STATE OF MINNESOTA
MINNESOTA DEPARTMENT OF TRANSPORTATION

ADEQUACY DETERMINATION

TH 41 MINNESOTA RIVER CROSSING:
A Future US 169/US 212 Regional Freeway Connection

TIER I FINAL ENVIRONMENTAL IMPACT STATEMENT

1.0 INTRODUCTION

The pages to follow contain the Minnesota Department of Transportation (MnDOT) Adequacy Determination regarding the Tier I Final Environmental Impact Statement (FEIS) for the Trunk Highway (TH) 41 Minnesota River Crossing. This determination was developed in conformance with Minnesota Rules 4410, particularly 4410.2800. Those rules charge the Minnesota Responsible Governmental Unit (RGU) with making such a determination whenever it has completed a Final EIS and further set forth the conditions under which a Final EIS shall be determined adequate. MnDOT is the RGU for this project under the environmental review laws and rules found at Minnesota Statutes 116D and Minnesota Rules Chapter 4410.

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

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

A. addresses the potentially significant issues and alternatives raised in scoping so that all significant issues for which information can be reasonably obtained have been analyzed in conformance with part 4410.2300, items G and H;

B. provides responses to the substantive comments received during the Draft EIS review concerning issues raised in scoping; and

C. was prepared in compliance with the procedures of the act and parts 4410.0200 to 4410.6500.

Per Minnesota Rule 4410.4000, an RGU may use a series of tiered EISs to fulfill environmental review requirements for an action where decisions on which alternative to select must be made in stages, progressing from the general to the specific. This Minnesota Rule is similar to Council on Environmental Quality (CEQ) regulations for implementing the National Environmental Policy Act (NEPA) (40 CFR 1508.28), that provide for environmental documentation to occur through a tiered two-step review process.

The tiered Environmental Impact Statement (EIS) process has been determined to be appropriate for the TH 41 River Crossing project because, while the construction of the project may not

occur for 20 or more years, the project area is rapidly developing and future development will likely encroach on potential corridor locations, resulting in greater potential for social and economic impacts at the time the project is funded if an alignment location is not protected in the near future.

A Tier I FEIS was completed for the TH 41 River Crossing project and approved by MnDOT and the Federal Highway Administration (FHWA) November 12, 2014. A Notice of Availability was published in the *EQB Monitor* on December 8, 2014. A legal ad was published in the *Star Tribune* on December 8, 2014. An affidavit of publication and certificate of compliance are provided in Appendix A.

The Tier I DEIS and FEIS are corridor-level documents, with analysis based on an assumed standard corridor width of 300 feet (except where wider to respond to topographic considerations, and at intersections.) Corridor preservation is an outcome of the Tier I EIS process.

2.0 DECISION

The Selected Alternative is the DEIS C-2 Alternative with the horizontal alignment modified to avoid direct impacts to Athletic Park (Chaska Cubs Ball Field) in the City of Chaska and to Jackson Heights in Jackson Township and to minimize impacts to the Spring Creek neighborhood in the City of Carver (modified Alternative C-2). The Selected Alternative is the environmentally-preferred alternative.

The Selected Alternative involves the construction of a new east-west freeway connection between US 169 and US 212 within the modified Alternative C-2 corridor.

The Selected Alternative abuts Jackson Heights, the manufactured home community located just west of existing TH 41 near the intersection of US 169 and TH 41. South of the Minnesota River, the Selected Alternative crosses over areas identified as floodplain and floodplain forest, through wetlands identified as part of the National Wetland Inventory (NWI), and through the Gifford Lake portion of the Minnesota Valley State Recreation Area (MVSRA). North of the Minnesota River, the Selected Alternative crosses through NWI wetlands, floodplain forest, and floodplain areas. It also crosses the northeastern portion of the Minnesota Valley National Wildlife Refuge (MVNWR) Chaska Unit south of the levee immediately south of the Athletic Park (Chaska Cubs Ball Field) site and approximately 1,550 feet south of the Chaska downtown historic district. North of County State Aid Highway (CSAH) 61, the Selected Alternative crosses through the southern portion of the planned Heights of Chaska development site.

The Selected Alternative is based on:

- Two new directional interchange connections, one at US 169 and one at US 212;
- Ramps for local access at the planned US 169/TH 41 interchange;

- Ramps for local access at the US 212/CSAH 11 interchange (separate from the system ramps connecting US 212 to New TH 41);
- A four-lane freeway approximately 3.0 miles in length;
- A new bridge from just south of the Union Pacific Railroad in Scott County to just north of CSAH 61 in Carver County (Tier I-level estimate of 9,350 feet in length);
- Partial reconstruction of ramps that have been constructed as part of the US 212 project to connect US 212 to CSAH 11 (impacted by the project);
- Several bridges at both the New TH 41/US 169 interchange and the New TH 41/US 212 interchange;
- Auxiliary lanes on US 169, New TH 41, and US 212 where needed to provide acceptable freeway operations; and
- Assuming for corridor analysis purposes, a 300-foot wide corridor except where wider to respond to topographic considerations, and at interchanges.

The interchange of the Selected Alternative with US 169 is located near the existing at-grade intersection between US 169 and existing TH 41/CSAH 78, which is planned to be converted to an interchange, assumed to occur prior to construction of the proposed project. The Selected Alternative assumes a configuration for the planned US 169/existing TH 41 interchange that can accommodate the proposed New TH 41/US 169 interchange including local access ramps; this configuration realigns existing TH 41 and CSAH 78 slightly to the southwest of their current alignments. The US 169/existing TH 41 interchange and the complementary series of frontage roads are separate projects and are not included as part of the Selected Alternative. They are shown in the Tier I FEIS (Figure 1-2A) as a representation that improvements to US 169 and local connections are feasible if the Selected Alternative is constructed. It is likely that the actual design of a future local interchange and frontage road system will differ from the configuration depicted in the Tier I FEIS. The Selected Alternative also assumes that the alignment of the US 169 mainline would not change.

Since the DEIS was published, an interchange project was developed at TH 169/CSAH 69 as a separate project. It does not conflict with the concept design of the Selected Alternative.

The interchange of the Selected Alternative with the US 212 interchange is located near the diamond interchange constructed as part of the US 212 project at US 212 and CSAH 11. Access to and from CSAH 11 and the Selected Alternative can be accommodated at this interchange via additional ramps.

3.0 ALTERNATIVES CONSIDERED

The Tier I DEIS included six Build alternatives for evaluation and comparison to the No-Build alternative. The Tier I DEIS alternatives resulted from a scoping process, described in the Scoping Document (SD), with the final decision documented in the Scoping Decision Document

(SDD) (approved February 18, 2005, amended March 17, 2006). The alternatives evaluated in the Tier I DEIS are described below:

- The **No-Build** alternative assessed in the DEIS did not include construction of a new TH 41 river crossing. This alternative assumed safety improvements and reconstruction of existing TH 41 (as required by routine maintenance) between US 169 and US 212 within the study area and would include consolidation of direct access points along TH 41 warranted by safety conditions.

- **Alternative W-2** is located in the western portion of the study area. This alternative intersects with US 169 one mile west of existing TH 41/CSAH 78 and connects with US 212 at the US 212/CSAH 11(formerly CR 147) interchange.

- **Alternative C-2** is in the central/western portion of the study area. This alternative connects to US 169 at the planned US 169/existing TH 41 interchange (the design assumes a realigned existing TH 41/CSAH 78) and connects to US 212 at the US 212/CSAH 11 interchange.

- **Alternative C-2A** is located in the central portion of the study area. This alternative connects to US 169 at the planned US 169/existing TH 41 interchange (the design assumes a realigned existing TH 41/CSAH 78) and connects to US 212 at CSAH 10/Engler Boulevard.

- **Alternative E-1** is in the eastern portion of the study area. This alternative connects to US 169 at the planned US 169/CSAH 69 interchange, and connects with US 212 at CSAH 17/Audubon Road. This alternative assumes that US 169 is realigned south of its existing alignment in the vicinity of CSAH 69.

- **Alternative E-1A** is located in the eastern portion of the study area. This alternative is identical to Alternative E-1 south of the Minnesota River, therefore also assumes that US 169 is realigned south of its existing alignment in the vicinity of CSAH 69. North of the river, this alternative follows the bluff line and connects to US 212 near Bluff Creek Drive.

- **Alternative E-2** is located in the eastern portion of the study area. It is the easternmost alignment of all the DEIS Build alternatives. This alternative connects to US 169 at the planned US 169/CSAH 69 interchange and connects to US 212 near Bluff Creek Drive. This alternative assumes that US 169 is realigned south of its existing alignment in the vicinity of CSAH 69.

During the initial stage of the preferred alternative identification process, the Federal Highway Administration (FHWA) and the Minnesota Department of Transportation (Mn/DOT) first considered the DEIS technical analysis and comments submitted during the DEIS comment period to inform a potential recommendation for a Preferred Alternative, and then discussed this potential recommendation with agencies and local government representatives individually and with the project management team (PMT) and study advisory committee (SAC). The Tier I FEIS details the considerations that informed the recommendation for the Preferred Alternative.

In December 2008, FHWA and Mn/DOT announced the identification of **DEIS Build alternative C-2** as the recommended Preferred Alternative for the following reasons:

- Comments on the DEIS and follow-up consultation found no first choice alternative among stakeholders.

- Compared to the other alternatives, **C-2 offered the best potential to avoid or minimize impacts** to the most state and federally protected resources, while minimizing impacts on people, wildlife, and habitat and meeting transportation needs.

- **W-2 posed the greatest harm to state and federally protected lands,** specifically the Minnesota Valley National Wildlife Refuge and Minnesota State Recreation land.

- **C-2A had the highest impacts on sensitive vegetation.** C-2A also had more impacts to state and federally protected lands, and would require acquisition of more homes than C-2.

- **E-1 had large impacts to low income/minority neighborhoods (environmental justice)**, and would require acquisition of the largest number of homes.

- **E-1A and E-2 also had large environmental justice impacts and would threaten the state and federally protected Seminary Fen**, which is home to state-listed rare plants and a globally rare ecosystem.

Because FHWA and Mn/DOT recognized that DEIS Alternative C-2 posed numerous impact challenges, they announced their intention to continue working with local, state, and federal agencies to refine the C-2 corridor to further minimize negative impacts to residents, historic properties, and natural resources.

The second stage of the Preferred Alternative identification process focused on refinement of the design of C-2 to avoid or minimize negative permanent and temporary (construction) impacts on all stakeholders, and develop support for mitigation as part of a comprehensive solution. This involved an intensive stakeholder engagement process that came to be formalized as the River Crossing Implementation Collaborative (RCIC). The RCIC process is documented in detail in the report *TH 41 EIS: River Crossing Implementation Collaborative Process and Outcomes Report* (RCIC Report*)* (April 2013) (Appendix A-2 of the Tier I FEIS).

Work of the RCIC most relevant to the selection of the Tier I FEIS Preferred Alternative includes:

- Changes to the horizontal alignment of the DEIS Alternative C-2 corridor to (1) avoid direct impacts to Athletic Park (Chaska Cub Ball Field), while minimizing additional harm to the MVNWR; (2) avoid direct impacts to the Jackson Heights manufactured home community; and (3) minimize impacts to the Spring Creek neighborhood.

- Extensive effort to (1) collaboratively document the key issues associated with the Preferred Alternative, (2) identify strategies to avoid, minimize and mitigate impacts, (3) provide recommendations for consideration during the Tier II EIS process, and (4) identify intermediate activities that should occur between the conclusion of the Tier I EIS process and the initiation of the Tier II EIS process to best serve the success of the project for all stakeholders.

- Outreach to the low income/minority community residing at Jackson Heights, through which residents expressed their perspectives, priorities, and concerns, alternatives to the original DEIS Alternative C-2 roadway alignment were presented, mitigation options were discussed, and concurrence around project expectations was established between Mn/DOT and the community.

The Tier I FEIS evaluated and documented the social, economic and environmental impacts of the resulting Preferred Alternative (modified Alternative C-2).

4.0 SECTION 4(F)

The Selected Alternative would cross directly through the northern edge of the Minnesota Valley National Wildlife Refuge – Chaska Unit (MVNWR), requiring 22.0 acres through partial acquisition or an easement. The height of the bridge crossing will be determined during the Tier II EIS process, but regardless would be visible from the MVNWR. The Selected Alternative corridor impacts floodplain forest, but the location minimizes the fragmentation of this habitat to the extent possible while still avoiding Athletic Park (Chaska Cubs Ball Field) and also avoids fragmentation of the emergent marsh habitat located further west in the unit.

The Selected Alternative would cross directly through the Minnesota Valley State Recreation Area and Minnesota Valley State Trail (MVSRA and MV Trail), requiring 22.3 acres through partial acquisition or an easement. The height of the bridge crossing will be determined during the Tier II EIS process, but regardless would be visible from the MVSRA and MV Trail.

