FINDINGS OF FACT AND CONCLUSIONS REGARDING DECISION ON NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT

WINONA BRIDGE PROJECT

City of Winona

Winona County, Minnesota

Prepared For

MINNESOTA DEPARTMENT OF TRANSPORTATION

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FINDINGS OF FACT AND CONCLUSIONS REGARDING DECISION ON NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT

MINNESOTA DEPARTMENT OF TRANSPORTATION

WINONA BRIDGE PROJECT

I. ADMINISTRATIVE BACKGROUND

The Minnesota Department of Transportation (MnDOT) proposes the rehabilitation of the existing Winona Bridge and construction of a new two-lane parallel bridge.

MnDOT is the proposer and Responsible Governmental Unit for this project. An Environmental Assessment/Environmental Assessment Worksheet (EA/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 EA/EAW was developed to assess the impacts of the project and other circumstances in order to determine if an Environmental Impact Statement (EIS) is indicated.

In accordance with Minnesota Environmental Quality Board (EQB) rules, the EA/EAW was filed with the EQB and circulated for review and comment to the EQB distribution list. A "Notice of Availability" was published in the EQB *Monitor* on September 30, 2013 and a paid notice was placed in the *Winona Daily News and Winona Post* newspapers on September 27, 2013 and September 29, 2013, respectively. A press release was also provided to media outlets in the Winona area.

The EA/EAW was made available for public review at the MnDOT District Office, Winona Library, and the Winona Department of Public Works. The EA/EAW was also available on the project website at: http://www.dot.state.mn.us/d6/projects/winonabridge/.

An open house/public hearing for the EA/EAW and the proposed project was held on Thursday, October 17, 2013 at the Winona Armory. The hearing presented the bridge and roadway design concept and identified potential environmental impacts of the project. Meeting attendees were invited to provide written comments at the meeting or through the mail or to provide oral comments to a court reporter present at the hearing.

The comment period concluded October 30, 2013. Federal agency comments were accepted through November 15, 2013 due to a federal government shutdown that lasted from October 1 through October 16, 2013. All comments received during the EA/EAW comment period, including those received from the open house/public hearing, were considered in determining the potential for significant environmental impacts. Three written comments and no oral comments were received during the public hearing; 13 additional written comment forms, letters, and emails were received after the public hearing. In total, three written agency comment letters and 10 written citizen and interested organizations' comment letters (includes comment forms, letters, and emails) were received during the EA/EAW comment period. The comments and responses to comments are included in Appendix A of this document.

Additional public involvement included a series of Project Advisory Committee (PAC) meetings and public meetings. A total of eight PAC meetings were held between September 2009 and October 2013. In addition to the open house/public hearing for the EA/EAW, four additional public open house meetings were held between October 2009 and August 2013.

Based upon the information in the record, which is composed of the EA/EAW for the proposed project, the issues raised during the public comment period, the responses to the comments, and other supporting documents updated since the EA/EAW was published (attached in the appendices to this document), MnDOT makes the following Findings of Fact and Conclusions:

II. FINDINGS OF FACT

Project Description

The Preferred Alternative includes:

- Rehabilitation/reconstruction[1] of existing bridge including:
  - Removal of the pedestrian cantilevered walkway
  - Through truss
    - Deck removal and replacement with light-weight deck (design and/or materials)
    - Repair, cleaning and painting of main through truss and piers
  - Deck truss
    - Deck removal and replacement – use of light-weight deck (design and/or materials) will be evaluated
    - Removal and in-kind replacement of deck truss spans and piers based on detailed study and condition and ability to retain historic integrity
  - Approaches
    - Deck removal and replacement – use of light-weight deck (design and/or materials) unlikely but will be evaluated
    - Removal and in-kind replacement of approach spans and piers

- Construction of a new bridge parallel to existing bridge, with the following features:
  - Girder-type[2]
  - On the Winona Street West alignment
  - Including a 12- foot wide pedestrian/bike way on the upstream (west) side.

- Improvements to the Winona Street-4th Street intersection including turn lanes, signalization, and pedestrian improvements. Portions of 4th Street will also be reconstructed.

- Reconstruction of portions of 2nd and 3rd Streets.

[1] The preliminary design assumptions that dictate the level to which rehabilitation is needed on the through truss will be further evaluated in the final design phase. As final design progresses, if these initial assumptions are found to require modification, further coordination and collaboration will be conducted with MnDOT CRU, SHPO, and FHWA.
[2] Specific girder bridge type (eg., concrete or steel material type) to be determined.

- Reconstruction of the Trunk Highway (TH) 43-Latsch Island road access intersection including turn lanes and trail connections.

Upon completion of the project, the existing bridge will carry two lanes of traffic in the northbound direction and the new bridge will carry two lanes of traffic in the southbound direction.

The Preferred Alternative includes construction staging that builds the new bridge first while traffic is maintained on the existing bridge. Traffic is then moved to the new bridge while rehabilitation/reconstruction of the existing bridge is completed. Upon project completion, the two bridges will operate as a one-way pair, tying into the improved Winona Street/4th Street intersection at the south terminus and tapering to tie into the two-lane TH 43 section at the north terminus.

Corrections, Changes or New Information Since the EA/EAW Was Published

Construction Methods

Upon request from Department of Natural Resources (DNR) staff, the deck of the existing bridge will be cut and removed in sections, rather than demolished using jackhammers and allowing the rubble to fall into the river, as was described in the EA/EAW. Plans for existing deck removal will be coordinated with agencies, including the DNR, prior to construction.

Huff Street/4th Street Permanent Signal

At the time of EA/EAW publication, a temporary traffic signal (in place during construction only) was proposed for the Huff Street/4th Street intersection. Efforts to reduce project cost and construction impacts led to study of the signalization needs for this intersection. A sensitivity analysis was conducted which found the signal would be needed between 2023 and 2028. Because the permanent signal would be needed within 5 to 10 years of project completion, it has been decided to install a permanent signal with the project. This will avoid future additional signal construction impacts and the cost for removing the signal and replacing it shortly thereafter.

The construction related impacts, including property impacts, of the temporary signal were already included in the EA/EAW. The potential for additional noise and air quality impacts due to a permanent signal were reviewed. The daily volumes at the Huff Street/4th Street intersection are below the threshold of 79,400 entering vehicles per day; therefore, no changes to the air quality analysis are needed. The noise model assumes all vehicles are moving free-flow, regardless of the type of signalization proposed; therefore, no changes to the noise analysis are needed.

Weigh In Motion (WIM) Device

Discussion of impacts to the existing WIM device was inadvertently omitted from the EA/EAW. The existing device will be removed as part of the project. Replacement is not planned as part of this project. If the WIM device is replaced at a later time, the work will be addressed under separate environmental documentation if needed.

State Sign

The existing state sign will be reconstructed as part of the project. This was not specified in the EA. This work will be performed in the footprint of the project evaluated in the EA and the minor impacts related to sign reconstruction (site access by construction vehicles, ground disturbance) were addressed in the EA discussion of temporary construction impacts.

Pier Protection System

Preliminary engineering analysis of the river piers adjacent to the navigation span of Bridge 5900 (Piers 18, 19, and 20) has been completed to assess the adequacy of the existing substructure and foundation units for the main river bridge to withstand barge vessel impact. The conclusion of this preliminary investigation indicates that Piers 18 and 19 adjacent to the navigation channel are acceptable for loading combinations designated by the Load and Resistance Factor Design (LRFD) Manual, as well as the MnDOT prescribed vessel collision loads. The study concluded that Pier 20 is marginally inadequate and that a more in-depth investigation with respect to the magnitude of the vessel collision load and the influence of Pier 20's distance from the main navigation channel on that load should be considered. MnDOT has also determined that further investigation of the structural condition of the existing piles is warranted, and plans to extract samples of the piles from representative piers for evaluation.

The structural capacity of the river piers (Piers 18, 19, and 20) will then be further assessed, along with the need for any potential pier strengthening, scour mitigation strategies, and potential use of a fender protection system on Bridge 5900. While no fender protection system is currently anticipated, inclusion of this consideration is necessary for the environmental permitting process, and for inclusion in the U.S. Coast Guard (USCG) Bridge Permit application.

Final determination of structural adequacy of existing river piers will be made during the initial stages of the final design process and will be subject to review in accordance with the Secretary of the Interior's Standards for Rehabilitation to avoid and minimize adverse effects on the historic bridge. Any encroachment into the navigation channel required for scour mitigation measures, pier strengthening requirements, or use of a fender projection system will need further assessment and subject to approval by the USCG.

Surface Water Runoff

Minnesota Pollution Control Agency (MPCA) and Environmental Protection Agency (EPA) staff noted the Mississippi River at the project location is listed as an impaired water for polychlorinated biphenyls. These impacts are not associated with the construction activities for

this project, and do not require different or additional best management practices, but are noted as a correction to the information included in the published EA/EAW.

Visual Quality Updates

The Visual Quality Review Committee (VQRC) met six times during fall 2013. The committee has reviewed options for bridge piers, overlooks, bridge abutments and retaining walls, railings and barriers, local trail river connections, pedestrian and bicycle facilities, lighting, landscaping, signage, and civic art opportunities. The committee will advise on preparation of a Visual Quality Manual which will capture their recommendations on preferred design elements and prioritization of amenities.

Potential Trail Alignment Alternative

MnDOT is considering a potential trail alignment alternative for the connector loop on Latsch Island. See Figure 1 in Appendix B. This alternative trail alignment has been recommended by the VQRC and is located above the 100 year floodplain. The alternative trail alignment is located within the construction limits identified in the EA and is not anticipated to have additional impacts as compared to the trail alignment analyzed in the EA. This alternative alignment will also be evaluated as part of the design review process described in the PA regarding historic resources.

Section 7 Determination

At the time of EA/EAW publication, MnDOT, FHWA, and U.S. Fish and Wildlife Service (USFWS) staff had agreed that a determination of "May affect, not likely to adversely affect" is the most appropriate under Section 7. MnDOT staff has since that time formally requested concurrence with this determination, which USFWS has provided. The concurrence request and the letter of concurrence are attached in Appendix C.

Section 4(f) de minimis finding

FHWA has made a *de minimis* finding regarding impacts to the Waterfront Trail in a letter dated December 11, 2013. See Appendix D.

C&NW Railroad

The EA contained an error in the Summary of Impacts section which referenced a de minimis finding for the impacts to the C&NW Railroad. The impacts to the railroad have been resolved as a temporary occupancy as correctly referenced on page 94 of the EA and in Appendix E of the EA.

Programmatic Agreement

The Programmatic Agreement between the MnDOT Cultural Resources Unit (CRU), FHWA, and the State Historic Preservation Office (SHPO) has been executed and is included in Appendix E.

Minnesota Department of Natural Resources (DNR) General Permit

DNR staff noted the previous permit expired in November 2013. The new permit is attached in Appendix F. The project will comply with the conditions of the new permit.

Mitigation Commitments

The list of mitigation commitments has been updated and reformatted and is included in Appendix G.

III. DECISION REGARDING THE NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT

An EIS is not necessary for the proposed project based on the following criteria:

A. Type, Extent, and Reversibility of Impacts

MnDOT finds that the analysis completed for the EA/EAW is adequate to determine whether the project has the potential for significant environmental effects.

The EA/EAW described the type and extent of impacts to the natural and built environment anticipated to result from the proposed project. This document provides corrections, changes, and new information since the EA/EAW was published. The proposed design for the project includes features to mitigate the identified impacts.

Following are the findings regarding potential environmental impacts of the proposed project and the design features included to avoid, minimize, and mitigate these impacts. Specific mitigation commitments are provided in Appendix G.

<u>Potential Environmental Hazards</u>

Construction activities will likely encounter contaminated materials. Known or potentially contaminated sites will be investigated further before property acquisition occurs as required by the MPCA. A plan for proper handling, treatment, and disposal of contaminated materials will be developed in cooperation with the MPCA.

Regulated wastes may be encountered during bridge rehabilitation/reconstruction and building demolition. These materials will be handled and disposed of according to applicable state, federal, and MnDOT policies and regulations. In the event that a leak or spill occurs during construction, it will be responded to in accordance with MPCA containment and remedial action procedures.

Vegetation/Habitat/Sensitive Species

The proposed project will remove trees, result in impacts to wetland habitat, and include construction and staging activities in the Mississippi River, a habitat for aquatic species.

Trees will be replaced according to MnDOT and DNR specifications and will be coordinated with DNR staff in accordance with the Public Waters Work Permit. A vegetation plan will be prepared that includes efforts to avoid and/or minimize these impacts during both the design and construction phase. Mitigation measures such as the use of temporary fence for tree protection will be used. Vegetation replacement will follow a required vegetation plan. Re-vegetation within the project area will attempt to control invasive species. The contractor will be required to control state listed noxious weeds.

The mitigation discussed under Physical Impacts on Water Resources below will also mitigate for impacts to wetland and aquatic habitat.

The Mississippi River is a migration corridor for migratory waterfowl and shorebirds; coordination with the USFWS service will continue through final design to identify opportunities to minimize the potential for impacts to migratory birds. The bridge will be inspected for the presence of nesting activity prior to the start of work on the existing bridge. If nesting activity is identified, appropriate measures will be taken in accordance with the provisions of the Migratory Bird Treaty Act.

The August 2013 mussel survey conducted by the DNR found no federally-listed species within the search area. On behalf of FHWA, MnDOT has coordinated with the USFWS regarding the appropriate consultation path. The USFWS and MnDOT have documented that a determination of “May affect, not likely to adversely affect” is the most appropriate under Section 7.

Physical Impacts on Water Resources/Wetlands

The project may include dredging in the Mississippi River, placement of fill in the river, and construction of in-water bridge piers. BMPs will be utilized during these operations. Dredging will be coordinated with the MPCA.

The project will result in 0.19 acres of permanent wetland impacts and 0.5 acres of temporary impacts. Additionally, the tree-cutting wetland impacts for the project total 1.69 acres.

Prior to construction, all unavoidable wetland impacts will likely be mitigated through an off-site Wetland Conservation Act and United States Army Corps of Engineers (USACE) approved wetland mitigation bank (Hokah site). See wetland impact replacement statement dated August 22, 2013 in Appendix F1 which documents the availability of credits at the Hokah Site. Mitigation plans will be created during the final design and permitting process.

Erosion and Sedimentation

The project will result in 1.5 acres of additional impervious area compared to existing conditions. Stormwater BMPs, such as wet basins and infiltration basins, will be constructed to mitigate for

the additional impervious area. The BMPs will provide water quality treatment and rate control and will be designed to meet National Pollutant Discharge Elimination Standards/State Disposal System (NPDES/SDS) standards.

Temporary and permanent erosion control plans will be identified in the final site grading and construction plans as required by the NPDES/SDS permitting for construction sites in accordance to the MPCA standards.

Water Use

The project will include construction within wellhead protection areas and may require dewatering. Construction activities will be coordinated with the Minnesota Department of Health (MDH) to prevent drinking water contamination due to construction activities. The appropriate permits will be obtained from the DNR for any temporary dewatering activities.

Water Surface Use/River Navigation

The project will result in temporary impacts to navigation. The contractor will be responsible for coordination with the USCG. The USCG will review plans for bridge construction to minimize impacts to river navigation during construction. The navigation channel will remain open during construction to the extent possible and no disruption is anticipated except for temporary short term closures to be coordinated with the USCG. These impacts will apply to barge and recreational boaters. Recreational boats may be subject to a “no wake” restriction during construction in lieu of closures. The USCG, USACE, and the contractor will coordinate construction activities with river users for safety of construction workers and boaters by using Navigational Safety Zones.

Vibrations, Dust, and Noise

While vibration impacts to structures in the project area are not anticipated to result from the project, the location and magnitude of construction vibrations will be assessed further during final design.

Air quality impacts during construction could include increased dust and airborne particulates caused by grading, filling, building removals, and other construction activities. Dust impacts will be minimized through standard dust control measures such as watering.

There may be increased noise levels during construction. Construction equipment will be required to be properly muffled and in proper working order. While MnDOT and its contractor are exempt from local noise ordinances, it is the practice to require contractors to comply with applicable local noise restrictions and ordinances to the extent that it is reasonable. Advanced notice will be provided to the affected communities of any planned loud construction activities. It is anticipated that night construction may sometimes be required to minimize traffic impacts and to improve safety. However, construction will be limited to daytime hours as much as possible.

Any associated high-impact equipment noise, such as pavement sawing or jack hammering, will be unavoidable with construction of the proposed project. The use of jack hammers and pavement sawing equipment will be prohibited during nighttime hours. Pile-driving noise is typically associated with any bridge construction and sheet piling necessary for retaining wall or other construction activities. Pile-driving equipment results in the highest peak noise level. Pile-driving is anticipated with construction of the proposed new bridge. Coordination with the City of Winona will be conducted for construction related noise items, including potential restriction of pile-driving and pier demolition to daytime hours in accordance with applicable regulations.

Archaeological/Historic Resources

No adverse effects to historic properties have been identified. There will be minor temporary occupancy affecting the National Register of Historic Places (NRHP)-eligible C&NW Railroad (Union Pacific Railroad) corridor, YMCA property, and Huff-Lamberton House property.

The Programmatic Agreement (PA) provides for a review process as the rehabilitation/reconstruction design of the existing bridge and the new bridge plans move forward. FHWA, CRU, and SHPO will have opportunity to review design plans at 30, 60, and 90 percent completion milestones. The PA also provides for consultation and the development of mitigation if, during subsequent design, the project is determined to have an adverse effect on historic properties that cannot be avoided.

Archaeological testing of parcels to be acquired for the project will occur when MnDOT has acquired these parcels. The PA provides for the avoidance, minimization, and mitigation of any impacts to eligible sites if identified during testing.

Parks/Trails

The project will result in minor disruptions to access to the Winona Municipal Harbor during construction. MnDOT will have a temporary and a permanent easement over Waterfront Trail for construction and staging access and long term access to the bridge. The trail will be temporarily impacted, but restored following project construction. The effect to the trail has been determined to meet the *de minimis* definition regarding Section 4(f) use (see Appendix C).

Visual Impacts

The project will alter views of and from the existing bridge, downtown Winona, the Commercial and Broadway Residential Historic Districts, the river, Latsch Island, and the surrounding blufftops. MnDOT is consulting with a Visual Quality Review Committee regarding the visual quality aspects of the design. MnDOT will develop a Visual Quality Manual to guide the aesthetic aspects of the project.

Infrastructure/Community Facilities

City of Winona storm sewer will require upgrades to serve the needs of the project. A number of utilities will need to be adjusted or relocated in order to accommodate project construction. MnDOT will coordinate with the City and utility owners.

The project will result in the loss of one parking space at the County Law Enforcement Center parking lot, removal of on-street parking in the vicinity of the YMCA, and temporary access impacts in the area near the YMCA during construction.

Right of Way Acquisition and Relocation

The project will require acquisition of land for highway right of way as well as permanent and temporary easements during construction. Permanent total acquisitions include 22 residential units and 7 business properties. Permanent partial acquisitions affect three residential properties, the YMCA, Winona County property, and Winona Port Authority property.

Property acquisitions and any relocations will be conducted in accordance with the Uniform Relocation and Real Property Acquisition Act of 1970, as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987 and 49 Code of Federal Regulations, Part 24, and effective April 1989 (revised January 2005). Resources are available to all relocated residents and businesses without discrimination. MnDOT will work with and City of Winona staff to assist in identifying relocation properties for displaced businesses.

The boathouses located on new MnDOT right of way over the Mississippi River will be addressed as encroachments. Encroachments are structures not authorized to be on MnDOT property. MnDOT staff will contact City staff and boathouse owners to have them removed prior to construction.

Aviation

The Federal Aviation Administration (FAA) is reviewing bridge type alternatives. A Determination of No Hazard to Air Navigation for the preferred bridge type is expected because the project lies outside of the Runway Protection Zone, as defined in FAR Part 77; consultation with FAA has indicated that this formal determination will be made closer to construction. MnDOT will continue coordination with the FAA and the Winona Municipal Airport as the design progresses.

Wildlife attractants such as ponds and wetlands within an Airport Operations Area (AOA) are considered hazards to air traffic navigation. The detention ponds will be designed to meet current AOA regulations if requested by the FAA and an agreement between MnDOT and the City of Winona will be developed to ensure the regulations are being implemented.

B. Cumulative Potential Effects of Related or Anticipated Future Projects

The Winona Bridge project will rehabilitate the existing bridge and construct a new two-lane girder structure.

As discussed in the EA/EAW, the cumulative potential effect of related or anticipated future development has been considered and the proposed project has low potential for cumulative impacts to the resources directly or indirectly affected by the project.

C. Extent to Which the Environmental Effects Are Subject To Mitigation by Ongoing Public Regulatory Authority

The mitigation of environmental impacts will be designed and implemented in coordination with regulatory agencies and will be subject to plan approval and permitting processes. Permits and approvals that have been obtained or may be required prior to project construction are identified in Table 1.

D. Extent to Which Environmental Effects Can Be Anticipated and Controlled As A Result of Other Environmental Studies

The project involves environmental impacts that are typical of impacts that have been routinely encountered during construction from numerous other bridge and roadway projects that are reviewed by regulatory authorities. MnDOT has experience in bridge roadway design and construction. No problems are anticipated that MnDOT staff has not encountered and successfully solved many times in similar work. MnDOT staff finds that the environmental effects of the project can be anticipated and controlled as a result of environmental review and experience gained on similar projects.

