridge did at least.
- G4** EA Chapter 3. Page 3-22. Last paragraph – Now that the Old Cedar Avenue Bridge is reopened do you want to change the east crossing to the Cedar Avenue (TH 77) crossing instead of I-494?
- G5** EA Chapter 3. Page 3-23. The Old Cedar Avenue Bridge did reopen. Suggest modifying.
- G6** EA Chapter 4. Page 4-23. Table 4.3. Missing a total impact number for Wetland #1. Minimization cost looks incorrect at 0.02.
- G7** EA Chapter 4. Page 4-34 – 4-37. Table 4.6. “Trail construction costs (including Structures)” is a header for a column in the table. Yet under the “Structure Requirements” column there is frequently text that states “Retaining wall not included in trail costs”. This is confusing. Are the retaining wall costs included or not?
- G8** EA Chapter 5. Page 5-6. The detour route proposed for 106th Street closure is good for traffic on the east side of the bridge, but what north-south road do you propose for use on the west side of the bridge?

- G9** EA Chapter 5. Page 5-69. Given the 106th Street bridge work the City of Bloomington is looking at moving the 106th Street project forward in order to minimize construction impacts to area residents and would like to coordinate with the bridge project.
- G10** EA Chapter 6. Page 6-18 – 6-19. Where the habitat for the Higgins Eye Pearly Mussel and the Snuffbox Mussel is listed as “Mississippi River”. Do you want to add “and tributaries” to include the Minnesota River?
- G11** EA Chapter 7. Page 7.3 Is the copy available at Bloomington City Hall or is it available at Bloomington Public Works, 1700 W. 98th Street?

Responses

- G1** Correction noted.
- G2** Section 3.4.2 of the EA/EAW describes intersection sight distance deficiencies at the I-35W/West 106th Street interchange.
- G3** Correction noted. The purpose and need statement in Chapter 3 of the EA/EAW was prepared while the Old Cedar Avenue Bridge was still under construction. It is understood that the Old Cedar Avenue Bridge construction is complete and that the facility is open for pedestrian and bicycle use.
- G4** It is understood that the Old Cedar Avenue Bridge is the nearest pedestrian/bicycle crossing of the Minnesota River east of I-35W. The last paragraph in Section 3.3.5 of the EA/EAW acknowledges that completion of the Old Cedar Avenue Bridge will reduce the distance between north-south trail crossings of the Minnesota River to eight miles.
- G5** Correction noted. The Old Cedar Avenue Bridge opened for pedestrian and bicycle use in fall 2016.
- G6** See Section 3.2.1 of this Findings document.
- G7** The retaining wall costs were not included with the trail costs in Table 4.6 of the EA/EAW. The trail costs in Table 4.6 of the EA/EAW included structures such as the switchback structure (Northeast Trail Option 1), the helix structure (Northeast Trail Option 2), or the separate bridge structure for pedestrian/bicycle uses (Northeast Trail Option 5).
- G8** The north-south detour route on the west side of I-35W (i.e., connection from Old Shakopee Road to West 106th Street) will be identified as part of the TMP development in consultation with the City of Bloomington.
- G9** MnDOT has elected to keep the City of Bloomington’s West 106th Street Project separate from the I-35W Over the Minnesota River Project. If it is decided to advance the West 106th Street Project prior to demobilization of the I-35W Over the Minnesota River Project, then a re-evaluation of the EA will be required.

- G10** Table 6. 4 of the EA/EAW lists the habitat for Federally-listed threatened, endangered, proposed, and candidate species in Dakota County and Hennepin County. The habitat for the Higgins eye pearl mussel and the snuffbox mussel for Dakota County and Hennepin County includes the Mississippi River. A survey for mussels in the Minnesota River at the I-35W Minnesota River Bridge was completed in 2017. No federally-listed mussel species were encountered.
- G11** A copy of the EA was distributed to Bloomington City Hall (1800 West Old Shakopee Road).

Comment Letter H: Richard Carter

Comment

- H1** So what's the solution? Simple: **Take the initial stimulus out of the behavior by taking the descending and ascension grades out of the design of the new bridge.** Keep the entire bridge structure level from about 106th street on the north end of the valley to at least Burnsville Parkway on the south end.

This was accomplished for both the Cedar Avenue and the Highway 169 bridges. The spans of those structures maintain a greater percentage of the height of the roadway as it departs from the surrounding tops of the valleys. This 'leveling' of the roadway maintains uniformity of traffic movement and reduces apprehension for all drivers using those roadways. This equates to GREATER SAFETY for everyone on that stretch of the highway and its approaches.

Response

- H1** The distance from West 106th Street in Bloomington to Burnsville Parkway in Burnsville is over 15,000 feet (nearly three miles). For comparison, the US 2 Richard I. Bong Memorial Bridge between Duluth and Superior, Wisconsin is the longest bridge in Minnesota, measuring approximately 8,320 feet long. The two Minnesota River crossings parallel to the I-35W Minnesota River Bridge are nearly one mile long. The US 169 Bloomington Ferry Bridge is approximately 5,850 feet long, whereas the TH 77 Cedar Avenue Bridge is approximately 5,200 feet long.

The elevation of I-35W at West 106th Street is approximately 827 feet above sea-level, and the elevation of I-35W at Burnsville Parkway is approximately 890 feet. The normal pool elevation for the Minnesota River at I-35W is 687.4 feet. Therefore, a level bridge span from West 106th Street to Burnsville Parkway would be approximately 150 feet above the Minnesota River. For comparison, the existing I-35W Bridge and TH 77 Cedar Avenue Bridge are approximately 55 feet above the Minnesota River, whereas the US 169 Bloomington Avenue Bridge is 43 feet above the Minnesota River. The US 169 Bloomington Avenue Bridge is 43 feet above the Minnesota River. The US 2 Bong Bridge rises 120 feet over St. Louis Bay. The US 53 Bridge south of the City of Virginia is the tallest bridge in Minnesota, measuring more than 190 feet above the Rouchleau Pit water level.

A level bridge structure that would span from West 106th Street to Burnsville Parkway would not be feasible as summarized below.

- A 15,000-foot long bridge that would be approximately 150 feet above the Minnesota River would substantially increase project costs and exceed the available funding for the project.
- Interchanges are located along I-35W at Black Dog Road and Cliff Road. These interchanges would need to be reconstructed to maintain access and make the ramp connections to the I-35W bridge deck, impacting adjacent commercial and industrial properties, the Freeway Landfill, and the Minnesota Valley National Wildlife Refuge.
- The I-35W/TH 13 interchange is a cloverleaf interchange that provides for free-flow movements between I-35W and TH 13. TH 13 currently passes over I-35W. An I-35W bridge that passes over TH 13 would require reconstructing the existing interchange to maintain the ramp connections between I-35W and TH 13, impacting adjacent commercial and industrial properties.
- There is approximately 2,200 feet between the Black Dog Road and Cliff Road interchanges, and approximately 1,800 feet between the Cliff Road and TH 13 interchanges. It would not be feasible to construct interchange ramps to an elevated I-35W bridge structure at these locations and maintain this spacing. Reducing the spacing between interchanges would impact traffic operations on I-35W.

Public Hearing Comment Form: Marie Ozame

Comment

- I1** Big thing is would like updated timelines once construction starts so we know when our street and neighborhood will be effected.

Response

- I1** Updated timelines for construction activities will be published on the MnDOT project webpage, including closures and detour routes. Notifications will be distributed to local media outlets, as well as through other standard construction practices (e.g., highway signs, dynamic message boards). Residents may also sign up for project email updates through the MnDOT project webpage at <http://www.dot.state.mn.us/metro/projects/i35wbloomington/index.html>.

Appendix B2 – Other Comments Received



Metro District
1500 W. County Rd. B2
Roseville, MN 55113-3174

(3M) solid investment (4)
A route with railings

Comment Card

I-35W Over the Minnesota River Environmental Assessment

Your feedback is important. The Environmental Assessment document for the I-35W Over the Minnesota River Project describes the purpose and need of the project and the anticipated social, economic, and environmental impacts of the proposed action. Please write your comments below and leave this sheet in the comment box today, send in U.S. mail, or provide electronically via email. Written comments will become part of the project record. Comments on the Environmental Assessment document will be accepted until Thursday, January 25 and may be sent to:

U.S. Mail: Minnesota Department of Transportation
Attn: Rick Dalton, Environmental Coordinator
1500 County Road B2 West, Roseville, MN 55113

* Railings - option 2

Email: richard.dalton@state.mn.us

Name: Sandra Ahaus Email: Sandraahaus@gmail.com
Address: 10548 Penn Ave So

We welcome your comments:

Option A for

BRIDGE TRAIL

is preferable

Why?

1. would have to bike down + up

Lyndale hill

2. Transportation Bikers would

rather not do extra hill

3.) parking at end of Lyndale is

more for mountain Bikes -

they are dirt biking and not

bridge biking

An equal opportunity employer

4.) Recreational Biker (ME)
would rather have option A.

* Raining - option 5

15MB 2016/05/16 20:00

10248 km ANR 20
2016/05/16 20:00

Option A for

BRIDGE TRAIL

is preferable

Why?

- 1. Would have to drive down + up
- 2. Transfer of bikes would be a hassle
- 3. Getting at end of bridge is better not to do extra bit
- 4. More for mountain bikers
- 5. They are bit tired and not



Metro District
1500 W. County Rd. B2
Roseville, MN 55113-3174

Comment Card

I-35W Over the Minnesota River Environmental Assessment

Your feedback is important. The Environmental Assessment document for the I-35W Over the Minnesota River Project describes the purpose and need of the project and the anticipated social, economic, and environmental impacts of the proposed action. Please write your comments below and leave this sheet in the comment box today, send in U.S. mail, or provide electronically via email. Written comments will become part of the project record. Comments on the Environmental Assessment document will be accepted until **Thursday, January 25** and may be sent to:

U.S. Mail: Minnesota Department of Transportation
Attn: Rick Dalton, Environmental Coordinator
1500 County Road B2 West, Roseville, MN 55113

Email: richard.dalton@state.mn.us

Name: John Ahaus **Email:** Toomonicanoes@aol.com
Address: 10548 Penn Coon Rapids - MN

We welcome your comments:

I want option A for trail on
bridge
and
option B for railings.

An equal opportunity employer

Appendix B3 – Public Hearing Transcript and Responses

I-35W MINNESOTA RIVER BRIDGE

PUBLIC COMMENTS SESSION
1/11/2018

1

MINNESOTA DEPARTMENT OF TRANSPORTATION

Re: I-35W Minnesota River Bridge in
Burnsville and Bloomington

CERTIFIED

* * * * *

PUBLIC COMMENTS SESSION

TAKEN ON THE 11TH DAY OF JANUARY, 2018

AT OAK GROVE MIDDLE SCHOOL

BLOOMINGTON, MINNESOTA

4:30 P.M.

* * * * *

Taken before Cheryl M. Lippman, RPR

www.nwcourtreporters.com

nwcr@nwcourtreporters.com

1-800-628-7551

Northwestern Court Reporters
1-800-628-7551

1 MR. CRAMPTON: My name is John Crampton, and
2 I live at 1401 West 102nd Street.

3 And I favor -- for the bike -- for the bike
4 connection across the bridge, I favor the west
5 side option rather than the preferred east side
6 option. And the reason I prefer the west side
7 option is that I think it's -- it will be good to
8 bring the bikers all to the point where Lyndale
9 Avenue and -- and the state trail and the
10 existing mountain bike trail all take off; it
11 would be a -- a good thing. And -- and for
12 commuters, it's not any more work than what they
13 would presently be doing, and I think it would be
14 a good thing.