Section 4(f), Title 29, U.S. Code, Section 303 (U.S. Department of Transportation Act of 1966) requires an evaluation if a project may affect historic sites and publicly owned parks, recreation areas, and wildlife and waterfowl refuges.

23 CFR 774.7(o)(1) states:

> *When the first-tier, broad-scale EIS is prepared, the detailed information necessary to complete the section 4(f) evaluation may not be available at that stage in the development of the action. In such cases, an evaluation should be made on the potential impacts that a proposed action will have on section 4(f) land and whether those impacts could have a bearing on the decision to be made. A preliminary determination may be made at this time as to whether there are feasible and prudent locations or alternatives for the action to avoid the use of section 4(f) land. This preliminary determination shall consider all possible planning to minimize harm to the extent that the level of detail available at the first-tier EIS stage allows. It is recognized that such planning at this stage will normally be limited to ensuring that opportunities to minimize harm at subsequent stages in the development process have not been precluded by decisions made at the first-tier stage*.

A Draft Tier I Section 4(f)/6(f) Evaluation was prepared in conjunction with the Tier I DEIS. (Appendix A of the Tier I DEIS). A Preliminary Final Section 4(f)/6(f) Evaluation was prepared in conjunction with the Tier I FEIS that provided the information required by the Secretary of

Transportation to make the decision regarding the use of properties protected by Section 4(f) and Section 6(f) legislation for the Preferred Alternative (Appendix D of the Tier I FEIS).

The Preliminary Final Section 4(f)/6(f) Evaluation concluded the following:

- There is no feasible and prudent alternative to the use of land from the MVNWR or the MVSRA and MV Trail.
    - The No-Build Alternative would avoid Section 4(f) use but does not meet the Purpose and Need for the project.
    - Slight alignment changes would not avoid impacts to the MVNWR, the MVSRA or MV Trail. In addition, alignment changes to the north would result in impacts to Athletic Park (Chaska Cubs Ballfield), a Section 4(f) resource.
    - Each of the six DEIS Build alternatives impacts more than one Section 4(f) resource.
- The proposed action includes all possible planning to minimize harm to the MVNWR or the MVSRA and MV Trail resulting from such use.
    - The proposed project would allow for continued use of the MVNWR and the MVSRA/MV Trail.
    - Alternatives with greater harm to the MVNWR and the MVSRA/MV Trail were eliminated during scoping.
    - The original alignment of Alternative C-2 was realigned early in the DEIS process to reduce the natural resource impacts within the MVSRA.
    - Because the MVNWR and MVSRA/MV Trail are Section 6(f) resources, land acquired for the project will be mitigated via replacement land that is of reasonably equivalent usefulness and location and of at least comparable value.
    - USFWS staff(representing the interests of the MVNWR) and MnDNR staff (representing the interest of the MVSRA/MV/Trail) were actively involved in the decision to use Section 4(f) land, advised on the alignment refinements of the Preferred Alternative and recommended mitigation strategies and guidance for consideration in the Tier II EIS process.
- The Selected Alternative would cause the least overall harm to Section 4(f) resources.
    - It would result in less net harm to resources than DEIS Alternative C-2.
    - It would result in net harm that is generally comparable to DEIS Alternatives W-2 and C-2A; however, DEIS Alternatives W-2 and C-2A have substantial problems in terms of the magnitude of their adverse impacts to other resources.

- It would result in more net harm than DEIS Alternatives E-1, E-1A and E-2; however, DEIS Alternatives E-1, E-1A and E-2 also have substantial problems in terms of the magnitude of their adverse impacts to other resources.

The conclusion also noted that this was a preliminary determination based on the information available at the Tier I stage and that a final determination will be made during the Tier II EIS process.

5.0 MEASURES TO MINIMIZE HARM

A variety of measures have been identified to mitigate the social, economic and environmental impacts associated with implementation of the Selected Alternative. These are summarized below and are also discussed in the appropriate chapters of the Tier I FEIS. As noted, since this is a Tier I EIS process, detailed designs of the TH 41 roadway and bridge do not yet exist. Therefore, specific mitigation commitments often cannot be made at this level of project development. During the Tier II EIS process specific project information will allow detailed mitigation to be developed for project impacts.

To the extent that is appropriate in this Tier I EIS process, all practicable measures to minimize harm have been incorporated into the decision. These measures include the following:

5.1 Right of Way

The Selected Alternative would have right of way impacts. All acquisition of property due to the proposed project 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).

5.2 Business/Employees

The Selected Alternative would result in impacts to project area businesses and employees. Acquisition of commercial properties will be conducted as described above under Right of Way. In addition, it should be noted that as employment in the study area communities is anticipated to grow substantially over the coming decades, it is expected that there will be sufficient accessible job opportunity to replace jobs lost through acquisition of commercial/industrial properties.

5.3 Fiscal

The Selected Alternative would result in fiscal impacts (annual tax losses for both Scott and Carver Counties) due to property acquisitions. This decrease in property tax base resulting from conversion of private property to public right of way is anticipated to be offset by new development occurring in communities in the study area.

5.4 Environmental Justice

The Selected Alternative would result in impacts to low income and minority populations (i.e., environmental justice impacts), specifically noise and visual impacts, however these are not disproportionately high or adverse. Mitigation for these impacts would be the same as for impacts to the general population (see 5.15 and 5.18 below). Other issues that were raised by the Jackson Heights community and related mitigation strategies recommended by the RCIC for consideration are documented in the RCIC Report (Appendix A-1 of the Tier I FEIS) and provided in Chapter 3 of the Tier I FEIS. Note also that impacts to low income and minority populations are offset by overall improved regional accessibility and alleviation of traffic congestion.

5.5 Community Cohesion, Traffic Patterns, and Access

The Selected Alternative would have impacts to community cohesion, traffic patterns, and access. Impacts are offset by overall improved regional accessibility and alleviation of traffic congestion, particularly in downtown Chaska. Community impact concerns and mitigation strategies recommended by the RCIC for consideration in the Tier II EIS are identified in the RCIC Report (Appendix A-1 of the Tier I FEIS).

5.6 Cultural Resources

It was determined in the Tier I DEIS that DEIS Alternative C-2 would have an adverse effect on Chaska Cubs Ball Field (Athletic Park), a property found to be eligible for the National Register of Historic Places (NRHP). The C-2 alignment was revised to avoid direct impacts to this site; however the project is still determined to have an adverse effect on the site. It is premature to fully assess the effect of the Selected Alternative on this and other identified NRHP-eligible cultural resources. Specific mitigation for adverse effects on NRHP-eligible properties will be addressed in the Tier II EIS process. Correspondence between Mn/DOT Cultural Resources Unit (CRU) and the Minnesota State Historic Preservation Office (SHPO) documenting the completed Tier I work and describing future Tier II work is found in Appendix B of the Tier I FEIS.

5.7 Parks, Trails, Recreational Areas (Section 4[f]/Section 6[f])

As described in Section 4.0, the Selected Alternative would impact the MVNWR and the MVSRA and MV Trail. Impacts to Section 4(f) properties will be minimized through roadway or bridge design. Efforts will be made to maintain access to and use of the facilities during construction.

The Selected Alternative would cross over the planned Minnesota River Bluffs Regional Trail Extension, as well as trails within the MVNWR, posing visual impacts and potential construction impacts. The Selected Alternative would require the realignment of the trail that is alongside Spring Creek Drive. Trail access points and other trail connections impacted by construction activity will be reestablished after project completion.

Specific mitigation for impacts of the Selected Alternative on parks and trails will be determined

through the Tier II EIS process and Final Section 4(f) Evaluation prepared at the time of the Tier II EIS. The MVNWR and MVSRA/MV Trail are Section 6(f) resources requiring that land acquired for the project will be mitigated via replacement land that is of reasonably equivalent usefulness and location and of at least comparable value. The RCIC Report (Appendix A-1 of the Tier I FEIS) identifies issues related to ecosystem impacts, public access, user impact and land management within these public resources, and recommends mitigation strategies for consideration in the Tier II EIS.

5.8 Threatened and Endangered Species

No federal or state listed species have been identified within a half mile of the Selected Alternative. A mussel study will be completed during the Tier II EIS process. Mitigation measures to avoid, minimize, or alleviate impacts to threatened/endangered or other protected species will be defined during the Tier II EIS process once impacts are identified. Continuing involvement with the Minnesota Department of Natural Resources (MnDNR) and US Fish and Wildlife Service (USFWS) will take place during the Tier II EIS process.

5.9 Vegetation/Wildlife/Habitat Communities

The Selected Alternative would impact vegetation and native habitats and could result in shading effects, salt spray, debris, and spread of opportunistic invasive species. Additionally, bridge piers as well as the at-grade roadway could act as a barrier to wildlife movement. Design refinements will be made during the Tier II EIS to minimize impacts. Where impacts to wildlife are unavoidable, the effect of the impacts may be minimized through design features such as wildlife crossings where the roadway is at-grade. Mitigation opportunities may include timing of construction to avoid nesting and fish spawning seasons or during winter months when soils are frozen; re-vegetation of disturbed areas with native plants; restoration of un-fragmented and close-canopied forest on the Minnesota River bottoms and native grassland; and erosion, sedimentation, and water quality Best Management Practices (BMPs). Mitigation will be developed during the Tier II EIS process based on project impacts and best management practices at the time of project construction. The RCIC Report (Appendix A-1 of the Tier I FEIS) identifies impacts to aquatic and terrestrial ecosystems as a concern and recommends mitigation strategies and guidance for consideration in the Tier II EIS.

5.10 Surface Water Quality/Storm Water Runoff

The Selected Alternative would result in the creation of impervious surface and increased volume and rate of stormwater runoff that contains contaminants common to roadways. BMPs such as storm ponds, wet detention basins, filter strips and infiltration areas would be incorporated as required to meet state and federal water quality regulatory requirements. To the extent possible, stormwater runoff would also be routed through a wet detention basin prior to discharge into the Minnesota River. Mitigation strategies to reduce potential impacts from winter de-icing materials include carefully monitoring timing, method and application rates of de-icing materials.

5.11 Wild and Scenic River

This section of the Minnesota River is not currently designated as a Wild and Scenic River, but it is on the Nationwide Rivers Inventory (NRI). The Selected Alternative has the potential to negatively impact the scenic nature of the Minnesota River. The impact to the scenic value of the river will be assessed in the Tier II EIS. In addition, the Tier II EIS will reassess potential impacts to other NRI values (not currently anticipated to be impacted) to determine potential for other impacts.

5.12 Floodplains

The Selected Alternative would have minimal effect on the floodplain. Potential adverse impacts can be successfully minimized through careful design and construction considerations.

5.13 Groundwater

The Selected Alternative is located in the vicinity of wellhead protection areas. If necessary, roads that encroach on wellhead protection areas can be constructed with additional containment features such as clay-lined ditches that would contain spills and prevent contamination to water supply aquifers. Measures such as vegetated filter strips along road embankments, grassed swales/ditches, and detention basins can be implemented to promote infiltration/groundwater recharge of highway runoff. The Tier II EIS will address special design issues related to wellhead protection.

5.14 Wetlands

The Selected Alternative would result in direct impacts to wetlands. The sequencing and mitigation procedures required by state and federal wetland regulations will be followed when assessing bridge type alternatives and roadway and interchange design options. See Section 6.0 for description of the NEPA/Section 404 concurrence process that occurred during the development of the Tier I FEIS. It is anticipated that a similar NEPA/Section 404 concurrence process will be conducted during the Tier II EIS process. At the time of the Tier II EIS process, changes in setting, regulations, and other relevant information would be considered to re-evaluated/reaffirm the corridor and identify if any changed conditions would influence the preferred corridor. These findings will be considered in the future NEPA/Section 404 concurrence process.

5.15 Noise

Both state and federal noise criteria are exceeded at a number of existing receptors for the Selected Alternative, as well as under existing and No-Build conditions. Mitigation measures could include noise barriers or other sound attenuation methods, and/or incorporation of local land use controls to limit the number of noise-sensitive receptors located adjacent to or in the vicinity of the project corridor. Evaluation of noise barriers as mitigation to avoid and/or minimize impacts as well as guidance for local governments regarding potential noise mitigation measures (such as recommended set-back distances for proposed developments) will be included

in the Tier II EIS. The RCIC Report (Appendix A-1 of the Tier I FEIS) identifies noise as an important issue, and includes RCIC recommendations for mitigation to be considered in the Tier II EIS.

5.16 Air Quality

It is expected that there would be reduced mobile source air toxics (MSATs) emissions when compared to No-Build conditions in the immediate area of the project due to the reduced vehicle hours traveled and due to U.S. Environmental Protection Agency (EPA) MSAT reduction programs. Detailed air quality analyses will be conducted during the Tier II EIS process.