TABLE 1
PERMITS AND APPROVALS

Permit	Agency	Action Required
Federal		
Environmental Assessment	FHWA MnDOT	Approval
EIS Need Decision	FHWA	Approval
Section 4(f) de minimis determination	FHWA	Approval
Endangered Species Act Section 7	FHWA	Consultation
Section 106 (Historic / Archeological)	FHWA	Approval
Section 10 Permit	USACE	Permit
Section 404 Permit	USACE	Permit
Section 9 Permit	USCG	Permit
State		
Environmental Assessment Worksheet (EAW)	MnDOT	Approval
EIS Need Decision	MnDOT	Approval
Wetland Conservation Act (Replacement Plan) for new roads and capacity expansion projects	MnDOT with coordination with the DNR and BWSR	Approval/Review
Temporary Dewatering permit	DNR	Permit
Public Waters Work Permit	DNR	Permit
Prohibited Invasive Species Permit (if needed)	DNR	Permit
Section 401	MPCA	Certification
National Pollutant Discharge Elimination System – Construction Stormwater	MPCA	Permit
Dredge materials Management Permit	MPCA	Permit
Local		
Municipal Consent	City of Winona	Approval

IV. CONCLUSIONS

1. All requirements for environmental review of the project have been met.

2. The EA/EAW and the permit development processes related to the project have generated information that is adequate to determine whether the project has the potential for significant environmental effects.

3. Areas where potential environmental effects have been identified are being addressed during the detail design of the project. Mitigation will be provided where impacts are expected to result from project construction, operation, or maintenance. Mitigative measures are incorporated into project design, and have been or will be coordinated with the appropriate agencies during the permit process.

4. Based on the criteria in Minnesota Rules part 4410.1700, the project does not have the potential for significant environmental effects.

5. The EA/EAW for the Winona Bridge Project is adequate and an Environmental Impact Statement is not required for the project.

January 27, 2014

Lynn P. Clarkowski, P.E.
Chief Environmental Officer
Director, Office of Environmental Stewardship
Minnesota Department of Transportation

Date

APPENDIX A

Comments Received and Responses

Comment Letter 1 – David Kramer, Winona County		Responses
	Winona County — Highway Department 5300 Hwy 61 W Winona, MN 55987-1398 Phone: (507) 457-8840 Fax: (507) 454-3699 October 9, 2013 Mr. Terry L. Ward, P.E. MnDOT District 6 2900 48th St NW Rochester, MN 55901 **RE: Comments on Winona Bridge Environmental Assessment** Dear Mr. Ward: I would like to take the opportunity to comment on the Environmental Assessment (EA) for the Winona Bridge project. The EA proposes to rehabilitate the existing bridge No. 5900 over the Mississippi River, along with constructing a new parallel bridge No. 85851.	A. The project is subject to both Section 106 and Section 4(f) requirements in regards to the National Register of Historic Preservation eligibility of the existing bridge. The Preferred Alternative meets the "feasible" and "prudent" definitions in FHWA's regulations at 23CFR774.17 and their *Section 4(f) Policy Paper.* The proposed project meets the primary need for a structurally sound bridge. While load path redundancy is listed among the "other considerations" in assessing alternatives, as described in the EA text, it is not a primary or secondary need for the project. In keeping with Chapter 152 of the Minnesota Legislature 2008 Session Laws, it is required that MnDOT provide an explanation for the reasons for repairing rather than replacing the existing bridge, but Chapter 152 does not require replacement.
A	Page 8 of the EA indicates that due to historical considerations, the existing bridge can be demolished only if "no prudent and feasible alternative" exists. In my opinion, rehabilitating the existing bridge is not a prudent *and* feasible alternative. In fact, it is *neither* prudent *nor* feasible. Merriam-Webster.com defines prudent as, "Having or showing careful good judgment." The rehabilitated bridge would continue to be fracture-critical, i.e. a failure of a single component or connection on the bridge would result in a spectacular collapse of the entire structure. It bears mentioning that the 2007 collapse of the I-35W bridge in Minneapolis was of a fracture-critical bridge over the same watercourse in the same state. It would be an unreasonable and imprudent risk to both public safety and commerce to continue extended use of the existing fracture-critical Winona Bridge when a viable non-fracture-critical alternative exists (replacing it with a new bridge). In my opinion, it is not prudent (it does not show careful good judgment) to rehabilitate the existing fracture-critical bridge.	FHWA and MnDOT put extensive effort into developing and analyzing rehabilitation options to avoid adverse effects (and therefore avoiding "use" under Section 4[f]) to the historic bridge. The rehabilitation option that was selected to be part of the Preferred Alternative identified in the EA meets MnDOT's Bridge Preservation, Improvement, and Replacement Guidelines, and meets the Secretary of Interior's standards. While replacing the existing bridge with an entirely new bridge structure only would meet the project purpose of providing a structurally sound bridge crossing, that alternative would not meet the Section 4(f) requirements that stipulate avoidance of impacts to historic properties.
B	Feasible means that it is both possible and economically practical. Page 36 of the EA outlines the estimated construction costs. Rehabilitating the existing bridge (to extend its service life for approximately 30 years) will cost more than to completely construct a new parallel non-fracture-critical bridge with an expected service life of 100 years. It is not feasible to spend $60 million, which is more than the price of a new bridge, for a rehabilitation that buys only 30 years of service. In my opinion, it is not feasible (it is not economically practical) to rehabilitate the existing bridge. Sincerely, David F. Kramer David F. Kramer, P.E. Winona County Engineer *An Equal Opportunity Employer*	B. As defined in FHWA's Section 4(f) regulations at 23CFR774.17: "An alternative is not feasible if it cannot be built as a matter of sound engineering judgment." This definition does not include economic considerations. The EA does not specify a service life for the rehabilitated existing bridge or for the new bridge (i.e., it does not mention the 30 or 100 year service life referenced in this comment). For existing Bridge 5900, the service life of the rehabilitated portion of the through truss is expected to be at least 30 years, based on the best estimate of when the major component of the deck may need to be rehabilitated or replaced (similar to the general timeframe for replacement of the low slump overlay [wearing course] on the deck of the proposed new bridge). If feasible and prudent, additional improvements will be explored during final design to extend the service life to 50 years or more. For the reconstructed portion of Bridge 5900, the minimum expected service life is 75 years. Again, if feasible and prudent, additional improvements will be added explored to lengthen service life. The new Bridge 85851 has a final design goal for a minimum of 100 year service life. "Service life" does not equate to the end of life of the bridge. Once project construction is complete, both the existing rehabilitated bridge and the new parallel bridge will be monitored and maintained on an ongoing basis in order extend their service lives as would be typical for any bridge. Over time, a typical schedule would include replacement or rehabilitation of individual bridge components as needed and in accordance with applicable federal requirements. The schedule of component replacement/rehabilitation would vary by type of component and also by the type of bridge. Service life, cost, historic preservation and other environmental considerations (i.e., Section 106 and Section 4[f]) were all considered in the project development and decision process.

	Comment Letter 2 – John Finn	Responses
A	W I N O N A BRIDGE PROJECT HIGHWAY 43 PLEASE COMMENT **Your input is important!** Name: John Finn Address: 352 West 4th Street Please use the space below to provide any comments on the Environmental Assessment, including any comments on Section 106 findings, the Draft Programmatic Agreement, or the *de minimis* finding for impacts to the Riverfront Trail. Did future noise projections assume that motor vehicles, jake brake equipped trucks and motorcycles for instance, have exhaust systems and mufflers in compliance with EPA regulations?	A. The traffic noise analysis for the Winona Bridge Project was completed using the MINNOISEV31 model. The MINNOISEV31 model is a version of the FHWA "Stamina" adapted by MnDOT, and approved by MPCA and FHWA for use in Minnesota. The mean emission level curves used in MINNOISEV31 were developed from field measurements of actual vehicle pass-by events. The vehicles that were recorded with each pass-by event may or may not have had exhaust systems in compliance with applicable regulations at that time. MINNOISEV31 predicts hourly noise levels based upon the noise emission characteristics of three primary vehicle types (cars, medium trucks, heavy trucks). The emissions level curve within the model takes into account the variation in emission levels within a given vehicle type. When known, the volume of motorcycles is included in the medium truck category to account for the greater emission levels associated with motorcycles. Heavy truck pass-by events where engine compression braking is utilized are not typically included in the MINNOISE model. The use of engine compression breaking with modified, defective, or poorly maintained exhaust systems is a law enforcement-related matter. Law enforcement agencies are responsible for enforcing State rules/laws related to exhaust systems and excessive noise.
B	Also, during construction, could the selected contractors be required to have their equipment use newer "white noise" back-up reverse alarms instead of the common "beepers". www.brigade-electronics.com bbs-tek white sound alarms *Thank you for your input! The EA Comment Period Closes October 30, 2013.*	B. The issue of construction noise will be reviewed with the contractor and City of Winona officials once the contractor selection is completed and a contracting team is identified to work with regarding construction staging and impacts. The recommendation of modified construction vehicle noise alarms will be a part of these discussions. MnDOT requires equipment to be in good working order, including mufflers.

Comment Letter 3 – James Carlson		Responses
A B C D E	Oct 17, 2013 To: MNdot Re: New Bridge over Mississippi River at Winona James K. Carlson AIA Architect – Engineer 951 West Fifth Street, Winona, Minnesota 55987 Telephone and Facsimile 507 452 3361 E-mail kcarcht@hbci.com Registered Architect Minnesota Wisconsin Registered Professional Engineer Minnesota 1. The new concrete bridge as proposed by MNdot will be functional, beautiful, economical and long lasting. I am wholly in favor of this new bridge. 2. Recognizing the cost to rehabilitate the old bridge at Sixty Million Dollars and its limited life span of 30 years, it is time to remove this old structure and recycle the material. 3. In my opinion there is little or no historic value in this bridge. 4. If the old bridge is removed, the view riding over the bridge will be spectacular. 5. Once the old bridge is removed, the location of the Minnesota landing could be better if it connects to Huff Street rather than a point between Winona Street and Huff Street. Huff Street is the logical connection. Sincerely, James K. Carlson AIA P.E. Architect- Engineer 951 West Fifth Street Winona, MN 55987	A. Comment noted. B. The project is subject to both Section 106 and Section 4(f) requirements in regards to the National Register of Historic Preservation eligibility of the existing bridge. The Preferred Alternative meets the "feasible" and "prudent" definitions in FHWA's regulations at 23CFR774.17 and their *Section 4(f) Policy Paper.* The proposed project meets the primary need for a structurally sound bridge. FHWA and MnDOT put extensive effort into developing and analyzing rehabilitation options to avoid adverse effects (and therefore avoiding "use" under Section 4[f]) to the historic bridge. The rehabilitation option that was selected to be part of the Preferred Alternative identified in the EA meets MnDOT's Bridge Preservation, Improvement, and Replacement Guidelines, and meets the Secretary of Interior's standards. While replacing the existing bridge with an entirely new bridge structure only would meet the project purpose of providing a structurally sound bridge crossing, that alternative would not meet the Section 4(f) requirements that stipulate avoidance of impacts to historic properties. As defined in FHWA's Section 4(f) regulations at 23CFR774.17: "An alternative is not feasible if it cannot be built as a matter of sound engineering judgment." This definition does not include economic considerations. The EA does not specify a service life for the rehabilitated existing bridge or for the new bridge (i.e., it does not mention the 30 or 100 year service life referenced in this comment). For existing Bridge 5900, the service life of the rehabilitated portion of the through truss is expected to be at least 30 years. If feasible and prudent, additional improvements will be explored during final design to extend the service life to 50 years or more. For the reconstructed portion of Bridge 5900, the minimum expected service life is 75 years. Again, if feasible and prudent, additional improvements will be added explored to lengthen service life. The new Bridge 85851 has a final design goal for a minimum of 100 year service life. Once project construction is complete, both the existing rehabilitated bridge and the new parallel bridge will be monitored and maintained on an ongoing basis in order extend their service lives as would be typical for any bridge. Over time, a typical schedule would include replacement or rehabilitation of individual bridge components as needed and in accordance with applicable federal requirements. The schedule of component replacement/rehabilitation would vary by type of component and also by the type of bridge. Service life, cost, historic preservation and other environmental considerations (i.e., Section 106 and Section 4[f]) were all considered in the project development and decision process. C. The bridge is eligible for listing on the NRHP under Criterion A in the area of transportation history in the role it played as a main arterial route over a major river crossing. In addition, the crossing was vital to the economic life of Winona and the movement of defense materials during World War II. The crossing is eligible under Criterion C in the area of engineering for its contribution to the bridge design and construction in Minnesota. D. Comment noted. See also responses A and B. E. The Huff Street alignment was not selected in order to avoid impacts to the YMCA (a historic property), and a property with high potential for contamination, as noted on page 25 of the EA.

Comment Letter 4 – John Berg		Responses
	W I N O N A BRIDGE PROJECT HIGHWAY 43 PLEASE COMMENT **Your input is important!** **Name** John Berg Address 1638 Gilmore Ave Winona MN Please use the space below to provide any comments on the Environmental Assessment, including any comments on Section 106 findings, the Draft Programmatic Agreement, or the *de minimis* finding for impacts to the Riverfront Trail.	A. The project is subject to both Section 106 and Section 4(f) requirements in regards to the National Register of Historic Preservation eligibility of the existing bridge. The Preferred Alternative meets the "feasible" and "prudent" definitions in FHWA's regulations at 23CFR774.17 and their *Section 4(f) Policy Paper.* The proposed project meets the primary need for a structurally sound bridge. FHWA and MnDOT put extensive effort into developing and analyzing rehabilitation options to avoid adverse effects (and therefore avoiding "use" under Section 4[f]) to the historic bridge. The rehabilitation option that was selected to be part of the Preferred Alternative identified in the EA meets MnDOT's Bridge Preservation, Improvement, and Replacement Guidelines, and meets the Secretary of Interior's standards. While replacing the existing bridge with an entirely new bridge structure only would meet the project purpose of providing a structurally sound bridge crossing, that alternative would not meet the Section 4(f) requirements that stipulate avoidance of impacts to historic properties.
A	I do not see how rehabilitating the current bridge at a cost equalling or exceeding the cost of the new one and extending its life only 30 more years is cost effective. But, if this is going to be done ...	As defined in FHWA's Section 4(f) regulations at 23CFR774.17: "An alternative is not feasible if it cannot be built as a matter of sound engineering judgment." This definition does not include economic considerations. The EA does not specify a service life for the rehabilitated existing bridge or for the new bridge (i.e., it does not mention the 30 or 100 year service life referenced in this comment). For existing Bridge 5900, the service life of the rehabilitated portion of the through truss is expected to be at least 30 years. If feasible and prudent, additional improvements will be explored during final design to extend the service life to 50 years or more. For the reconstructed portion of Bridge 5900, the minimum expected service life is 75 years. Again, if feasible and prudent, additional improvements will be added explored to lengthen service life. The new Bridge 85851 has a final design goal for a minimum of 100 year service life.
B	The pedestrian walkway on the current bridge should be retained. The view from this bridge of the historic downtown, Levee Park, Latch Island and other downriver scenery is spectacular and too important to be lost to the many walkers and bikers who do, and would continue to, enjoy it. LaCrosse's Cass St. bridge, built only 3-4 years before Winona's, and of nearly identical design, had pedestrian walkways on both the upstream and downstream sides. Both were retained when the bridge was rehabbed, although only the ~~downstream~~ upstream side is now open to the public. A pedestrian walkway was included on the downstream side of the new, parallel Cameron St. bridge, thus giving walkers and bikers the opportunity for both upstream and downstream views. Winonans should settle for no less. I realize that the current walkway was added to the original structure thus altering, to a very minor extent, the historic appearance of the bridge. Surely that consideration is outweighed by the immense recreational benefits of retaining this feature. Surely, keeping it cannot add that much to the cost of rehabbing and maintaining the bridge. ***Thank you for your input! The EA Comment Period Closes October 30, 2013.***	Once project construction is complete, both the existing rehabilitated bridge and the new parallel bridge will be monitored and maintained on an ongoing basis in order extend their service lives as would be typical for any bridge. Over time, a typical schedule would include replacement or rehabilitation of individual bridge components as needed and in accordance with applicable federal requirements. The schedule of component replacement/rehabilitation would vary by type of component and also by the type of bridge. Service life, cost, historic preservation and other environmental considerations (i.e., Section 106 and Section 4[f]) were all considered in the project development and decision process. B. The primary reason for removing the walkway from the existing bridge is for load bearing reasons to reduce the magnitude of the rehabilitation needed, as explained on pages 16 and 17 of the EA. Removal of the sidewalk is acceptable from a historic resources perspective because the walkway is not an original element and therefore not a contributing element to the bridge's historical significance. Removal of the walkway serves to restore the historic integrity of the bridge and improve its ability to continue to be part of the freight transportation network.

	Comment Letter 5 – David Pirkl	Responses
A B C	Terry Ward- I own a house at the base of the existing bridge in Winona - I am in favor of a new bridge. Here some of my thoughts 1. The DOT (like any gov) holds meeting open to the public - The publics voice is not heard - This is what the DOT wants - not winona - The old bridge is shot - Its been shot for years I know this because I have a friend on bridge crew - I have no problems with the new bridge - - Why can't it be level with the existing bridge? Is it really that hard to do? I'm sick and tired of the public being told they have a say in things and they really don't. Such as the case with the CAPX 2020 High Voltage Power line. That goes across my land and its the Same situation. - We are led to believe our voice matters but it doesn't Anyway you guys have one chance to do this the right way. Don't mess this up. Hope all goes well - Good luck David Pirkl 507-417-6365	A. Stakeholder concerns and feedback have informed project decisions, including selection of the Preferred Alternative. The project must also comply with state, federal, and agency regulations, and is also constrained by funding concerns, which must be balanced with requests from the general public. Requests from the public have been accommodated where possible. The City of Winona granted Municipal Consent to the project on August 19, 2013. B. Maintaining a structurally sound crossing is the primary need for the project and the Preferred Alternative addresses that need. C. Due to the nature of the girder bridge type, the new bridge is supported underneath the bridge deck which has a thickness defined by the length of the spans and other engineering design considerations (compared to other bridge types which are "thinner" but have more structure above the deck). The main constraint requiring the bridge deck to be higher (uneven with the existing bridge) is the river navigational channel, which has a specified height as required by the U.S. Coast Guard.

	Comment Letter 6 – Tim Breza	Responses
	From: tbreza@luminet.net [tbreza@luminet.net] **Sent:** Wednesday, October 30, 2013 3:22 PM **To:** Ward, Terry (DOT) **Subject:** Public comment on the Highway 43 Replacement Bridge at Winona, MN I oppose the re-building of the "old" Highway 43 Bridge at Winona, MN.	A. The project is subject to both Section 106 and Section 4(f) requirements in regards to the National Register of Historic Preservation eligibility of the existing bridge. The Preferred Alternative meets the "feasible" and "prudent" definitions in FHWA's regulations at 23CFR774.17 and their *Section 4(f) Policy Paper.* The proposed project meets the primary need for a structurally sound bridge. While load path redundancy is listed among the "other considerations" in assessing alternatives, as described in the EA text, it is not a primary or secondary need for the project. In keeping with Chapter 152 of the Minnesota Legislature 2008 Session Laws, it is required that MnDOT provide an explanation for the reasons for repairing rather than replacing the existing bridge, but Chapter 152 does not require replacement. FHWA and MnDOT put extensive effort into developing and analyzing rehabilitation options to avoid adverse effects (and therefore avoiding "use" under Section 4[f]) to the historic bridge. The rehabilitation option that was selected to be part of the Preferred Alternative identified in the EA meets MnDOT's Bridge Preservation, Improvement, and Replacement Guidelines, and meets the Secretary of Interior's standards. While replacing the existing bridge with an entirely new bridge structure only would meet the project purpose of providing a structurally sound bridge crossing, that alternative would not meet the Section 4(f) requirements that stipulate avoidance of impacts to historic properties.
A	The Winona Bridge is a "fracture critical" designed bridge that is subject to collapse under certain conditions. It is a design that is not recommended as a replacement bridge in most states. The cost and maintenance of this "fracture critical" bridge is more than the adjacent designed bridge next to it and the cost of this re-built bridge seems excessive, especially when the department has stated that it is short of bridge building funds.	
B	Further, with the lack of maintenance of the Winona Highway 43 Bridge in the past (as whiteness by its past closings), there is no assurance this new rebuilt "fracture critical" design will receive the maintenance required to keep it safe.	B. MnDOT will continue to monitor and maintain the existing bridge during construction until the new bridge is in service and rehabilitation work begins. As defined in FHWA's Section 4(f) regulations at 23CFR774.17: "An alternative is not feasible if it cannot be built as a matter of sound engineering judgment." This definition does not include economic considerations. The EA does not specify a service life for the rehabilitated existing bridge or for the new bridge (i.e., it does not mention the 30 or 100 year service life referenced in this comment). For existing Bridge 5900, the service life of the rehabilitated portion of the through truss is expected to be at least 30 years. If feasible and prudent, additional improvements will be explored during final design to extend the service life to 50 years or more. For the reconstructed portion of Bridge 5900, the minimum expected service life is 75 years. Again, if feasible and prudent, additional improvements will be added explored to lengthen service life. The new Bridge 85851 has a final design goal for a minimum of 100 year service life. Once project construction is complete, both the existing rehabilitated bridge and the new parallel bridge will be monitored and maintained on an ongoing basis in order extend their service lives as would be typical for any bridge. Over time, a typical schedule would include replacement or rehabilitation of individual bridge components as needed and in accordance with applicable federal requirements. The schedule of component replacement/rehabilitation would vary by type of component and also by the type of bridge. Service life, cost, historic preservation and other environmental considerations (i.e., Section 106 and Section 4[f]) were all considered in the project development and decision process.
A	In addition, this re-built bridge will only have one third the life expectancy of the new bridge next to it. If the bridge does not collapse in the future, there will be the same bridge re-build/replacement discussion in 30 years with the same safety issues. I would like to know the departments' rationale for the continued use of this design type when it can be a danger to public safety? Tim Breza, Winona	

	Comment Letter 7 – Linda Seppanenen	Responses
A	**From:** Linda Seppanen [linda@ghvwine.com] **Sent:** Wednesday, October 30, 2013 3:19 PM **To:** Ward, Terry (DOT) **Subject:** Re: Comments on Winona Bridge Environmental Assessent Dear Mr Ward, I am writing to share my opposition to the proposal for rehabilitating the existing Interstate Bridge in Winona MN and constructing a new concrete box girder bridge next to the current bridge. I think that a completely new bridge should be constructed in the most economical way with the best views of the bluffs which means that a single (4 lane) or double (2 lanes each) concrete box girder bridge(s) is the best choice. Much has been made of the aesthetics and history of the old bridge. Just because something is old does not mean that we spend more money than new construction to rehab it; only if rehab brought some other structural or on-going maintenance benefits would it makes sense. A new bridge is very much needed by the Winona community, and thus this process definitely needs to move along in a timely fashion. It should not take very long to design a concrete box girder bridge for Winona since this is a common design and the crossing is not that unique. My reasons for having basically an open bridge with all new construction follow. Aesthetics: This community has spent much time and has many zoning restrictions to retain the views of the bluffs. The old bridge with its upper structure obscures the views so thus an open design is very much preferred. I have traveled over the new I-35W bridge in Minneapolis many times which is very open; you hardly realize that you are on a bridge. The old structure is familiar so those without imagination have a hard time accepting something different. Economic: From what I have heard and read, rehabbing the old bridge is more expensive and will not last as long as new construction. This makes no sense when the state of Minnesota is already substantially raising taxes and the federal government seeks to do the same!	A. The project is subject to both Section 106 and Section 4(f) requirements in regards to the National Register of Historic Preservation eligibility of the existing bridge. The Preferred Alternative meets the "feasible" and "prudent" definitions in FHWA's regulations at 23CFR774.17 and their *Section 4(f) Policy Paper.* The proposed project meets the primary need for a structurally sound bridge. FHWA and MnDOT put extensive effort into developing and analyzing rehabilitation options to avoid adverse effects (and therefore avoiding "use" under Section 4[f]) to the historic bridge. The rehabilitation option that was selected to be part of the Preferred Alternative identified in the EA meets MnDOT's Bridge Preservation, Improvement, and Replacement Guidelines, and meets the Secretary of Interior's standards. While replacing the existing bridge with an entirely new bridge structure only would meet the project purpose of providing a structurally sound bridge crossing, that alternative would not meet the Section 4(f) requirements that stipulate avoidance of impacts to historic properties. Comments regarding views of the surrounding bluffs and the cost considerations related to rehabilitating the existing bridge are noted.