15 One of the things that -- that your present
16 plan just assumes is that all the commuters are
17 gonna be going north and south, you know, that
18 nobody's gonna be going east and west, but I can
19 see a lot of application -- for example, for
20 people who work at the Mall of America, it would
21 be much preferable to go across -- and live in
22 Burnsville, it would be much preferable to go
23 across the bridge and then take the state trail
24 along the river and then cut up at the old
25 Cedar Bridge or the Cedar Bridge area. So it --

Public Hearing Transcript (Page 3 of 5)

I-35W MINNESOTA RIVER BRIDGE

PUBLIC COMMENTS SESSION
1/11/2018

3

1 it -- you need to tie into the existing and
2 proposed trails rather than creating something
3 that just exists in and of itself, so that's my
4 cut.

5 And if you want to give me a call or e-mail
6 me, I'd appreciate it. I can elaborate on this a
7 lot more. I represent a group of people that
8 have been proposing the state trail and been
9 advocating the state trail for the past ten
10 years, and that is a thing that was funded by the
11 2014 legislature, so it's not a -- it's not a
12 pipe dream, it's something that will get built
13 starting this summer.

14 * * * * *

15 MR. FREUND: Peter Freund, 5700 West 99th
16 Street in Bloomington.

17 Okay. The comment is if you're not
18 improving the driver's experience going down this
19 new road from the old road, why are you doing it?

20 * * * * *

21 (The public comments session concluded at
22 approximately 6:30 p.m.)

23

24

25

Northwestern Court Reporters
1-800-628-7551

J1

Public Hearing Transcript (Page 4 of 5)

I-35W MINNESOTA RIVER BRIDGE

PUBLIC COMMENTS SESSION
1/11/2018

4

1 STATE OF MINNESOTA)
) ss.
2 COUNTY OF WASHINGTON)

3 Be it known that I took the public comments in
4 the above-entitled matter on the 11th day of January, 2018,
5 at Bloomington, Minnesota;

6 that I was then and there a Notary Public in
7 and for the County of Washington, State of Minnesota, and
8 that by virtue thereof I was authorized to administer
9 an oath;

10 that the public comments of above-named
11 individuals was recorded in stenotypy by myself and reduced
12 to print by means of Computer-Assisted Transcription under
13 my direction, and that it is a true record of said public
14 comments to the best of my ability;

15 that I am not related to any of the parties
16 hereto nor interested in the outcome of the matter.

17 Dated this 15th day of January, 2018.

18 
19 _____
20 Cheryl M. Lippman, RPR
21 Notary Public,
22 Washington County, Minnesota
23 My commission expires 1-31-2018
24
25

Northwestern Court Reporters
1-800-628-7551

Public Hearing Transcript (Page 5 of 5)

I-35W MINNESOTA RIVER BRIDGE

PUBLIC COMMENTS SESSION
1/11/2018

5

A	2:12,16 ability 4:14 above-enti... 4:4 above-na... 4:10 administer 4:8 advocating 3:9 America 2:20 application 2:19 appreciate 3:6 approxim... 3:22 area 2:25 assumes 2:16 authorized 4:8 Avenue 2:9	Computer... 4:12 concluded 3:21 connection 2:4 County 4:2 4:7,20 Crampton 2:1,1 creating 3:2 cut 2:24 3:4	good 2:7,11 2:14 group 3:7 GROVE 1:13	nobody's 2:18 north 2:17 Notary 4:6 4:19 nwer@nw... 1:24	related 4:15 represent 3:7 river 1:3 2:24 road 3:19,19 RPR 1:22 4:19	want 3:5 Washington 4:2,7,20 west 2:2,4,6 2:18 3:15 work 2:12 2:20 www.nwc... 1:23
B	best 4:14 bike 2:3,3 2:10 bikers 2:8 Bloomingt... 1:4,14 3:16 4:5 bridge 1:3 2:4,23,25 2:25 bring 2:8 built 3:12 Burnsville 1:4 2:22	D Dated 4:17 day 1:12 4:4 4:17 DEPART... 1:1 direction 4:13 doing 2:13 3:19 dream 3:12 driver's 3:18	H hereto 4:16	O OAK 1:13 oath 4:9 Okay 3:17 old 2:24 3:19 option 2:5,6 2:7 outcome 4:16	S SCHOOL 1:13 see 2:19 session 1:11 3:21 side 2:5,5,6 south 2:17 ss 4:1 starting 3:13 state 2:9,23 3:8,9 4:1,7 stenotypy 4:11 Street 2:2 3:16 summer 3:13	X Y years 3:10 Z 0 1 1-31-2018 4:20 1-800-628-... 1:25 102nd 2:2 11th 1:12 4:4 1401 2:2 15th 4:17
C	e-mail 3:5 east 2:5,18 elaborate 3:6 example 2:19 existing 2:10 3:1 exists 3:3 experience 3:18 expires 4:20	J January 1:12 4:4 4:17 John 2:1	I I-35W 1:3 improving 3:18 individuals 4:11 interested 4:16	P p.m 1:15 3:22 parties 4:15 people 2:20 3:7 Peter 3:15 pipe 3:12 plan 2:16 point 2:8 prefer 2:6 preferable 2:21,22 preferred 2:5 present 2:15 presently 2:13 print 4:12 proposed 3:2 proposing 3:8 public 1:11 3:21 4:3,6 4:10,13,19	2 2014 3:11 2018 1:12 4:4,17 3 4 4:30 1:15 5 5700 3:15 6 6:30 3:22 7 8 9 99th 3:15	
F	E favor 2:3,4 Freund 3:15 3:15 funded 3:10	K know 2:17 known 4:3	L legislature 3:11 Lippman 1:22 4:19 live 2:2,21 lot 2:19 3:7 Lyndale 2:8	Q	T take 2:10,23 Taken 1:12 1:22 ten 3:9 thereof 4:8 thing 2:11 2:14 3:10 things 2:15 think 2:7,13 tie 3:1 trail 2:9,10 2:23 3:8,9 trails 3:2 Transcrip... 4:12 TRANSP... 1:1 true 4:13	
G	M M 1:22 4:19 Mall 2:20 matter 4:4 4:16 means 4:12 MIDDLE 1:13 Minnesota 1:1,3,14 4:1,5,7,20 mountain 2:10	N name 2:1 need 3:1 new 3:19	R reason 2:6 record 4:13 recorded 4:11 reduced 4:11	U	V virtue 4:8	
H	G give 3:5 go 2:21,22 going 2:17 2:18 3:18 gonna 2:17 2:18			W		

Northwestern Court Reporters
1-800-628-7551

Oral Statement (Peter Freund)

Comments

- J1** The comment is if you're not improving the drivers experience going down this new road from the old road, why are you doing it?

Responses

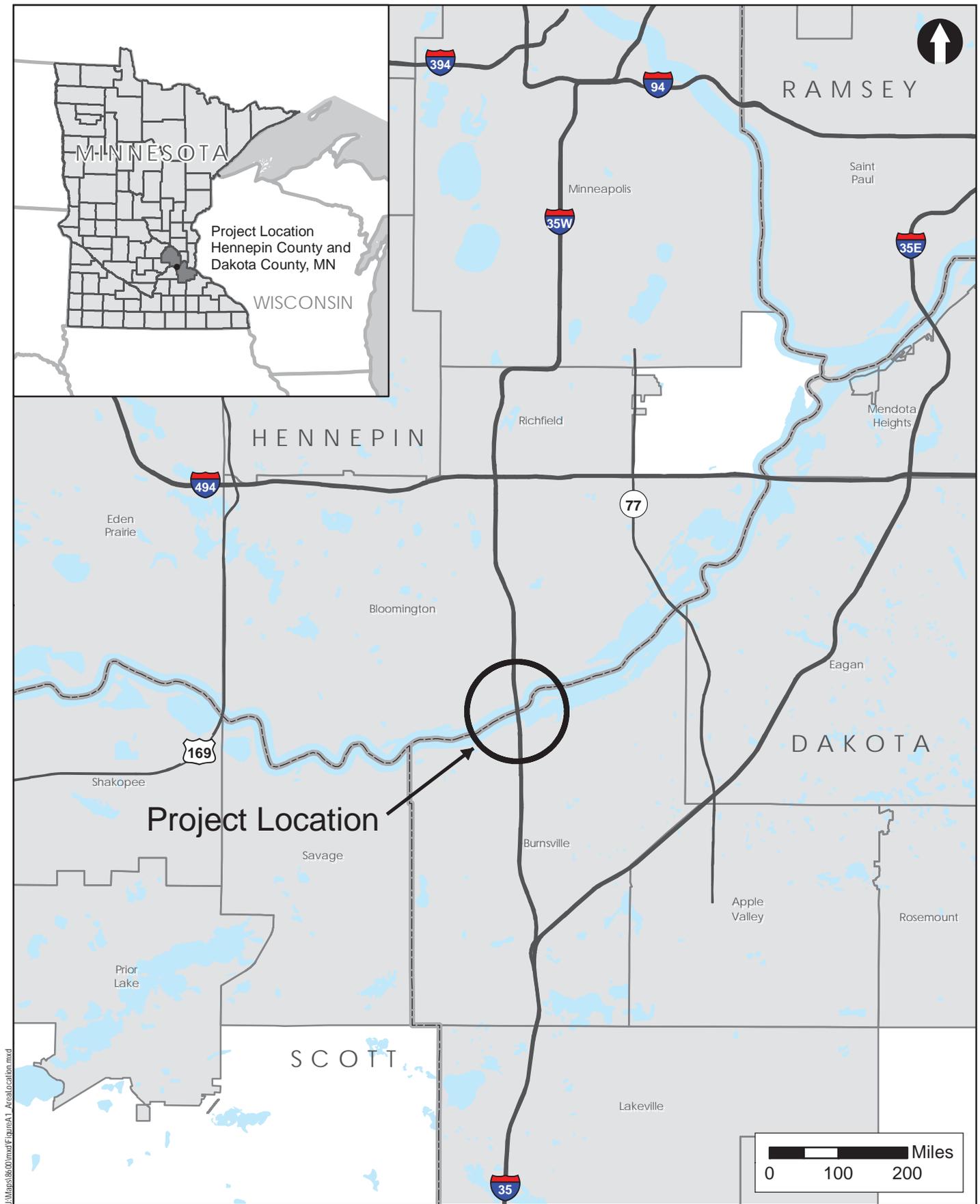
- J1** Chapter 3 of the EA/EAW describes the purpose and need for the project. The primary purpose of the project is to provide a structurally sound bridge crossing of the Minnesota River in the I-35W corridor between the cities of Burnsville and Bloomington, Minnesota. In addition, the project needs to provide a structurally sound crossing of West 106th Street, maintain traffic to the maximum extent possible during construction, not preclude additional capacity on the I-35W Minnesota River Bridge in the future, address traffic operations and safety needs on northbound I-35W, and accommodate nonmotorized connections across the Minnesota River.