5.17 Contaminated Sites

Contaminated properties are located in or near the Selected Alternative corridor. Further evaluation of potentially contaminated properties identified in the Phase I Environmental Site Assessment (ESA) will be completed for the Selected Alternative during the Tier II EIS process. The results would be used to determine whether the contaminated materials can be avoided or whether the project's impacts to these properties can be minimized. If necessary, a plan would be developed for properly handling and for treating contaminated soil and/or groundwater during construction. Any soil and groundwater remediation activities would be coordinated with appropriate regulatory agencies.

The RCIC Report (Appendix A-1 of the Tier I FEIS) includes discussion of concerns with the impact of contamination from vehicles, hauled equipment, boat trailers on the roadway, and roadway maintenance activities on the ecosystem.

5.18 Visual Quality

The Selected Alternative would substantially change the visual quality of the study area with the addition of a long, high bridge across the river valley, grade-separations over existing roadways, and the introduction of new highway into developed and undeveloped areas. Design will be addressed in the Tier II EIS process. Consideration can be given to aesthetic treatment of design elements on the bridge and at the interchanges. In addition, efforts to minimize visual impacts by "prescreening" the bridge site with plantings well before construction of the bridge begins would allow landscaping to mature and function as a screen for the bridge site even before the bridge is constructed.

The RCIC Report (Appendix A-1 of the Tier I FEIS) identifies visual impacts as an important issue and includes RCIC mitigation recommendations for consideration in the Tier II EIS process. The RCIC Report includes information about work done by the Task Force on Chaska Landscaping Pre-mitigation. Mn/DOT is committed to working with the City of Chaska to study and discuss landscaping options that would be implemented according to the City of Chaska's schedule. Mn/DOT would pay the planting installation costs and work with the City to discuss how to best maintain plantings.

Other measures that could mitigate negative visual impacts include minimizing the clearing of

natural vegetation and replacement of lost or removed vegetation with native species and retention of slope and bottom land vegetation. Mitigation measures would be evaluated further and refined in the Tier II EIS.

5.19 Steep Slopes, Erodible Soils

The Selected Alternative would cross areas of steep slopes and/or potentially erodible soils. BMPs such as erosion control blankets, fast growing cover crops, and silt fencing would be implemented in accordance with the National Pollutant Discharge Elimination System (NPDES) Construction Stormwater permit that would be required for the project. After the construction is complete, disturbed areas would be re-vegetated to control erosion on a permanent basis.

5.20 Farmland

The Selected Alternative would affect soils characterized as prime farmland and farmland of statewide importance. The Selected Alternative would require acquisition of land currently in agricultural use. Such acquisition would be in conformance with the Uniform Relocation and Real Property Acquisition Act of 1970 as amended by the surface Transportation and Uniform Relocation Assistance Act of 1989 and 49 Code of the Federal Regulations, Part 24. It should be noted that farmland impacts that are actually likely to occur are reduced by the orderly development of land (i.e., conversion of farmland to urban uses) provided for in local comprehensive plans and processes. It is expected that farmland within the Selected Alternative corridor will likely not be acquired for right of way purposes until conversion to non-agricultural uses (through development) is imminent. Either way, the farmland would be converted. Efforts to further minimize impact to remaining farmland will be part of the Tier II EIS process.

5.21 Construction Impacts

The Selected Alternative would pose impacts during construction. Details of the construction activities, including mitigation measures such as a detailed erosion control plan, a plan for management and disposal of any excess material, a construction staging plan, special construction techniques for river bridge construction, traffic flow management techniques, and access maintenance and/or detour plan would be developed during the Tier II EIS process.

5.22 Indirect Impacts

The Selected Alternative has the potential for indirect impacts due to land development, the effect on the design of planned US 169 corridor improvements, and the broader effects to the natural environment due to ecological relationships.

Land development impacts are subject to local land use plans and land use controls, agency permits, and approvals. Because of the timeframe for construction, communities will have time to plan for future land use and transportation systems to fit physically with the project. Mn/DOT will be planning and implementing the US 169 improvements and, therefore, will be responsible for mitigating impacts, if any, of those projects. The RCIC Report (Appendix A-1 of the Tier I FEIS) discusses ecological relationships and includes RCIC recommendations for mitigation to

be considered. Any project mitigation for impacts to the natural environment, (e.g., wetland replacement, habitat restoration, etc.) would have a corresponding indirect benefit to the broader ecosystem.

6.0 SECTION 404/NEPA CONCURRENCE PROCESS

In accordance with Section 404 of the Clean Water Act (CWA), the US Army Corps of Engineers (COE) issued a Special Public Notice (July 13, 2007) to invite public comment on the Tier I DEIS and the proposed CWA Section 404 Review Process; this comment period ran generally concurrent with the DEIS comment period. No comments were received.

After the Tier I DEIS was published, FHWA, the COE, USFWS, EPA, and Mn/DOT engaged in a NEPA/Section 404 concurrence process. This process included three interagency meetings and resulted in concurrence among the agencies regarding to Concurrence Point 1 (Purpose and Need), Concurrence Point 2 (Alternatives to Be Carried Forward for Further Study), and Concurrence Point 3 (Preferred Alternative). Concurrence with the Preferred Alternative included the COE finding that as modified, Alternative C-2 represents the Least Environmentally Damaging Practicable Alternative (LEDPA) under Section 404.

The July 2007 Special Public Notice, and meeting minutes and correspondence related to NEPA/Section 404 Concurrence Points 1, 2 and 3 are found in Appendix B-1 of the Tier I FEIS.

The COE also issued a Special Public Notice December 8, 2014 to invite public comment on the Tier I FEIS and the proposed CWA Section 404 Review Process. The COE received no comments in response to the notice. The December 8, 2014 Special Public Notice and COE correspondence are provided in Appendix B of this Adequacy Determination.

7.0 MONITORING OR ENFORCEMENT PROGRAM

Preliminary design activities that will occur during the Tier II EIS process will include additional avoidance and minimization efforts. Tier II EIS specific project information will allow detailed mitigation to be developed for project impacts. Federal and state agencies and local units of government that have been involved in the Tier I EIS process are expected to be involved in the Tier II EIS process.

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

Additional monitoring and enforcement that will occur for the TH 41 River Crossing project will be identified at the conclusion of the Tier II EIS process. Based on current regulations, it can be expected to include the following:

- Erosion prevention, stormwater treatment, and dewatering monitoring, inspection, and reporting required during construction as part of the NPDES permit requirements.

- Monitoring of any wetland restoration sites as part of Section 404 permit and Wetland Conservation Act (WCA) approval requirements; monitoring required for a minimum of five years after completing restoration, in order to ensure the replacement wetland(s) achieves the goal of replacing lost functions and values.

In addition, as discussed in Section 5.18, Mn/DOT is committed to working with the City of Chaska to study and discuss "pre-screening" landscaping options that would be implemented according to the City of Chaska's schedule. Mn/DOT would pay the planting installation costs and work with the City to discuss how to best maintain plantings. The interim activity would likely include a monitoring effort.

8.0 COMMENTS ON FINAL ENVIRONMENTAL IMPACT STATEMENT

Minnesota Rule 4410.2800, subd. 2, establishes a ten day comment period for a final EIS. A total of eight (8) written comments (including letters and emails) from regulatory agencies, local governments, interest groups, elected officials, and private citizens were received during the comment period for the Tier I FEIS. See Appendix C of this Adequacy Determination.

The substantive comments specific to the adequacy of the Tier I FEIS content or process are summarized and responses provided in Appendix C. No response is provided for statements of preference, statements of fact, general opinions, or comments agreeing with the information.

9.0 ADEQUACY DETERMINATION

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

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

A. addresses the potentially significant issues and alternatives raised in scoping so that all significant issues for which information can be reasonably obtained have been analyzed in conformance with part 4410.2300, items G and H;

B. provides responses to the substantive comments received during the Draft EIS review concerning issues raised in scoping; and

C. was prepared in compliance with the procedures of the act and parts 4410.0200 to 4410.6500.

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

The Tier I FEIS provided responses to all substantive comments which were received during the Tier I DEIS review period.

As outlined above, the Scoping Process, Tier I DEIS, and Tier I FEIS were completed in full compliance with the procedures of Minnesota Statue 116D and with Minnesota Rules parts 4410.0200 to 4410.6500.

As a result of these considerations, and the complete administrative record, the Tier I FEIS for the TH 41 Minnesota River Crossing project is determined to be adequate.

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

March 12, 2015
Date

APPENDIX A

Legal Ad

- **Affidavit of Publication**
- **Certificate of Compliance**

STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION

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

NOTE: This Certification is for public notice of availability in local newspapers under 23 CFR 771.125 (g) of the Tier 1 FEIS for TH 41.

MINNESOTA PROJECT NO. not yet available STATE PROJECT NO. 1008-60

TRUNK HIGHWAY NO. MN 41_____ **OR** LOCAL AGENCY ROUTE NO._____

(CSAH, MSAS, Other)

Being that section of the highway between US 169 and New US 212_____

in Scott and Carver Counties, the State of Minnesota.

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

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

__NA___ a public hearing was held

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

The public was advised of the

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

_NA_ time, place, and objectives of the hearing

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

_NA_ The deadline date for the submission of a request for a hearing was _____20__, **or**

_NA__ The hearing was held on _____20 __ in _____, Minnesota.
(City, Township, Other)

Signed Scott L Z _____ this 14th day of December 20 14
Mn/DOT District Engineer

OR

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

STATE OF MINNESOTA)
COUNTY OF HENNEPIN)

StarTribune

425 Portland Avenue | Minneapolis, MN | 55488

Karen Greenhoe, being duly sworn, on oath says she is and during all times herein stated has been an employee of Star Tribune Media Company LLC, a Delaware limited liability company with offices at 425 Portland Avenue, Minneapolis, Minnesota 55488, publisher and printer of the *Star Tribune* newspaper (the "Newspaper"), published 7 days a week, and has full knowledge of the facts herein stated as follows:

1. The Newspaper meets the following qualifications:
   (a) The Newspaper is printed in the English language in newspaper format and in column and sheet form equivalent in printed space to at least 1,000 square inches;
   (b) The Newspaper is printed daily and distributed at least five days each week;
   (c) In at least half of its issues each year, the Newspaper has no more than 75 percent of its printed space comprised of advertising material and paid public notices. In all of its issues each year, the Newspaper has not less than 25 percent of its news columns devoted to news of local interest to the community that it purports to serve. Not more than 25 percent of the Newspaper's non-advertising column inches in any issue duplicates any other publication;
   (d) The Newspaper is circulated in the local public corporation which it purports to serve, and has at least 500 copies regularly delivered to paying subscribers;
   (e) The Newspaper has its known office of issue established in either the county in which it lies, in whole or in part, the local public corporation which the Newspaper purports to serve, or in an adjoining county;
   (f) The Newspaper files a copy of each issue immediately with the state historical society;
   (g) The Newspaper is made available at single or subscription prices to any person, corporation, partnership, or other unincorporated association requesting the Newspaper and making the applicable payment;
   (h) The Newspaper has complied with all the foregoing conditions for at least one year immediately preceding the date of the notice publication which is the subject of the Affidavit; and
   (i) Between September 1 and December 31 of each year, the Newspaper publishes and submits to the secretary of state, along with a filing fee of $25, a sworn United States Post Office periodical class statement of ownership and circulation.
2. The printed copy of the matter attached hereto (the "Notice") was copied from the columns of the Newspaper and was printed and published in the English language on the following days and dates: **Monday, December 8, 2014.**
3. Except as otherwise directed by a particular statute requiring publication of a public notice, the Notice was printed in a typeface no smaller than six point with a lowercase alphabet of 90 point.
4. The Newspaper's lowest classified rate paid by commercial users for space comparable to the space in which the Notice was published is **$429.00.**

Karen Greenhoe

Subscribed and sworn to before me on December 10, 2014

Jelene K. Howard

Jelene K. Howard
NOTARY PUBLIC
STATE OF MINNESOTA
My Commission Expires 1-31-2018

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Dates: Monday, December 08, 2014
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General Notices

LEGAL ADVERTISEMENT - TH 41 Minnesota River Crossing Tier I Final Environmental Impact Statement Available for Review and Comment

MnDOT has prepared a Tier I Final Environmental Impact Statement/ Preliminary Final Section 4(f) Evaluation (Tier I FEIS/4(f)) for the Trunk Highway (TH) 41 Minnesota River Crossing project in Scott and Carver Counties. The Tier I FEIS documents the positive and negative impacts of the proposal to construct a TH 41 Minnesota River Crossing connecting TH 169 in Scott County and TH 212 in Carver County. The project is being developed in a tiered process. Tier I identifies a corridor for preservation.