	Comment Letter 7 – Linda Seppanenen continued	Responses
B	Historical: When you want to keep something that has lived beyond its usefulness and safety, the best method to retain memories is to take a picture of it and then discard the item. The old bridge design was new at its time and certainly changed the character of the river crossing at that time so we are in the similar situation now.	B. See comment response A.
C	Social: I am not sure how this relates to bridge construction. Socially my interests are that citizens can safely cross the bridge via motorized vehicles, bicycles, and walking. I think a concrete box girder single or double bridge can accomplish this.	C. The Preferred Alternative includes a pedestrian/bicycle facility on the new bridge.
D	Environmental: The impact on the river and surrounding shore line appears to be the same whether or not the old bridge is rehabbed or there is new construction. Something that I have not seen discussed is the removal of the old railroad bridge that is adjacent to the Interstate Bridge. Its removal would improve the aesthetics and use of the river and get rid of excess "stuff" actually in the channel.	D. Removal of the railroad bridge is beyond the scope of this project. Additionally, the railroad bridge is also historic, and removal as part of a federal project would only be acceptable if no prudent and feasible alternative exists.
E	The other environmental consideration is alternative placement of the bridge such as Pelzer Street or Huff Street. Assuming that removal of existing structures (current Interstate Bridge and old railroad bridge), it seems to be a trade in terms of impact to the backwaters and river. A major advantage of alternative placement of the bridge would be rerouting the substantial amount of truck traffic.	E. These alternatives were considered but were eliminated due to greater potential for impacts to the Upper Mississippi River National Wildlife Refuge and a contaminated property, respectively. Alignment options are discussed further in the EA starting on page 22.
F	Thus, the responsible allocation of public funds should go to a design that has low visual impact, lasts as long as possible, and is most easily maintained.	F. Visual impacts, service life, and maintenance have been considered as part of the project and balanced with other project goals and requirements considered as part of the Preferred Alternative selection.
	Thank you for your consideration. -- Linda Seppanen 507-313-1918 (mobile) 2225 Garvin Heights Road Winona, MN 55987	

	Comment Letter 8 – Lynn Nankivil	Responses
	From: Lynn Nankivil [nankivil@hbci.com] **Sent:** Wednesday, October 30, 2013 3:31 PM **To:** Ward, Terry (DOT) **Subject:** Comments on Winona Bridge Environmental Assessment Dear Mr. Ward,	
A	I have been following the Winona bridge developments and can understand Mn/DOTs interest in keeping the costs as low as possible by constructing an inexpensive, utilitarian bridge to serve the city. I imagine that it would also be in Mn/DOTs best interest to tear down the old, historic bridge in the next few years, as predicted by Mn/Dot and replace it with another such concrete box girder bridge. If this vision were to be foisted on a larger city where a bridge has become its most significant historic image, the outcry would be intense. Winona, to its shame, has a history of tearing down its finest buildings led by groups with short-sighted goals of quick "modernizing." These plans, as concern Winona, have led to numerous parking lots and 60's style concrete block one-stories where fine buildings once stood. People do not visit historic river towns to see box girder bridges and concrete box store fronts. The loss of our fine old bridge, in a predicted 20-30 years, would be a final blow to Winona's amazing architectural past	A. Rehabilitation of the existing bridge is included in the proposed project. B. Opinions and perspectives vary regarding the aesthetics of the new bridge. MnDOT considered the input of historians and the public in selecting the Recommended Alternative. Aesthetic improvements (railing design, lighting, etc.) recommended by the VQRC will be considered as the project transitions into final design.
B	It is my hope and that of many of my neighbors that something far more esthetically pleasing can serve as Winona's front door on the river for years to come. For the amount that the present proposal would entail, a graceful new structure could be put in place or, at very least, a more historic and complementary structure could be designed in place of an ugly box girder bridge that will essentially block views of the river. I hope that some further consideration will be given to the plans as presented. It seems, at the moment, that very little consideration is being given to any opposing view.	
	Lynn Nankivil Winona MN	

	Comment Letter 9 – Leone Mauszycki	Responses
A	**From:** Leone Mauszycki [leonem1600@charter.net] **Sent:** Wednesday, October 30, 2013 7:32 PM **To:** Ward, Terry (DOT) **Subject:** Winona Bridge - Comment Dear Mr. Ward: I appreciated seeing the animation of the bridge project. One thing that caught my attention and concern was the Winona Side of the new bridge. The pedestrian side shows a nice lower concrete vehicle and pedestrian path separation with a nice metal railing top like the Pelzer Street Bridge. This is very nice and allows the traveling public to see up river better through the metal. I was disappointed that the other side (Winona downstream view) was not matched, but showed a solid four foot wall of concrete. This is not acceptable! The two sides should be balanced for one thing and also, people coming from Wisconsin should have as much view downstream of the River as well as a view of the historic "Old Bridge" and the City of Winona! Please see to it that more visibility to the "historic bridge and City" is improved with matching features of the pedestrian barrier for the down river side of the bridge also. On the Latch Island side, I would appreciate knowing if those stones on the south side of the hill were truly a part of the original old bridge or if they were added when the outer pedestrian pathway was put in place in the 1950's. That might help us with landscaping and the newer higher bike/pedestrian path proposed last week at our meeting. Lighting is important and I really like the lighting that is placed in the barrier wall of the pedestrian pathway as shown in one of our photos presented at our Quality Review Meeting last week. I also appreciate the lighting of the piers, color added to the inset of the concrete portion of the piers V shaped area (light tan), and enhanced lighting of the old bridges superstructure since we are trying to enhance, save, and highlight the old bridges superstructure and improve over all lighting for roadway safety. Sincerely, Leone	A. Comments noted. These aesthetic elements are under consideration by the VQRC. MnDOT will consider inclusion of elements recommended by the VQRC, and will work with the City to identify which improvements and enhancements will ultimately be included in the project based on available funding. What will be included in the project is also dependent on the historic design review process described in the Programmatic Agreement (See Appendix E) and what is allowable under the Secretary of Interior Standards. The design of enhancements and the relationship to historic elements of the existing bridge will continue to be coordinated between the design team and MnDOT Cultural Resources Unit.

	Comment Letter 10 – Greg Olson	Responses
A	**From:** Greg Olson [golson@hbci.com] **Sent:** Wednesday, October 30, 2013 11:25 PM **To:** Ward, Terry (DOT) **Cc:** 'Sen.Jeremy Miller' **Subject:** Winona Bridge design SIGNIFICANT IMPACT Mr. Ward, For the record. The new bridge design WILL have significant impact on the view of the historic bridge from both directions. The very reason for the process is being undermined by the powers that be to justify a lesser cost bridge. From upstream the view of our historic bridge will be eliminated/blocked. From downstream the view through the existing historic bridge will be eliminated/blocked. Why then are we saving our historic bridge when the historic aspects (the view of it) will essentially be eliminated? THE BOX CULVERT DESIGN HAS OBVIOUS SIGNIFICANT IMPACT ON OUR HISTORIC BRIDGE. This process and design will leave a black eye on our City and will ultimately prove to drive MnDot to change the process in which it dictates bridge design WITHOUT public input or the full exploration of all options within SHPO and federal historic guidelines. Respectfully, Greg Olson	A. The MnDOT Cultural Resources Unit determined the proposed project will have no adverse effect on historic resources, and the State Historic Preservation Office (SHPO) concurred with this finding. The EA identifies high potential for impacts to upstream views of the river valley; however, these impacts will not be significant in the context of the overall project. Visual quality related amenities under consideration by the Visual Quality Review Committee (VQRC) will also help mitigate for negative impacts. Note the view upstream will be preserved for pedestrians, bicyclists, and vehicles traveling southbound on the new bridge. While the view upstream from the existing bridge will be negatively impacted, this view will be experienced only from moving vehicles and the time period where the view is blocked by the new bridge will be short compared to the time experiencing the entire crossing. The view downstream from the existing bridge will be similar to today. The negative impacts, when considered in light of the context of the project, do not rise to the level of significance that would warrant further environmental review. The bridge is eligible for listing on the NRHP under Criterion A in the area of transportation history in the role it played as a main arterial route over a major river crossing. In addition, the crossing was vital to the economic life of Winona and the movement of defense materials during World War II. The crossing is eligible under Criterion C in the area of engineering for its contribution to the bridge design and construction in Minnesota. Neither of these criteria are related to the view or aesthetics of the bridge.

Comment Letter 11 – Ron Wenzel		Responses
A	**From:** Ron Wenzel [rontoyz@hbci.com] **Sent:** Wednesday, October 30, 2013 7:38 PM **To:** Ward, Terry (DOT) **Subject:** Bridge Know that logic has nothing to do with this project but wouldn't it make more sense to bring the bridge in the east side by Fleet Farm and get the trucks away from downtown streets....they can't take the heavy trucks for long. Also they would have a closer route to I90 / 43, 61 and 14. Know when it comes to making decisions you have much input but sometimes common sense can move mountains. Have a good day Ron	A. A Mankato Street alignment for a new bridge was considered during alternatives development but was rejected because it would not meet the identified secondary need for the project to connect to Latsch Island and because it would impact the Trempealeau National Wildlife Refuge.

Comment Letter 12 – Minnesota Pollution Control Agency (MPCA)		Responses
	Minnesota Pollution Control Agency 520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300 800-657-3864 | 651-282-5332 TTY | www.pca.state.mn.us | Equal Opportunity Employer October 30, 2013 Mr. Terry Ward Minnesota Department of Transportation, District 6 2900 48th Street NW Rochester, MN 55901 Re: Winona Bridge Project Environmental Assessment/Environmental Assessment Worksheet Dear Mr. Ward: Thank you for the opportunity to review and comment on the Environmental Assessment (EA)/Environmental Assessment Worksheet (EAW) for the Winona Bridge project (Project) located in the city of Winona, Minnesota. The Project consists of rehabilitation of the existing bridge and construction of a new bridge. Regarding matters for which the Minnesota Pollution Control Agency (MPCA) has regulatory responsibility and other interests, the MPCA staff has the following comments for your consideration.	A. MnDOT will follow the guidance noted and coordinate with the MPCA regarding dredged materials. B. Addition noted. This information has been included in the Findings of Fact and Conclusions document.
A	**Project Description (Item 6)** With respect to the dredging activities, MPCA staff recommends you follow the guidance provided at http://www.pca.state.mn.us/publications/wq-gen2-01.pdf. As noted in the EA/EAW, the project will likely require a State Disposal System Permit for the use/disposal of dredged material. More information regarding a permit can be found at http://www.pca.state.mn.us/water/dredgedmaterials.html. For further information regarding dredged materials, please contact Emily Schnick at 651-757-2699.	
B	**Water Quality: Surface Water Runoff (Item 17)** The EA/EAW describes the Mississippi River at the Project location as being listed as an impaired water due to mercury. Please note that this stretch of the Mississippi is also impaired for polychlorinated biphenyls (PCBs). As these impairments are not considered associated with or attributable to construction activities, they do not require increased or additional best management practices, however they should be accurately noted in the EA/EAW. We appreciate the opportunity to review this project. We look forward to receiving 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	

Comment Letter 12 – MPCA continued	Responses
Mr. Terry Ward Page 2 October 30, 2013 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/EAW please contact me at 651-757-2508. Sincerely, Karen Kromar Karen Kromar Planner Principal Environmental Review Unit Resource Management and Assistance Division KK:bt cc: Ken Westlake, USEPA Craig Affeldt, MPCA, St. Paul Bob Finley, MPCA, Mankato Emily Schnick, MPCA, St. Paul	

Comment Letter 13 – Minnesota Department of Natural Resources (DNR)		Responses
	From: Haworth, Brooke (DNR) **Sent:** Tuesday, October 29, 2013 2:54 PM **To:** Ward, Terry (DOT) **Subject:** FW: DNR Comments - Winona Bridge EA/EAW Mr. Ward: The DNR has completed its review of the Winona Bridge EA/EAW and offers the following comments. If you prefer our response in the form of a formal letter, please let me know and we will provide one at a later date. Thank you for the opportunity to review this document. Brooke Haworth Staff Specialist, R3HQ Division of Ecological and Water Resources 1200 Warner Road, St. Paul, MN 55106 Phone: 651-259-5755 Email: Brooke.haworth@state.mn.us **From:** Leete, Peter (DOT) **Sent:** Tuesday, October 29, 2013 2:10 PM **To:** Haworth, Brooke (DNR) **Cc:** Joyal, Lisa (DNR); Harper, Liz (DNR); Daniels, Jeanne M (DNR); #DNR_R3_REAT; Edwards, Jaime L (DNR); Stauffer, Kevin W (DNR); Huber, Bill P (DNR); Klotz, Steven S (DNR); Nelson, Don R (DNR) **Subject:** RE: Review request: Winona Bridge EA/EAW - Comments due Brooke, I did not receive any comments. Though I did read through it and have some of my own…J We have commented on the project multiple times through Early Notification Memo review (ERDB 20090380) and supplied preliminary data for EA development (ERDB 20140064). Though some clarification of the document is needed at a few locations. Below (#1) is my justification for my comments. I did not go through and identify every location that I found that the comments below apply, as they are throughout several sections the document:	

	Comment Letter 13 – DNR continued	Responses
A	1. The Appendix B contains the current GP2004-0001. This version is set to expire in November and is in the process of being replaced. The new version is attached. It is labeled draft, but only because the format may change as it is entered in the new permitting. If they want a final version, it should be out in the next couple weeks. Regardless, should any option other than the no-build option be chosen, the attached version will be in place for Public Waters permit review and authorization of this project. All provisions of the GP will apply during permit review, though of note is: a. **RESTORATION OF VEGETATION:** On areas of disturbed soil adjacent to Public Waters, final vegetation plans should include native species suitable to the local habitat. This may include trees, shrubs, grasses, and/or forbs. Also see MnDOTs "Native Seed Mix Design for Roadsides" http://www.dot.state.mn.us/environment/erosion/pdf/native-seed-mix-dm.pdf b. **TEMPORARY IMPACTS DURING CONSTRUCTION:** Construction methods not finalized at the time of project review shall be submitted for review and approval at a later date. Temporary work below the Ordinary High Water (OHW) elevation, such as channel diversions, placement of temporary fill, structures for work pads/dock walls, bypass roads, coffer dams, or staging areas to aid in the demolition or construction of any authorized structure shall be submitted for review and approval in writing by the DNR Transportation Hydrologist or Area Hydrologist prior to beginning work. This is normal procedure for bridge or culvert projects as we recognize that final project designs are often posted for bid without final construction/demolition plans. c. **TEMPORARY DEWATERING:** A separate water use permit is required for withdrawal of more than 10,000 gallons of water per day or 1 million gallons per year from surface water or ground water. GP1997-0005 (temporary water appropriations) covers a variety of activities associated with road construction and should be applied for if applicable. An individual appropriations permit may be required for projects lasting longer than one year or exceeding 50 million gallons. Information is located at: http://www.dnr.state.mn.us/waters/watermgmt_section/appropriations/permits.html	A. The status of the General Permit is noted in the Findings of Fact document and the General Permit is attached. The updated Mitigation Commitments section notes these changes.
	2. I have copied the above three provisions from the soon to be amended GP2004-0001 that may impact the proposed project beyond what is stated in the EA, in part because:	
B	a. Several locations of the EAW note that the forested area on Latsch island that will be impacted is to be mitigated for with the MnDOT WCA wetland bank located offsite at Hokah, and that reforestation at the Latsch Island will be to MnDOT specs. However, it should be pointed out that the DNR does require native vegetation suitable to the local habitat be utilized for revegetation on site. Nearby natural areas are typically a silver maple flood plain	B. Vegetation impacts of floodplain forest require two separate forms of parallel mitigation: wetland impacts due to tree cutting (which has a specific mitigation ratio under WCA), and vegetation replacement which will follow DNR specifications for on-site replacement using native plants and will be coordinated further with the DNR. The Hokah site will be used for mitigation of wetland impacts due to tree cutting as required for wetland mitigation for loss of trees. Vegetation will also be restored on site, and will comply with DNR requirements regarding native species as appropriate given site conditions (for example other native plants besides silver maple may be more appropriate for underneath a bridge). MnDOT will continue coordination with the DNR as noted.