APPENDIX C – Figures

Area Location Map

Project Location Map

Project Layout Figures



Area Location

I-35W over the Minnesota River
 SP 1981-124
 MnDOT

Figure 1



Project Location

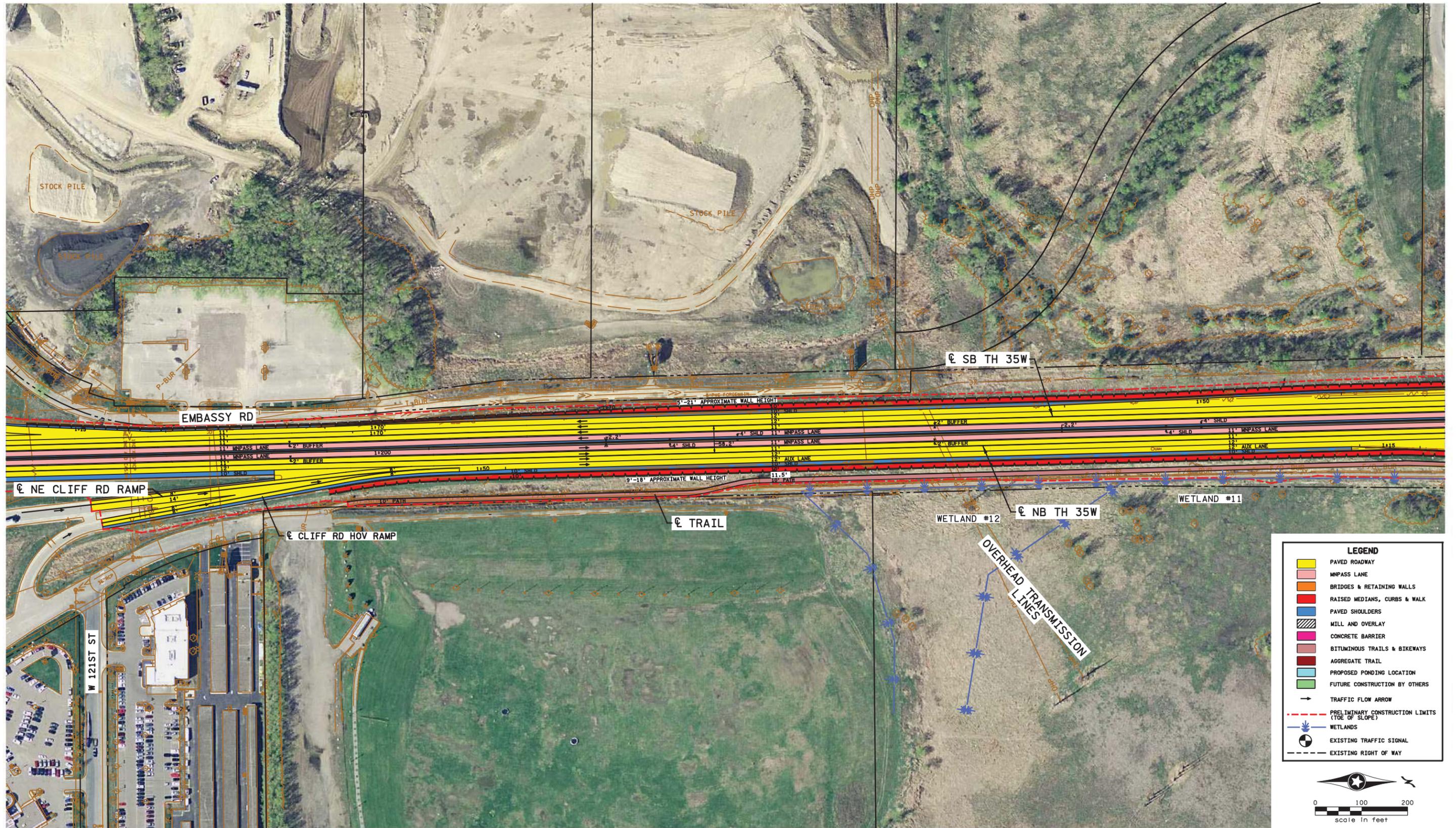
I-35W over the Minnesota River
 SP 1981-124
 MnDOT

Figure 2



SRE I-35W Bridge Replacement over the Minnesota River (Project Layout)

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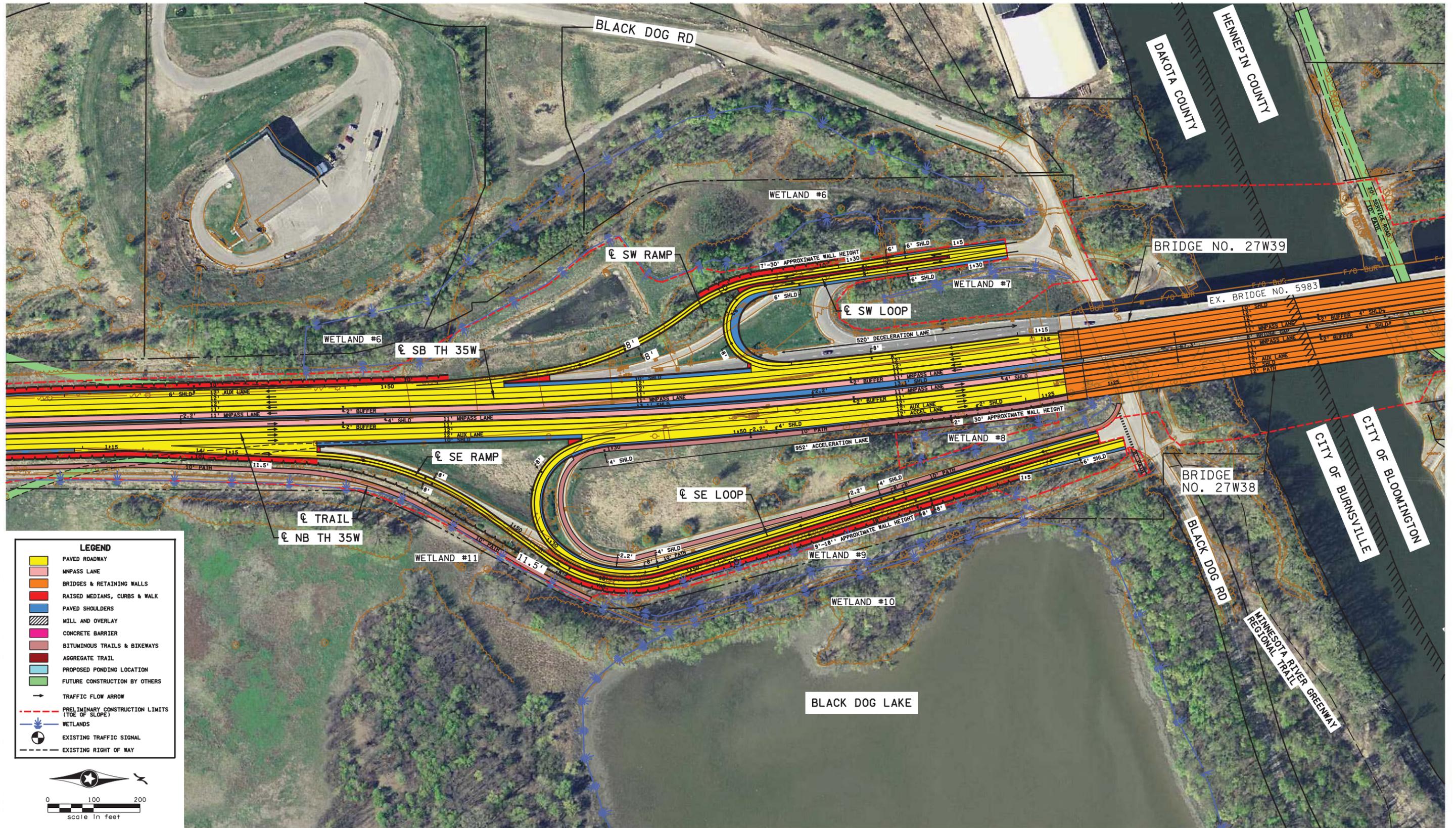
I-35W Bridge Replacement over the Minnesota River (Project Layout)

Minnesota Department of Transportation
SP 1981-124

8600
4/10/2017

Figure 4

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I-35W Bridge Replacement over the Minnesota River (Project Layout)

Minnesota Department of Transportation
SP 1981-124

8600
1/25/2018

Figure 5

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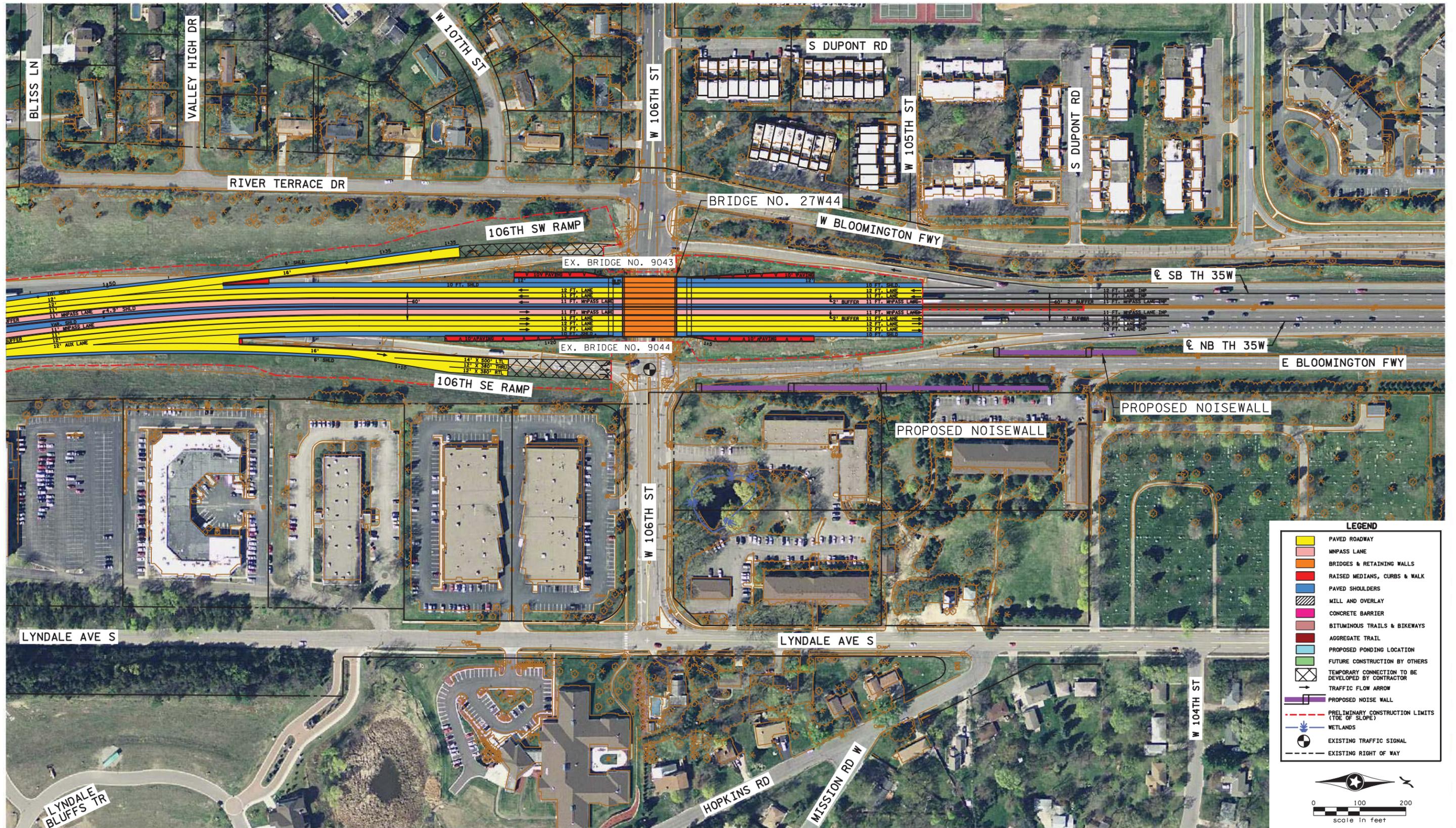
LEGEND