The required comment period will begin upon publication of the FEIS availability notice in the December 8, 2014 EQB Monitor. Comments will be accepted through January 12, 2015. Comments will also be taken throughout the period established per the Federal Register process for a final environmental impact statement. The FEIS, which documents the purpose and need of the project along with the anticipated social, economic, and environmental impacts, is available on the project website at http://www.dot.state.mn.us/metro/projects/thirtyfivebridge/.

The Tier I FEIS will be ... public viewing start... **December 8, 2014**, ... hours at the fol... locations: Metro Office, 1500 West ... Road B2, Roseville, MN ... Central Library, 300 ... Hall, Minneapolis, MN ... Library, 235 Lewis ... Kopee, MN 55379 ... Library, 711 Kerber ... Box 1130, Chanhassen, ... Library, City Hall Plaza, ... MN 55318.

Comments can be mailed, ... close of the public ... period on **Monday, January** ... to Diane Langenbach, ... Project Manager, 1500 ... City Road B2, MS 050, ... MN 55113.

Alternative Format
Any document in an alternate format, call 651-234-7721 ... areq@state.mn.us.

Hearing Impaired
Any of the above numbers ... persons ... Minnesota Relay Service at 1-800-627-3529 (TTY, ... 711).

StarTribune knowing

Certificates of Assumed Name

CERTIFICATE OF ASSUMED NAME, State of Minnesota, Pursuant to Chapter 333 Minnesota Statutes: the undersigned, who is or will be conducting business in the State of Minnesota under an assumed name, hereby certifies:
1. State the exact assumed name under which the business is or will be conducted:
AMEC, Inc.
2. State the address of the principal place of business:
2705 Bunker Lake Blvd. N.W., Suite 203, Andover, MN 55304
3. List the name and complete street address of all persons conducting business under the above Assumed Name.
American Mortgage & Equity Consultants
2705 Bunker Lake Blvd. N.W., Suite 203, Andover, MN 55304
4. I certify that I am authorized to sign this certificate and I further certify that I understand that by signing this certificate, I am subject to the penalties of perjury as set forth in Minnesota Statutes section 609.48 as if I had signed this certificate under oath.
Dated: September 14, 2014
Signed: Michele Teasdale

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643 DBL BUNGALOW/ DUPLEX/TOWNHOME UNFURN. NW/SW/W SUBURBS

MAPLE GROVE 2BR, $625. No pets, smoke free. Must income qualify. Call 763-494-6049 for more information and to apply. Equal Housing Opportunity.

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4031 Lyndale N 4BR, 2BA, $1200 3419 Emerson N, nice 3BR, bsmnt, $1050. 2320 Fremont N 4BR, 2BA, $1100. 3851 Lyndale N. 2BR dplx $875. 651-329-4161 763-227-2743 763-744-6370

REMODELED 3-4 BR $1100-$1200 Hardwood floors, fenced yard, washer/dryer, garage. Section 8 OK. Available immediately. 612-876-1849

669 ROOMS FOR RENT

★★ **ROBIN HOTEL FURN SLEEP RMS** Sec bldg. No Smoke/no drink. Sgl $160 / dbl $190 per wk + security deposit. Ph 763-519-0000 M-F

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All real estate advertising in this publication is subject to the laws which make it illegal to advertise "any preference, limitation or discrimination based on race, color, national origin, ancestry, religion, creed, sex, marital status, sexual orientation, handicap, disability, familial status or status regarding public assistance or an intention to make any such preference, limitation or discrimination".
We will not knowingly accept any advertisements which are in violation of the law. All dwellings advertised in this publication are available on an equal opportunity basis. To complain of discrimination, call HUD toll free at 1-800-669-9777.

Autos Index

Listed in order published:

Cars, Car Parts, Goods & Services
Autos
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Semi Trucks, Heavy Duty Trucks, Buses, Misc.
Antique & Classic Cars
Antique & Classic Car Services
Motorcycles & Mopeds
Bargain Lot Autos
Auto Loans
Auto Auctions & Events
Auto Repairables
Auto Parts, Equipment & Tires
Auto Repair Services
Utility Trailers
Motorcycle/Moped Parts, Accessories & Services
Vehicles Wanted
Recreational Vehicle & Marina, Parts & Services
All-Terrain Vehicles
Snowmobiles
Boats - Used, Powered
Boats - New, Powered
Other Watercraft
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RVs, Motorized
RVs, Non-Motorized
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SAT. DEC. 13, 2014 4 PM @ ST. FRANCIS AMERICAN LEGION - 3073 BRIDGE ST. NW. PHOTO CATALOG ONLINE WED. DEC. 10 @ www.proxibid.com/jpc JAMES PETERSON CO. LLC #2714040 Mpls, MN. 612-819-3433

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general careers

15 TEMPORARY LABORERS

Rush Creek Golf Club in Maple Grove, Minnesota needs 15 temporary laborers to work 04/01/2015 to 10/23/2015. Landscape or maintain grounds of property using hand or power tools or equipment. Mow, cut, water, edge lawns; rake, blow leaves; dig holes for bushes; pull, chop weeds, prune; haul topsoil and mulch. $14.03 per hour. M-F; 6:00 a.m. to 3:00 p.m. No overtime. No education, experience or on the job training required. Must undergo a pre-employment drug testing; employer will pay for these costs. Fax resumes directly to the employer at (763) 494-4286 Attn: Dale Hiebert

Cement Mason Concrete Finishers (Minnesota)

Chris Waldner and Son's Construction, Huron, SD has 20 openings for concrete mason & concrete finishers. Temp position from 01 April 2015 to 15 December 2015. Rate: $22.32 p/hr with OT at $33.48 p/hr. Rates are depending on worksite loc. Hrs: M-Sa 7:00 am to 7:00pm depending on weather conditions. OT may be available. Employees are expected to travel in in rural areas of SD and MN. Duties: setting forms, check the forms, spread, level, and smooth concrete, using rake, shovel, hand or power trowel, hand or power screed, and float. Produce rough concrete surface, using broom, mold expansion joints and edges, using edging tools, jointers, and straightedge, clean chipped area, using wire brush, and feel and observe surface to determine if it is rough or uneven, Signal truck driver to position truck. Apply hardening and sealing. Contact HR: 605-352-2197 or send resumes to: hofer_margaret@yahoo.com or mail resumes to: 40306 207th Street, Huron, SD 57350

general careers

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3/1/15-11/30/15, Heins Valley Creek Nursery, Woodbury, MN. Install landscape material, i.e. plants/boulders/ edging, etc. Transport, heal in trees. Spread mulch. Able to lift 60 lbs, emplymnt ref, 3 mo exp req'd. 40 hrs/wk, M-Sat. On the job training not provided. $14.03/hr. Fax resume to 651.769.2664.

APPENDIX B

Section 404

- **US Army Corps of Engineers Special Public Notice Email Correspondence**

US Army Corps of Engineers
St Paul District

Special Public Notice

APPLICANT: **Minnesota Department of Transportation (MnDOT)**

ISSUED: 12/08/2014
EXPIRES: 01/07/2015

REFER TO: **2006-02250-MMJ**

SECTION:404 - Clean Water Act

NOTICE OF AVAILABILITY OF THE TRUNK HIGHWAY 41 TIER 1 FINAL ENVIRONMENTAL IMPACT STATEMENT AND ASSOCIATED CLEAN WATER ACT SECTION 404 REVIEW PROCESS

1. PURPOSE OF THIS PUBLIC NOTICE. The purpose of this public notice is to invite public comment on the Tier 1 Final Environmental Impact Statement (FEIS) prepared by the Federal Highway Administration (FHWA) and the Minnesota Department of Transportation (MnDOT) for the purpose of selecting a new Trunk Highway (TH) 41 Minnesota River crossing in the vicinity of the Cities of Chaska, Carver, and Chanhassen, and Dahlgren Township in Carver County and the City of Shakopee and Jackson and Louisville Townships in Scott County. The approximate decimal degree coordinates for the center of the project area are Latitude 44.76 and Longitude -93.62.

The attached figures, labeled as 2006-02250-MMJ, Figures 1 of 8 through 4 of 8, show the general project location, alternative corridor locations, and the preferred alternative for the crossing as indicated in the FEIS.

The Army Corps St. Paul District (Corps) is a cooperating agency in the preparation of the TH 41 Tier 1 FEIS, and is applying Clean Water Act (CWA) Section 404 evaluation criteria to the FEIS and the selection of a corridor for the TH 41 improvements. The Corps has consulted with the FHWA, MnDOT, the U.S. Environmental Protection Agency (EPA), the U.S. Fish and Wildlife Service (FWS) and the Minnesota Department of Natural Resources (MnDNR) while conducting a CWA Section 404 review concurrently with the tiered EIS process.

The attached figures, labeled as 2006-2250-MMJ, Figures 5 of 8 through 8 of 8 include a summary of the potential impacts associated with the project's preferred alternative as indicated in the FEIS.

2. BACKGROUND. Section 404 of the CWA prohibits discharges of dredged or fill material into waters of the United states unless the work has been authorized by a Department of the Army permit. Waters of the United States may include rivers, lakes, ponds, streams, wetlands and other aquatic resources.

The Corps' evaluation of a CWA Section 404 standard permit application is a three part analysis that (1) determines whether the proposal complies with the Section 404(b)(1) Guidelines, under 40 CFR

Part 230.10, (2) evaluates the proposal's impacts in accordance with the National Environmental Policy Act (NEPA), under appendix B of 33 CFR Part 325, and (3) determines whether the proposal is contrary to the public interest, under 33 CFR Part 320.4(a).

The proposed project is not currently programmed for construction within the next 20 years. However, FHWA and MnDOT have identified a need to preserve a corridor that best meets the project objectives as soon as possible, since the rapid development of the study area would further limit available options for meeting the transportation need. Therefore, FHWA and MnDOT are using a "tiered" two-step environmental review process (as permitted by NEPA regulations and by Minnesota Rules 4410.4000) for the proposed project.

The Tier 1 EIS addresses the social, economic and environmental issues associated with alternative corridor locations in order to identify a preferred corridor for the project. A Tier 2 environmental process, which will be initiated at a time closer to project construction, will address project-specific issues and focus on the proposed project's design alternatives, environmental impacts and mitigation.

The Corps is a cooperating agency in the preparation of the Tier 1 EIS; we are reviewing the EIS for consistency with CWA Section 404 requirements. In addition, because this proposal is being studied as a tiered process, with the location decision being during the Tier 1 process and the specific design decisions being made during the Tier 2 process, FHWA has requested that the Corps document their concurrence or non-concurrence at major milestones during the development of the Tier 1 and Tier 2 EIS.

3. CONCURRENT REVIEW PROCESS. The Corps CWA Section 404 review has occurred concurrently with the TH 41 Tier 1 EIS process, and has included:

a. The solicitation of public input, including the issuance of a Special Public Notice for this project on July 13, 2007, to request comments on the TH 41 Tier 1 DEIS and to describe the proposed incorporation of CWA Section 404 requirements into the EIS process being used to select a preferred river crossing at this location. We are now issuing this second Special Public Notice to request comments on the TH 41 Tier 1 FEIS, and to describe CWA Section 404 review of the project thus far.

b. Documentation of our concurrence at major mile-stones during development of the TH 41 EIS, as described in the NEPA/404 merger process. The purpose of this merger process is to incorporate CWA Section 404 regulatory requirements into the project planning/NEPA review process, to achieve an orderly, concurrent review process. The concurrence points for this merger process include: 1. Project Purpose and Need, 2. Array of Alternatives and Alternatives Carried Forward, 3. Identification of the Selected Alternative and 4. Design Phase Impact Minimization. The Corps concurs with Points 1 & 2 of the merger process for this project; we have determined that Project Purpose and Need and the Array of Alternatives Carried Forward in the TH 41 Tier 1 FEIS satisfy Section 404 regulatory requirements. The Corps also concurs with Point 3 of the merger process for this project; we have made a preliminary determination that the preferred corridor identified as Modified Alternative C-2 in the TH 41 Tier 1 FEIS represents the Least Environmentally Damaging Practicable Alternative (LEDPA) for this project, as defined in our 404(b)(1) Guidelines. The Corps will address Point 4 of the merger process during completion of the Tier 2 EIS.

c. Preparation of an administrative record of this process, documenting Corps concurrence with Points 1 through 3 of the NEPA/404 merger process, and addressing comments received in response to public notices for this project. This administrative record will be closed when FHWA and MnDOT complete the Tier 1 FEIS Process, and will be available for reference upon initiation of the Tier 2 EIS Process.