	Comment Letter 13 – DNR continued	Responses
	forest type. Mimicking other floodplain forest types may also be suitable. We would like to see MnDOT include the USFWS, the DNR and the city forester for determination and review of revegetation plans.	
C	b. Demolition of the existing deck is stated as "most likely consist of using jackhammers with rubble falling onto barges below". There has been no discussion with the DNR (that I am aware) regarding demolition plans. This option has not been reviewed nor approved by DNR. Generally we object to the dropping of material, as containment is rather limited at best. With a distance of 60 feet, small objects are likely to drift off course, large objects are likely to bounce off the barges (or worse, go right through them), and dust has no chance of capture. The preferred deck removal would be to cut and lift the concrete sections. If this is not possible, we would like to know why. These are questions that will occur during permitting, though we do not want to be tied to the option listed in the EAW. Also in addition to the USACE, USCG, and DNR, the MPCA should be included in the list of entities to review demolition or plans.	C. Deck removal will comply with these recommendations to cut and remove sections rather than using jackhammers and allowing rubble to fall onto barges below. This information has been added to the construction methods description in the Findings of Fact and Conclusions document. The contractor will be required to develop a plan for removal of portions of existing Bridge 5900 and the removal plans will be routed to the respective state and federal agencies for review and approval prior to any existing bridge removal work taking place on the project.
D	c. Authorization of dewatering for bridge construction is no longer included in GP2004-0001. A separate DNR appropriations permit will be required. Dewatering plans are also an activity that the MPCA will want to see as part of NPDES review.	D. The EA notes the need for a dewatering permit and this is also listed in Table 1: Permits and Approvals in the Findings of Fact document.
E	A general comment: The document consistently states various impacts that 'may' occur. It would be more accurate to state that other than choosing the no-build option, various impacts 'will' occur... The degree of permanent/temporary impacts is to be determined during further review of anything other than the no-build option. IE, pier impacts on flood elevations and/or riverbed impacts due to temporary staging requirements….	E. Comment noted. The intent of the "may" language is to capture impacts of construction activities that are not yet certain.
	Otherwise, the document appears accurate. It's good to see the potential staging 'temporary impact' areas included in the document and noted that pre-existing profiles will be restored post construction. I is also good to see the related recreational trail development in the area referred to as well. I am not sure how you want to format these comments into an official comment letter. Forward them as you see fit. I have a dog-eared copy of the EA. Do you want to see it? I can bring it down and meet with you if you would like. Comments are due by the end of the day tomorrow ☺. Contact me if you have questions	

Comment Letter 13 – DNR continued	Responses
peter Peter Leete Transportation Hydrologist (DNR-MnDOT Liaison) DNR Ecological & Water Resources Ph: 651-366-3634 Office location: MnDOT's Office of Environmental Stewardship **From:** Haworth, Brooke (DNR) **Sent:** Wednesday, October 02, 2013 11:38 AM **To:** Edwards, Jaime L (DNR); Nelson, Don R (DNR); Stauffer, Kevin W (DNR); Klotz, Steven S (DNR); Huber, Bill P (DNR); Leete, Peter (DOT) **Cc:** Joyal, Lisa (DNR); Harper, Liz (DNR); Daniels, Jeanne M (DNR); Haworth, Brooke (DNR); #DNR_R3_REAT **Subject:** Review request: Winona Bridge EA/EAW - Comments due 23Oct2013 **Please send comments by October 23, 2013 to Peter Leete at peter.leete@state.mn.us** **A "no comment" or "do not plan to review" reply is appreciated.** **DNR comments are due to the RGU by October 30, 2013** The DNR has received the following document for review: Project: Winona Bridge Project RGU: MnDOT Project Location: Winona County ERDB #: 20140064 Document: EA/EAW The purpose of the project is to provide a structurally sound bridge-crossing of the Mississippi River Main Channel at Winona, Minnesota that maintains access to Latsch Island and the Wisconsin highway system, with adequate capacity to safely accommodate existing and future transportation needs within the design life of the bridge, while maintaining traffic to the maximum extent possible during construction. The Winona Bridge provides the only access across the Mississippi River between Wabasha (approximately 35 miles northwest) and the I-90 Dresbach Bridge (approximately 25 miles southeast). The Recommended Alternative for the Winona Bridge project is a "two-bridge solution" that	

Comment Letter 13 – DNR continued	Responses
rehabilitates the existing bridge to carry two lanes of northbound traffic and builds a permanent new girder-type bridge immediately upstream of the existing bridge to carry two lanes of southbound traffic. The new bridge would also include improved bicycle and pedestrian accommodations. The project also includes improvements to the 4th Street/Winona Street intersection. DNR permits required (see p. 128): Public Waters Work Permit, Water Appropriation Permit (dewatering for construction), WCA Replacement Plan NHIS review (see Appendix B – Correspondence, pp. 164-172): rare aquatic species (mussels and fish) are discussed, as well as sensitive ecological areas. Because of the size of the document, the EA/EAW is entered into the ERDB and posted on the ftp site. Please contact Peter if you have any questions. *Brooke Haworth* Staff Specialist, R3HQ Division of Ecological and Water Resources 1200 Warner Road, St. Paul, MN 55106 Phone: 651-259-5755 Email: Brooke.haworth@state.mn.us	

Comment Letter 14 – United States Coast Guard		Responses
A	U.S. Department of Homeland Security United States Coast Guard Commander Eighth Coast Guard District 1222 Spruce Street, room 2.102D St. Louis, MO 63103-2832 Staff Symbol: dwb Phone: (314) 269-2379 FAX: (314) 269-2737 Email: rodney.l.wurgler@uscg.mil www.uscg.mil/d8/westernriversbridges 16593/726.0 UMR October 23, 2013 Mr. Terry Ward Project Manager MnDOT District 6 2900 48th Street NW Rochester, MN 55901 Subj: PROPOSED WINONA HIGHWAY BRIDGE, MILE 726.0, UPPER MISSISSIPPI RIVER Dear Mr. Ward: This is in reply to the Environmental Assessment dated September 13, 2013. After reviewing this document from a navigational standpoint and as a Cooperating Agency the following comments need to be addressed prior to the issuance of a Section 9, Coast Guard Bridge Permit. a. Name and address of adjacent residential and commercial property owners of the proposed bridge site. b. Copy of concurrence letter from U.S. Fish and Wildlife Service regarding threatened and endangered species, migratory birds, and mussel survey. c. Copy of State issued Section 401 Water Quality Certificate. d. Letter authorizing agent to act in applicants behalf. e. Drawings of the proposed bridge. Detailed explanation of the plan sheets can be found on the Coast Guard Eighth District Western Rivers Bridge Branch web site at: www.uscg.mil/d8/WesternRiversBridges . Follow the link to Permit Application Guide. If you should have any questions, please contact Mr. Rodney Wurgler at (314) 269-2379. Sincerely, ERIC A. WASHBURN Bridge Administrator, Western Rivers By direction of the District Commander Copy: Phil Forst, Environmental Engineer, FHWA Keith Molnau, P.E., MnDOT, Bridge Office	A. These items will be provided by MnDOT and incorporated into the Coast Guard Bridge Permit. The USFWS Section 7 determination letter is included in this document in Appendix C.

Comment Letter 15 – United States Environmental Protection Agency (EPA)	Responses

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

NOV 14 2013

REPLY TO THE ATTENTION OF:
E-19J

Phil Forst
Environmental Engineer
Federal Highway Administration
380 Jackson Street, Suite 500
St. Paul, Minnesota 55101-2904

Terry Ward, Project Manager
Minnesota Department of Transportation
District 6
2900 – 48th Street NW
Rochester, Minnesota 55901

Re: Winona Bridge Project (Trunk Highway 43) Environmental Assessment / Environmental Assessment Worksheet, September 17, 2013, City of Winona, Winona County, Minnesota.

Dear Mr. Forst and Mr. Ward:

In accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the United States Environmental Protection Agency (U.S. EPA) reviewed the Federal Highway Administration (FWHA) / Minnesota Department of Transportation (MnDOT) above-referenced Environmental Assessment (EA) / Environmental Assessment Worksheet (EAW). This letter provides the results of our EA/EAW review.

The EA/EAW identifies a need and recommended Build Alternative to provide a structurally sound bridge crossing of the Mississippi River Main Channel at Winona, Minnesota. MnDOT proposes to rehabilitate the existing bridge (Bridge No. 5900) and construct a new two-lane girder bridge with pedestrian/bicycle way immediately upstream (Winona Street West alignment). In order to maintain traffic flow during construction, the EA/EAW recommended Build Alternative includes project staging. The new bridge would be constructed first. Rehabilitation/reconstruction of the existing bridge would occur after the new bridge is open to traffic. Upon completion, the two bridges would operate as a one-way pair, tying into the improved Winona Street/4th Street intersection at the south terminal and tapering to tie into the two lane TH 43 section at the north terminus on Latsch Island.

Waters of the U.S./Wetlands: According to the EA/EAW, completion of the project would temporarily impact 0.5 acres and permanently impact (fill) 0.19 acres of wetland. In addition,

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	Comment Letter 15 – EPA Continued	Responses
	2	
A	there would be wetland tree cutting impacts, including the land staging area (0.54 acres) and the wetland construction area (1.15 acres), for a total of 1.69 acres. Mitigation for wetland fill impacts and wetland tree cutting impacts is proposed through debiting of credits from an existing MnDOT wetland bank in Hokah, Minnesota. EPA retains its right to further review and comment on the MnDOT Winona Bridge Project during the U.S. Army Corps of Engineers Clean Water Act Section 404 permitting process.	A. Comment noted.
B	**Mississippi River Impaired Waters:** In addition to the Mississippi River being an impaired water for mercury within the project area, it is also impaired for polychlorinated biphenyls (PCBs). We recommend this be noted in future NEPA documentation for this project.	B. This addition has been noted in the Findings of Fact and Conclusions document.
C	**Wellhead Protection Areas (WHPA):** The project area is within two WHPAs. The purpose of a WHPA is to protect the surface and subsurface area surrounding a public water supply from contaminants entering the public drinking supply. The EA/EAW identifies that construction activities would be coordinated with Minnesota Department of Health to prevent drinking water contamination due to construction activities, in accordance with any Wellhead Projection Plans in place for the project area. The final NEPA document should discuss Wellhead Protection Plan/s and identify the specific measures that MnDOT will take during final design, construction and operation of this project in order to protect surface and subsurface drinking water sources from contamination.	C. Coordination with the Minnesota Department of Health (MDH) will continue during final design to protect drinking water sources from contamination. Figure 14 from the EA which depicts the WHPAs is included in Appendix B of this Findings of Fact and Conclusions document.
D	**Surface and Stormwater Runoff/Hazardous Spills:** The proposed locations of stormwater ponds to capture and treat surface water/stormwater from the new bridge and the existing bridge are identified and discussed in the EA/EAW. This is an improvement over the existing bridge design that allows surface water/stormwater runoff directly from the bridge into the river. Prior to FHWA making a final NEPA determination [e.g., Finding of No significant Impact (FONSI) or preparation of an Environmental Impact Statement (EIS) required], we recommend MnDOT disclose whether the proposed stormwater ponds will be designed and operated to adequately capture and handle inadvertent hazardous material spills that might occur on the bridges post construction, during project operation.	D. All runoff will be conveyed to stormwater treatment areas, so in the event of a spill, hazardous materials would be conveyed to the treatment areas and not directly into the river. Stormwater treatment areas will be outfitted with skimmer structures to remove contaminants prior to infiltration, if coordination with the MDH identifies infiltration as an appropriate method.
E	**Air Quality/Construction Impacts:** The EA/EAW identifies that air quality impacts during construction could include increased dust and airborne particulates. Dust impacts would be minimized through standard dust control measures, such as watering. Air quality impacts may also result from emissions from construction equipment and from traffic stopped at intersecting roadways. To protect air quality and human health in the project area during construction, we recommend MnDOT consider strategies to reduce diesel emissions, such as committing to project construction contracts that require the use of equipment with clean diesel engines and the use of clean diesel fuels. We also recommend MnDOT adopt an anti-idling policy, requiring diesel construction equipment to be turned off when not in use.	E. MnDOT will consider these recommendations.
F	**Bridge Lighting/Energy Efficiency/Migratory Birds**: If bridge lighting is to be incorporated into final design, we recommend MnDOT consider using energy-efficient, low-impact lighting for this project. We recommend MnDOT continue to consult with U.S. Fish and Wildlife Service regarding the type of bridge lighting that could be used in order to protect migratory	F. MnDOT will consider these recommendations. Coordination with the U.S. Fish and Wildlife Service to prevent impacts to migratory birds will continue during final design.

Comment Letter 15 – EPA Continued		Responses
	3 birds, given this project's proximity to national wildlife refuges and the Mississippi River Flyway.	
G	**Relocations/Environmental Justice:** The EA/EAW identifies that permanent total acquisitions include 22 residential units and 7 business properties. Permanent partial acquisitions affect three residential properties, the YMCA, Winona County property, and Winona Port Authority property. The EA/EAW is not clear whether the majority of the residents that would need to be relocated are low-income and/or minorities. Special outreach efforts (e.g., door to door visits) may be needed in order to accurately identify the status of the people living in these project area neighborhoods and bring them into the decision making process. We recommend that FHWA's final NEPA determination include demographic information on the residents and businesses to be relocated. The final NEPA documentation should include analysis that demonstrates that similar or better properties (number and type) are expected to be available for the residents (property owners and renters) and the businesses identified for relocation.	G. There are no readily identifiable low income or minority populations impacted by the project. Relocation assistance will be provided to all businesses and residents without discrimination and in accordance with the Uniform Relocation and Real Property Acquisition Act of 1970, as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987 and 49 Federal Regulations, Part 24, and effective April 1989 (revised January 2005).
H	**National Historic Preservation Act – Appendix E Section 106 Correspondence and Draft Programmatic Agreement:** The existing bridge is eligible for listing on the National Register of Historic Places. We recommend that the Draft Programmatic Agreement (Draft PA) in Appendix E be finalized (signed/dated) prior to FHWA making the final NEPA determination for this project.	H. See Appendix E for the signed Programmatic Agreement.
I	**Mitigation Commitments /Appendix I – DRAFT Commitments List:** We recommend that MnDOT's mitigation commitments list be finalized prior to FHWA's NEPA determination.	I. See Appendix G for the final mitigation commitments list.
	Thank you for the opportunity to review and comment on the EA/EAW. We request FHWA provide us with one hard copy and one DVD of the FHWA NEPA determination for this proposal as soon as it becomes available. If you have any questions regarding our comments, contact Virginia Laszewski of my staff at (312) 886-7501 or by email at laszewski.virginia@epa.gov. Sincerely, Kenneth A. Westlake Chief, NEPA Implementation Section Office of Enforcement and Compliance Assurance cc: Tamara Cameron, Chief, Regulatory, U.S. Army Corps of Engineers, 180 Fifth Street East, Suite 700, Saint Paul, Minnesota 55101-1678 Tony Sullins, Field Office Supervisor / Phil Delphey, Threatened and Endangered Species, U.S. Fish and Wildlife Service, Ecological Services Field Office, 4101 East 80th Street, Bloomington, Minnesota 55425 Eric A. Washburn, Bridge Administrator, United States Coast Guard, Eight Coast Guard District, 1222 Spruce Street, St. Louis, Missouri 63103	

Comment Letter 16 – U.S. Fish and Wildlife Service	Responses

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Twin Cities Field Office
4101 American Blvd E.
Bloomington, Minnesota 55425-1665

REC'D
NOV 18 2013
MN - FHWA

November 15, 2013

Mr. Philip Forst
Environmental Specialist
Federal Highway Administration
380 Jackson Street, Suite 500
St. Paul, Minnesota 55101-4802

Dear Mr. Forst:

This letter contains our brief comments on the Environmental Assessment (EA) for the Winona Bridge Project, State Highway 43. U.S. Fish and Wildlife Service (Service) has provided comments on this project during earlier planning stages. In addition, the Service has completed consultation on the project under section 7(a)(2) of the Endangered Species Act with Minnesota Department of Transportation acting as the non-federal representative of the Federal Highway Administration.

The project would include rehabilitation of the existing Trunk Highway 43 bridge and construction of a new parallel bridge over a portion of the Mississippi River. As is acknowledged in the EA, the Upper Mississippi River in the project area is part of a major flyway for migratory birds. Therefore, the potential risk that the bridge would pose to migratory birds should be a major consideration when evaluating the potential environmental impacts of the project.

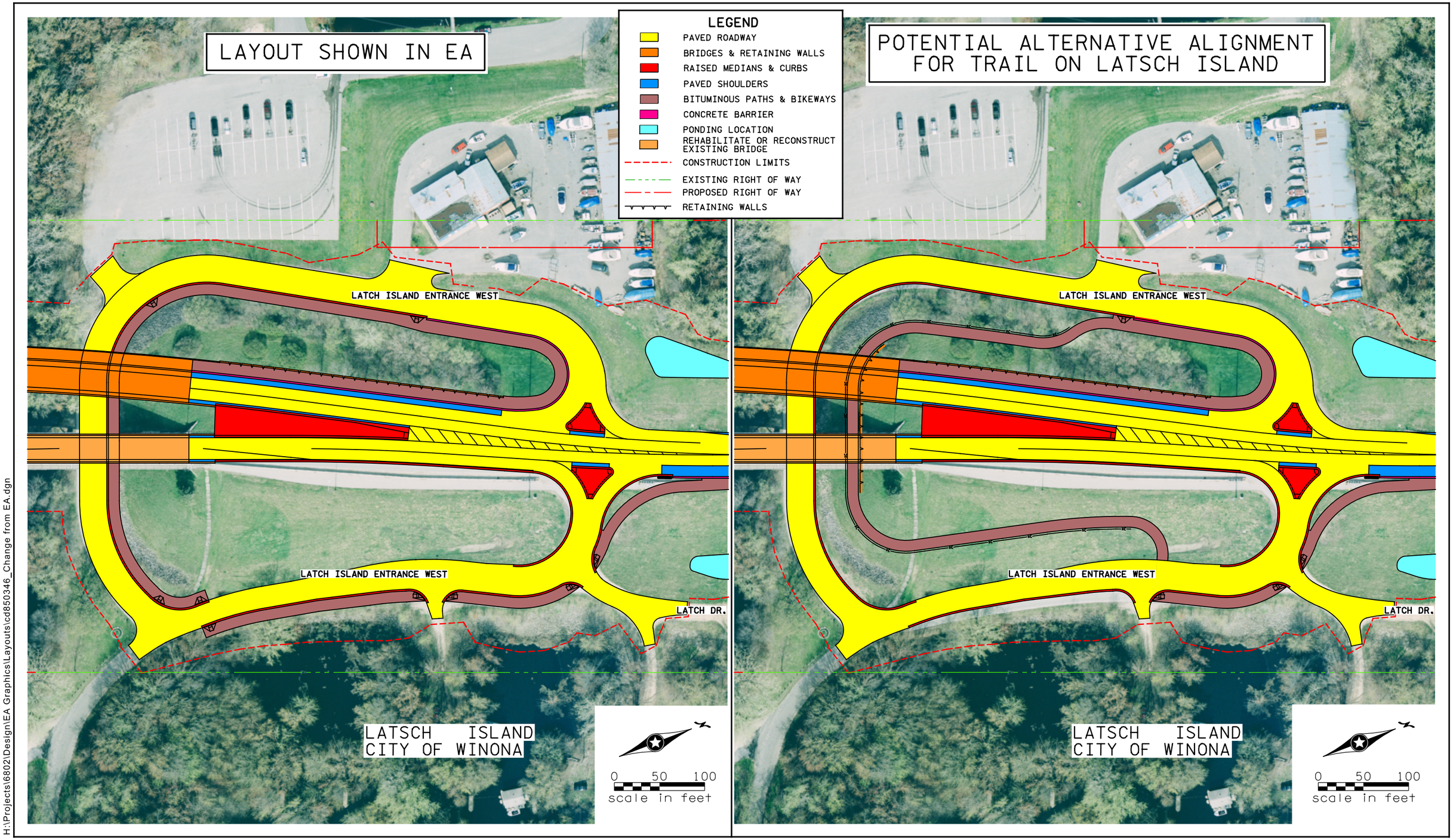
The risk of bird collisions may be directly related to the height and cross-sectional area of the bridge structure. Bridge designs that include 'super-structure' above the bridge deck may pose the greatest risk to birds. The bridge design proposed as part of the project's Build Alternative would include rehabilitation of the existing tied-arch bridge and construction of a new concrete box girder bridge. Of the alternatives considered during the planning process for the new structure, the box girder bridge would result in the lowest height and smallest area of potential hazard for bird strikes due to the lack of the superstructure above the bridge deck.

Lighting also may play a significant role in determining the risk that the proposed structures may pose to migratory birds.

	Comment Letter 16 – U.S. Fish and Wildlife Service Continued	Responses
A	We provide general comments on lighting below that are based on our agency's standards for lighting of communication towers and associated infrastructure, but request that the transportation agencies continue to consult with the Service as detailed lighting plans are developed. • Minimize lighting to only that required to ensure human and aviation safety. • Avoid use of any steady-burning red lights. • If needed, use minimum intensity, maximum "off"-phased red strobe (or strobe-like), white strobe or red blinking incandescent lights with no L-810 sidelights. • Where appropriate, use motion or heat-sensitive lights that operate only for short periods and down-shield all lighting that is not needed for aviation safety. Thank you for the opportunity to comment on the EA. We look forward to continued coordination with you on this project. For further information, please contact Phil Delphey at *phil_delphey@fws.gov* (612-725-3548, ext. 2206). Sincerely, Lisa Mandell for Peter Fasbender Field Supervisor	A. MnDOT will consider these lighting recommendations during final design and will continue coordination with the USFWS to minimize the potential for impacts to migratory birds, as noted in the Mitigation Commitments in Appendix I of the EA and Appendix G of this Findings of Fact and Conclusions document.

APPENDIX B

Figures

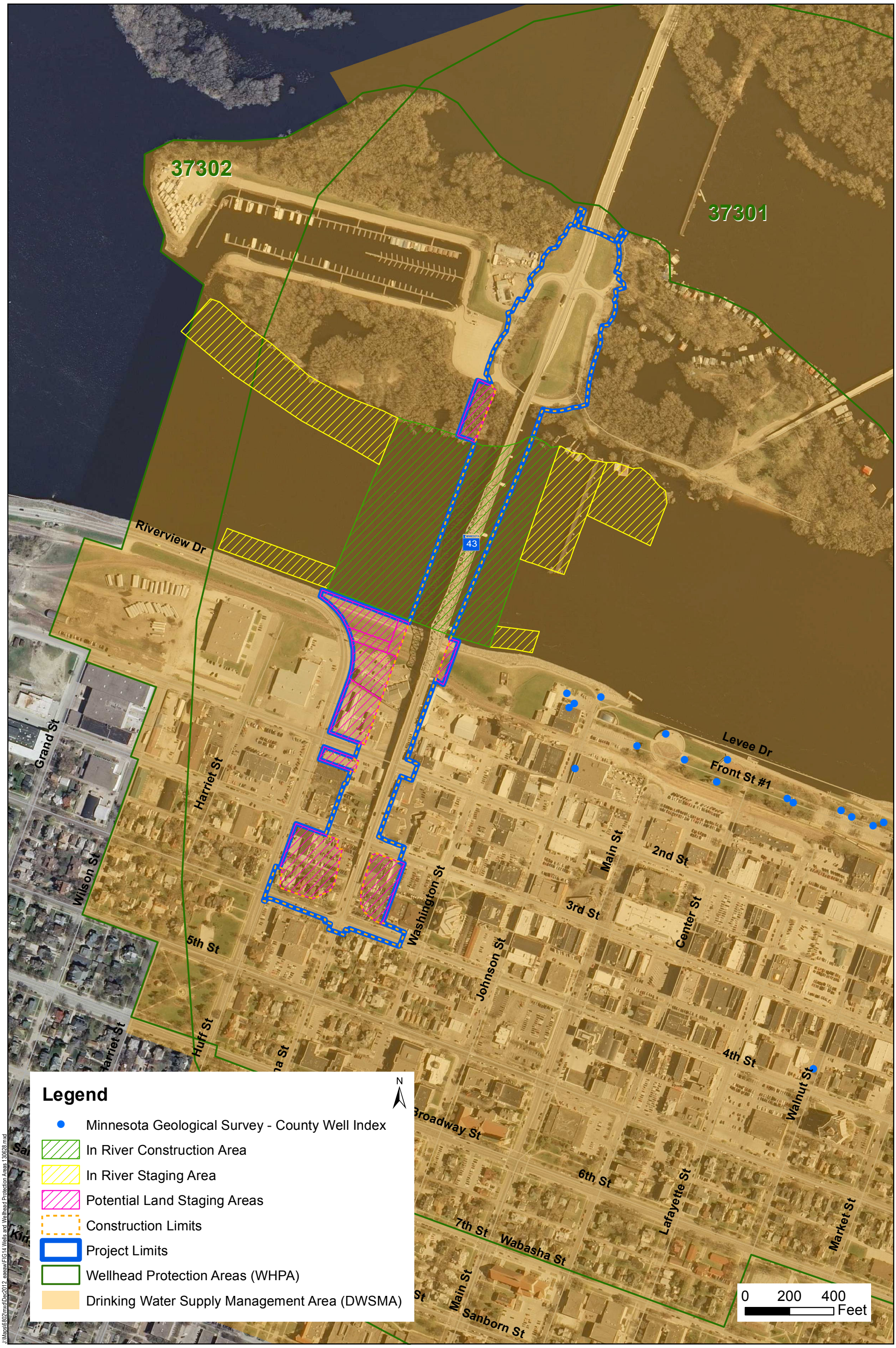


H:\Projects\6802\Design\EA Graphics\Layouts\cd850346_Change from EA.dgn

Layout- North Approach Potential Change from EA

Winona Bridge Project
SP 8503-46
Winona, Minnesota

Figure 1



Wells and Wellhead Protection Areas

Winona Bridge Project
SP 8503-46
Winona, Minnesota

Figure 14

APPENDIX C

Section 7 Determination and Concurrence

Minnesota Department of Transportation
395 John Ireland Boulevard
Saint Paul, MN 55155

August 28, 2013

Tony Sullins, Field Supervisor
U.S. Fish and Wildlife Service
Twin Cities Field Office
4101 East 80th Street
Bloomington, MN 55425

Re: Request for Concurrence
May Affect, Not Likely to Adversely Affect Determination –
Higgins eye (*Lampsilis higginsii)*/sheepnose (*Plethobasus cyphyus)*
State Project 8503-46, Trunk Highway 43
City of Winona, Winona County, Minnesota

Dear Mr. Sullins:

The Minnesota Department of Transportation (MnDOT) acting as the non-federal representative for the Federal Highway Administration (FHWA), is requesting concurrence from the U.S. Fish and Wildlife Service (Service) that the above referenced action may affect, but is not likely to adversely affect the Higgins eye (*Lampsilis higginsii)* or the sheepnose (*Plethobasus cyphyus),* both federally-listed endangered species..