- PAVED ROADWAY
- MNPASS LANE
- BRIDGES & RETAINING WALLS
- RAISED MEDIANS, CURBS & WALK
- PAVED SHOULDERS
- MILL AND OVERLAY
- CONCRETE BARRIER
- BITUMINOUS TRAILS & BIKEWAYS
- AGGREGATE TRAIL
- PROPOSED PONDING LOCATION
- FUTURE CONSTRUCTION BY OTHERS
- TRAFFIC FLOW ARROW
- PRELIMINARY CONSTRUCTION LIMITS (TOE OF SLOPE)
- WETLANDS
- EXISTING TRAFFIC SIGNAL
- EXISTING RIGHT OF WAY

0 100 200
scale in feet



H:\Projects\8600\CAD_BIM\Graphics\Environmental\8600_Environmental_gr05.dgn



I-35W Bridge Replacement over the Minnesota River (Project Layout)

Minnesota Department of Transportation
SP 1981-124

8600
3/1/2018

Figure 7

APPENDIX D – Recent Project Correspondence

USFWS Correspondence and IPaC Record (March 16, 2018)

USFWS Correspondence (March 23, 2018)

Exhibit D1. USFWS Correspondence and IPaC Record (Page 1 of 19) (March 16, 2018)



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Minnesota-Wisconsin Ecological Services Field Office
4101 American Blvd E
Bloomington, MN 55425-1665
Phone: (952) 252-0092 Fax: (952) 646-2873



<http://www.fws.gov/midwest/Endangered/section7/s7process/step1.html>

IPaC Record Locator: 090-11634574

March 16, 2018

Subject: Consistency letter for the 'MnDOT 35W Bridge Replacement Project (S.P. 1981-124)' project (TAILS 03E19000-2018-R-0450) under the revised February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat.

To whom it may concern:

The U.S. Fish and Wildlife Service (Service) has received your request dated to verify that the **MnDOT 35W Bridge Replacement Project (S.P. 1981-124)** (Proposed Action) may rely on the revised February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat (PBO) to satisfy requirements under Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*).

Based on the information you provided (Project Description shown below), you have determined that the Proposed Action is within the scope and adheres to the criteria of the PBO, including the adoption of applicable avoidance and minimization measures, and may affect, and is likely to adversely affect the endangered Indiana bat (*Myotis sodalis*) and/or the threatened Northern long-eared bat (*Myotis septentrionalis*). Consultation with the Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) is required.

This "may affect - likely to adversely affect" determination becomes effective when the lead Federal action agency or designated non-federal representative uses it to ask the Service to rely on the PBO to satisfy the agency's consultation requirements for this project. Please provide this consistency letter to the lead Federal action agency or its designated non-federal representative with a request for its review, and as the agency deems appropriate, transmittal to this Service Office for verification that the project is consistent with the PBO.

Exhibit D1. USFWS Correspondence and IPaC Record (Page 2 of 19) (March 16, 2018)

03/16/2018

IPaC Record Locator: 090-11634574

2

This Service Office will respond by letter to the requesting Federal action agency or designated non-federal representative within 30 calendar days to:

- verify that the Proposed Action is consistent with the scope of actions covered under the PBO;
- verify that all applicable avoidance, minimization, and compensation measures are included in the action proposal;
- identify any action-specific monitoring and reporting requirements, consistent with the monitoring and reporting requirements of the PBO, and
- identify anticipated incidental take.

ESA Section 7 compliance for this Proposed Action is not complete until the Federal action agency or its designated non-federal representative receives a verification letter from the Service.

For Proposed Actions that include bridge/structure removal, replacement, and/or maintenance activities: If your initial bridge/structure assessments failed to detect Indiana bats, but you later detect bats during construction, please submit the Post Assessment Discovery of Bats at Bridge/Structure Form (User Guide Appendix E) to this Service Office. In these instances, potential incidental take of Indiana bats may be exempted provided that the take is reported to the Service.

If the Proposed Action may affect any other federally-listed or proposed species and/or designated critical habitat, additional consultation between the lead Federal action agency and this Service Office is required. If the proposed action has the potential to take bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act may also be required. In either of these circumstances, please advise the lead Federal action agency for the Proposed Action accordingly.

The following species may occur in your project area and **are not** covered by this determination:

- Higgins Eye (pearlymussel), *Lampsilis higginsii* (Endangered)
- Prairie Bush-clover, *Lespedeza leptostachya* (Threatened)

Exhibit D1. USFWS Correspondence and IPaC Record (Page 3 of 19) (March 16, 2018)

03/16/2018

IPaC Record Locator: 090-11634574

3

Project Description

The following project name and description was collected in IPaC as part of the endangered species review process.

Name

MnDOT 35W Bridge Replacement Project (S.P. 1981-124)

Description

Exhibit D1. USFWS Correspondence and IPaC Record (Page 4 of 19) (March 16, 2018)

03/16/2018

IPaC Record Locator: 090-11634574

4

The proposed project is described below.

Reconstruct the northbound and southbound I-35W Bridges over the Minnesota River. The new I-35W Minnesota River Bridges will be constructed approximately 30 feet to the east of the existing bridges. The new I-35W Minnesota River Bridges will be steel girder-type bridges. The northbound bridge will include a multiuse trail along the east side of the bridge;

Reconstruct I-35W from the I-35W bridges over Cliff Road in Burnsville to the 106th Street Bridge over I-35W in Bloomington. The roadway grade south of the Minnesota River will be raised by approximately seven feet compared to the existing roadway elevation. Retaining walls ranging in height from approximately five feet tall to 20 feet tall will be constructed along both the east and west sides of I-35W;

Construct a new northbound I-35W lane to the outside of the roadway from the Cliff Road interchange in Burnsville to the existing truck climbing lane located along the Minnesota River bluff south of the 106th Street interchange in Bloomington;

Reconstruct the I-35W/Black Dog Road interchange ramps and loops. Retaining walls ranging in height from approximately seven feet tall to 30 feet tall will be constructed along the southeast and southwest interchange ramps;

Reconstruct the existing City of Burnsville Trail along the east side of I-35W from Cliff Road to the I 35W/Black Dog Road interchange;

Construct a stormwater pond and filtration basin located between I-35W and Lyndale Avenue to the south of existing business office/commercial development;

Construct new multi-use trail within the southeast quadrant of the I-35W/Black Dog Road interchange. This trail will connect the northbound I-35W Minnesota River Bridge and Black Dog Road. A trail crossing and connection will be constructed along the south side of Black Dog Road to provide connectivity for nonmotorized users to the Big Rivers Regional Trail – Black Dog Segment;

Construct a new multi-use trail along the east side of I-35W between the northbound I-35W Minnesota River Bridge and Lyndale Avenue. A retaining wall ranging in height from approximately 15 feet tall to 40 feet tall will be constructed along the south side of the trail as it curves to the east, away from I-35W, and connects into Lyndale Avenue near the bluffline.

Determination Key Result

Based on your answers provided, this project is likely to adversely affect the endangered Indiana bat and/or the threatened Northern long-eared bat. Therefore, consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended 16 U.S.C. 1531 *et seq.*) is required. However, also based on your answers provided, this project may rely on the conclusion and Incidental Take Statement provided in the revised February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat.

Qualification Interview

1. Is the project within the range of the Indiana bat^[1]?

[1] See [Indiana bat species profile](#)

Automatically answered

No

2. Is the project within the range of the Northern long-eared bat^[1]?

[1] See [Northern long-eared bat species profile](#)

Automatically answered

Yes

3. Which Federal Agency is the lead for the action?

A) Federal Highway Administration (FHWA)

4. Are *all* project activities limited to non-construction^[1] activities only? (examples of non-construction activities include: bridge/abandoned structure assessments, surveys, planning and technical studies, property inspections, and property sales)

[1] Construction refers to activities involving ground disturbance, percussive noise, and/or lighting.

No

5. Does the project include *any* activities that are **greater than** 300 feet from existing road/rail surfaces^[1]?

[1] Road surface is defined as the actively used [e.g. motorized vehicles] driving surface and shoulders [may be pavement, gravel, etc.] and rail surface is defined as the edge of the actively used rail ballast.

No

Exhibit D1. USFWS Correspondence and IPaC Record (Page 6 of 19) (March 16, 2018)

03/16/2018

IPaC Record Locator: 090-11634574

6

6. Does the project include *any* activities **within** 0.5 miles of an Indiana bat and/or NLEB hibernaculum^[1]?

[1] For the purpose of this consultation, a hibernaculum is a site, most often a cave or mine, where bats hibernate during the winter (see suitable habitat), but could also include bridges and structures if bats are found to be hibernating there during the winter.

No

7. Is the project located **within** a karst area?

Yes

8. Will the project include *any* type of activity that could impact a **known** hibernaculum^[1], or impact a karst feature (e.g., sinkhole, losing stream, or spring) that could result in effects to a **known** hibernaculum?

[1] For the purpose of this consultation, a hibernaculum is a site, most often a cave or mine, where bats hibernate during the winter (see suitable habitat), but could also include bridges and structures if bats are found to be hibernating there during the winter.

No

9. Is there *any* suitable^[1] summer habitat for Indiana Bat or NLEB **within** the project action area^[2]? (includes any trees suitable for maternity, roosting, foraging, or travelling habitat)

[1] See the Service's [summer survey guidance](#) for our current definitions of suitable habitat.

[2] The action area is defined as all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action (50 CFR Section 402.02). Further clarification is provided by the [national consultation FAQs](#).

Yes

10. Will the project remove *any* suitable summer habitat^[1] and/or remove/trim any existing trees **within** suitable summer habitat?

[1] See the Service's [summer survey guidance](#) for our current definitions of suitable habitat.

Yes

11. Will the project clear more than 20 acres of suitable habitat per 5-mile section of road/rail?

No

Exhibit D1. USFWS Correspondence and IPaC Record (Page 7 of 19) (March 16, 2018)

03/16/2018

IPaC Record Locator: 090-11634574

7

12. Have presence/probable absence (P/A) summer surveys^{[1][2]} been conducted^{[3][4]} **within** the suitable habitat located within your project action area?

[1] See the Service's [summer survey guidance](#) for our current definitions of suitable habitat.

[2] Presence/probable absence summer surveys conducted within the fall swarming/spring emergence home range of a documented Indiana bat hibernaculum (contact local Service Field Office for appropriate distance from hibernacula) that result in a negative finding requires additional consultation with the local Service Field Office to determine if clearing of forested habitat is appropriate and/or if seasonal clearing restrictions are needed to avoid and minimize potential adverse effects on fall swarming and spring emerging Indiana bats.

[3] For projects within the range of either the Indiana bat or NLEB in which suitable habitat is present, and no bat surveys have been conducted, the transportation agency will assume presence of the appropriate species. This assumption of presence should be based upon the presence of suitable habitat and the capability of bats to occupy it because of their mobility.

[4] Negative presence/probable absence survey results obtained using the [summer survey guidance](#) are valid for a minimum of two years from the completion of the survey unless new information (e.g., other nearby surveys) suggest otherwise.

No

13. Does the project include activities **within documented NLEB habitat**^{[1][2]}?

[1] Documented roosting or foraging habitat – for the purposes of this consultation, we are considering documented habitat as that where Indiana bats and/or NLEB have actually been captured and tracked using (1) radio telemetry to roosts; (2) radio telemetry triangulation/triangulation to estimate foraging areas; or (3) foraging areas with repeated use documented using acoustics. Documented roosting habitat is also considered as suitable summer habitat within 0.25 miles of documented roosts.)