4. DOCUMENT AVAILABILITY. This public notice is available on the Corps website at:

http://www.mvp.usace.army.mil/Missions/Regulatory.aspx

The Tier 1 FEIS and additional information about the project is available on the MnDOT website at:

http://www.dot.state.mn.us/metro/projects/hwy41bridge/

5. REPLIES/COMMENTS. Interested parties are invited to submit to this office written facts, arguments, or objections within 30 days of the date of this notice. These statements should bear upon the suitability of the location and the adequacy of the project and should, if appropriate, suggest any changes believed to be desirable. Comments received may be forwarded to the applicant.

Replies may be addressed to Regulatory Branch, St. Paul District, Corps of Engineers, 180 Fifth Street East, Suite 700, Saint Paul, MN 55101-1678.

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Melissa Jenny at the St. Paul office of the Corps, telephone number (651) 290-5363.

To receive Public Notices by e-mail, go to: http://mvp-extstp.mvp.usace.army.mil/list_server/ and add your information in the New Registration Box.

6. FEDERALLY-LISTED THREATENED OR ENDANGERED WILDLIFE OR PLANTS OR THEIR CRITICAL HABITAT. Carver and Scott County are within the known or historic range of the following Federally-listed threatened (T), endangered (E) and proposed (P) species:

Species	Habitat
Northern long-eared bat (P)	Caves and mines in fall & winter, upland forests in spring and summer.

As delegated by FHWA, MnDOT Environmental Services will be coordinating the project with the U.S. Fish and Wildlife Service (USFWS) in accordance with Section 7 of the Endangered Species Act. Continued involvement with the USFWS will take place through the Tier 2 EIS process. Any comments USFWS may have concerning Federally-listed threatened or endangered wildlife or plants or their critical habitat will be considered in the final assessment of the described work.

7. JURISDICTION. This application is being reviewed in accordance with the practices for documenting Corps jurisdiction under Sections 9 & 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act identified in Regulatory Guidance Letter 08-02. We have made an

initial determination that the aquatic resources that would be impacted by the proposed project are regulated by the Corps of Engineers under Section 404 of the Clean Water Act and/or Section(s) 9 & 10 of the Rivers and Harbors Act. The Corps will prepare an approved or preliminary jurisdictional determination prior to making a permit decision. Approved jurisdictional determinations are posted on the St. Paul District web page at http://www.mvp.usace.army.mil/Missions/Regulatory.aspx.

8. STATE SECTION 401 WATER QUALITY CERTIFICATION. Valid Section 404 permits cannot be issued for any activity unless state water quality certification for the activity is granted or waived pursuant to Section 401 of the Clean Water Act. The state Section 401 authority in Minnesota is the Minnesota Pollution Control Agency (MPCA). The St. Paul District has provided this public notice to the MPCA. Any comments relative to MPCA's Section 401 Certification for the activity proposed in this public notice may be sent to:

> Minnesota Pollution Control Agency, Resource Management and Assistance Division, Attention: 401 Certification, 520 Lafayette Road North, St. Paul, Minnesota 55155-4194.

9. HISTORICAL/ARCHAEOLOGICAL. This public notice is being sent to the National Park Service and the State Archaeologist for their comments. As delegated by FHWA, the MnDOT Cultural Resources Unit has completed a preliminary review of cultural resources within the project corridor in accordance with Section 106 of the National Historic Preservation Act. Historic Properties have been identified within the project corridor, as described in the TH 41 Tier 1 FEIS.

10. PUBLIC HEARING REQUESTS. Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, in detail, the reasons for holding a public hearing. A request may be denied if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

11. PUBLIC INTEREST REVIEW. The decision whether to issue a permit for this project will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. Environmental and other documents will be available for review in the St. Paul District Office.

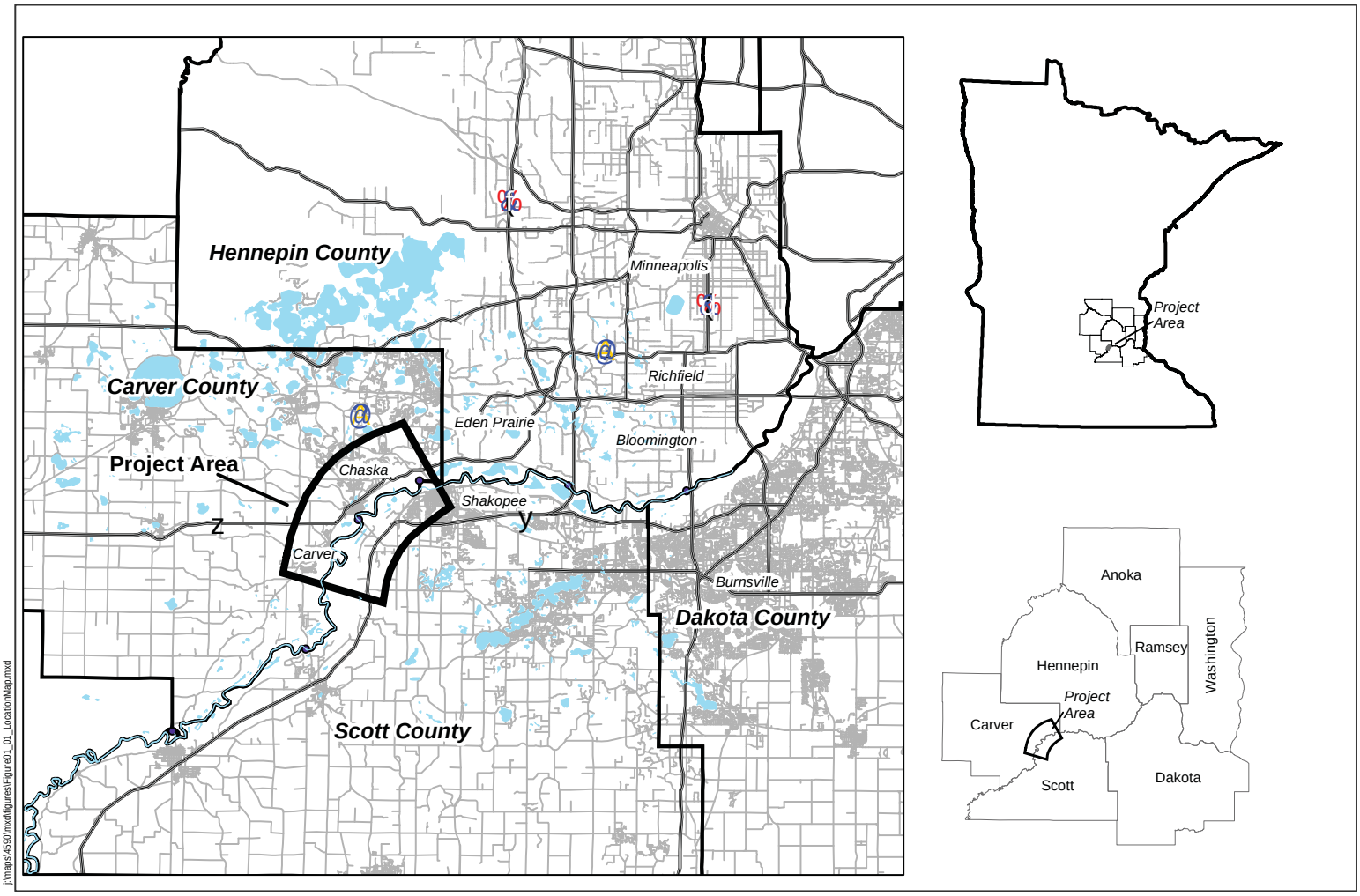
The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the

preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Chad Konickson
Chief, Southwest Section

Enclosures

NOTICE TO EDITORS: This public notice is provided as background information and is not a request or contract for publication.



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STATE / COUNTY LOCATION MAP

Figure 1-1

TRUNK HIGHWAY 41 MINNESOTA RIVER CROSSING
Final Environmental Impact Statement
S.P. #1008-60
Minnesota Department of Transportation

PREFERRED ALTERNATIVE

TRUNK HIGHWAY 41 MINNESOTA RIVER CROSSING
inal En ironmental Impact Statement

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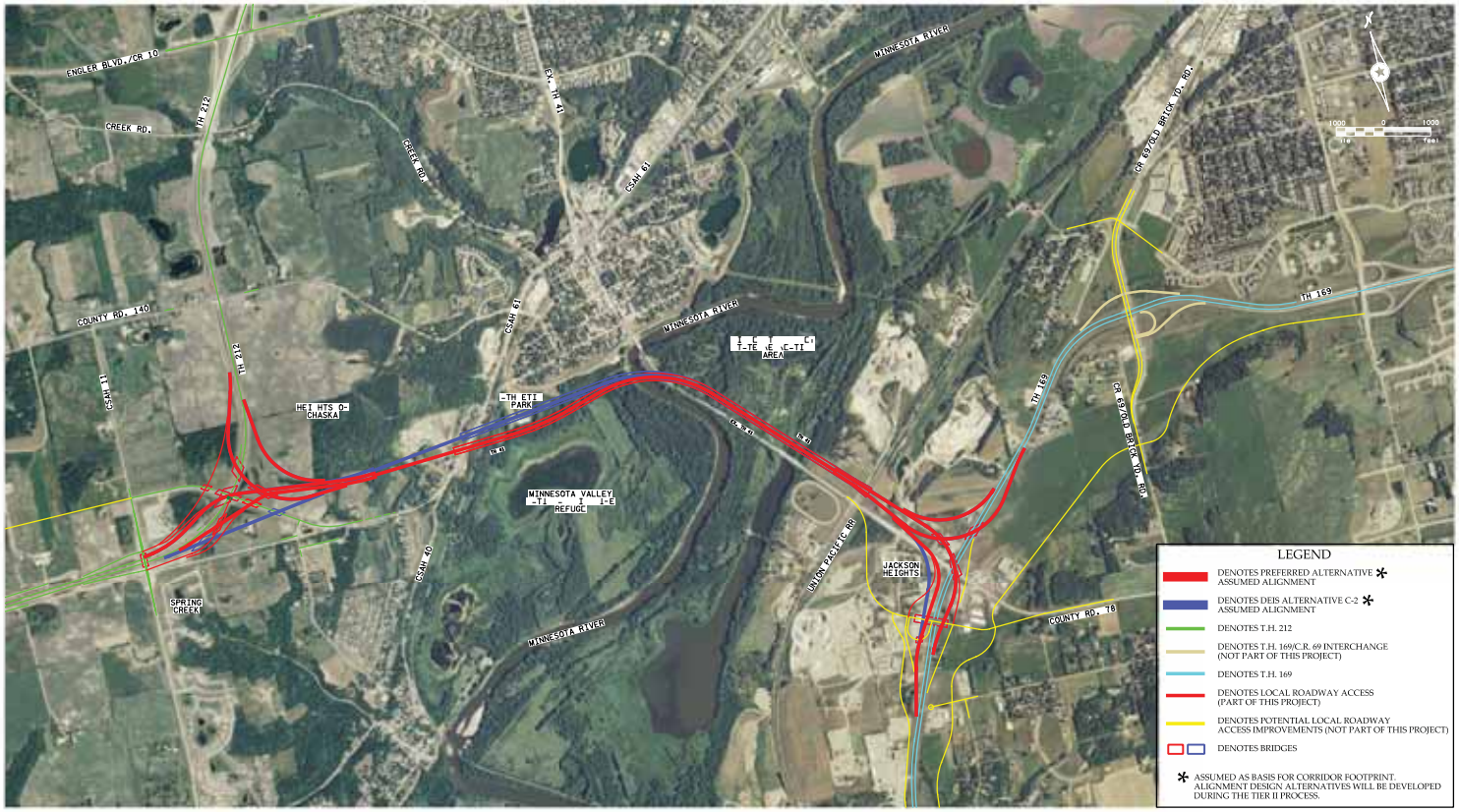
Figure 1-2