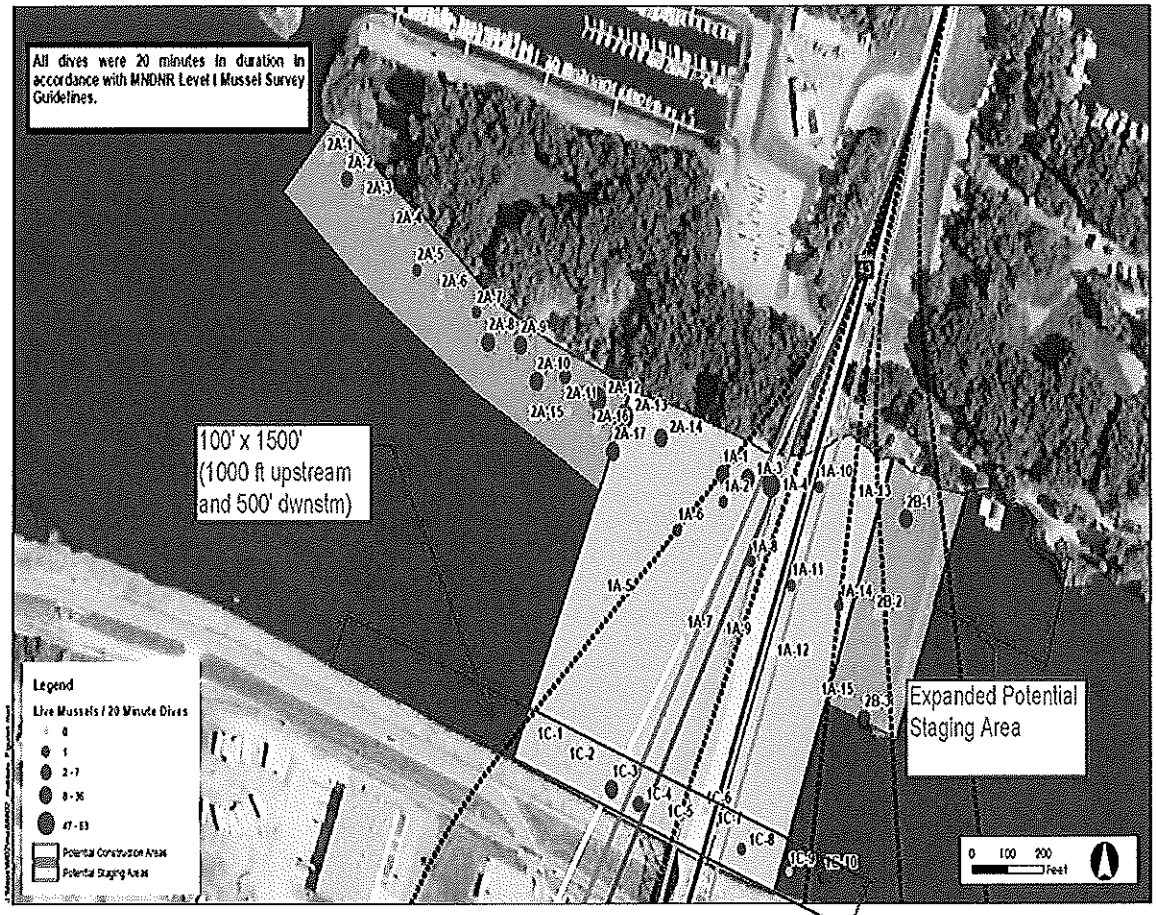
Project Background

The proposed project is located in the City of Winona, located on the Mississippi River in Winona County, Minnesota. Trunk Highway (TH) 43 is a two-lane highway where it crosses the Mississippi River back channel over Bridge 5930 and the main channel over Bridge 5900. TH 43 continues through the City of Winona connecting to U.S. Highway 61.

The main channel bridge (5900) has stood as a distinctive element in the community since 1942. Concerns about the structural stability of bridges following the Interstate 35W bridge collapse triggered a closure of the bridge in 2008 while gusset plate repairs were made. In addition, the Minnesota Legislature required that all fracture critical bridges be addressed to minimize risk of future collapse; the Winona Bridge was among these bridges.

This project will rehabilitate the existing main channel bridge (5900) and construct a new two-lane girder bridge immediately upstream. The project will also involve improvements to the 4th Street/Winona Street intersection (see Project Limits Layout and the Construction and Staging Areas Map in the Appendix).

Two separate mussel surveys were completed for this action. The first survey was conducted by a private firm in 2010 and the second conducted by the Minnesota Department of Natural Resources (MNDNR) in 2013. The graphic below shows the original 2010 survey area as well as the expanded 2013 limits. Note: The 2013 survey conducted by the MNDNR covered both the original and expanded areas.



Approximate Locations of Mussel Sampling
Winona Bridge Project
Winona, Minnesota

Figure 4

Listed Species/Critical Habitat within the Action Area
The County Distribution of Minnesota's Federally-Listed Threatened, Endangered, Proposed, and Candidate Species list provided by the Service indicates that Winona County is within the distribution range of the eastern massasauga (*Sistrurus catenatus*), a federal candidate species as well as the Higgins eye pearlymussel (*Lampsilis higginsi*), the sheepnose (*Plethobasus cyphyus*) and the Karner blue butterfly (*Lycaeides melissa samuelis*) all federally-listed endangered species. There is no critical habitat designated in Winona County.

Of the species identified above, only the Higgins eye and the sheepnose have the potential to occur within the project area.

Survey Conducted and Results
Two separate mussel surveys were completed for this action. The first survey was conducted by a private firm in 2010 and the second conducted by the MNDNR in 2013. Neither survey identified federally-listed mussel species in the areas searched.

The 2013 mussel survey revealed low mussel densities in the search area consisting of primarily common species with the exceptions being three individuals of round pigtoe (*Pleurobema sintoxia)*, a state-listed special concern species. No federally-listed species were identified. Based on these results, the MNDNR indicated that they have no further mussel-related concerns and the project can proceed without further surveys, mitigation and without the need for a State Endangered or Threatened Species Taking Permit.

Reason for Concurrence Request
Due to the scope of the action and the in-water impacts, the Service was contacted to help determine the appropriate consultation path in accordance with Section 7 of the Endangered Species Act of 1973, as Amended. After reviewing the survey results, and given that no federally-listed species were identified and that no areas with high mussel density or diversity were found in the action area during in either of the two survey efforts, it was decided that a determination of may affect, but is not likely to adversely affect was appropriate.

Determination
Based on the information and coordination provided above, MnDOT acting as the non-federal representative for the FHWA, has determined that the proposed action may affect, but is not likely to adversely affect Higgins eye or the sheepnose.. We are requesting concurrence that consultation with your office under Section 7 of the Act is complete. As an item of information a determination of no effect has been made for the eastern massasauga and the Karner blue butterfly.

If you require additional information, please contact me at (651) 366-3605.

Sincerely,

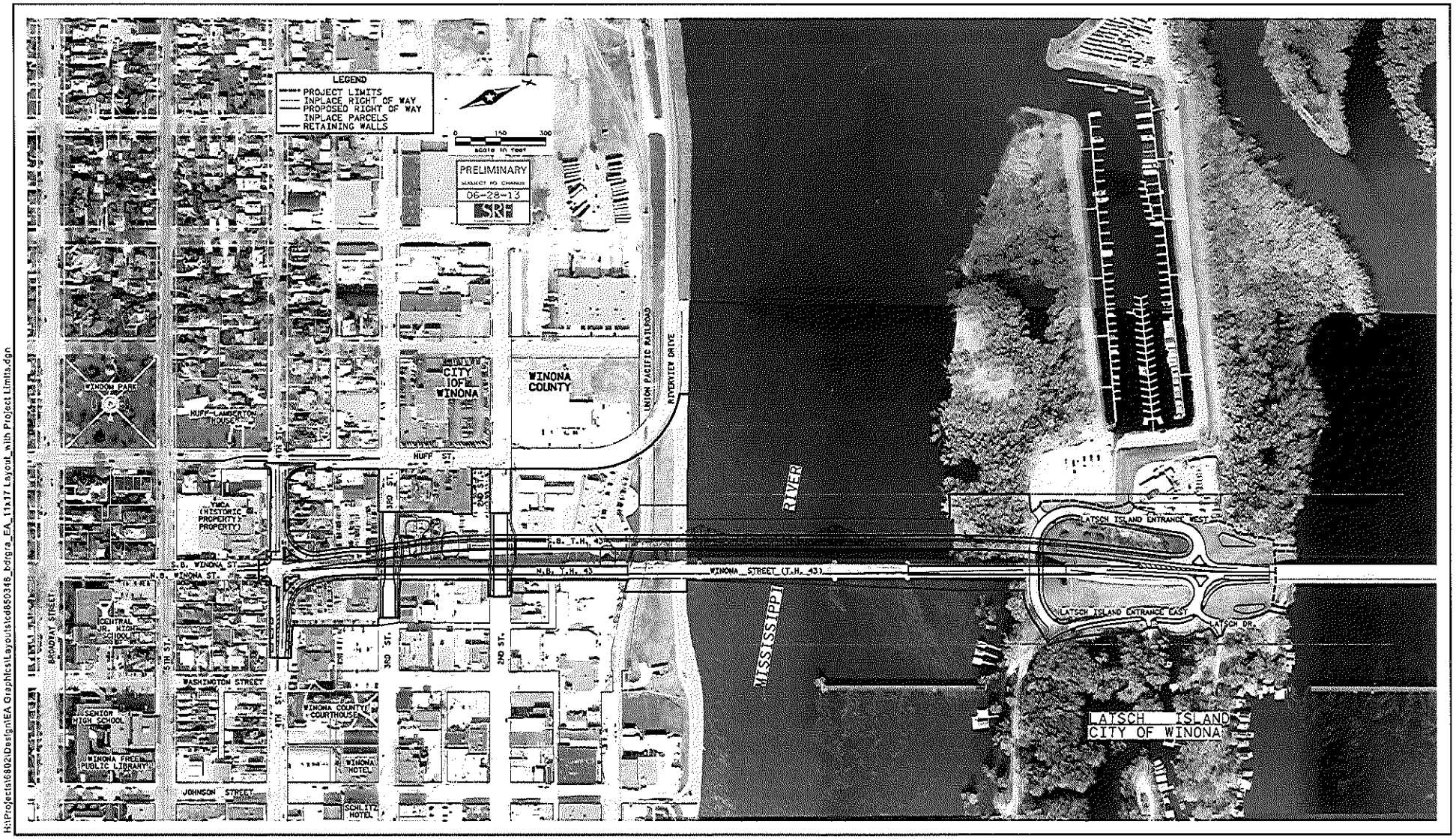
Jason Alcott
Natural Resource Specialist

cc: USFWS- Phil Delphey
MnDOT- Terry Ward
MnDOT - Deb Moynihan
file

Appendix

Project Limits Layout

Construction and Staging Areas Map

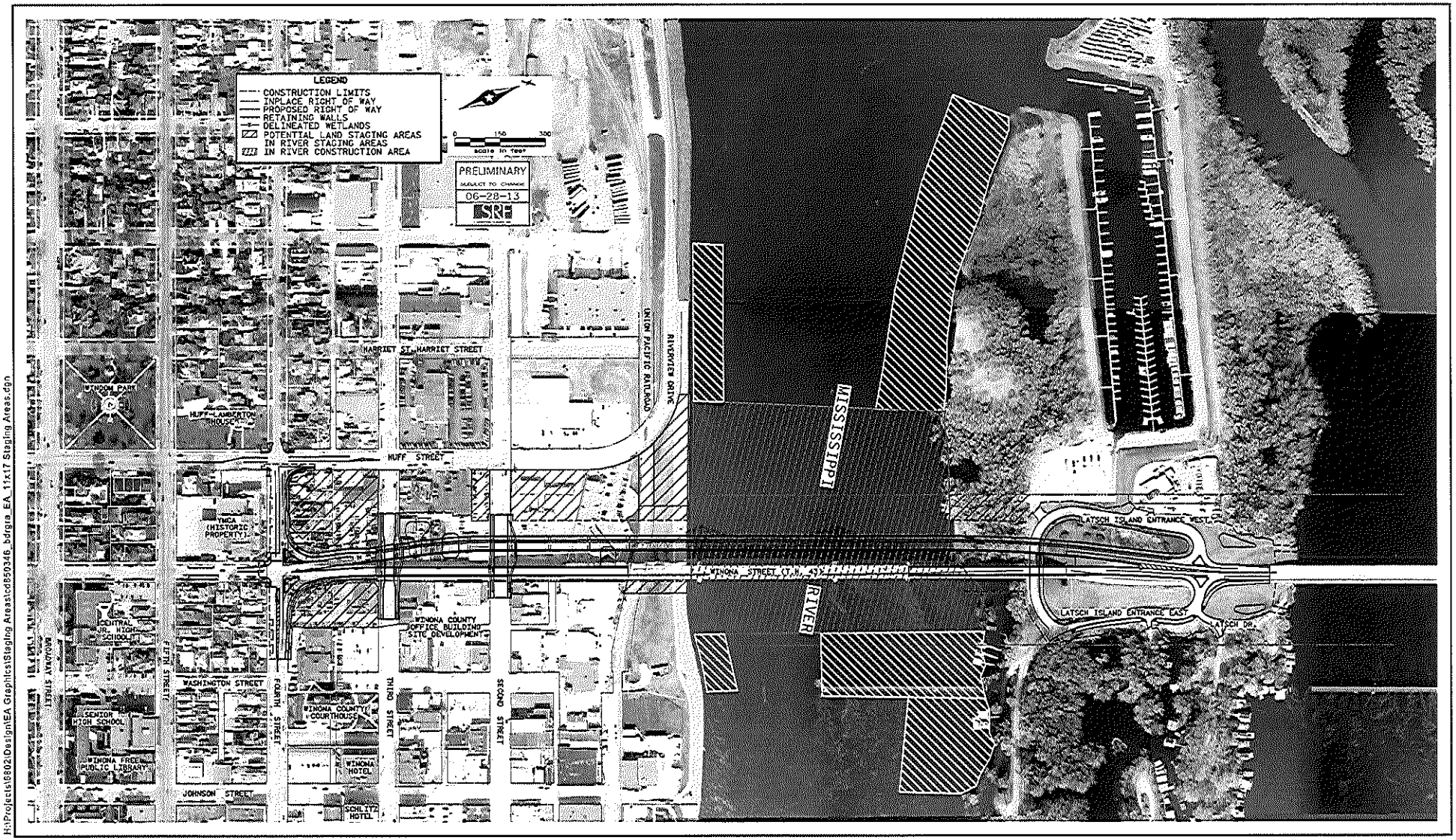


H:\Projects\6802\Design\EA Graphics\Layouts\c8503416_bdrgra_EA_11x17 Layout_with Project Limits.dgn

Project Limits Layout

Winona Bridge Project
SP 8503-46
Winona, Minnesota

Figure 7



H:\Projects\6802\Design\EA Graphics\Staging Areas\cd850346_bdrgia_EA_11x17 Staging Areas.dgn

Construction and Staging Areas

Winona Bridge Project
SP 8503-46
Winona, Minnesota

Figure 8

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Twin Cities Field Office
4101 American Blvd E.
Bloomington, Minnesota 55425-1665

September 13, 2013

Mr. Jason Alcott
Minnesota Department of Transportation
Office of Environmental Stewardship
395 John Ireland Boulevard
St. Paul, Minnesota 55155

Dear Mr. Alcott:

This letter is in response to your letter, received 28 August 2013, in which you requested concurrence with your determination that the proposed Winona Bridge Project (State Project 8503-46, Trunk Highway 43) may affect, but is not likely to adversely affect species listed as endangered or threatened under the Endangered Species Act of 1973, as amended. The Winona Bridge project will rehabilitate the existing main channel bridge and construct a new two-lane girder bridge immediately upstream. The project will also involve improvements to the 41st Street/Winona Street intersection.

The endangered mussel species Higgins eye (*Lampsilis higginsii*) and sheepnose (*Plethobasus cyphyus*) occur in the pool of the Mississippi River that would be affected by the proposed action, but are not likely to be present in the specific areas that would be affected by the action (action area). Two mussel surveys have been conducted in the action area – one in 2010 and one in 2013. Neither survey detected the endangered species; moreover, substrate conditions and mussel density and diversity were not indicative of either species' presence. There may remain some extremely low likelihood that one or both species are present in the action area, but we concur with your determination that the action may affect, but is not likely to adversely affect either species.

This concludes section 7 consultation for the proposed action. Please contact us, however, if changes to the proposed action may affect listed species or critical habitat in a manner or to an extent not previously considered. For further information, please contact Phil Delphey at (612)725-3548, ext. 2206.

Sincerely,

Tony Sullins
Acting Field Supervisor

APPENDIX D

Federal Highway Administration Intent to Make a *De Minimis* Impact Determination

U.S. Department
of Transportation
**Federal Highway
Administration**

Minnesota Division

380 Jackson Street
Cray Plaza, Suite 500
St. Paul, MN 55101-4802

651.291.6100
Fax 651.291.6000

www.fhwa.dot.gov/mndiv

December 11, 2013

Judy Bodway
City Manager
City of Winona
207 Lafayette Street
Winona, MN 55987

Re: Minnesota State Project Number 8503-46
Winona Bridge Project

Dear Ms. Bodway:

This letter is regarding the proposed impacts to the Waterfront Trail. As part of the construction for the Winona Bridge Project, the Minnesota Department of Transportation (MnDOT) plans to acquire two easements over portions of the Waterfront Trail. Waterfront Trail is a recreational trail, owned and managed by the City of Winona that runs along the riverfront underneath the existing bridge. The Waterfront Trail is approximately 0.2 miles long and connects Levee Park to Riverview Drive.

As a recreational resource, Waterfront Trail is subject to Section 4(f) of the Department of Transportation Act of 1966. The Section 4(f) process is simplified when there are only *de minimis impacts* (very minor impacts) to Section 4(f) properties. If the Federal Highway Administration (FHWA) makes a *de minimis* determination of a project's Section 4(f) impacts, the Section 4(f) process is satisfied and no further analysis is needed.

The Winona Bridge project would rehabilitate and reconstruct the existing bridge and add a new permanent bridge over the trail, but would not construct new permanent structures in the trail corridor. The Waterfront Trail would be temporarily detoured during project construction. The trail will be restored to existing conditions after construction is complete. This temporary occupancy of the Waterfront Trail was addressed in FHWA's July 19, 2013, letter and your August 28, 2013, response.

A permanent easement over the east portion of the trail is needed for construction vehicle access for construction of the new bridge and rehabilitation of the existing bridge, and for future maintenance access in perpetuity. MnDOT will also acquire a temporary easement over the west portion of the property for construction access only (no long term access needed).

Under Section 4(f) of the U.S. Department of Transportation Act of 1966, this trail is considered a Section 4(f) resource. A review of the project impacts and proposed construction

show that, in FHWA's opinion, the impacts to the trail will be minimal and will not adversely alter or affect the use of the facility. Based on this assessment, FHWA intends to make a *de minimis* determination.