[2] For the purposes of this key, we are considering documented corridors as that where Indiana bats and/or NLEB have actually been captured and tracked to using (1) radio telemetry; or (2) treed corridors located directly between documented roosting and foraging habitat.

No

14. Will the removal or trimming of habitat or trees occur **within** suitable but **undocumented NLEB** roosting/foraging habitat or travel corridors?

Yes

15. What time of year will the removal or trimming of habitat or trees **within** suitable but **undocumented NLEB** roosting/foraging habitat or travel corridors occur?

C) During both the active and inactive seasons

Exhibit D1. USFWS Correspondence and IPaC Record (Page 8 of 19) (March 16, 2018)

03/16/2018

IPaC Record Locator: 090-11634574

8

16. Will *any* tree trimming or removal occur **within** 100 feet of existing road/rail surfaces?

Yes

17. Will **more than** 10 trees be removed **between** 0-100 feet of the road/rail surface *during* the active season^[1]?

[1] Areas containing more than 10 trees will be assessed by the local Service Field Office on a case-by-case basis with the project proponent.

Yes

18. Will the tree removal alter *any* **documented** Indiana bat or NLEB roosts and/or alter any surrounding summer habitat **within** 0.25 mile of a documented roost?

No

19. Will *any* tree trimming or removal occur **between** 100-300 feet of existing road/rail surfaces?

Yes

20. Are *all* trees that are being removed clearly demarcated?

Yes

21. Will the removal of habitat or the removal/trimming of trees involve the use of **temporary** lighting?

No

22. Will the removal of habitat or the removal/trimming of trees include installing new or replacing existing **permanent** lighting?

No

23. Does the project include maintenance of the surrounding landscape at existing facilities (e.g., rest areas, stormwater detention basins)?

No

24. Does the project include wetland or stream protection activities associated with compensatory wetland mitigation?

No

25. Does the project include slash pile burning?

No

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26. Does the project include *any* bridge removal, replacement, and/or maintenance activities (e.g., any bridge repair, retrofit, maintenance, and/or rehabilitation work)?

Yes

27. Is there *any* suitable habitat^[1] for Indiana bat or NLEB **within** 1,000 feet of the bridge? (includes any trees suitable for maternity, roosting, foraging, or travelling habitat)

[1] See the Service's current [summer survey guidance](#) for our current definitions of suitable habitat.

Yes

28. Has a bridge assessment^[1] been conducted **within** the last 24 months^[2] to determine if the bridge is being used by bats?

[1] See [User Guide Appendix D](#) for bridge/structure assessment guidance

[2] Assessments must be completed no more than 2 years prior to conducting any work below the deck surface on all bridges that meet the physical characteristics described in the Programmatic Consultation, regardless of whether assessments have been conducted in the past. Due to the transitory nature of bat use, a negative result in one year does not guarantee that bats will not use that bridge/structure in subsequent years.

Yes

SUBMITTED DOCUMENTS

- [1981-124_ESASection_7-Notice_of_Determination.pdf https://ecos.fws.gov/ipac/project/5LXHMP2AA5H2BHV3EUXRH7MZDE/projectDocuments/11300138](https://ecos.fws.gov/ipac/project/5LXHMP2AA5H2BHV3EUXRH7MZDE/projectDocuments/11300138)

29. Did the bridge assessment detect *any* signs of bats roosting in/under the bridge (bats, guano, etc.)?

Note: There is a small chance bridge assessments for bat occupancy do not detect bats. Should a small number of bats be observed roosting on a bridge just prior to or during construction, such that take is likely to occur or does occur in the form of harassment, injury or death, the PBO requires the action agency to report the take. Report all unanticipated take within 2 working days of the incident to the USFWS. Construction activities may continue without delay provided the take is reported to the USFWS and is limited to 5 bats per project.

Yes

30. Did the bridge assessment indicate that a maternity colony of bats (e.g., more than 5 bats^[1]) may be present?

[1] This number is far lower than the typical maternity colony size (see BA for more information).

No

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31. Will *any* bridge removal, replacement, and/or maintenance activities be done *outside* of the Indiana bat and/or NLEB active season? (i.e., will bridge activities be done *during* the winter hibernation period^[1])

[1] Coordinate with the local Service Field Office for appropriate dates.

Yes

32. Will *any* bridge removal, replacement, and/or maintenance activities be done *during* the Indiana bat and/or NLEB active season? (i.e., will bridge activities be done during the spring, summer, and/or fall^[1])

[1] Coordinate with the local Service Field Office for appropriate dates.

Yes

33. Does the project include *any* bridge repair, retrofit, maintenance, and/or rehabilitation activities above deck *during* the Indiana bat and/or NLEB active season?

Yes

34. Do the above deck bridge activities *during* the Indiana bat and/or NLEB active season include using construction equipment or materials that would extend to the underside of the deck where bats may be located (e.g., materials that may drip down to the underside of deck)

Yes

35. *During* the Indiana bat and/or NLEB active season, will the above deck bridge activities that use construction equipment or materials that extend to the underside of the deck where bats may be located be limited to the period starting 1 hour after sunset to 1 hour before daylight, excluding the period from 10 PM to midnight? (i.e., in the evening while the bats are feeding)

No

36. Will *any* bridge removal, replacement, and/or maintenance activities disturb or harass roosting bats in any way *outside* of the Indiana bat and/or NLEB active season?

No

37. Will the bridge removal, replacement, and/or maintenance activities maintain suitable bat roosting habitat? (note: suitable roosting sites may be incorporated into the design of a replacement bridge)

Yes

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38. Will the bridge removal, replacement, and/or maintenance activities involve the use of **temporary** lighting?
Yes
39. Will the bridge removal, replacement, and/or maintenance activities include installing new or replacing existing **permanent** lighting?
Yes
40. Does the project include the removal, replacement, and/or maintenance of *any* structure other than a bridge? (e.g., rest areas, offices, sheds, outbuildings, barns, parking garages, etc.)
No
41. Will the project involve the use of *any* **temporary** lighting in addition to the lighting already indicated for habitat removal (including the removal or trimming of trees), or bridge/structure removal, replacement or maintenance activities?
No
42. Will the project install *any* new or replace any existing **permanent** lighting in addition to the lighting already indicated for habitat removal (including the removal or trimming of trees) or bridge/structure removal, replacement or maintenance activities?
Yes
43. Is there *any* suitable habitat **within** 1,000 feet of the location(s) where **permanent** lighting (other than the lighting already indicated for habitat removal (including the removal or trimming of trees) or bridge/structure removal, replacement or maintenance activities) will be installed or replaced?
Yes
44. Does the project include percussives or other activities (**not including tree removal/trimming or bridge/structure work**) that will increase noise levels above existing traffic/background levels?
No
-

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45. Are *all* project activities that are **not associated with** habitat removal, tree removal/trimming, bridge or structure removal, replacement, and/or maintenance, lighting, or use of percussives, limited to actions that DO NOT cause any stressors to the bat species, including as described in the BA/BO (i.e. activities that do not involve ground disturbance, percussive noise, temporary or permanent lighting, tree removal/trimming, nor bridge/structure activities)?

Examples: lining roadways, unlighted signage, rail road crossing signals, signal lighting, and minor road repair such as asphalt fill of potholes, etc.

Yes

46. Will the project raise the road profile **above the tree canopy**?

No

47. Are the project activities that are not associated with habitat removal, tree removal/trimming, bridge removal, replacement, and/or maintenance, structure removal, replacement, and/or maintenance, and lighting, consistent with a No Effect determination in this key?

Automatically answered

Yes, other project activities are limited to actions that DO NOT cause any stressors to the bat species as described in the BA/BO

48. Is the habitat removal portion of this project consistent with a Likely to Adversely Affect determination in this key?

Automatically answered

Yes, because tree removal that occurs during the active season occurs within 100 feet from the existing road/rail surface, is not in documented NLEB roosting/foraging habitat or travel corridors, and a visual survey has not been conducted

49. Is the habitat removal portion of this project consistent with a Likely to Adversely Affect determination in this key?

Automatically answered

Yes, because tree removal that occurs during the active season is 100-300 feet from the existing road/rail surface and is not in documented NLEB roosting/foraging habitat or travel corridors

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50. Is the habitat removal portion of this project consistent with a Not Likely to Adversely Affect determination in this key?

Automatically answered

Yes, because the tree removal/trimming that occurs outside of the active season occurs greater than 0.5 miles from the nearest hibernaculum, is less than 100 feet from the existing road/rail surface, includes clear demarcation of the trees that are to be removed, and does not alter documented roosts and/or surrounding summer habitat within 0.25 miles of a documented roost

51. Is the habitat removal portion of this project consistent with a Likely to Adversely Affect determination in this key?

Automatically answered

Yes, because the tree removal that occurs during the winter is 100-300 feet from the existing road/rail surface, and is not in documented roosting/foraging habitat or travel corridors

52. Is the bridge removal, replacement, or maintenance activities portion of this project consistent with a Likely to Adversely Affect determination in this key?

Automatically answered

Yes, because there is not a colony of bats using the bridge, suitable roosting sites will be maintained, and it may result in disturbance or death to a small number of bats

53. Is the bridge removal, replacement, or maintenance activities portion of this project consistent with a Not Likely to Adversely Affect determination in this key?

Automatically answered

Yes, because the activities are not expected to disturb or harass roosting bats in any way and suitable roosting sites will be maintained

54. **General AMM 1**

Will the project ensure *all* operators, employees, and contractors working in areas of known or presumed bat habitat are aware of *all* FHWA/FRA/FTA (Transportation Agencies) environmental commitments, including all applicable Avoidance and Minimization Measures?

Yes

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55. Hibernacula AMM 1

Will the project ensure that on-site personnel will use best management practices^[1], secondary containment measures, or other standard spill prevention and countermeasures to avoid impacts to possible hibernacula?

[1] Coordinate with the appropriate Service Field Office on recommended best management practices for karst in your state.

Yes

56. Hibernacula AMM 1

Will the project ensure that, where practicable, a 300 foot buffer will be employed to separate fueling areas and other major containment risk activities from caves, sinkholes, losing streams, and springs in karst topography?

Yes

57. Tree Removal AMM 1

Can *all* phases/aspects of the project (e.g., temporary work areas, alignments) be modified, to the extent practicable, to avoid tree removal^[1] in excess of what is required to implement the project safely?

Note: Tree Removal AMM 1 is a minimization measure, the full implementation of which may not always be practicable. Projects may still be NLAA as long as Tree Removal AMMs 2, 3, and 4 are implemented and LAA as long as Tree Removal AMMs 3, 5, 6, and 7 are implemented.

[1] The word “trees” as used in the AMMs refers to trees that are suitable habitat for each species within their range. See the USFWS’ current summer survey guidance for our latest definitions of suitable habitat.

Yes

58. Tree Removal AMM 3

Can tree removal be limited to that specified in project plans and ensure that contractors understand clearing limits and how they are marked in the field (e.g., install bright colored flagging/fencing prior to any tree clearing to ensure contractors stay within clearing limits)?

Yes

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59. Lighting AMM 1

Will *all* **temporary** lighting used during the removal of suitable habitat and/or the removal/trimming of trees within suitable habitat be directed away from suitable habitat during the active season?

Yes

60. Bridge AMM 4

Can the project ensure suitable roosting habitat is maintained?

Note: Suitable roosting sites may be incorporated into the design of a new bridge.

Automatically answered

Yes

61. Lighting AMM 1

Will *all* **temporary** lighting used during bridge removal, replacement, and/or maintenance activities be directed away from suitable habitat during the active season?