ASSUMED ALIGNMENT : IVE COMPARED TO DEIS ALTERNATIVE -

TRUNK HIGHWAY 41 MINNESOTA RIVER CROSSING
inal En ironmental Impact Statement

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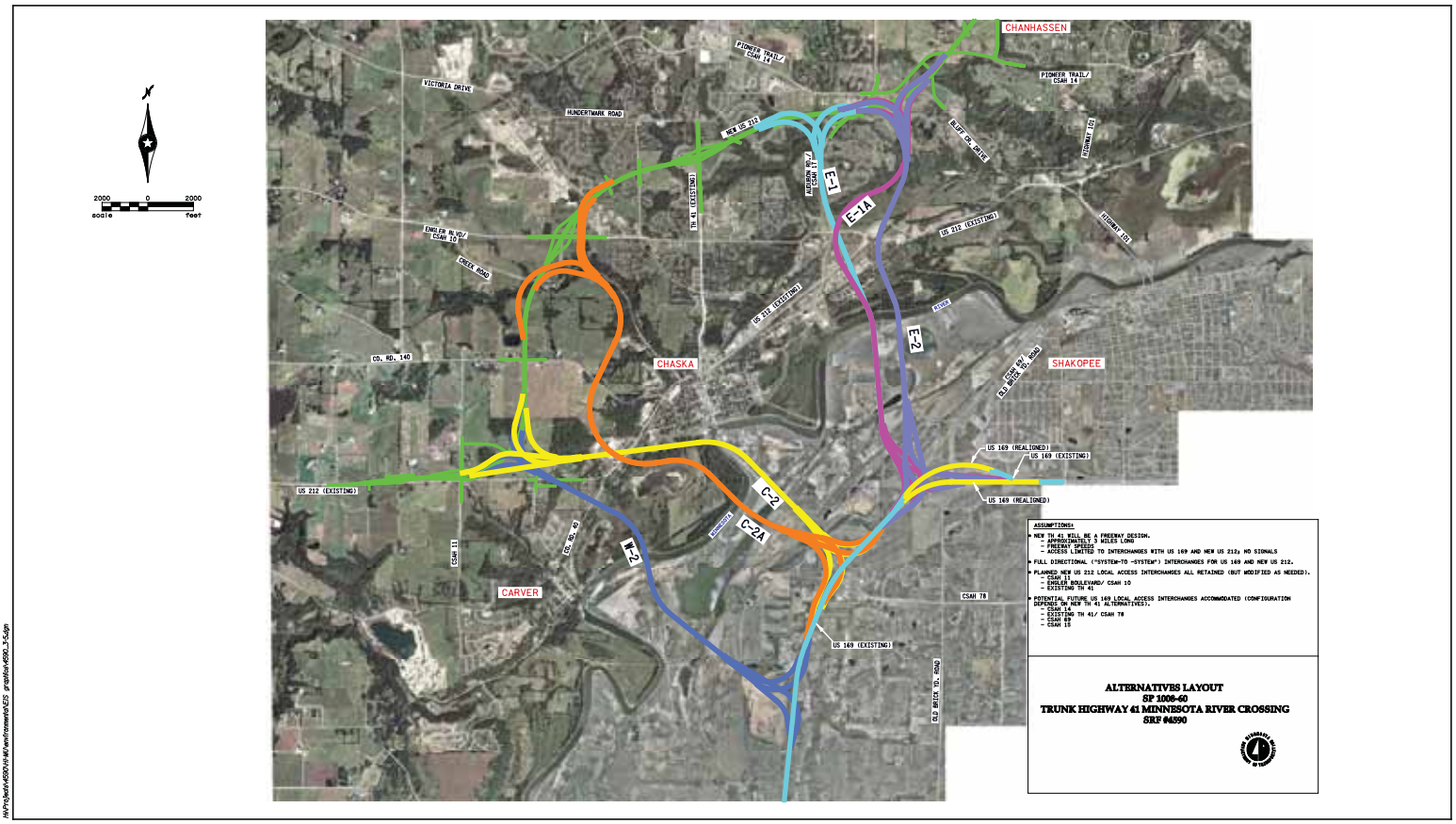
Figure 1-2A



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BUILD ALTERNATIVES

TRUNK HIGHWAY 41 MINNESOTA RIVER CROSSING

Final Environmental Impact Statement
S.P. #1008-60
Minnesota Department of Transportation

Figure 1-3

2006-02250-MMJ, Figure 5

TABLE 1-1
IMPACT SUMMARY FOR THE PREFERRED ALTERNATIVE

DESCRIPTION	**Roadway length:** 3.0 miles **Estimated Bridge length:** 9,350 feet **Estimated Number of piers:** 80
TRANSPORTATION AND FISCAL IMPACTS	
Capacity Improvement and Relief to Other River Crossings	
New TH 41 Average Daily Traffic (ADT) (2040)	48,000
Other River Crossings ADT (2040)	
• CSAH 9/45	21,600
• TH 41	22,000
• Highway 101	30,000
• US 169	135,000
• I-35W	133,000
Hours of Congestion (2040)	
• Existing TH 41 north of CSAH 61	0
• Existing TH 41 river crossing	2
• Existing Highway 101 river crossing	7
Regional Efficiency (2040)	
• VMT (difference from No-Build)	314,000
• VHT (difference from No-Build)	-3,500
Safety	
Crashes (2040)	
• Freeway	1,052
• Non-Freeway	9,460
• Downtown Chaska	22
Other	• Grade-separated rail crossings increase safety and decrease number of stops for transports carrying hazardous/flammable materials. • Substantial improvements in emergency response times, especially during flood conditions. • Reduced potential for vehicle-bicycle or vehicle-pedestrian conflicts.
Trucks per day (% of ADT) (2040)	
• New TH 41	2,350 (5)
• Existing TH 41	700 (3)
• Highway 101	1,500 (5)
• US 169	8,700 (6)

TABLE 1-1 continued
IMPACT SUMMARY FOR THE PREFERRED ALTERNATIVE

DESCRIPTION	**Roadway length:** 3.0 miles **Estimated Bridge length:** 9,350 feet **Estimated Number of piers:** 80
TRANSPORTATION AND FISCAL IMPACTS continued	
Fiscal	
Cost (in 2013 dollars)[3] (rounded to $10M)	
• Construction (higher figure risk assessed for factors including mitigation)	$370-$430M
• Right of way	$ 90-$130M
• Total	$460-$560M
Benefit/Cost Ratio	3.39
SOCIAL, ECONOMIC AND ENVIRONMENTAL IMPACTS	
Right of way	320 acres
	57 affected parcels:
	• 11 residential • 16 agricultural • 15 commercial • 12 public • 3 other
Residential Units Needed to be Acquired[4]	10
Business/employees	11 businesses
	114 employees
Fiscal	
Annual tax loss (Scott County)	• $188,360 (2013 dollars)
Annual tax loss (Carver County)	• $ 20,260 (2013 dollars)
Environmental Justice	Noise and visual impacts to Jackson Heights
Neighborhoods	• Separates corner of Heights of Chaska from remainder • Separates Carver and Chaska
Community Facilities	• No impact
Access	• Affects design of US 169/ existing TH 41 interchange • Assumes existing TH 41/ CSAH 78 realigned to the west • Local ramps at US 212/CSAH 11 interchange partially reconstructed

[3] Project costs have been updated from 2005 dollars to 2013 dollars using the Consumer Price Index (CPI). ftp://ftp.bls.gov/pub/special.requests/cpi/cpiai.txt. Accessed May 10, 2013.
[4] Includes single family homes, townhomes, and manufactured home units. Does not include farm houses. Note: Agricultural parcels include properties that are planned for development before the anticipated build-year.

2006-02250-MMJ, Figure 7

TABLE 1-1 continued
IMPACT SUMMARY FOR THE PREFERRED ALTERNATIVE

DESCRIPTION	**Roadway length:** 3.0 miles **Estimated Bridge length:** 9,350 feet **Estimated Number of piers:** 80
SOCIAL, ECONOMIC AND ENVIRONMENTAL IMPACTS continued	
Cultural Resources	• Effect on cultural resources cannot be determined at this time
Parks, Trails, Recreational Areas (Section 4[f])	• Temporary construction impacts to Canoe and Boating route • Temporary construction impacts to planned trail • 22.0 acres MVNWR • 22.3 acres MVSRA/MV Trails
Threatened and Endangered Species	• No Threatened and Endangered species listed within ½ mile • Tier II mussel study anticipated
Vegetation/Habitat	• Shading effects • Salt spray, trash, debris, and opportunistic invasive species • Bridge piers may create obstacles for wildlife; bridge could create flight barrier for birds • Affects 58.3 acres of natural vegetation, including 24.3 acres of forest interior • Creates additional forest edge and shrub/herbaceous edge (habitat fragmentation)
Seminary Fen/Assumption Creek (3 calcareous fen component (CFC] areas)	No impact
Surface Water Quality/Storm Water Runoff	
Impervious surface	47.7 acres
Permanent ponding storage requirement (% in floodplain)	13.9 acre-ft. (31.9% in floodplain)
Wetland Impacts	13.2 acres
Wild and Scenic River	
Floodplain/Waterbodies	
• Floodplain encroachment	7,250 feet (Minnesota River)
• Increase in flood elevation	0.02 foot (Minnesota River)
Groundwater	Potential dewatering or direct impacts to groundwater, not excessive

2006-02250-MMJ, Figure 8

TABLE 1-1 continued
IMPACT SUMMARY FOR THE PREFERRED ALTERNATIVE

DESCRIPTION	**Roadway length:** 3.0 miles **Estimated Bridge length:** 9,350 feet **Estimated Number of piers:** 80
SOCIAL, ECONOMIC AND ENVIRONMENTAL IMPACTS continued	
Physical	
Noise (daytime) (2040)	State standards exceeded at several receptors
Air Quality	
Soil, Water Contamination	• 2 Medium risk sites • 7 High risk sites
Visual Quality	
Steep Slopes, Erodible Soils – Length of erodible soil crossing (acres)	1,950 feet (13.4 acres)
Farmland	• 16 agricultural parcels • 148 acres (NRCS)
Excess/Borrow	Preliminary estimates indicate that up to 3.3 million cubic yards of borrow may be required.
OTHER	
Construction Impacts	
Indirect Impacts	Assumed US 169/existing TH 41 interchange impacts 3 homes
Cumulative Impacts (greater potential)	• Land development-conversion of agricultural land to more intensive uses • Vegetation/Wildlife/Threatened and Endangered Species • Wetlands • MVNWR – visual, noise, habitat fragmentation, storm water

From:	Jenny, Melissa M MVP
To:	Frick, Nancy (DOT)
Cc:	Langenbach, Diane (DOT); nries@srfconsulting.com; Konickson, Chad S MVP
Subject:	RE: Special Public Notice: 2006-02250-MMJ NOTICE OF AVAILABILITY OF THE TRUNK HIGHWAY 41 TIER 1 FINAL ENVIRONMENTAL IMPACT STATEMENT (UNCLASSIFIED)
Date:	Friday, January 09, 2015 9:56:52 AM

Classification: UNCLASSIFIED
Caveats: NONE

Hi ladies,

We did not receive any comments in response to our Public Notice for this project.

Thank you, Melissa Jenny

U.S. Army Corps of Engineers
Regulatory Project Manager
Counties: Hennepin and Carver
(651) 290-5363

http://www.mvp.usace.army.mil/Missions/Regulatory.aspx

-----Original Message-----
From: Frick, Nancy (DOT) [mailto:Nancy.Frick@state.mn.us]
Sent: Thursday, January 08, 2015 10:14 AM
To: Jenny, Melissa M MVP
Cc: Langenbach, Diane (DOT); nries@srfconsulting.com
Subject: [EXTERNAL] RE: Special Public Notice: 2006-02250-MMJ NOTICE OF AVAILABILITY OF THE TRUNK HIGHWAY 41 TIER 1 FINAL ENVIRONMENTAL IMPACT STATEMENT (UNCLASSIFIED)

Hello. Can you forward any comments you received on your Notice? We will be including them in the Record of Decision. Thanks.

-----Original Message-----
From: Jenny, Melissa M MVP [mailto:Melissa.M.Jenny@usace.army.mil]
Sent: Wednesday, December 10, 2014 11:40 AM
To: Langenbach, Diane (DOT); Frick, Nancy (DOT); Ross, Jennie (DOT)
Cc: Laszewski.Virginia@epa.gov
Subject: Special Public Notice: 2006-02250-MMJ NOTICE OF AVAILABILITY OF THE TRUNK HIGHWAY 41 TIER 1 FINAL ENVIRONMENTAL IMPACT STATEMENT (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Hi ladies,

Just an FYI our PN for the TH 41 FEIS went out on Monday 12/8.

I didn't get the notice stating that you were extending the comment period to 1/12/15 until today, so our PN expires on 1/7 but I don't expect that to be an issue.

Thank you, Melissa Jenny

U.S. Army Corps of Engineers
Regulatory Project Manager

Counties: Hennepin and Carver
(651) 290-5363

http://www.mvp.usace.army.mil/Missions/Regulatory.aspx

-----Original Message-----
From: Nelson, Melanie M MVP
Sent: Monday, December 08, 2014 4:04 PM
Subject: Special Public Notice: 2006-02250-MMJ NOTICE OF AVAILABILITY OF THE TRUNK HIGHWAY 41 TIER 1 FINAL ENVIRONMENTAL IMPACT STATEMENT (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Please be advised a special public notice, (PN) in an area of interest to you, has been posted to our website concerning the availability of the Trunk Highway 41 Tier 1 Final Environmental Impact Statement and Associated Clean Water Act Section 404 Review Process.