Consistent with Section 4(f) requirements, an opportunity for the public to comment on the proposed *de minimis* finding was provided as part of the EA public comment period. The public comment period began September 30, 2013, included a public hearing on October 17, 2013, and ended on October 30, 2013. No public comments related to the Waterfront Trail or *de minimis* finding were received.

In order to make the Section 4(f) *de minimis* finding, your written concurrence that this project will not adversely affect the activities, features, and attributes of the facility is necessary. To acknowledge that you have been notified of the intent to apply the Section 4(f) *de minimis* finding, and your agreement that the activities, features, and attributes of the facility will not be adversely affected, please sign below and return the signed copy to Phil Forst at the letterhead address. Your prompt response is appreciated.

If you have any questions, please call me at (651) 291-6110.

Sincerely,

Philip Forst
2013.12.11 09:30:55
-06'00'

Phil Forst
Environmental Specialist

As the official with jurisdiction over the Waterfront Trail, I hereby concur with that the use and impacts to the Waterfront Trail associated with this project combined with the identified avoidance, minimization, and mitigation measures, will not adversely affect the activities, features, and attributes that qualify the Waterfront Trail for protection under section 4(f). I understand that concurrence with FHWA's assessment of the impacts to the Waterfront Trail will result in FHWA making a Section 4(f) de minimis determination for impacts to the Waterfront Trail.

Judith Bodway 12/11/13

Judy Bodway
City of Winona

Date

PJF/alk

cc: 1 MnDOT – Moynihan, e-copy, debra.moynihan@state.mn.us
1 FHWA – Ginsberg, e-copy, abbi.ginsberg@dot.gov

DMS – 39936 – Winona Bridge – Intent to Make a De Minimis Determination Letter to City of Winona – Winona County

APPENDIX E

Programmatic Agreement

PROGRAMMATIC AGREEMENT
PURSUANT TO SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT
BETWEEN THE FEDERAL HIGHWAY ADMINISTRATION AND THE MINNESOTA
STATE HISTORIC PRESERVATION OFFICE
REGARDING THE WINONA BRIDGE (BRIDGE 5900) PROJECT (S.P. 8503-46),
WINONA, WINONA COUNTY, MINNESOTA

WHEREAS, the Minnesota Department of Transportation (MnDOT) is proposing a project (PROJECT) where the preferred alternative is to rehabilitate the Winona Bridge (Bridge 5900) and construct a parallel bridge (Bridge 85851) in Winona, Winona County, and the PROJECT is considered a federal undertaking for the Federal Highway Administration (FHWA) requiring consultation under Section 106 of the National Historic Preservation Act; and

WHEREAS, consultation for this PROJECT was conducted under the terms of the 2005 *Programmatic Agreement Among the Federal Highway Administration, the Minnesota State Historic Preservation Office, the Advisory Council On Historic Preservation, the Department of the Army, Corps of Engineers, St. Paul District, and the Minnesota Department of Transportation Regarding Implementation of the Federal-Aid Highway Program in Minnesota*, various stipulations of which are incorporated by reference (hereafter, Statewide PA); and under the 2008 *Programmatic Agreement Concerning Pre-1956 Historic Bridges Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the Minnesota State Historic Preservation Officer, the Department of the Army, Corps of Engineers, St. Paul District, and the Minnesota Department of Transportation*; various stipulations of which are incorporated by reference (hereafter, Historic Bridge PA); and

WHEREAS, the MnDOT Cultural Resources Unit (MnDOT CRU), on behalf of the FHWA and in consultation with the Minnesota State Historic Preservation Office (SHPO), has defined the Area of Potential Effects (APE) of the undertaking as outlined in the December 24, 2012 letter from the MnDOT CRU to SHPO; and

WHEREAS, FHWA and MnDOT CRU, in consultation with the SHPO, have identified a number of historic properties in the PROJECT's APE listed in or eligible for listing in the National Register of Historic Places (National Register) as identified in Appendix A, and SHPO has concurred with these determinations; and

WHEREAS, the MnDOT CRU, on behalf of the FHWA, has conducted archaeological surveys in portions of the APE (where access was obtained) and to date has not identified any archaeological sites that are eligible for or listed in the National Register; and

WHEREAS, the MnDOT CRU, on behalf of FHWA has identified that the PROJECT will not have an adverse effect (direct or indirect) on one or more of the identified historic properties. However, the rehabilitation plan design for Bridge 5900 and the design for Bridge 85851 are currently in process and as plans are developed there is the potential to have an adverse effect (direct or indirect) on one or more of the identified historic properties; and

WHEREAS, the FHWA will be responsible for ensuring that all aspects of PROJECT implementation meet the terms of this Programmatic Agreement (PA), and the MnDOT CRU has assisted the FHWA in coordinating the Section 106 process, will administer the implementation of the PROJECT, and will complete the stipulations of this PA; and

WHEREAS, this PA was developed with appropriate public involvement (pursuant to 36 CFR 800.2(d) and 800.6(a)) coordinated with the scoping, public review and comment, and public meetings conducted on October 21, 2009, October 27, 2010, September 27, 2012, and October 17, 2013 to comply with NEPA and its implementing regulations; and

WHEREAS, a Project Advisory Committee (PAC) consisting of the SHPO, neighborhood organizations, local historical society, city and county representatives, business representatives, and various agencies was established to keep these entities informed and provide feedback on issues related to the planning, design, and construction of the PROJECT; and

WHEREAS, MnDOT, as PROJECT sponsor, has been invited by the FHWA to sign this PA in accordance with 36 CFR 800.6(c)(2); and

WHEREAS, the City of Winona is an invited party and has been invited to sign this PA in accordance with 36 CFR 800.6(c)(2); and

WHEREAS, the Winona Heritage Preservation Commission (HPC) is a consulting party and has been invited to concur with this PA in accordance with 36 CFR 800 (c)(3); and

WHEREAS, upon initiation of the Section 106 consultation process and in accordance with 36 CFR 800.2(c)(2)(ii), the FHWA in a good faith effort contacted Indian tribes that might attach religious and cultural significance to properties within the APE, inviting their participation in consultation, and no tribe requested to be a consulting party to the PROJECT; and

WHEREAS, the FHWA has notified the Advisory Council on Historic Preservation (ACHP) of its decision to enter into this PA, in accordance with 36 CFR 800.6(a)(1), and has provided the documentation specified in 36 CFR 800.11(e), and the ACHP has chosen not to participate in the consultation; and

NOW, THEREFORE, the FHWA and the SHPO agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effects of the undertaking on historic properties:

STIPULATIONS

The FHWA will ensure that the following measures are carried out.

STIPULATION I. IDENTIFICATION OF HISTORIC PROPERTIES

A. As PROJECT activities are further defined, the MnDOT CRU, on behalf of the FHWA, will refine the APE in consultation with SHPO, as needed.

B. If the APE is revised to include areas not previously subject to historic property identification efforts conducted as part of this PROJECT, MnDOT CRU will conduct additional investigations in those areas pursuant to Stipulation 3 of the Statewide PA.

C. Once MnDOT acquires the PROJECT right-of-way, MnDOT CRU will conduct additional archaeological investigations for areas that were not accessible due to lack of landowner permission. This includes archaeological testing of Parcels 67 and 87 and possibly Parcel 68, if it is determined to be in the APE. If during the design process additional parcels are identified that may be impacted or acquired, MnDOT CRU will also conduct archaeological investigations for these areas. If archaeological sites are identified within the APE, FHWA will reopen consultation with Indian tribes that might attach religious and cultural significance to those properties under 36 CFR 800.2(c).

D. Any historic properties newly identified within the APE by MnDOT CRU will be added to the list of properties included in Appendix A upon written concurrence by the SHPO. An amendment to the PA under Stipulation V is not necessary unless agreed upon by the signatories to the PA.

STIPULATION II. PROJECT PLAN REVIEW (BRIDGE 5900 AND 85851 AND ADDITIONAL ASSESSMENT OF EFFECT

A. Under the preferred alternative, MnDOT, or its design team, will prepare rehabilitation plans for the Winona Bridge (Bridge 5900) in accordance with the Secretary of the Interior's Standards for Rehabilitation (Standards) and work to avoid and minimize adverse effects on the historic property.

B. Under the preferred alternative, MnDOT, or its design team, will prepare the plans for the parallel bridge (Bridge 85851) to avoid or minimize adverse effects to the Winona Bridge and other historic properties identified in Appendix A.

C. During PROJECT development, MnDOT or its design team will provide PROJECT plans for Bridge 5900 and Bridge 85851 or an equivalent document at 30%, 60%, and 90% completion. At each stage of development, one set of plans will be submitted to MnDOT's Historic Bridge Expert and two sets of plans will be provided to MnDOT CRU. The Historic Bridge Expert will submit comments to the MnDOT CRU Project Manager. MnDOT CRU will submit the plans and their findings of effect to SHPO for review and comment. SHPO will have 30 days to review the document and MnDOT CRU's assessment of effect. Final plans (i.e., 100% completion) will also be submitted to the SHPO by MnDOT CRU for the project record.

STIPULATION III. RESOLUTION OF ADVERSE EFFECTS ON HISTORIC PROPERTIES

If the PROJECT is determined to have an adverse effect on historic properties that cannot be avoided, MnDOT CRU on behalf of FHWA will work with SHPO and other signatories to this PA to develop and complete appropriate mitigation measures. An amendment to the PA under Stipulation V is not necessary unless agreed upon by the signatories to the PA.

STIPULATION IV. DISPUTE RESOLUTION

Should any party to this PA object at any time to any actions proposed or the manner in which the terms of the PA are implemented, FHWA will consult with the objecting party (or parties) to resolve the objection. If FHWA determines the objection(s) cannot be resolved, FHWA will follow Stipulation 7 of the Statewide PA. FHWA's responsibility to carry out all other actions subject to the terms of this PA that are not subjects of the dispute remain unchanged pending resolution.

STIPULATION V. DURATION, AMENDMENTS, AND TERMINATION

A. This PA will remain in effect from the date of execution for a period not to exceed five (5) years. If the FHWA anticipates that the terms of the PA will not be completed within this timeframe, it will notify the signatories in writing at least thirty (30) days prior to the PA's expiration date. The PA may be extended by the written concurrence of the signatories. If the PA expires and the FHWA elects to continue with the undertaking, the FHWA will reinitiate review of the undertaking in accordance with 36 CFR 800.

B. If any signatory to the PA determines the PA cannot be fulfilled, or that an amendment to the terms of the PA must be made, the signatories will consult to seek an amendment to its terms using the same consultation process as that exercised in creating the original PA. The FHWA shall file any amendments with the ACHP upon execution.

C. Any signatory to this PA may terminate the PA by providing thirty (30) days written notice to the other signatories, provided the signatories consult during the period prior to termination to agree on amendments or other actions that would avoid termination. If the PA is terminated and the FHWA elects to continue with the undertaking, the FHWA will reinitiate review of the undertaking in accordance with 36 CFR 800.

STIPULATION VI. IMPLEMENTATION OF THIS PA

A. This PA may be implemented in counterparts, with a separate page for each signatory. This PA will become effective on the date of the final signature. FHWA will ensure each party is provided with a complete copy and that the final PA, updates to appendices, and any amendments filed with the ACHP.

B. Execution of this PA by the FHWA and the SHPO and implementation of its terms is evidence that the FHWA has taken into account the effects of its undertaking on historic properties and has afforded the ACHP opportunity to comment pursuant to Section 106 of the National Historic Preservation Act.

SIGNATORIES
FEDERAL HIGHWAY ADMINISTRATION

for Derrell Turner, Division Administrator

1/24/2014
Date

SIGNATORIES
MINNESOTA STATE HISTORIC PRESERVATION OFFICE

Barbara Howard
Barbara Mitchell Howard, Deputy SHPO

1/16/2014
Date

INVITED
MINNESOTA DEPARTMENT OF TRANSPORTATION

Charles A. Zelle, Commissioner

1-13-14
Date

INVITED
CITY OF WINONA

The Honorable Mark Peterson, Mayor

1/21/14
Date

CONCURRING
WINONA HISTORIC PRESERVATION COMMISSION

Lynn D. Englund
Lynn Englund, Chairman

1-8-14
Date

Appendix A: Historic Properties Identified Within the Area of Potential Effect That Have Been Listed in or Determined Eligible for the National Register of Historic Places as of 1/20/2012

(Note: NRHP is noted after properties listed in the National Register of Historic Places. The remaining properties have been determined eligible for listing in the National Register of Historic Places.)

Winona Bridge (Bridge 5900) Interstate Bridge (WN-WAC-0477)
North Channel Bridge (WN-WAC-1142)
Municipal Marina (WN-WAC-1260)
Winona Monument Co. (WN-WAC-0472)
Peter F. and Anna Schmitt House (WN-WAC-0440)
William F. and Louisa Kohler House (WN-WAC-0441)
Winona Waterworks (WN-WAC-0482)
Segment of the Chicago & North Western (C&NW) Railroad (WN-WAC-1246)
Windom Park (WN-WAC-1247)
First Baptist Church (WN-WAC-1300)
Central Methodist Church (WN-WAC-0258)
First Congregational Church (WN-WAC-0246)
St. Paul's Episcopal Church (WN-WAC-1303)
Winona County Courthouse (NRHP listed; WN-WAC-0460)
Winona Lumber Exchange (WN-WAC-0260)
YMCA (WN-WAC-0458)
C&NW Railroad Bridge (WN-WAC-0568)

Winona Commercial District/Third Street Commercial District (NRHP listed)

Properties in the Winona Commercial District/Third Street Commercial District that are individually listed in the National Register of Historic Places

- Schlitz Hotel (WN-WAC-0469)
- Winona Hotel (WN-WAC-0470)

Broadway Residential Historic District (NHRP listed)

Properties within the Broadway Residential Historic District individually eligible for or listed in the National Register:

- Winona Free Public Library (NRHP listed; WN-WAC-0261)
- Winona Senior High School and Auditorium (NRHP listed; WN-WAC-0262)
- Central Jr. High School (NRHP listed; WN-WAC-0263)
- Huff-Lamberton House (NRHP listed; WN-WAC-0544)
- Winona Masonic Temple (NRHP listed; WN-WAC-0259)
- Hannibal Choate House (WN-WAC-0448)
- William S. and Caroline Drew House (WN-WAC-0453)
- Harry S. and Sadie Youmans House (WN-WAC-0550)
- Peter and Edna Hallenbeck House (WN-WAC-0548)
- Joseph A. and Rebecca Prentiss House (WN-WAC-1305)
- Chauncey and Sarah Doud House (WN-WAC-0102)

- Daniel and Melissa Sinclair House (WN-WAC-1312)
- Central Methodist Church Chapel and Gym (WN-WAC-0258)
- Joseph S. and Laura Hoard House (WN-WAC-1250)
- First Congregational Church (WN-WAC-0246)
- First Congregational Church Parsonage (WN-WAC-0247)
- Eben M. and Clara Roberts House (WN-WAC-0252)
- John R. and Mary Lamberton Mitchell House (WN-WAC-0253)
- Herbert C. and Louise D. Garvin House (WN-WAC-1251)
- Harry L. and Ida Buck House (WN-WAC-1252)
- Moses C. and Julia Varney House (WN-WAC-1253)
- Windom Park (First Ward) (WN-WAC-1247)
- Franklin and Augusta Rising House (WN-WAC-1049)
- First Baptist Church and Parsonage (WN-WAC-1300)
- Samuel L. and Maude Prentiss House (WN-WAC-1299)
- Emma Ball House (WN-WAC-0530)
- Frank and Mary Youmans House (WN-WAC-0524)
- Frederic and Frances Bell House (WN-WAC-0314)
- Abner F. Hodgins House (NRHP listed; WN-WAC-0315
- St. Paul's Episcopal Church and Parish House (WN-WAC-1303)
- Central Methodist Church Parsonage (WN-WAC-1249)
- Allison W. and Anna Laird House (WN-WAC-1279)
- Otis M. and Lucretia Botsford House (WN-WAC-0255)
- Emory G. and Elizabeth Nevius House (WN-WAC-1278)
- Leslie L. and Lulu Brown House (WN-WAC-0305)
- George and Elizabeth Whitman House (WN-WAC-0293)
- Walter and Emma Anderson House (WN-WAC-1139)
- Dr. Linn A. and Abbie Kelly House (WN-WAC-0264)

APPENDIX F

DNR General Permit

MINNESOTA DEPARTMENT OF NATURAL RESOURCES

Limited/Amended

Public Waters Work General Permit

Expiration Date: 11/27/2018

General Permit Number

2004-0001

Pursuant to Minnesota Statutes, Chapter 103G, and on the basis of statements and information contained in the permit application, letters, maps, and plans submitted by the applicant and other supporting data, all of which are made part hereof by reference, **PERMISSION IS HEREBY GRANTED** to the applicant to perform actions as authorized below. This permit supersedes the original permit and all previous amendments.

Project Name:	County:	Watershed:	Resource:
MNDOT Statewide General Permit	All counties in Minnesota	All watersheds in Minnesota	All waters shown on the Public Waters Inventory

Purpose of Permit:	Authorized Action:
Bridge, culvert, or stormwater outfall repair or replacement.	Upon notification of approval by the DNR Transportation Hydrologist or Area Hydrologist, replace or repair of bridges, culverts, riprap, or stormwater outfalls on Public Waters, where all conditions and provisions specified herein are met.
Permittee:	**Authorized Agent:**
MN DEPARTMENT OF TRANSPORTATION CONTACT: CLARKOWSKI, LYNN, (651) 366-3602 OFFICE OF ENVIRONMENTAL STEWARDSHIP 395 JOHN IRELAND BLVD, MS 620 ST. PAUL, MN 55155 (651) 366-3600	N/A

Property Description (*land owned or leased or where work will be conducted*):

The Permittee or its authorized agent must own, control, or have permission to access and use all lands affected by the project.

Authorized Issuer:	Title:	Issued Date:	Effective Date:	Expiration Date:
Tom Hovey	Water Regulations Unit Supervisor	11/27/2013	11/27/2013	11/27/2018

This permit is granted **subject to** the following **CONDITIONS**:

APPLICABLE FEDERAL, STATE, OR LOCAL REGULATIONS: The permittee is not released from any rules, regulations, requirements, or standards of any applicable federal, state, or local agencies; including, but not limited to, the U.S. Army Corps of Engineers, Board of Water and Soil Resources, MN Pollution Control Agency, watershed districts, water management organizations, county, city and township zoning.

NOT ASSIGNABLE: This permit is not assignable by the permittee except with the written consent of the Commissioner of Natural Resources.

NO CHANGES: The permittee shall make no changes, without written permission or amendment previously obtained from the Commissioner of Natural Resources, in the dimensions, capacity or location of any items of work authorized hereunder.

SITE ACCESS: The permittee shall grant access to the site at all reasonable times during and after construction to authorized representatives of the Commissioner of Natural Resources for inspection of the work authorized hereunder.

TERMINATION: This permit may be terminated by the Commissioner of Natural Resources at any time deemed necessary for the conservation of water resources of the state, or in the interest of public health and welfare, or for violation of any of the conditions or applicable laws, unless otherwise provided in the permit.

CONDITIONS continued on next page...

GENERAL PERMIT CONDITIONS (*Continued from previous page*)

COMPLETION DATE: Construction work authorized under this permit shall be completed on or before the date specified above. The permittee may request an extension of the time to complete the project by submitting a written request, stating the reason thereof, to the Commissioner of Natural Resources.

WRITTEN CONSENT: In all cases where the permittee by performing the work authorized by this permit shall involve the taking, using, or damaging of any property rights or interests of any other person or persons, or of any publicly owned lands or improvements thereon or interests therein, the permittee, before proceeding, shall obtain the written consent of all persons, agencies, or authorities concerned, and shall acquire all property, rights, and interests needed for the work.

PERMISSIVE ONLY / NO LIABILITY: This permit is permissive only. No liability shall be imposed by the State of Minnesota or any of its officers, agents or employees, officially or personally, on account of the granting hereof or on account of any damage to any person or property resulting from any act or omission of the permittee or any of its agents, employees, or contractors. This permit shall not be construed as estopping or limiting any legal claims or right of action of any person other than the state against the permittee, its agents, employees, or contractors, for any damage or injury resulting from any such act or omission, or as estopping or limiting any legal claim or right of action of the state against the permittee, its agents, employees, or contractors for violation of or failure to comply with the permit or applicable conditions.

EXTENSION OF PUBLIC WATERS: Any extension of the surface of public waters from work authorized by this permit shall become public waters and left open and unobstructed for use by the public.

INVASIVE SPECIES - EQUIPMENT DECONTAMINATION: All equipment intended for use at a project site must be free of prohibited invasive species and aquatic plants prior to being transported into or within the state and placed into state waters. All equipment used in designated infested waters, shall be inspected by the Permittee or their authorized agent and adequately decontaminated prior to being transported from the worksite. The DNR is available to train inspectors and/or assist in these inspections. For more information refer to the "Best Practices for Preventing the Spread of Aquatic Invasive Species" at http://files.dnr.state.mn.us/publications/ewr/invasives/ais/best_practices_for_prevention_ais.pdf. Contact your regional Invasive Species Specialist for assistance at www.mndnr.gov/invasives/contacts.html. A list of designated infested waters is available at http://files.dnr.state.mn.us/eco/invasives/infested_waters.pdf. A list of prohibited invasive species is available at www.mndnr.gov/eco/invasives/laws.html#prohibited.

APPLICABLE PROJECTS: This permit applies only to the replacement, reconstruction, or repair (including associated minor channel or shoreline work) of existing bridges, culverts, stormwater outfalls, or riprap in Public Waters that are designed under the supervision of a registered professional engineer. A project not meeting applicable conditions of this permit or a project the DNR identifies as having the potential for significant resource impacts, is not authorized herein. Rather, such projects will require an individual permit application.