Yes

62. Lighting AMM 2

Does the lead agency use the BUG (Backlight, Uplight, and Glare) system developed by the Illuminating Engineering Society^{[1][2]} to rate the amount of light emitted in unwanted directions?

[1] Refer to [Fundamentals of Lighting - BUG Ratings](#)

[2] Refer to [The BUG System—A New Way To Control Stray Light](#)

Yes

63. Lighting AMM 2

Will the **permanent** lighting included in the bridge removal, replacement, and/or maintenance activities be designed to be as close to 0 for all three BUG ratings as possible, with a priority of "uplight" of 0 and "backlight" as low as practicable?

Yes

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64. **Lighting AMM 2**

Does the lead agency use the BUG (Backlight, Uplight, and Glare) system developed by the Illuminating Engineering Society^{[1][2]} to rate the amount of light emitted in unwanted directions?

[1] Refer to [Fundamentals of Lighting - BUG Ratings](#)

[2] Refer to [The BUG System—A New Way To Control Stray Light](#)

Yes

65. **Lighting AMM 2**

Will the **permanent** lighting (other than any lighting already indicated for tree clearing or bridge/structure removal, replacement or maintenance activities) be designed to be as close to 0 for all three BUG ratings as possible, with a priority of "uplight" of 0 and "backlight" as low as practicable?

Yes

66. For Indiana bat, if applicable, compensatory mitigation measures are required to offset adverse effects on the species (see Section 2.10 of the BA). Please select the mechanism in which compensatory mitigation will be implemented:

6. Not Applicable

Project Questionnaire

1. Have you made a No Effect determination for *all* other species indicated on the FWS IPaC generated species list?

Yes

2. Have you made a May Affect determination for *any* other species on the FWS IPaC generated species list?

No

3. How many acres^[1] of trees are proposed for removal between 0-100 feet of the existing road/rail surface?

[1] If described as number of trees, multiply by 0.09 to convert to acreage and enter that number.

2.8

4. **Please verify:**
-

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All tree removal will occur greater than 0.5 mile from any hibernaculum.

Yes, I verify that all tree removal will occur greater than 0.5 miles from any hibernaculum.

5. Is the project location 0-100 feet from the edge of existing road/rail surface?

Yes

6. Is the project location 100-300 feet from the edge of existing road/rail surface?

Yes

7. **Please verify:**

No documented NLEB roosts or surrounding summer habitat within 150 feet of documented roosts will be impacted between June 1 and July 31.

Yes, I verify that no documented NLEB roosts or surrounding summer habitat within 150 feet of documented roosts will be impacted during this period.

8. Please describe the proposed bridge work:

Bridge replacement project. A total of approximately eight acres will be cleared. Approximately 2.8 acres within 100', and 5.2 acres between 100-300'.

9. Please state the timing of all proposed bridge work:

Starting in summer 2018 and continuing for 2-3 years.

10. You have indicated that the following Avoidance and Minimization Measures (AMMs) will be implemented as part of the proposed project:

- *Bridge AMM 4*
- *General AMM 1*
- *Hibernacula AMM 1*
- *Lighting AMM 1*
- *Lighting AMM 2*
- *Tree Removal AMM 1*
- *Tree Removal AMM 3*

Avoidance And Minimization Measures (AMMs)

These measures **were accepted** as part of this determination key result:

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BRIDGE AMM 4

If assuming presence of bats, or if bridge assessment or P/A survey suggests presence of bats, ensure suitable roosting habitat is maintained. Suitable roosting sites may be incorporated into the design of a new bridge.

GENERAL AMM 1

Ensure all operators, employees, and contractors working in areas of known or presumed bat habitat are aware of all FHWA/FRA/FTA (Transportation Agencies) environmental commitments, including all applicable AMMs.

HIBERNACULA AMM 1

For projects located within karst areas, on-site personnel will use best management practices, secondary containment measures, or other standard spill prevention and countermeasures to avoid impacts to possible hibernacula. Where practicable, a 300 foot buffer will be employed to separate fueling areas and other major containment risk activities from caves, sinkholes, losing streams, and springs in karst topography.

LIGHTING AMM 1

Direct temporary lighting away from suitable habitat during the active season.

LIGHTING AMM 2

When installing new or replacing existing permanent lights, use downward-facing, full cut-off lens lights (with same intensity or less for replacement lighting); or for those transportation agencies using the BUG system developed by the Illuminating Engineering Society, be as close to 0 for all three ratings with a priority of "uplight" of 0 and "backlight" as low as practicable.

TREE REMOVAL AMM 1

Modify all phases/aspects of the project (e.g., temporary work areas, alignments) to avoid tree removal.

TREE REMOVAL AMM 3

Ensure tree removal is limited to that specified in project plans and ensure that contractors understand clearing limits and how they are marked in the field (e.g., install bright colored flagging/fencing prior to any tree clearing to ensure contractors stay within clearing limits).

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Determination Key Description: FHWA, FRA, FTA Programmatic Consultation For Transportation Projects Affecting NLEB Or Indiana Bat

This key was last updated in IPaC on March 16, 2018. Keys are subject to periodic revision.

This decision key is intended for projects/activities funded or authorized by the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), and/or Federal Transit Administration (FTA), which require consultation with the U.S. Fish and Wildlife Service (Service) under Section 7 of the Endangered Species Act (ESA) for the endangered **Indiana bat** (*Myotis sodalis*) and the threatened **Northern long-eared bat** (NLEB) (*Myotis septentrionalis*).

This decision key should only be used to verify project applicability with the Service's [February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects](#). The programmatic biological opinion covers limited transportation activities that may affect either bat species, and addresses situations that are both likely and not likely to adversely affect either bat species. This decision key will assist in identifying the effect of a specific project/activity and applicability of the programmatic consultation. The programmatic biological opinion is not intended to cover all types of transportation actions. Activities outside the scope of the programmatic biological opinion, or that may affect ESA-listed species other than the Indiana bat or NLEB, or any designated critical habitat, may require additional ESA Section 7 consultation.

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United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services

Minnesota-Wisconsin Field Office

4101 American Boulevard East

Bloomington, Minnesota 55425-1665

Phone: (952) 252-0092 Fax: (952) 646-2873



March 23, 2018

Phillip Forst
U.S. Department of Transportation
Federal Highways Administration
380 Jackson Street, Suite 500
Saint Paul, MN 55101

TAILS: 03E19000-2018-F-0450

RE: MnDOT 35W Bridge Replacement Project (S.P. 1981-124)

Dear Mr. Forst:

The U.S. Fish and Wildlife Service (Service) is responding to your request dated March 16, 2018 to verify that the proposed MnDOT 35W Bridge Replacement Project (the Project) may rely on the December 15, 2016, Programmatic Biological Opinion (BO) for federally funded or approved transportation projects that may affect the federally listed threatened northern long-eared bat (NLEB) (*Myotis septentrionalis*). We received your request and the associated LAA Consistency Letter on March 16, 2018.

This letter provides the Service's response as to whether the Federal Highways Administration may rely on the BO to comply with Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) for the Project's effects to the NLEB.

The Federal Highways Administration has determined that the Project is likely to adversely affect the NLEB. The Service concurs with this/these determination(s), because bats have been documented using the existing bridge structure and new construction will occur at a time when the bats may be present, which may cause them to avoid the immediate area resulting in a loss of available roost sites. It is reasonable to assume that NLEB may be present and using the existing bridge structure in any given year, especially since NLEB has been documented on a similar bridge during the active season approximately three miles upstream. In addition to these impacts, some tree removal will occur during the active season within 300 feet of the existing road surface. Based on our available information, it is reasonable to assume there is potential for NLEB to be present in the trees at the time they are removed. This concurrence concludes your ESA Section 7 responsibilities relative to NLEB for this Project, subject to the Reinitiation Notice below.

Conclusion

The Service has reviewed the effects of the proposed Project, which includes the Federal Highways Administration's commitment to implement any applicable mitigation measures as indicated on the LAA Consistency Letter. We confirm that the proposed Project's effects are consistent with those analyzed in the BO. The Service has determined that projects consistent with the conservation measures and scope of the program analyzed in the BO are not likely to jeopardize the continued existence of the NLEB. In

Exhibit D2. USFWS Correspondence (Page 2 of 2) (March 23, 2018)

coordination with your agency and the other sponsoring Federal Transportation Agencies, the Service will reevaluate this conclusion annually in light of any new pertinent information under the adaptive management provisions of the BO.

Incidental Take

Northern Long-eared Bat

The Service anticipates that tree removal associated with the Project will cause incidental take of NLEBs. However, the Project is consistent with the BO, and such projects will not cause take of NLEB that is prohibited under the ESA section 4(d) rule for this species (50 CFR §17.40(o)). Therefore, the incidental take of NLEBs resulting from the Project does not require exemption from the Service.

Reporting Dead or Injured Bats

The Federal Highways Administration, its State/Local cooperators, and any contractors must take care when handling dead or injured NLEBs, or any other federally listed species that are found at the Project site to preserve biological material in the best possible condition and to protect the handler from exposure to diseases, such as rabies. Project personnel are responsible for ensuring that any evidence about determining the cause of death or injury is not unnecessarily disturbed. Reporting the discovery of dead or injured listed species is required in all cases to enable the Service to determine whether the level of incidental take exempted by this BO is exceeded, and to ensure that the terms and conditions are appropriate and effective. Parties finding a dead, injured, or sick specimen of any endangered or threatened species must promptly notify this Service Office.

Reinitiation Notice

This letter concludes consultation for the Project, which qualifies for inclusion in the BO issued to the Federal Transportation Agencies. To maintain this inclusion, a reinitiation of this Project-level consultation is required where the Federal Highways Administration's discretionary involvement or control over the Project has been retained (or is authorized by law) and if:

1. new information reveals that the Project may affect listed species or critical habitat in a manner or to an extent not considered in the BO;
2. the Project is subsequently modified in a manner that causes an effect to listed species or designated critical habitat not considered in the BO; or
3. a new species is listed or critical habitat designated that the Project may affect.

We appreciate your continued efforts to ensure that this Project is fully consistent with all applicable provisions of the BO. If you have any questions regarding our response or if you need additional information, please contact Mr. Andrew Horton at 952-252-0092 (extension 208).

Sincerely,



Peter Fasbender
Field Office Supervisor

cc: Chris Smith, MnDOT

**APPENDIX E – Traffic Noise Analysis – Public Involvement,
Solicitation Forms**

Noise Wall Voting, Sample Ballot

Noise Wall Solicitation Brochure

Noise Wall Voting, Sample Ballot

Proposed Noise Wall
 I-35W Minnesota River Bridge Project

Owner _____ Resident _____ Owner/Resident _____

Name _____

Address _____

Please mark one box below with an "X":

By submitting this ballot, you acknowledge that this vote represents the owner's selection or the consensus selection of all owners / residents.

Yes, I want the noise wall

No, I do not want the noise wall

Proposed Noise Wall
 I-35W Minnesota River Bridge Project

Owner _____ Resident _____ Owner/Resident _____

Name _____

Address _____

Please mark one box below with an "X":

By submitting this ballot, you acknowledge that this vote represents the owner's selection or the consensus selection of all owners / residents.

Yes, I want the noise wall

No, I do not want the noise wall

Proposed Noise Wall
 I-35W Minnesota River Bridge Project

Owner _____ Resident _____ Owner/Resident _____

Name _____

Address _____

Please mark one box below with an "X":

By submitting this ballot, you acknowledge that this vote represents the owner's selection or the consensus selection of all owners / residents.