CORPS FILE NUMBER: 2006-02250-MMJ
APPLICANT: Minnesota Department of Transportation (MnDOT) PROJECT LOCATION: Carver and Scott County, Minnesota PN EXPIRATION DATE: January 7, 2015

The direct link to this public notice is:

http://www.mvp.usace.army.mil/Portals/57/docs/regulatory/MN-Special/2006002250P.pdf

If you are unable to open the direct link, you can view the public notice on the Corps of Engineers, St. Paul District's Regulatory web page:

http://www.mvp.usace.army.mil/Missions/Regulatory.aspx

To update your subscription to this distribution list, or to unsubscribe, please go to:

http://mvp-extstp.mvp.usace.army.mil/list_server/

NOTE: Please do not submit comments about the project described in the public notice by replying to this email. Comments about the project may be submitted to the appropriate Corps Project Manager as described in the public notice.

St. Paul District, Corps of Engineers
Regulatory Branch, CEMVP OP-R
180 Fifth St. E., Suite 700
St. Paul, Minnesota 55101-1678

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

APPENDIX C

Written Comments Received on the Tier I FEIS and Responses

COMMENTS AND RESPONSES FOR THE TH 41 RIVER CROSSING FEIS

The following sections respond to substantive written comments received by FHWA and Mn/DOT during the FEIS public comment period that concluded on January 12, 2015. The comment correspondence is presented on the left half of the page, with responses to comments appearing on the right half. Substantive comments are identified by a letter in the right-hand column of the comment correspondence. The corresponding response is identified by the same letter on the right half of the page.

COMMENT

From: Haworth, Brooke (DNR)
To: Langenbach, Diane (DOT)
Subject: Tier I MN River Crossing TH 41 - DNR comments
Date: Monday, January 12, 2015 2:20:16 PM

Ms. Langenbach,

The Minnesota Department of Natural Resources (DNR) has reviewed the Tier I FEIS for the TH 41 Minnesota River Crossing. We offer the following comments for your consideration.

- We look forward to a more in-depth treatment in the Tier II document of minimization and mitigation measures for the extensive impacts to natural resources that will occur as a result of this project.

A

- In 2012, a state-listed plant of special concern was identified in the immediate vicinity of the Preferred Alternative. The DNR requests that a new Natural Heritage Review, a mussel study, and continued coordination with the DNR take place during the Tier II process.

B

- During project construction, it will be important for the DNR to maintain access to the two parking areas near the project: west of MN 41 at Gifford Lake and east of MN 41 at Trail Site 2. While we recognize that impacts to the Minnesota Valley State Trail may occur during project construction, the Trail should be restored to a continuous corridor at project completion.

C

- Because of the location through lengthy wetland areas, road mortality of nongame species can be expected to be high. We recommend that the project include dry floodplain culverts in areas where the roadbed is boarded by wetlands on one or both sides. Please contact DNR Nongame staff for design recommendations to minimize wildlife impacts. Following are recommended specifications:
  - Culverts: 2' by 2' square at minimum, with larger box culverts being preferred (4' by 4' plus).
  - Fencing: used to redirect wildlife seeking to cross the roadway to these culverts or to bridge underpasses; either buried ~12-18", or if installed flush to the ground, backfilled with ~ 12" of soil to prevent wildlife from passing beneath the fence.
  - Barrier fencing: include a "J-hook" on the end to redirect wildlife traveling along its length but away from a culvert / bridge underpass.

D

- Given the proximity to a National Wildlife Refuge, the Minnesota River, and other green spaces, the use of wildlife-friendly erosion control materials should be required. Traditional erosion control mesh is known to cause injury and may be fatal to wildlife, particularly reptiles and amphibians. In addition, plastic materials can fragment and blow into wetland areas, entangling aquatic species.

Thank you for the opportunity to review this project. Please contact me if you have any questions regarding these comments.

Brooke Haworth
Environmental Assessment Ecologist, Central Region
MnDNR Division of Ecological and Water Resources

RESPONSE

Brooke Haworth (Minnesota DNR)

A. A new Natural Heritage review and a mussel study will be completed as part of the Tier II EIS process, based on information regarding protected species available at that time, and based on more detailed project design information. Mn/DOT will continue to coordinate with the Minnesota DNR throughout project development and during the Tier II EIS process.

B. Construction staging and access maintenance will be further studied during the Tier II EIS process and during final design. Trail access points and other trail connections impacted by construction activity will be reestablished after project completion. The Tier II EIS and Section 4(f) Evaluation will assess the actual impacts to trails in place at that time and present mitigation strategies for identified impacts.

C. Design details such as culvert types, fencing, and barrier fencing will be further studied during the Tier II EIS process and during final design. Mn/DOT will continue to coordinate with the Minnesota DNR throughout project development and during the Tier II EIS process regarding recommendations to minimize wildlife impacts.

D. The Tier II EIS will identify impacts to wildlife and present mitigation for identified impacts. Erosion prevention and sediment control requirements will be followed in accordance with the future NPDES permit, which will include an erosion control plan, as well as best management practices (BMPs) contained in Mn/DOT's standard specifications, details, and special provisions. Wildlife-friendly erosion control will be considered as part of these BMPs.

COMMENT	RESPONSE
1200 Warner Road, St. Paul, MN 55106 Phone: 651-259-5755 Email: Brooke.haworth@state.mn.us	**Brooke Haworth (Minnesota DNR)** **Continued** REMAINDER OF THIS COLUMN INTENTIONALLY LEFT BLANK

COMMENT

January 12, 2015

Diane Langenbach
MnDOT-Metro Program Delivery
Waters Edge Building MS 050
1500 W County Road B-2
Roseville, MN 55113

RE: Tier I Final Environmental Impact Statement and Preliminary Final Section 4(f)/6(f) for TH 41 Minnesota River Crossing
Metropolitan Council Review No. 20031-2
Metropolitan Council District 4

Dear Ms. Langenbach:

The Metropolitan Council received the Tier I FEIS for the Trunk Highway 41 Minnesota River crossing in Scott and Carver County on December 3, 2014. The proposed project is located within Scott and Carver Counties and proposes future construction of a new Minnesota River crossing connecting Trunk Highway 169 and US Highway 212 in the vicinity of Trunk Highway 41. The EIS is being developed in a tiered process. Tier I identifies a corridor for preservation, while Tier II will evaluate and select a design for construction.

The staff review finds that the FEIS is complete with respect to regional concerns and does not raise major issues of consistency with Council policies.

We offer the following comments for your consideration.

Environment (Jim Larsen, 651-602-1159)

A The following clarification should be noted about a statement in section 9.2.1 on page 9-5, regarding proposed storm water runoff treatment for the proposed project. The text indicates that storm ponds are proposed to be placed in the floodplain of the Minnesota River – "high enough to be protected to the 50-year flood event, but not the 100-year flood event." The text further states that this proposed action will (only) result in the reduction of their effectiveness of treatment during events that exceed '50-year events.' What is not acknowledged is that this proposed design and siting methodology will also result in more frequent and costly maintenance to remove sediment that will accumulate within the basins during all flood events exceeding 50-year return frequencies that will compromise their removal efficiencies, operational capabilities, and life expectancy.

Regional Parks/Land Use (Jan Youngquist, 651-602-1029)

The Minnesota River Bluffs Regional Trail and the planned Minnesota River Bluffs Regional Trail Extension are components of the Regional Parks System which is governed by the Metropolitan Council's *Regional Parks Policy Plan* (RPPP). These regional trails are located

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METROPOLITAN COUNCIL

RESPONSE

LisaBeth Barajas (Metropolitan Council)

A. The Tier I EIS evaluated impacts of assumed improvements within a 300 foot wide corridor. The project will be further refined to a specific alignment with construction limits and drainage plans in the Tier II EIS process. During the Tier II EIS process and further project design, consideration will be given to operation and maintenance schedule and costs for proposed stormwater treatment ponds.

COMMENT

within the EIS Study Area. In addition, the Study Area includes the Minnesota Valley State Trail, the Minnesota Valley State Recreation Area, and the Minnesota Valley National Wildlife Refuge, which are also afforded protection through the RPPP.

Chapter 8 of the FEIS indicates that there will be direct land impacts to the Minnesota Valley State Trail, the Minnesota Valley State Recreation Area (which are managed by the Minnesota Department of Natural Resources), and the Minnesota Valley National Wildlife Refuge (managed by the U.S. Fish and Wildlife Service); and that there will be visual and potential construction impacts on the Minnesota River Bluffs Regional Trail (which will be managed by Carver County).

B The EIS indicates that a Tier II EIS and Section 4(f) evaluation will be conducted in the future. Council staff recommends that MnDOT coordinate these future studies with the Minnesota Department of Natural Resources, the US Fish and Wildlife Service, Carver County Parks, and the Metropolitan Council to ensure that the impacts to these Section 4(f) resources are minimized and mitigated.

Water Resources (Roger Janzig 651-602-1119)

C The realignment of TH 41 may have an impact on Metropolitan Council Interceptors in multiple locations. Council staff recommends that MnDOT coordinate future studies such as the Tier II EIS and any engineering studies with the Council's Environmental Services staff. To assess the potential impacts to our interceptor system, prior to initiating any proposed project, preliminary plans should be sent to Scott Dentz, Interceptor Engineering Manager (651-602-4503) at the Metropolitan Council Environmental Services for review and comment.

Transportation (Russ Owen, 651-602-1724)

Council transportation staff appreciates the extensive work done by MnDOT and its partners to conclude this Tier I EIS. Both Council staff and Council members have been involved over the years in the various advisory committees, including the River Corridor Implementation Committee, to conduct this work and determine a corridor which allows for improvements to this critical crossing while minimizing impacts.

D Since funding for construction of a new river crossing is not anticipated to be available for many years, the actual construction of this crossing is not included in the region's fiscally constrained long range transportation plan. However, the past several versions of the *Transportation Policy Plan* (TPP), as well as the 2040 TPP scheduled to be approved January 14, 2015, do acknowledge the importance of this river crossing. The 2040 TPP states that "MnDOT should continue to work with Carver and Scott counties to monitor the changing needs for, and identify affordable improvements to, the State Highway 41 bridge and its approaches over the Minnesota River. . . The project partners should work together to preserve right-of-way for bridge improvements if development pressures become imminent."

The Council looks forward to working in the future with MnDOT and its other partners to develop affordable designs and a Tier II EIS to improve this river crossing for all modes of transportation after funding is determined.

RESPONSE

LisaBeth Barajas (Metropolitan Council)
Continued

B. Section 4(f) impacts and mitigation related to the selected alternative will be further studied in the Tier II EIS and Section 4(f) evaluation. Mn/DOT will coordinate with the Minnesota DNR, U.S. Fish and Wildlife Service, Carver County Parks, the Metropolitan Council, and other government agencies during the Tier II EIS and Section 4(f) process to ensure that the impacts to Section 4(f) resources are minimized and mitigated.

C. Coordination with the Metropolitan Council to assess the potential impacts to its interceptor system will occur during the Tier II EIS process. It is noted that prior to initiating the project, final plans must be sent to the Interceptor Engineering Manager at the Metropolitan Council Environmental Services for review and comment.

D. Mn/DOT will continue to work with Carver and Scott Counties, as well as other government stakeholders, to preserve right of way, plan interim improvements that are consistent with the Selected Alternative, and identify affordable improvements related to the TH 41 Minnesota River crossing need.

COMMENT

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

Sincerely,

LisaBeth Barajas, Manager
Local Planning Assistance

CC: Crystal Sheppeck, MHFA
Tod Sherman, Development Reviews Coordinator, MnDOT - Metro Division
Gary Van Eyll, Metropolitan Council District 4
Angela Torres, Sector Representative
Russ Owen, Principal Reviewer
Raya Esmaeili, Reviews Coordinator

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RESPONSE

LisaBeth Barajas (Metropolitan Council)
Continued

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COMMENT

U.S. Department of Homeland Security
United States Coast Guard

Commander
Eighth Coast Guard District

1222 Spruce Street
St. Louis, MO 63103-2832
Staff Symbol: dwb
Phone: (314)269-2380
Fax: (314)269-2737

16591.1/29.0 MIN
December 23, 2014

Ms. Diane Langenbach
Minnesota Department of Transportation
1500 W. County Road B-2
Roseville, MN 55113

Subj: TRUNK HIGHWAY 41 BRIDGE PROJECT, MILE 29.0, MINNESOTA RIVER

Dear Ms. Langenbach:

We have completed our review of the Final Environmental Impact Statement (FEIS) for the subject project, which was received on December 3, 2014. The waterway for the subject project conforms to criteria for advance approval of bridges as set forth in Title 33, Code of Federal Regulations, Section 115.70, as amended. This regulation provides for the advance approval by the Commandant, U.S. Coast Guard, of the location and plans of bridges to be constructed across navigable waterways or waterways navigable-in-law but not actually navigated other than by logs, logs rafts, rowboats, canoes and small motorboats. Clearances provided for high water stages and drift will be considered adequate to meet the reasonable needs of navigation.