PROJECT AUTHORIZATION: This permit provides conditions to aid project planning and facilitate initial design to streamline DNR regulatory approval. A project must be reviewed by the DNR Transportation Hydrologist through the MnDOT Early Notification Memo (ENM) process in order for it to qualify for authorization under this permit. The existing framework of MnDOT environmental review by the applicable DNR personnel will be utilized to review projects at the earliest possible stage for permit needs and additional conditions. Additional design information may be required of MnDOT during this process. If a project can not meet the conditions of this permit, a separate individual permit will be required. If emergency or unforeseen projects arise that can not include the framework of the ENM process, the permittee shall contact the DNR Transportation Hydrologist or Area Hydrologist immediately to provide details and discuss project design and applicable standards for authorization under this permit. Work shall not commence until written approval that the project will meet these (and any additional written) permit conditions is received from the applicable DNR Hydrologist.

RESPONSIBILITY: The permittee is responsible for satisfying all terms and conditions of this permit. When a project is awarded to a said third party (contractor) for work to be completed, the permittee may notify the DNR in order to administratively amend the project authorization form to include the said third party as a co-permittee for joint responsibility in compliance with this permit.

ENVIRONMENTAL REVIEW: If the bridge/culvert construction is part of a road project that requires mandatory environmental review pursuant to MN Environmental Quality Board rules, then this permit is not valid until environmental review is completed.

DNR NOTIFICATION: The permittee shall notify the DNR Transportation Hydrologist or Area Hydrologist at least five days in advance of the commencement of the work. An email notification of the pre-construction meeting will suffice for this notification.

CONDITIONS continued on next page...

GENERAL PERMIT CONDITIONS (*Continued from previous page*)

PHOTOS AND AS-BUILTS: Upon completion of the authorized work, the permittee may be required to submit a copy of established benchmarks, representative photographs, and may be required to provide as-built surveys of Public Watercourse crossing changes.

STATE & FEDERAL LISTED SPECIES PROHIBITION: If there are unresolved concerns regarding impacts to federally or state listed species (endangered, threatened, or special concern), this general permit is not applicable, and the project must be submitted as a separate permit application. Compliance with DNR and federal guidelines established for a listed species (e.g. Topeka Shiner conditions) would constitute a resolved concern.

PRELIMINARY ENGINEERING: This permit authorizes preliminary engineering studies in the water associated with bridge planning (e.g., core sampling). All core holes must be sealed in accordance with Department of Health well sealing requirements. On designated infested waters, all equipment in contact with the water must be decontaminated per the Invasive Species condition.

HYDROLOGIC/HYDRAULIC DATA REPORTING: Unless waived by the DNR Transportation Hydrologist or Area Hydrologist, hydrologic modeling to show the impacts of the structure(s) on the 100-yr (1% chance) flood elevation is required. Calculations showing calculated velocities through the structures at 2-year peak flows may also be required.

NAVIGATION MAINTAINED OR IMPROVED: The structure's final design will not obstruct reasonable public navigation, as determined by the DNR. For bridges, three feet above the calculated 50-year flood stage ordinarily satisfies navigational clearance requirements. For culverts, three feet of clearance above the ordinary high water level (top of the bank) ordinarily satisfies navigational requirements.

STATE TRAILS: Projects proposed near an existing or proposed state trail system should be consistent therewith.

FLOWLINE/GRADIENT NOT CHANGED: Replacement of culverts or crossings are to follow (or be restored to) the natural alignment and profile of the stream. Changes from the existing flowline, gradient or alignment must be consistent with the Water Level Control and Fish Passage conditions and authorized by the DNR Transportation Hydrologist or Area Hydrologist.

FLOOD STAGES/DAMAGES NOT INCREASED: A. No approach fill for a crossing shall encroach upon a DNR approved community designated floodway. When a floodway has not been designated or when a floodplain management ordinance has not been adopted and approved, increases in flood stage in the regional flood of up to one-half of one foot shall be approved if they will not materially increase flood damage potential. Additional increases may be permitted if: a field investigation and other available data indicate that no significant increase in flood damage potential would occur upstream or downstream, and any increases in flood stage are reflected in the floodplain boundaries and flood protection elevation adopted in the local floodplain management ordinance as determined by the applicable DNR Hydrologist; B. If the existing crossing has a swellhead of one-half of one foot or less for the regional flood, the replacement crossing shall comply with the provisions for new crossings in (A). If the existing crossing has a swellhead of more than one-half of one foot for the regional flood, stage increases up to the existing swellhead may be allowed if field investigation and other available data indicate that no significant flood damage potential exists upstream from the crossing based on analysis of data submitted by the applicant. The swellhead for the replacement crossing may exceed the existing swellhead if it complies with the provisions found in (A) above.

WATER LEVEL CONTROL: Permittee is responsible for maintaining existing water level control elevations.

FISH PASSAGE: Bridges, culverts and other crossings shall provide for fish movement unless the structure is intended to impede rough fish movement, aquatic invasive species movement, or the stream has negligible fisheries value as determined by the Transportation Hydrologist or Area Hydrologist in consultation with the Area Fisheries Manager. The accepted practices for achieving these conditions include: A. Where possible a single culvert or bridge shall span the natural bankfull width adequate to allow for debris and sediment transport rates to closely resemble those of upstream and downstream conditions. A single culvert shall be recessed in order to pass bedload and sediment load. Additional culvert inverts should be set at a higher elevation. All culverts should match the alignment and slope of the natural stream channel, and extend through the toe of the road side slope. "Where possible" means that other conditions may exist and could take precedence, such as unsuitable substrate, natural slope and background velocities, bedrock, flood control, 100-yr (1% chance) flood elevations, wetland/lake level control elevations, local ditch elevations, and other adjacent features. B. Rock Rapids or other structures may be used to retrofit crossings to mimic natural conditions.

TERRESTRIAL SPECIES MOVEMENT: Structures shall not be detrimental to significant wildlife habitat. If the crossing is located at a significant wildlife travel corridor as determined by DNR Wildlife or Ecological & Water Resources staff, the

CONDITIONS continued on next page...

crossing shall be designed to minimize concerns. Typically this is accomplished with the presence of a walkable surface (dry ground) at normal flow conditions. For bridges this is known as a 'Passage Bench', which is incorporated into bridge abutment riprap. On multiple culvert installations, outer culvert inverts can be set at an elevation higher than normal flow to allow terrestrial species use during non-flood conditions. A Passage Bench design is incorporated into MnDOT Standard sheet (Figure 5-397.309) and available at http://www.dot.state.mn.us/bridge/cadd/files/bdetailspart2/pdf/fig7309e.pdf. Also see 'Passage Bench Design' as well as other species protection measures in Chapter 1 of the collection of "Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-0001" http://www.dnr.state.mn.us/waters/watermgmt_section/pwpermits/gp_2004_0001_manual.html.

RESTORATION OF VEGETATION: On areas of disturbed soil adjacent to Public Waters, final vegetation plans should include native species suitable to the local habitat. This may include trees, shrubs, grasses, and/or forbs. Also see MnDOTs "Native Seed Mix Design for Roadsides" http://www.dot.state.mn.us/environment/erosion/pdf/native-seed-mix-dm.pdf.

TEMPORARY IMPACTS DURING CONSTRUCTION: Construction methods not finalized at the time of project review shall be submitted for review and approval at a later date. Temporary work below the Ordinary High Water (OHW) elevation, such as channel diversions, placement of temporary fill, structures for work pads/dock walls, bypass roads, coffer dams, or staging areas to aid in the demolition or construction of any authorized structure shall be submitted for review and approval in writing by the DNR Transportation Hydrologist or Area Hydrologist prior to beginning work. This is normal procedure for bridge or culvert projects as we recognize that final project designs are often posted for bid without final construction/ demolition plans. The following conditions must be met:

A. AQUATIC INVASIVE SPECIES - EQUIPMENT DECONTAMINATION: All equipment intended for use at a project site must be free of prohibited invasive species and aquatic plants prior to being transported into or within the state and placed into state waters. All equipment used in designated infested waters, shall be inspected by the Permittee or their authorized agent and adequately decontaminated prior to being transported from the worksite. The DNR is available to train inspectors and/or assist in these inspections. For more information refer to the "Best Practices for Preventing the Spread of Aquatic Invasive Species" at http://files.dnr.state.mn.us/publications/ewr/invasives/ais/best_practices_for_prevention_ais.pdf. Contact your regional Invasive Species Specialist for assistance at www.mndnr.gov/invasives/contacts.html. A list of designated infested waters is available at http://files.dnr.state.mn.us/eco/invasives/infested_waters.pdf. A list of prohibited invasive species is available at www.mndnr.gov/eco/invasives/laws.html#prohibited.

B. WORK EXCLUSION DATES FOR FISH SPAWNING AND MOVEMENT: Work within Public Waters may be restricted due to fish spawning and migration concerns. Dates of fish spawning and migration vary by species and location throughout the state. Specific dates for each DNR Region may be found on page 3 of Chapter 1 of the manual: Best Practices for Meeting DNR General Waters Work Permit GP2004-0001. http://www.dnr.state.mn.us/waters/watermgmt_section/pwpermits/gp_2004_0001_manual.html. Work in the water is not allowed within these dates. The DNR Transportation Hydrologist, Area Hydrologist, or Area Fisheries Supervisor shall be contacted about waiving work exclusion dates where work is essential or where MnDOT demonstrates that a project will minimize impacts to fish habitat, spawning, and migration.

C. HYDROLOGIC MODELING: Hydrologic modeling of temporary fill or temporary structures may be required by DNR Transportation Hydrologist or Area Hydrologist in order to evaluate impacts to the 100-yr (1% chance) flood elevation. Contingency plans may also be required to ensure all construction equipment and unsecured construction materials are moved out of the floodplain to prevent impacts to the 100-yr (1% chance) flood elevation or from being swept away by flood waters.

D. TEMPORARY FILL: If approved, temporary fill shall be free of organic material or any material that may cause siltation or pollute the waterbody. All such material shall be removed and the area restored to pre-existing profiles prior to project completion.

E. WETLAND PROTECTION: Should MnDOT or its contractors chose to do work in association with this project that is outside MnDOT project area right-of-way (EG excavation, grading, fill, vegetation alterations, utility installations, etc), they must obtain a signed statement from the property owner stating that permits required for work have been obtained or that a permit is not required, and mail a copy of the statement to the regional DNR Enforcement office where the proposed work is located. The Landowner Statement and Contractor Responsibility Form can be found at: http://www.bwsr.state.mn.us/wetlands/wca/index.html#general

F. STORAGE/STOCKPILES: Project materials must be deposited or stored in an upland area, in a manner where the

CONDITIONS continued on next page...

GENERAL PERMIT CONDITIONS (*Continued from previous page*)

materials will not be deposited into the public water by reasonably expected high water or runoff.

G. NAVIGATION: All work on navigable waters shall be so conducted that free navigation of waterways will not be interfered with, except as allowed by permits issued by the proper public authority. See MnDOT Standard Specifications for Navigable Waters (spec #1709) of MnDOT Standard Specifications for Construction, 2005 edition, or its successor: http://www.dot.state.mn.us/pre-letting/spec/2014/2014-Std-Spec-for-Construction.pdf.

H. EROSION PREVENTION AND SEDIMENT CONTROL: In all cases, erosion prevention and sediment control methods that have been determined to be the most effective and practical means of preventing or reducing sediment from leaving the worksite shall be installed in areas that are within 200 feet of the water's edge and drain to these waters, and on worksite areas that have the potential for direct discharge due to pumping or draining of areas from within the worksite (EG coffer dams, temporary ponds, stormwater inlets). These methods, such as mulches, erosion control blankets, temporary coverings, silt fence, silt curtains or barriers, vegetation preservation, redundant methods, isolation of flow, or other engineering practices, shall be installed concurrently or within 24 hours after the start of the project, and shall be maintained for the duration of the project in order to prevent sediment from leaving the worksite. DNR requirements may be waived in writing by the authorized DNR staff based on site conditions, expected weather conditions, or project completion timelines.

I. MPCA WATER QUALITY REQUIREMENTS: MPCA administers the requirements of the National Pollutant Discharge Elimination System and the State Disposal System (NPDES/SDS) requirements. To ensure state water quality standards during construction are not violated, check with the MPCA Stormwater Program www.pca.state.mn.us/stormwater for permit application requirements, pollution prevention guidance documents, and additional measures required for work in Special or Impaired Waters. For questions on MPCA requirements, contact the MPCA-MnDOT Liaison (Dan Sullivan at Dan.Sullivan@state.mn.us or 651-366-4294).

J. TEMPORARY DEWATERING: A separate water use permit is required for withdrawal of more than 10,000 gallons of water per day or 1 million gallons per year from surface water or ground water. GP1997-0005 (temporary water appropriations) covers a variety of activities associated with road construction and should be applied if applicable. An individual appropriations permit may be required for projects lasting longer than one year or exceeding 50 million gallons. Information is located at: http://www.dnr.state.mn.us/waters/watermgmt_section/appropriations/permits.html .

K. PROTECTION OF VEGETATION: If DNR Ecological & Water Resources staff determine that Native Plant Communities, Sites of Biodiversity Significance, other Areas of Environmental Sensitivity are present in or adjacent to Public Waters, precautions must be implemented to ensure protection and restoration of vegetation. MnDOT Standard Specifications for Protection and Restoration of Vegetation (spec #2572) of MnDOT Standard Specifications for Construction, 2005 edition, or its successor must be followed to minimize disturbance to such areas, see http://www.dot.state.mn.us/pre-letting/spec/2014/2014-Std-Spec-for-Construction.pdf. This may include, but is not limited to, the following: (1) During the project, parking, placement of temporary structures or material shall not be allowed outside the existing road right-of-way; (2) Place temporary fence at the construction limits and at other locations adjacent to vegetation designated to be preserved; (3) Minimize vehicular disturbance in the area (no unnecessary construction activities); (4) Leave a buffer of undisturbed vegetation between the critical resource and construction limits; (5) Precautions should be taken to ensure that borrow and disposal areas are not located within native plant communities; and (6) Revegetate disturbed soil with native species suitable to the local habitat.

L. NESTING BIRDS: MnDOT adherence to existing federal migratory bird protection programs will suffice for DNR concerns. Should active nests be encountered on the project (including swallow nests attached to bridges or culverts), contact MnDOT Office of Environmental Stewardship (Jason.Alcott@state.mn.us, ph; 651-366-3605), for specific guidance relating to Federal Threatened and Endangered Species and U.S. Fish and Wildlife Service coordination.

BEST PRACTICES - MNDOT: Please refer to the collection of "Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-0001" for guidance to meeting the conditions of this General Permit. A PDF version is available at: http://www.dnr.state.mn.us/waters/watermgmt_section/pwpermits/gp_2004_0001_manual.html.

APPENDIX F1

Wetland Impact Replacement Statement

Minnesota Department of Transportation
395 John Ireland Boulevard
Saint Paul, MN 55155

Date: Aug 22, 2013

Terry Ward, Project Manager
MnDOT Rochester District

RE: Winona Bridge (No. 5900) EA – wetland impact replacement

Dear Terry:

As per your request, I have prepared a wetland impact replacement statement for the above project.

This project will incur wetland impacts as indicated in the table below. These impacts are shown in the project's Environmental Assessment. The total project wetland impacts are anticipated to be 0.19 acre of permanent impact via wetland fill and 1.68 acre of permanent impact via conversion of wetland type (clearing of trees will convert forested wetland to herbaceous wetland). As the design and permitting of the project proceeds, the wetland impacts may differ from the amounts listed below.

Table 1 - Anticipated Project Wetland Impact

Nature of Impact	Amount of proposed impact	Wetland classification	Wetland Type C-39
Permanent fill	0.15 acre	Floodplain Forest	Type 1L
Permanent fill	0.04 acre	Wet meadow	Type 2
Permanent conversion of wetland Type	1.68 acre	Floodplain Forest	Type 1L

The wetland impacts for the above MnDOT project will be replaced through the MnDOT & BWSR Cooperative Wetland Replacement program. Through an interagency agreement with the Board of Water and Soil Resources (BWSR), MnDOT has purchased $4 million worth of wetland credits from established and WCA-approved wetland banks. At the beginning of 2013, MnDOT credit holdings were approximately 240 credit-acres.

Nature of wetlands in the project area: wetlands in the vicinity of the project are primarily riverine floodplain forest wetlands. These wetlands provide wildlife and fisheries habitat.

The minimum WCA/Corps wetland replacement ratio for the project area is 2.0 for permanent fill. The typical Corps replacement ratio for conversion of wetland type is 0.25 (WCA does not consider wetland conversion to be an impact). The table below lists the anticipated wetland banking site and proposed replacement acres that are anticipated to be used as mitigation for this project.

Table 2 - Wetland bank credits proposed for use as mitigation

Amount of proposed replacement	Replacement wetland classification/Type	Wetland Bank Name / County	Wetland Bank WS / BSA
0.38 acre for fill impact	Floodplain Forest	Hokah / Houston	WS 44 / 8
0.42 acre for conversion impact	Floodplain Forest	Hokah / Houston	WS 44 / 8

The Hokah Bank Site is a cooperative wetland restoration project between MnDOT and BWSR. As of August 2013, the Hokah Bank Site account contains 150 Corps/WCA-approved credits (see attached bank site ledger).

Sincerely,

Sarma Straumanis
Wetland Program Coordinator
Office of Environmental Stewardship

cc: Deb Moynihan, MnDOT OES

APPENDIX G

Mitigation Commitments

Winona Bridge Project

"Green Sheets"

Environmental Assessment S.P. 8503-46

This list below presents the commitments to be carried out by the project proposers to offset or minimize impacts, comply with agency requests, or complete agreements made during agency coordination during the NEPA process. The resources are presented in the order they are addressed in the EA/EAW. The commitments referenced in the first part of this document (starting on page 3) pertain to the specific obligations agreed upon for this action during pre-design/NEPA phases of the project development process. The intention of this Green Sheet list and the accompanying 'Chain of Custody' on page 2 is to provide a mechanism for tracking transfer and completion of project commitments from the NEPA process, through final design and permitting, then to development of plans and specifications, then to construction and, if applicable, to post-construction/maintenance. The NEPA commitments are listed in this document, including information on when it is anticipated that they would be implemented during future project development stages (e.g., final design, construction, etc.). However, this is a 'living' document – and as additional information on how the project will be designed, bid and constructed is decided, some of the implementation assumptions may change (e.g., due to design-build (D-B) or construction manager-general contractor (CMGC) contracting used in lieu of traditional design-bid-build). Also, additional (non-routine) commitments may be added as a result of permit conditions, etc. As changes or additions are made during future stages of project development, they must be tracked by the MnDOT Project Manager in a way that completion of the original NEPA commitments can be tracked and documented. Throughout the future project development stages, the chain of custody table will be used to track transfer of responsibility for ensuring commitments are being conveyed and implemented (e.g., during transfer from the pre-design project manager to the final design project manager). Also, as commitments are completed, the date of completion and the party/person documenting completion of the commitment should be noted – see the columns provided for 'status', 'completion date' and 'sign off' in the table starting on page 3.

NOTE: Measures that will be taken in accordance with standard construction specifications or as part of various routine permit requirements are listed in a separate table at the end of this document, since they require less detailed description and tracking than project-specific commitments.

<u>Project Description</u>

The Build Alternative (recommended alternative) includes:

- Rehabilitation/reconstruction[1] of existing bridge including:
  - Removal of the pedestrian cantilevered walkway
  - Through truss
    - Deck removal and replacement with light-weight deck (design and/or materials)
    - Repair, cleaning and painting of main through truss and piers
  - Deck truss
    - Deck removal and replacement – use of light-weight deck (design and/or materials) will be evaluated
    - Removal and in-kind replacement of deck truss spans and piers based on detailed study and condition and ability to retain historic integrity
  - Approaches
    - Deck removal and replacement – use of light-weight deck (design and/or materials) unlikely but will be evaluated
    - Removal and in-kind replacement of approach spans and piers

- Construction of a new bridge parallel to existing bridge, with the following features:
  - girder-type[2]
  - on the Winona Street West alignment
  - including a 12-foot wide pedestrian/bike way on the upstream (west) side.

[1] The preliminary design assumptions that dictate the level to which rehabilitation is needed on the through truss will be further evaluated in the final design phase. As final design progresses, if these initial assumptions are found to require modification, further coordination and collaboration will be conducted with MnDOT CRU, SHPO, and FHWA.
[2] Specific girder bridge type (eg., concrete or steel material type) to be determined; Section IV. Social, Economic and Environmental Impacts describes impacts based on generic girder-type bridge.

- Improvements to the Winona Street-4th Street intersection including turn lanes, signalization, and pedestrian improvements.
- Reconstruction of portions of 2nd and 3rd Streets.
- Reconstruction of the TH 43-Latsch Island road access intersection including turn lanes and trail connections.

Upon completion of the project, the existing bridge will carry two lanes of traffic in the northbound direction and the new bridge will carry two lanes of traffic in the southbound direction.

The recommended Build Alternative includes staging that constructs the new bridge first while traffic continues to be carried on the existing bridge, then moving traffic to the new bridge while rehabilitation/reconstruction of the existing bridge is completed. Upon project completion, the two bridges will operate as a one-way pair, tying into the improved Winona Street/4th Street intersection at the south terminus and tapering to tie into the two lane TH 43 section at the north terminus.

SP 8503-46 _- Chain of Custody – see Green fonts where not signed.