Yes, I want the noise wall

No, I do not want the noise wall

Proposed Noise Wall
 I-35W Minnesota River Bridge Project

Owner _____ Resident _____ Owner/Resident _____

Name _____

Address _____

Please mark one box below with an "X":

By submitting this ballot, you acknowledge that this vote represents the owner's selection or the consensus selection of all owners / residents.

Yes, I want the noise wall

No, I do not want the noise wall

Noise Wall Solicitation Brochure (Page 1 of 4)



I-35W Proposed Noise Wall

Noise Wall 5 (East side of I-35W, North of West 106th Street)

Why you are receiving this information

The Minnesota Department of Transportation (MnDOT) recently conducted a noise study along I-35W and determined a noise wall constructed on the east side of I-35W, north of West 106th Street would reduce the traffic noise level at your property, unit or business by at least 5 decibels.

Vote on the proposed noise wall

Property owners and residents who will experience a 5-decibel reduction in noise as a result of a noise wall can vote for or against the proposed noise wall along the east side of I-35W, north of West 106th Street.

Your vote can make a difference

Cast your vote on the noise wall that affects you by completing the enclosed voting ballot and mailing it back by **January 25, 2018**

Translation Available

Para solicitar esta información en otro idioma, por favor comuníquese con Janet Miller a través del 651-366-4720 o janet.rae.miller@state.mn.us

Si aad u codsato akhbaartan iyadoo afka kale ku qoran, fadlan la soo xiriir Janet Miller oo laga helo khadka 651-366-4720. Ama janet.rae.miller@state.mn.us

Yog xav tau cov xov no yam siv lwm hom lus hu rau Janet Miller ntawm 651-366-4720 los yog janet.rae.miller@state.mn.us

How voting works

You can vote for or against the noise wall that affects your property, unit or business. MnDOT uses a weighted voting system to ensure residents and property owners are given appropriate influence on the outcome of the noise wall. How much you influence the outcome of the noise wall is based on how much your property/unit is affected by the noise wall and whether or not you own the property/unit.

Proximity to Noise Wall	Points Awarded		
	Resident	Owner	Both
Property/unit is immediately adjacent to the noise wall	2	4	6
Property/unit is not immediately adjacent to the noise wall	1	2	3

Only the units in apartments/multi-family residential buildings that receive a 5 decibel reduction of noise get to vote. Businesses, churches and schools receive a vote equal to that of a property owner. The table above is an example of the voting system. Please see MnDOT's Noise Requirements for additional information about the voting process.

If 50 percent or more of all possible voting points from eligible voters are received after the first request for votes, the majority of points (based upon the votes received) determine the outcome of the noise wall. If less than 50 percent of the possible voting points for a wall are received after the first request, a second ballot will be mailed to the eligible voters who did not respond.

If 25 percent or more of all possible points for a wall are received after the second request for votes, then the outcome is determined by the majority of votes received. If less than 25 percent of total possible points for a noise wall are received after the second request for votes, then the wall will NOT be constructed. If there is a tie, where there are equal numbers of points for and against a noise wall, the noise wall WILL be constructed.

Upcoming neighborhood noise wall meeting

Thursday, January 11, 2018
4:30-6:30 PM
Oak Grove Middle School
1300 West 106th Street, Bloomington

Computer Generated Visualizations



View #1: Existing

View from driveway to 10501 East Bloomington Fwy – looking west



View #1: Proposed

View from driveway to 10501 East Bloomington Fwy – looking west



View #2: Existing

View from driveway at West 106th Street – looking west



View #2: Proposed

View from driveway at West 106th Street – looking west

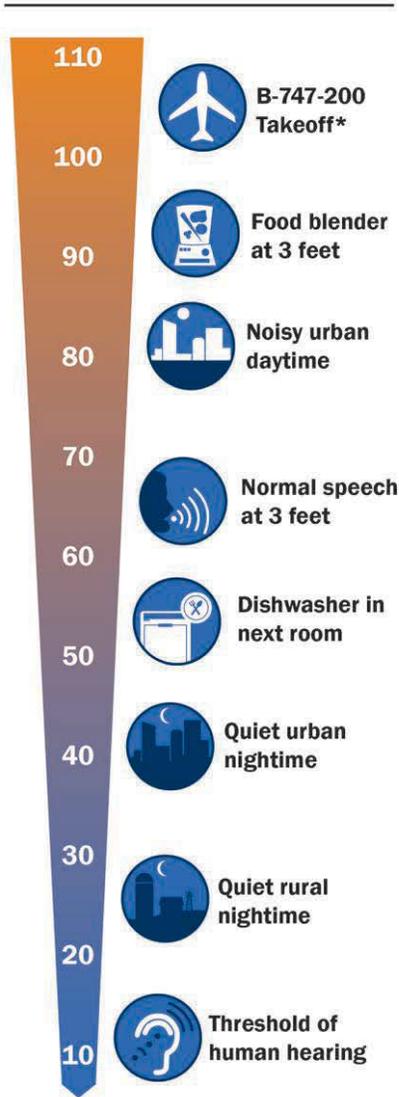
What will the noise wall look like?

The noise wall will be 20 feet tall, built with wood planks and concrete posts. The visuals below are based on the information available December 1, 2017 and should not be interpreted as an exact design of this project.



Frequently-Asked Questions

COMPARISON OF NOISE LEVELS Measured in dB(A)



* As measured along the takeoff path 2 miles from the overflight end of the runway

Why are noise walls being proposed as part of the I-35W Minnesota River Bridge Project?

MnDOT conducted a noise study along I-35W to determine if noise walls would reduce the level of noise in the community adjacent to the project. Currently, traffic noise along I-35W approaches and/or exceeds the Federal Highway Criteria and a noise wall would reduce the noise levels at certain locations in the community by at least 5 decibels. MnDOT must comply with the noise limit requirements set by the Federal Highway Administration (23 CFR 772).

Studies have shown that changes in noise levels of less than 3 decibels are not typically noticeable by the average human ear. An increase of 5 decibels is generally noticeable by anyone, and a 10-decibel increase is usually "twice as loud."

Why does MnDOT conduct noise studies?

MnDOT assesses existing noise levels and predicts future noise levels and noise impacts of proposed construction projects. If noise impacts are identified, MnDOT is required to consider noise mitigation measures, such as installing noise walls. All traffic noise studies and analyses must follow the requirements established by federal law, Federal Highway Administration Noise Abatement Criteria, and MnDOT's Noise Requirements and noise analysis guidelines.

How does MnDOT determine if a noise wall should be proposed?

Constructing a noise wall must be feasible and reasonable. Feasibility and reasonableness are determined by cost, amount of noise reduction, safety and site considerations. Noise mitigation is not automatically provided where noise impacts have been identified. Decisions about noise mitigation are made according to MnDOT's Noise Requirements.

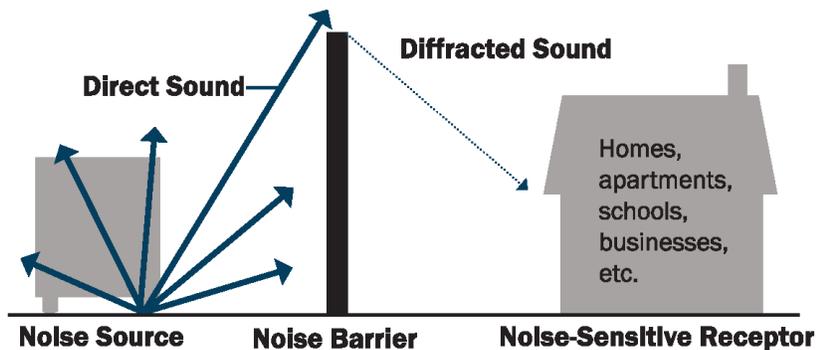
When will the noise wall be installed?

The noise wall would be installed as part of the overall construction project, which is anticipated to begin in 2018 (tentative schedule).

Frequently-Asked Questions

How do noise walls reduce noise?

Noise walls do not eliminate all noise. Noise walls reduce noise by blocking the direct path of sound waves to a home or business. To be considered effective, a noise wall must reduce noise levels by at least 5 decibels.



Can noise levels increase as sound waves pass over a noise wall?

No, noise levels do not increase as sound waves pass over a wall. Noise levels are reduced the further the sound waves travel.

Could trees be planted to block traffic noise?

There is not enough space to plant the amount of and size of trees needed to reduce traffic noise. To effectively reduce traffic noise, there needs to be room for at least 100 feet of dense evergreen trees that are 15 feet tall or more. Additionally, if trees are used to reduce traffic noise, they need to be maintained. MnDOT lacks the necessary resources to maintain trees or other vegetation.

How is the location of the noise wall determined?

MnDOT studied various location options to determine the height, length and location which provides the greatest level of noise reduction.

Do noise walls affect property values?

There have not been any studies that link property values to the presence of noise walls.

Where can I find more information about MnDOT's noise requirements?

Visit MnDOT's noise website at <http://www.dot.state.mn.us/environment/noise/index.html>.

Where can I find more information about the project?

Visit MnDOT's project website at <http://dot.state.mn.us/metro/projects/i35wbloomington/>

APPENDIX F – List of Commitments

Table F.1 List of Commitments (Standard Mitigation Measures)

Mitigation Measure	MnDOT Standard Specification	Status Update Description	Status Update Date	Completion Date	Signed Off By
Utilities					
Provide early notice to utility operators and facilitate coordination.	2545				
Water Resources					
Erosion control/ construction BMPs. Redundant erosion control measures as required by NPDES Permit and DNR Public Waters Work Permit.	2573				
Turbidity controls during construction.	2573				
Temporary and permanent stormwater BMPs.	1717				
Stormwater conveyance/treatment and spill containment provisions.	2503				
Comply with NPDES permit for construction activity.	2573				
Groundwater					
Seal impacted wells according to Minnesota Rule 4725 (by a licensed well contractor).	2104				

Mitigation Measure	MnDOT Standard Specification	Status Update Description	Status Update Date	Completion Date	Signed Off By
Fish, Wildlife, Plant Communities, and Sensitive Ecological Resources					
Follow DNR's Best Practices for Meeting General Public Waters Work Permit (GP 2004-0001). Submit final construction methods to DNR for review and approval.	Not applicable				
Noise					
Follow standard MnDOT construction noise practices.	2422				
Vegetation					
Re-vegetation and stabilization of disturbed areas.	2575				
Air Quality					
Implement dust control BMPs.	2130				
Contamination and Hazardous Materials					
Handle regulated materials/wastes per management plan, special provisions, and MnDOT guidance documents.	2103				
Develop plans and special provisions to handle and treat any contaminated materials encountered	Not applicable				

Mitigation Measure	MnDOT Standard Specification	Status Update Description	Status Update Date	Completion Date	Signed Off By
during project construction.					
Complete regulated materials survey for I-35W bridges over West 106 th Street before the start of construction.	Not applicable				
Removal and disposal of regulated materials. Regulated materials managed according to 2104 of special provisions.	2104				
Accessibility					
Design and construct all trail facilities following MnDOT accessibility guidelines.	Not applicable				

Table F.2 List of Commitments (Project-Specific Mitigation Measures)

Mitigation Measure	Status Update Description	Status Update Date	Completion Date	Signed Off By
Drainage				
Follow MnDOT Technical Memorandum No. 11-14-B-05 (Storm Drain Design Frequency and Catch Basin Spacing).				
Restore existing stormwater ponds under I-35W Minnesota River Bridge to maximize design capacity.				
Aquatic Resources				
Prepare contingency plan for control of artesian flows if encountered during construction. Contingency plan must include a general process and procedures for sealing and stopping (not diverting) artesian flows.				
Implement wetland minimization measures: <ul style="list-style-type: none"> • Steeper inslopes (1:4 or steeper). • Narrow inside shoulders and lane widths. • Retaining walls. • Trail alignments. • Locate pretreatment pond and filtration basin in upland area along Minnesota River bluff. 				
Purchase USACE approved bank credits. If credits are not available in the impact Bank Service Area (BSA), credits from another BSA will be used.				