Action	Who	Date	Expectation
Prepared by:	*Terry Ward*		To the best of my knowledge all commitments made in environmental documents and public discussions have been captured here
Received in Detail Design by:	*Terry Ward*		Commitments documented here will be honored or renegotiated
Updated in Detail Design by:	*Updated by the District*		To the best of my knowledge all commitments specified in the Green Sheets have been incorporated into the plans or renegotiated and any new commitments have been added
Received in Construction by:	*Updated by the District*		Commitments documented here will be honored or renegotiated
Completed in Construction:	*Updated by the District*		To the best of my knowledge all commitments specified in the Green Sheets have been constructed or renegotiated and any new commitments have been added
Received post Construction:	*Updated by the District*		Commitments documented here will be honored or renegotiated
Completed post Construction:	*Updated by the District*		All commitments have been fulfilled or renegotiated

Commitments that are considered standard operating procedures are included in a separate table at the end of this document.

Existing Bridge Rehabilitation Activities		Bridge 5900 Deck Truss Testing	Status Update Description	Status Update Date	Completion Date	Completion Signed Off By (Name)
	Done in Design	**Project Funds will be used for an independent study to deconstruct, transport and forensically analyze select portions of the Bridge 5900 deck trusses slated for replacement, to objectively characterize their condition and material properties, to evaluate their effect on load capacity in laboratory conditions, to compare to assumptions of the Bridge 5900 rehab study, and to contribute to a body of knowledge in the structural community to help inform future rehab studies of steel trusses.** **Procedures, including any necessary contract special provisions, for preserving the extant integrity of select portions of the deck trusses for study will be written by the Consultant Engineer of Record (EOR) for Bridge 5900 and included in the contract for the anticipated Phase III Rehabilitation and Reconstruction of Bridge 5900 of the Winona CMGC project. These portions of the deck trusses selected for study and the procedures will be developed as part of a collaborative effort between the EOR, MnDOT, FHWA and the CMGC contractor and will include timelines for removal, handling, transport and testing requirements. MnDOT and FHWA must agree upon the independent study's final scope of work and associated procedures. All necessary contracts will be in place to meet the required timelines so that this work can be included in the Phase III plans and specifications and completed during the Bridge 5900 construction work.**				
	Done in Construction	**All necessary preparations and contracts shall be in place so that bridge 5900 elements needed for study will immediately go from their in-place location to transport to the research facility for testing.** **All necessary preparations and contracts shall be in place so that the research facility will begin study immediately upon receipt of elements for study.**				
	Done post Construction	**Fill in as appropriate**				
	No Further Work Required					

Plan Review		Plan review agencies	Status Update Description	Status Update Date	Completion Date	Completion Signed Off By (Name)
	Done in Design	**Plan review agencies include CRU/SHPO, USACE, USCG, DNR, MPCA, and FHWA**				
	Done in Construction	**Fill in as appropriate**				
	Done post Construction	**Fill in as appropriate**				
	No Further Work Required					

Vegetation/Habitat/Species Protection		Vegetation Plan	Status Update Description	Status Update Date	Completion Date	Completion Signed Off By (Name)
	Done in Design	**A vegetation plan will be prepared that includes efforts to avoid and/or minimize these impacts during both the design and construction phase. The vegetation plan will be based on MnDOT Standard Specification for Construction 2572 (Protection and Restoration of Vegetation) and the DNR Public Waters Work Permit and will be coordinated with the DNR and City staff.** **A potential exception to the use of native plants as provided for in MnDOT's recommended vegetation replacement guidelines is surrounding new stormwater treatment ponds, where specific plant species will be used if requested to prevent bird collisions with aircraft, due to the proximity to the Winona Airport.**				
	Done in Construction	**Mitigation measures such as the use of temporary fence for tree protection will be used. These areas should be identified in the plan and Standard Detail Sheets that are available for these items included in the plan package.** **The vegetation plan will also be followed for vegetation replacement. Re-vegetation within the project area will attempt to control invasive species. The contractor will be required to control state listed noxious weeds.** **No untreated ash or walnut wood can be brought into Minnesota from Wisconsin, including timber mats, without a compliance agreement from the Minnesota Department of Agriculture (MDA). The contractor must follow**				

		all MDA quarantine requirements. **If infested soils are removed from the project site and not brought to an approved facility, the contractor will be responsible for obtaining a permit from the MDA for disposal.** **The land staging areas on Latsch Island will be restored to existing conditions with tree plantings after construction is complete. Trees will be replaced according to MnDOT specifications.** **Trees removed will be subject to Emerald Ash Borer special provisions, as Winona County and Wisconsin are considered infested.** **Trees cut in wetland areas will be replaced in accordance with U.S. Army Corps of Engineers (USACE) requirements (0.25 to 1). On-site vegetation replacement will occur in accordance with MnDOT and DNR requirements, such as the use of native plants.**				
	Done post Construction	**Comply with any vegetation reestablishment requirements specified in the vegetation plan.**				
	No Further Work Required					

Vegetation/Habitat/Species Protection		**Migratory Birds and Bald Eagles**	**Status Update Description**	**Status Update Date**	**Completion Date**	**Completion Signed Off By (Name)**
	Done in Design	**Coordination with the U.S. Fish and Wildlife Service (USFWS) service will continue through final design to identify opportunities to minimize the potential for impacts to migratory birds, including following USFWS recommendations included in USFWS correspondence dated November 15, 2013.**				
	Done in Construction	**The bridge will be inspected for the presence of nesting activity prior to the start of work on the existing bridge. If nesting activity is identified, appropriate measures will be taken in accordance with the provisions of the Migratory Bird Treaty Act.** **Tree removal will be done outside of the nesting season, when possible. USFWS will be coordinated with for any tree removal activities that may be scheduled during the nesting season due to special circumstances.**				

		MnDOT will continue to coordinate with USFWS staff regarding the measures to identify and address the potential for impacts to bald eagle nests throughout the duration of the project, which may include annual field surveys.				
	Done post Construction	**Fill in as appropriate**				

Vegetation/Habitat/Species Protection		**Protecting water quality**	**Status Update Description**	**Status Update Date**	**Completion Date**	**Completion Signed Off By (Name)**
	Done in Design					
	Done in Construction	**Stringent erosion and sediment control measures and water quality protection measures will be used. Best Management Practices (BMPs) will minimize impacts to water quality during and after construction. In-water BMPs will be utilized to control turbidity within the Mississippi River. On-land erosion and sedimentation BMPs will be utilized to control sediment from entering the Mississippi River. The project includes provisions to treat stormwater from the roadway prior to discharge into the river.** **Construction operations that may impact the river bed will not occur during fish spawning and migration periods (approximately April 15 to June 15) without approval from the Minnesota Department of Natural Resources (DNR). Exact dates and allowable work in the river during this time period will be subject to DNR permit conditions.** **Minnesota Rule 6216.0265 prohibits the transport of water from infested waters, except by permit. Currently, DNR General Permit to MnDOT (GP 2004-0001) authorizes work in infested waters and requires that all equipment, used in state waters that are known to contain aquatic invasive species and that are designated as infested waters, shall be inspected by MnDOT or its contractors and adequately decontaminated prior to being transported. The DNR is available to train MnDOT site inspectors and may be able to assist in these inspections.**				

		Contractors will be made aware of the presence of invasive species in waters along the project, and suitable precautions will be taken to prevent their spread. This includes limiting the movement of excavated material from wet ditches or wetlands from one area to another, as well as not allowing water for local dust control to be pulled out of designated infested waters.				
	Done post Construction	**Fill in as appropriate**				
	No Further Work Required					

Public Waters and Wetlands		**In-river construction activities**	**Status Update Description**	**Status Update Date**	**Completion Date**	**Completion Signed Off By (Name)**
	Done in Design	**Plans for removal of portions of existing Bridge 5900 will be developed and routed to the respective state and federal agencies for review and approval prior to any existing bridge removal work taking place on the project.**				
	Done in Construction	**Project construction activities will be conducted in accordance with the conditions of the MnDOT DNR Statewide General Public Waters Work Permit. The current permit expires in 2018, so further coordination will be needed to ensure the project complies with the permit effective throughout construction.** **BMPs will be utilized during dredging in the Mississippi River, placement of fill in the river, and construction of in-water bridge piers. The river fill will need to be removed at the conclusion of the project. The fill will be removed using heavy equipment and trucks. The river bottom and surrounding area will be restored to its original or permitted condition. This will likely include restoring the wing dams to an accepted condition and removing the floating silt fence used for sedimentation control.** **The deck of the existing bridge will be cut and removed in sections, rather than demolished**				

		using jackhammers and allowing the rubble to fall into the river.				
	Done post Construction	**Fill in as appropriate**				
	No Further Work Required					

Public Waters and Wetlands		**Wetland impacts and mitigation**	**Status Update Description**	**Status Update Date**	**Completion Date**	**Completion Signed Off By (Name)**
	Done in Design	**Wetlands within the construction limits of the TH 43 Bridge and approach are potentially subject to the jurisdiction of the U.S. Army Corps of Engineers (USACE), the Wetland Conservation Act (WCA) Local Governmental Unit (LGU), and the Minnesota DNR. Mitigation for wetland fill impacts will likely occur at a 2:1 (mitigation:impact) ratio based on acreage of impacts. Mitigation for tree-cutting wetland impacts will likely occur at a 0.25:1 mitigation ratio. See Vegetation/Habitat/Species Protection section above for additional information regarding mitigation for vegetation impacts.** **Mitigation plans will be created during the final design and permitting process. It is anticipated that mitigation for wetland fill impacts and wetland tree cutting impacts will be accomplished through debiting of credits from an existing MnDOT wetland bank in Hokah, Minnesota. The Hokah Bank is located on the Root River and is anticipated to have sufficient acreage available to meet the mitigation requirements for the Winona Bridge project.**				
	Done in Construction	**The wetland staging area will be restored to pre-construction conditions with appropriate tree planting. The wetland construction tree cutting area will be restored to pre-construction grade and planted with an appropriate wetland seed mix though trees will not likely be planted under the bridges.**				
	Done post Construction	**Fill in as appropriate**				
	No Further Work Required					

Water Use		Drinking water and dewatering	Status Update Description	Status Update Date	Completion Date	Completion Signed Off By (Name)
	Done in Design	**Fill in as appropriate**				
	Done in Construction	**Construction activities will be coordinated with the Minnesota Department of Health (MDH) to prevent drinking water contamination due to construction activities. The appropriate permits will be obtained from the DNR for any temporary dewatering activities.**				
	Done post Construction	**Fill in as appropriate**				
	No Further Work Required					

River Navigation		U.S. Coast Guard (USCG) coordination	Status Update Description	Status Update Date	Completion Date	Completion Signed Off By (Name)
	Done in Design	**Fill in as appropriate**				
	Done in Construction	**Coordination with the USCG will be ongoing. The USCG will review plans for bridge construction to minimize impacts to river navigation during construction. The navigation channel will remain open during construction to the extent possible and no disruption is anticipated except for temporary short term closures to be coordinated with the USCG. These impacts will apply to barge and recreational boaters. Recreational boats may be subject to a "no wake" restriction during construction in lieu of closures.** **The USCG, USACE, and MnDOT will coordinate construction activities with river users for safety of construction workers and boaters by using Navigational Safety Zones. Notifications about temporary disruptions will be provided at local marinas and public accesses.** **Construction of the south main span pier may use fill and sheet pile on the levee. The sheet pile will be cut off and abandoned rather than removed to prevent compromising the integrity of the levee. Fill on the land side of the levee will not be used. Any activities on the levee will be coordinated with the USACE and the City of Winona.**				
	Done post	**Fill in as appropriate**				

	Construction					
	No Further Work Required					

Surface Water Use		Dredging coordination	Status Update Description	Status Update Date	Completion Date	Completion Signed Off By (Name)
	Done in Design	**Fill in as appropriate**				
	Done in Construction	**Dredging of the river will be coordinated with the DNR, USACE, and MPCA.**				
	Done post Construction	**Fill in as appropriate**				
	No Further Work Required					

Water Quality		Stormwater Treatment	Status Update Description	Status Update Date	Completion Date	Completion Signed Off By (Name)
	Done in Design	**Stormwater BMPs, such as wet basins and infiltration basins, will be constructed to mitigate for the additional impervious area. The BMPs will provide water quality treatment and rate control and will be designed to meet National Pollutant Discharge Elimination System (NPDES) standards.** **Design of stormwater treatment ponds will be coordinated with the City of Winona.**				
	Done in Construction	**Fill in as appropriate**				
	Done post Construction	**Fill in as appropriate**				
	No Further Work Required					

Erosion and Sedimentation		Erosion Control	Status Update Description	Status Update Date	Completion Date	Completion Signed Off By (Name)
	Done in Design	**Fill in as appropriate**				
	Done in Construction	**Areas of fill and sheet pile may be used to access the southernmost river piers and from Latsch Island. A floating silt fence will be required around these areas to capture silt. Construction of the fill areas will requi permitting through the DNR and USACE. The contract will be required to obtain permits for its preferred**				

		construction method.				
	Done post Construction	**Fill in as appropriate**				
	No Further Work Required					

Hazardous Wastes		**Hazardous waste containment**	**Status Update Description**	**Status Update Date**	**Completion Date**	**Completion Signed Off By (Name)**
	Done in Design	**MnDOT is completing asbestos and regulated waste assessment reports for specific features of the project (existing bridge and acquired buildings).**				
	Done in Construction	**Fill in as appropriate**				
	Done post Construction	**Fill in as appropriate**				
	No Further Work Required					

Vibration, Dust, and Noise		**Vibration Impacts**	**Status Update Description**	**Status Update Date**	**Completion Date**	**Completion Signed Off By (Name)**
	Done in Design	**The location and magnitude of construction vibrations will be assessed further during final design and a Vibration Monitoring Plan will be developed. Vibration impacts will be monitored by performing pre-construction assessment of existing buildings, susceptibility of vibration analysis of these buildings, and coordination with owners.**				
	Done in Construction	**Monitoring during the vibration-causing activity will occur and the Vibration Monitoring Plan will be followed.**				
	Done post Construction	**Post construction assessment of buildings will occur and the Vibration Monitoring Plan will be followed.**				
	No Further Work Required					

Vibrations, Dust, and Noise		**Dust Control**	**Status Update Description**	**Status Update Date**	**Completion Date**	**Completion Signed Off By (Name)**
	Done in Design	**Fill in as appropriate**				
	Done in Construction	**Dust impacts will be minimized through standard**				

		dust control measures such as watering.				
	Done post Construction	**Fill in as appropriate**				
	No Further Work Required					

Vibrations, Dust, and Noise		**Noise control**	**Status Update Description**	**Status Update Date**	**Completion Date**	**Completion Signed Off By (Name)**
	Done in Design	**Fill in as appropriate**				
	Done in Construction	**While MnDOT and its contractor are exempt from local noise ordinances, it is the practice to require contractors to comply with applicable local noise restrictions and ordinances to the extent that it is reasonable. Advance notice will be provided to the affected communities of any planned loud construction activities. It is anticipated that night construction may sometimes be required to minimize traffic impacts and to improve safety. However, construction will be limited to daytime hours as much as possible. The use of jack hammers and pavement sawing equipment will be prohibited during nighttime hours. Coordination with the City of Winona will be conducted for construction related noise items, including potential restriction of pile-driving and pier demolition to daytime hours in accordance with applicable regulations.**				
	Done post Construction	**Fill in as appropriate**				
	No Further Work Required					

Archaeological/Historic Resources		**Review process**	**Status Update Description**	**Status Update Date**	**Completion Date**	**Completion Signed Off By (Name)**
	Done in Design	**A Programmatic Agreement (PA) will provide for a review process as the rehabilitation/reconstruction design and new bridge plans move forward. Federal Highway Administration (FHWA), MnDOT Cultural Resources Unit (CRU), and State Historic Preservation Office (SHPO) will have opportunity to review design plans at 30, 60, and 90 percent completion milestones. The PA also will provide for consultation and the development of mitigation if, during subsequent design, the project is determined to have an adverse effect on historic properties that cannot**				

		be avoided. **Archaeological testing of parcels to be acquired for the project will occur when MnDOT has acquired these parcels. The PA provides for the avoidance, minimization, and mitigation of any impacts to eligible sites if identified during testing.**				
	Done in Construction	**Fill in as appropriate**				
	Done post Construction	**Fill in as appropriate**				
	No Further Work Required					

Parks/Trails		**Trails**	**Status Update Description**	**Status Update Date**	**Completion Date**	**Completion Signed Off By (Name)**
	Done in Design	**The area under the bridge may include a bicycle/pedestrian facility connecting the bridge to the existing trail facility along the riverfront underneath the bridge. If it is decided to implement this amenity, the specific design will be coordinated with the City of Winona.**				
	Done in Construction	**MnDOT will have a temporary and a permanent easement over Waterfront Trail for construction and staging access and long term access to the bridge. The trail will be temporarily impacted, but restored following project construction.**				
	Done post Construction	**Fill in as appropriate**				
	No Further Work Required					

Visual Resources		**Project aesthetics**	**Status Update Description**	**Status Update Date**	**Completion Date**	**Completion Signed Off By (Name)**
	Done in Design	**Aesthetic aspects of the project will be guided by the Visual Quality Manual currently under development by MnDOT. A Visual Quality Review Committee (VQRC) comprised of agency representatives and select public representatives is advising the project team on visual quality aspects of the design including any potential avoidance, minimization, or mitigation strategies.**				
	Done in Construction	**Fill in as appropriate**				
	Done post	**Fill in as appropriate**				

	Construction					
	No Further Work Required					

Infrastructure/Community Facilities		Utilities	Status Update Description	Status Update Date	Completion Date	Completion Signed Off By (Name)
	Done in Design	**MnDOT will coordinate with the City and utility owners for necessary City storm sewer upgrades and adjustment/relocation of utilities.**				
	Done in Construction	**Fill in as appropriate**				
	Done post Construction	**Fill in as appropriate**				
	No Further Work Required					

Right of Way Acquisition and Relocation		Property acquisition process	Status Update Description	Status Update Date	Completion Date	Completion Signed Off By (Name)
	Done in Design	**Property acquisitions and any relocations will be conducted in accordance with the Uniform Relocation and Real Property Acquisition Act of 1970, as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987 and 49 Code of Federal Regulations, Part 24, and effective April 1989 (revised January 2005). Resources are available to all relocated residents and businesses without discrimination.** **If requested by the City of Winona, MnDOT will work with and City of Winona staff to assist in identifying relocation properties for displaced businesses.** **The boathouses located on new MnDOT right of way over the Mississippi River will be addressed as encroachments.**				
	Done in Construction	**Fill in as appropriate**				
	Done post Construction	**Remnant parcels will be given or sold to other parties in accordance with MnDOT policy regarding surplus or excess right of way. Properties may be offered to or sold to public or private entities for a variety of future uses; these future uses will not be considered part of the project.**				
	No Further Work					

	Required					

Aviation		Review process	Status Update Description	Status Update Date	Completion Date	Completion Signed Off By (Name)
	Done in Design	**The Federal Aviation Administration (FAA) is reviewing bridge type alternatives. A Determination of No Hazard to Air Navigation for the preferred bridge type is expected because the project lies outside of the Runway Protection Zone, as defined in FAR Part 77; consultation with FAA has indicated that this formal determination will be made closer to construction. MnDOT will continue coordination with the FAA and the Winona Municipal Airport as the design progresses.** **The detention ponds will be designed to meet current AOA regulations if requested by the FAA and an agreement between MnDOT and the City of Winona will be developed to ensure the regulations are being implemented.**				
	Done in Construction	**Fill in as appropriate**				
	Done post Construction	**Fill in as appropriate**				
	No Further Work Required					

STANDARD OPERATING COMMITMENTS –Specific to SP 8503-46

The list of commitments below includes measures that will be taken in accordance with standard construction specifications or as part of various routine permit requirements. The 'X' for each item indicates the project development phase when it is anticipated that the commitment will be addressed. As each commitment is completed, the 'X' should be replaced by the date of completion.

Commitment	Design	Construction	Post Construction	No Further Action
Right of way acquisitions and relocations will follow the Uniform Relocation Assistance and Real Property Acquisition Policies Act.	X			
During the final design, a review of ditch crossings will consider upstream flooding and maintaining flow. If determined "Waters of the U.S.", Section 404 permitting will apply.	X			N/A
The final design will ensure the integrity of field tile/intakes are maintained.	X			N/A
The right-of-way process will compensate for triangulation or severance as part of farmland acquisition.	X			N/A
A wetland technical evaluation panel (TEP) will be assembled for the purpose of reviewing the wetland delineations. All wetlands will be flagged prior to the TEP field review.	Completed September 2013	X		
MNDNR Public Waters permit will be obtained for each segment, if required	X			
A NPDES permit will be obtained.	X			
Coordination will occur with local ditch authorities for any jurisdictional ditch modifications. If determined "Waters of the U.S.", Section 404 permitting will apply.	X			N/A
MnDOT will test for contaminates in soils at sites identified as being medium or high risk sites.	Phase II ESA Completed December 2013			

Commitment	Design	Construction	Post Construction	No Further Action
All applicable wetland permits will be obtained for each segment. Wetland delineations will be reevaluated if more than 5 years old.	X			
During the final design, coordination will occur regarding existing and/or planned utilities sewer/water.	X			
MnDOT will request Municipal Approval.	Completed August 19, 2013			
A Maintenance of Traffic Plan will be prepared during the final design. The plan will identify how access can be provided/maintained to all homes, businesses, farms (fire, police, and rescue) during construction.	X			
Native seed mixes will be used in revegetating areas of disturbance unless there is reason not to use this type of seed mixture. Coordination with the DNR may need to occur to identify potential areas of concern.	X	X		
MnDOT will include language into the special provisions of the contract that will not allow work or equipment staging to occur within prime nesting areas (identified prairie remnants) between the dates of April 1-August 1 unless coordinated with the DNR.	X			