Mitigation Measure	Status Update Description	Status Update Date	Completion Date	Signed Off By
Follow conditions set forth in wetland permits issued by USACE and WCA LGU.				
Fish, Wildlife, Plant Communities, and Sensitive Ecological Resources				
<p>Follow conditions identified by DNR for limited Work in Water waiver to allow for continuous work.</p> <ul style="list-style-type: none"> • Do not place silt curtain across the watercourse or in such a way that it could trap migrating fish. • Ensure stringent containment measures to prevent debris or other pollutants from entering the water. • Complete erosion control measures within 24 hours of disturbance for all exposed soils within 200 feet of Public Waters and drain to those waters. • No work is allowed that could directly harm nearby fish. • Sheet pile installation or pile driving should be avoided. If necessary, methods should be reviewed with DNR and chosen to minimize sound/sonic impacts. • Any work that creates in-water disturbance should be staged to be completed in as few consecutive days as possible. • In-water work shall be limited to daylight hours. 				

Mitigation Measure	Status Update Description	Status Update Date	Completion Date	Signed Off By
Notify DNR to coordinate on-site monitoring of fisheries impacts if bridge pier load testing occurs on land adjacent to Minnesota River during work exclusion dates (March 15 to June 15, inclusive).				
Prepare contingency plan to ensure all construction equipment and unsecured construction materials are secured, protected, or removed to prevent adverse impacts to the Minnesota River due to accidental spills, storm damage, or flood waters. Submit contingency plan to DNR for review.				
Label identified Areas of Environmental Sensitivity (AES) on all project plans.				
Implement measures to protect Areas of Environmental Sensitivity (AES) near I-35W: <ul style="list-style-type: none"> • Label identified AES on all plans. • No disposal of excess materials in AES. • Prevent stormwater runoff during construction from reaching AES, including installation of redundant erosion control measures. • Disturbed soils in areas that are not proposed for mowed turf grass will be re-vegetated using native seed mixes. 				
Provide the DNR's Blanding's Turtle Fact Sheet to all contractors working on site.				
Blanchard's cricket frog. Limit staging equipment and materials west of the I-35W Minnesota River				

Mitigation Measure	Status Update Description	Status Update Date	Completion Date	Signed Off By
Bridge. Review dewatering plans with DNR nongame wildlife staff and incorporate restriction dates into the project construction schedule.				
Survey project area for bald eagle nests before start of construction. Protect any nests following USFWS recommendations to avoid a non-purposeful take of bald eagles or their young.				
Inspect bridges for barn swallow and cliff swallow nests before start of construction. Implement standard MnDOT practices to prevent birds from nesting on bridges prior to start of construction.				
Lighting on I-35W, Minnesota River Bridge, and entry monuments shall be directed downwards towards the road and bridge deck. Follow MnDOT lighting standards. Use full cutoff luminaire lighting heads.				
Coordinate with the DNR to identify compensatory mitigation for mussel impacts (to be completed as part of DNR mussel takings permit).				
<p>Design and construct wildlife passage benches under I-35W Minnesota River bridge following MnDOT standards plans and DNR guidance:</p> <ul style="list-style-type: none"> • South side of the I-35W bridge between Black Dog Road and Minnesota River. • North side of the I-35W bridge between the abutment and north side of stormwater pond. 				

Mitigation Measure	Status Update Description	Status Update Date	Completion Date	Signed Off By
<p>Rolled erosion control products shall be limited to 'bio-netting', 'natural netting' (category 3N or 4N) or woven type products. Welded plastic mesh netting shall not be allowed.</p>				
<p>Remove or slice expansion joint gaskets/ glands, between November 1, 2018 and March 31, 2019, to increase airflow and moisture entering the expansion joint to reduce the likelihood bats will use the bridge during construction.</p>				
<p>Tree removal not allowed from June 1 to August 15, inclusive during calendar year 2018. Any post-2018 tree removal will only be allowed between November 1 and March 31, inclusive.</p>				
<p>Coordinate with the City of Bloomington or the USFWS to place a single Rocket Box Bat House adjacent to bridge structure. Install Rocket Box Bat House between September 1, 2018 and April 1, 2019.</p>				
<p>Ensure all operators, employees, and contractors working in areas of known or presumed bat habitat are aware of all FHWA environmental commitments, including all applicable avoidance and minimization measures (AMMs).</p>				
<p>Use best management practices, secondary containment measures, or other standard spill prevention and countermeasures to avoid impacts to possible bat hibernacula. Where practicable, a</p>				

Mitigation Measure	Status Update Description	Status Update Date	Completion Date	Signed Off By
300-foot buffer will be employed to separate fueling areas and other major containment risk activities from caves, sinkholes, losing streams, and springs in karst topography.				
Direct temporary lighting away from suitable bat habitat during the active season (April 1 to October 31, inclusive).				
Design all phases/aspects of the project to avoid tree removal to the maximum extent practicable.				
Ensure tree removal is limited to that specified in project plans. Ensure that contractors understand clearing limits and how they are marked in the field (e.g., install bright colored flagging or fencing prior to any tree clearing to ensure contractors stay within clearing limits).				
Contamination and Hazardous Materials				
Complete a methane gas survey within one year of the beginning of construction.				
Visual				
Design and construct the project following the recommendations and guidelines identified in the Visual Quality Manual (VQM)				
No aesthetic lighting will be allowed on the I-35W Minnesota River Bridge. Entry monument lighting shall be focused downwards toward the bridge deck.				

Mitigation Measure	Status Update Description	Status Update Date	Completion Date	Signed Off By
Traffic Noise				
Construct a 20-foot tall noise wall in northeast quadrant of the I-35W/West 106 th Street interchange.				
Minnesota River State Water Trail (Section 4(f) Resource)				
Post state water trail closure signs upstream and downstream of I-35W Minnesota River Bridge. Locations for signs to be determined in consultation with DNR.				
Provide dates and durations of closures to DNR for posting on Minnesota River State Water Trail webpage.				
Remove existing I-35W Minnesota River Bridge piers from the water and restore the river bottom after piers have been removed.				
Remove all equipment and excess material/soils. Restore Minnesota River channel and adjacent shoreland areas before the end of construction.				
City of Bloomington Trail (Section 4(f) Resource)				
Open City of Bloomington trail crossing under I-35W Minnesota River Bridge prior to the end of construction.				
Identify a trail detour route for use during construction.				
Provide trail detour route signing during construction.				

Mitigation Measure	Status Update Description	Status Update Date	Completion Date	Signed Off By
Restore trail crossing under I-35W Minnesota River Bridge to a condition at least as good as the trail condition prior to the project.				
Russell A. Sorenson Landing (Section 4(f) Resource)				
Maintain vehicular access to the Russell A. Sorenson Landing during construction.				
Maintain access to the Minnesota River at the Russell A. Sorenson Landing during construction.				
Minnesota Valley State Trail (Section 4(f) Resource)				
Accommodate the future Minnesota Valley State Trail crossing under the I-35W Minnesota River Bridge: <ul style="list-style-type: none"> • Maintain the causeway along the north shoreline of the river. • Maintain the existing causeway profile and elevation. • Accommodate a 20-foot wide gravel access road and 10-foot wide trail typical section on the causeway and east side of the bridge, connecting to the Russell A. Sorenson Landing. 				
Cultural Resources				
Install fencing surrounding Site 21HE497 before construction begins to avoid any impacts to the site.				
Install fencing along the right of way limits north of the proposed pond site in Bloomington. Fencing shall be installed before				

Mitigation Measure	Status Update Description	Status Update Date	Completion Date	Signed Off By
construction begins to prevent any impacts to a possible mound site north of the construction area.				
MnDOT CRU staff to inspect placement of fencing prior to the start of construction.				
Floodplains				
Design and construct retaining walls along I-35W south of the Minnesota River to minimize floodplain fill.				
Traffic During Construction				
Notify the USCG, the USACE, and local barge operators of temporary disruptions to commercial river traffic during bridge construction.				
The I-35W Minnesota River crossing shall remain open during construction.				
Implement maintenance of traffic criteria identified in Transportation Management Plan (TMP).				
Restriction of I-35W to five lanes during construction will be allowed. During the period for the five-lane configuration, two general purpose lanes with a reversible MnPASS lane during the peak period/peak direction shall be provided.				
Minimize duration of five-lane configuration during construction.				
Monitor traffic on I-35W, I-35E, TH 13, TH 77, and TH 169 while I-35W is in five-lane configuration. Provide temporary mitigation measures to improve system operations.				

Mitigation Measure	Status Update Description	Status Update Date	Completion Date	Signed Off By
Remove temporary strategies to mitigate the impacts of diverting traffic once I-35W is returned to the six-lane condition.				
For period where I-35W is not restricted to five lanes, a minimum of six lanes shall be provided. Six lane configuration will provide two general purpose lanes and one MnPASS lane in each direction.				
Monitor system operations while I-35W is in six-lane configuration and implement temporary improvements based on volume of traffic diverting from I-35W.				
Temporary closure of entrance ramp from Cliff Road to northbound I-35W and exit ramp from southbound I-35W to Cliff Road allowed for a period not to exceed 90 days.				
Temporary closure of entrance ramp from Cliff Road to northbound I-35W not allowed until after August 1, 2019.				
Maintain access to I-35W at Black Dog Road and West 106 th Street at all times during construction.				
Provide temporary detection at ½-mile intervals throughout work zone. Communicate travel times on permanent and portable message boards and manage MnPASS lane pricing.				
Monitor I-35W operations. Extend MnPASS lane hours of operation if beneficial to transit, HOVs, and MnPASS users.				

Mitigation Measure	Status Update Description	Status Update Date	Completion Date	Signed Off By
Partner with local units of government and transit providers to market the I-35W Over the Minnesota River Project.				
Complete outreach with affected stakeholders during development of maintenance of traffic plan (cities, commuters, local businesses, emergency service providers, schools, school bus services, transit providers, neighborhoods).				
Coordinate with transit providers during construction.				
Provide public information regarding transit routes, schedules, delays, etc. during construction.				
In-Water Pier Removal				
Prepare removal plan for in-water bridge piers. Identify all proposed methods for removal and best management practices to be implemented during removal. Submit removal plan to MnDOT and permitting agencies for review and approval prior to the start of in-water pier removal activities.				
<p>Follow in-water pier removal requirements:</p> <ul style="list-style-type: none"> • Obtain all required permits prior to the start of removal operations in the Minnesota River. • Remove in-water bridge piers to a depth of two feet below the Minnesota River channel bottom. 				

Mitigation Measure	Status Update Description	Status Update Date	Completion Date	Signed Off By
<ul style="list-style-type: none"> • Contain all fugitive dust emissions during the pier removal process. • No turbid and/or sediment laden water shall leave the project limits. • Perform turbidity monitoring, both upstream and downstream from the removal site, at least every two hours during active removal operations. Turbidity monitoring shall indicate no sediment being added to the Minnesota River as a result of removal operations. • Contain and remove all rubble and debris. • All efforts shall be made to minimize noise impacts. • Perform side sonar to confirm the required removal depth and indicate any obstructions remaining in the Minnesota River channel. Document and provide this information to MnDOT. 				