A A Coast Guard Bridge Permit is not required. However, we will need as-built drawings of the replacement bridge, in 8 1/2 by 11 inch format, when the project is completed. The Coast Guard offers no objection to the project upon compliance with the laws and regulations listed below:

a. Executive Order 11990 - Protection of Wetlands.

b. Executive Order 11988 - Floodplain Management.

c. Section 106 of the National Historic Preservation Act (Public Law 89-665) and Executive Order 11593.

d. Section 401 of the Federal Water Pollution Control Act, as amended (Public Law 92-500).

e. Fish and Wildlife Coordination Act (Public Law 85-624).

f. Endangered Species Act (Public Law 93-205).

g. Coastal Zone Management Act (Public Law 92-583).

h. Section 309 of the Clean Air Act (Public Law 90-148).

i. Noise Control Act (Public Law 92-574).

RESPONSE

Eric Washburn (U.S. Coast Guard)

A. Note that the proposed project would not be a replacement of the existing TH 41 bridge. It would be a new bridge for a system-to-system connection between US 169 and US 212. The existing TH 41 bridge would remain in place to provide local access.

Mn/DOT will comply with all noted laws and regulations and will provide drawings or other materials to the Coast Guard as required. Note that the Tier I EIS was prepared for purposes of right of way preservation. Construction of the project may not occur for 20 or more years. A Tier II EIS will be prepared closer to the time of construction.

COMMENT

Subj: TRUNK HIGHWAY 41 BRIDGE, MILE 29.0 MINNESOTA RIVER

16591.1/29.0 MIN
December 23, 2014

j. Wild and Scenic Rivers Act of 1968, (Public Law 90-542).

k. Prime and Unique Farmlands (Council on Environmental Quality Policy dated 16 January 1980).

l. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646).

m. Environmental Justice, Executive Order 12898.

n. Taking of Private Property, Executive Order 12630.

o. Civil Justice Reform, Executive Order 12988.

p. Indian Tribal Governments, Executive Order 13175.

q. Energy Effects, Executive Order 13211.

r. Migratory Bird Treaty Act of 1918.

s. Invasive Species, Executive Order 13112.

Sincerely,

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

Copy: CDRUSAED St. Paul District

2

RESPONSE

Eric Washburn (U.S. Coast Guard)
Continued

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COMMENT

Chaska

January 5, 2015

Minnesota Department of Transportation
Attention: Dianne Langenbach
Metro Program Delivery
Waters Edge Building MS 050
1500 W. Co Rd B2
Roseville, Mn. 55113

RE: City of Chaska Comment Letter to Tier I Final Environmental Impact Statement for the TH41 Minnesota River Crossing

Dear Ms. Langenbach,

I would first like to take this opportunity to thank MnDOT for their efforts during the Highway 41 Minnesota River Crossing process to involve Chaska, as well as other members of the River Crossing Implementation Collaborative (RCIC), in the formulation of the preferred alternative for the new Highway 41 River Crossing. We very much appreciate the conversations during that process and the ability to incorporate the concerns and potential solutions to these concerns within this Tier One EIS document.

We sincerely hope that as this project moves forward in the future that this Tier I EIS, along with the RCIC report dated April 2013, will be incorporated into a final design and result in a project that will best serve this entire region.

The City of Chaska also appreciates the opportunity to provide the following comments on this Tier I Final Environmental Impact Statement. Chaska requests these comments be considered for incorporation as part of the Final EIS document.

A

- The RCIC Report is referred to numerous times in the Tier I EIS. To formalize the importance with which the Report is viewed by RCIC participants, the last sentence of paragraph 2 in Section 1.5.1.2 should read, "The summary of this Report is available in Appendix A-1 and the complete RCIC Report is provided in Appendix A-Z. Both documents are incorporated as part of the Tier I EIS and attached by reference."

B

- The last paragraph of Section 1.5.2- Description of the Preferred Alternative – references the local access issue included in the RCIC Report. Chaska proposes the paragraph be changed to read as follows: "The RCIC Report as summarized in Section 1.6 below includes nine (9) local goals to be addressed as the new TH41 River Crossing Project proceeds. One such goal requiring further attention involves addressing the need to maintain some level of local access."

City Of Chaska Minnesota | One City Hall Plaza 55318-1962 | Phone 952/448-9200 | Fax 952/448-9300

RESPONSE

Mark Windschitl (City of Chaska)

A. Appendix A-1 (RCIC Report Framework and Guidance Excerpts) and Appendix A-2 (the complete RCIC Report) are incorporated as part of the Tier I FEIS.

B. Section 1.5.2 of the FEIS provides the basics of the project description, including access, assumed for purposes of impact analysis for the Tier I EIS. The intent of the text referred to in the comment is to clarify that while a local access connection is not part of the Tier I project definition, it is an access issue to be addressed during the Tier II process.

Mn/DOT understands that there are a number of local goals to be addressed as the project proceeds, as expressed in the RCIC Report. Local access design is a issue that will need to be addressed in the Tier II EIS process. RCIC goals and considerations are summarized in Section 1.6 of the FEIS.

COMMENT

C ➢ In the second paragraph of Section 1.13, the word 'resolved' needs to be changed to "identified" so the sentence reads as follows: "Major issues relevant to the Tier I decision have been identified through the work of the RCIC."

D ➢ The last paragraph of Section 1.13 should be modified to read: "One of the key RCIC issues relates to local access from US Highway 169 and new TH 41 to CSAH 61, existing TH 41 and/or other local streets. This issue will be further studied during the Tier II EIS process."

E ➢ In Table 1-3 - Agency Permits, Approvals, and Other Required Documents - Municipal Consent (if needed) is listed for four cities. The 'if needed' should be dropped for the cities through which the new TH 41 River Crossing will cross.

F ➢ The Tier I EIS mentions 'intermediate activities' that should occur between now and the Tier II EIS for the goals identified by the RCIC. Chaska requests these activities be defined in the Tier I EIS or by separate letter from MnDOT to the RCIC members. Items such as landscaping in Athletic Park to provide further screening do require to be addressed on a more accelerated time frame.

G ➢ The new TH 41 River Crossing is noted as a transportation improvement well outside normal planning parameters. This being acknowledged, every effort must be made to plan interim improvements to be consistent with the objectives and basic layout described in this Tier I EIS. Whether those improvements include a new interchange at the US Highway 169/TH 41 intersection or an upgrade of a section of existing TH 41, consistency with this document is important to keep future right-of-way and reconstruction costs under control and maintain a continuous planning process.

Again, we appreciate the effort that MnDOT has put into this entire process and the incorporation of the work on local issues into this Tier I Final EIS document. We look forward to hearing your response and would welcome questions. Feel free to contact City Administrator, Matt Podhradsky at 952-448-9200 or email him at matt@chaskamn.com.

Sincerely,

Mark Windschitl
Mayor, City of Chaska

Cc: Gary VanEyll – Met Council
Chaska City Councilmembers
RCIC Members
Kevin Ringwald – Chaska Community Development Director
Bill Monk – Chaska City Engineer

RESPONSE

Mark Windschitl (City of Chaska)
Continued

C. Mn/DOT agrees that the work of the RCIC identified many issues with the further design of the proposed project within the Tier I Selected Alernative (Modifed C-2) that will need to be resolved during the Tier II EIS process. Section 1.13 of the FEIS is intended to answer whether there are unresolved issues focused specifically on the Tier I corridor selection decision. The RCIC process did resolve those major issues, which included the overall corridor selection (C-2 vs. W-2, C-2A, E-1, E-1A, and E-2); the refinement of C-2 to avoid Athletic Park while minimizing impacts to the Refuge; and the refinement of C-2 to avoid direct impacts to the Jackson Heights mobile home park.

D. Mn/DOT agrees that the work of the RCIC identified many issues with the further design of the proposed project within the Tier I Selected Alernative (Modifed C-2) that will need to be resolved during the Tier II EIS process, including local access.

E. Municipal consent will be required for the cities through which the new TH 41 River Crossing will cross.

F. Mn/DOT will continue to coordinate with RCIC members including participating in meetings and corresponding with its partners on intermediate activities. Mn/DOT is committed to working with the City of Chaska to study and discuss "pre-screening" landscaping options that would be implemented according to the City of Chaska's schedule. These activities are discussed in Sections 5.18 and 7.0 of the Adequacy Determination, and funding is included in Mn/DOT's 2015-2018 State Transportation Improvement Program (STIP).

G. Mn/DOT will continue to work with the City of Chaska, as well as other government stakeholders, to preserve right of way, plan interim improvements that are consistent with the Selected Alternative, and identify affordable improvements related to the TH 41 Minnesota River crossing need.

COMMENT

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

January 7, 2015

Ms. Diane Langenbach, Project Manager
Minnesota Department of Transportation
Metro Division
1500 West County Road B2
Roseville, MN 55113

Re: Trunk Highway 41 Minnesota River Crossing Tier I Final Environmental Impact Statement

Dear Ms. Langenbach:

Thank you for the opportunity to review and comment on the Tier I Final Environmental Impact Statement (EIS) for the Trunk Highway (TH) 41 Minnesota River Crossing project (Project) located in Carver County, Minnesota. The Project consists of crossing over the Minnesota River connecting TH 169 and TH 212. 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.

Air Quality

- Air Quality Conformity
  The Project is located in an area where conformity requirements apply. The Project is considered regionally significant because it calls for the addition of lanes over one mile in length and the addition of at least one interchange. Because the Project does not yet have a programmed date, it is not included in the current 2030 Transportation Policy Plan (TPP) that was determined to meet all requirements of the federal transportation conformity rule as well as applicable sections of Minnesota State Implementation Plan for air quality. For the same reason, the Project is also not currently included in the 2014-2017 Transportation Improvement Program (TIP) which conforms to the relevant sections of the Federal Conformity Rule and to the applicable sections of Minnesota State Implementation Plan for air quality. Because the Project is regionally significant, it will need to follow the necessary procedures to be incorporated into the TPP and TIP.

A

- National Ambient Air Quality Standards (NAAQS) Criteria Pollutants
  The Environmental Assessment Worksheet (EAW) has provided a detailed qualitative analysis of the NAAQS criteria pollutants: Ozone, Particulate Matter (PM), SO2, NO2, lead, and Carbon Monoxide (CO), including the CO maintenance area. The MPCA does not anticipate this Project having a significant negative impact on these pollutants. However, analysis of these pollutants should be revisited in the EIS Tier II process, as this project does not yet have a programmed year and standards and environmental conditions may change in the intervening years.

- CO Hot-Spot Analysis
  During the EIS Tier II process, project-level CO impact must be addressed using a U.S. Environmental Protection Agency (EPA) approved hot-spot screening method. Currently, the traffic volumes for all the intersections in the affected area do not surpass the 79,400 vehicle-per-day threshold to require a detailed hot-spot analysis. The MPCA does not anticipate this Project will have a negative impact on area CO levels.

RESPONSE

Karen Kromar (MPCA)

A. A detailed air quality analyses that addresses the issues noted in the comment (conformity, NAAQS, CO Hot-Spot Analysis, and MSATs) will be conducted during the Tier II EIS process. The air quality analysis will follow MPCA and U.S. EPA standards that are in place at that time.

COMMENT

Ms. Diane Langenbach
Page 2
January 7, 2015

- Mobile Source Air Toxics (MSAT)
  The EAW has provided a detailed qualitative analysis of MSATs. Since the traffic volumes for this Project are below the threshold of 140,000 vehicles per day, a quantitative MSAT analysis is not required. Based on the qualitative assessment provided in the EIS, it appears that this Project will not cause a significant increase in MSAT emissions.

B **Traffic**
The Project is designed to provide less congested access and improve traffic flow, so increased air pollution due to increased congestion should not be a problem. The EAW briefly addresses concerns of traffic during construction. Disruption to traffic operations, including lane closures, short-term intersection and roadway closures, as well as detours will occur during construction of the Project and would cause localized increases in congestion. Therefore, traffic control measures should be developed during subsequent stages of the Project to address these construction phased-impacts. Traffic flow and access to adjacent development must be maintained throughout the construction period. Construction-related impacts must also be minimized within the neighborhoods adjacent to the Project area. This analysis should be included in the Tier II EIS.

C **Noise**
Noise modeling of this Project indicates likely violations of the state noise standards. During the Tier II EIS process, further noise analysis must be conducted and mitigation undertaken in accordance with the Minnesota Department of Transportation and MPCA rules and policies.

We appreciate the opportunity to review this Project. Please be aware that this letter does not constitute approval by the MPCA of any or all elements of the Project for the purpose of pending or future permit action(s) by the MPCA. Ultimately, it is the responsibility of the Project proposer to secure any required permits and to comply with any requisite permit conditions. If you have any questions concerning our review of this Tier I Final EIS, 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: Dan Card, MPCA, St. Paul
Theresa McDill, MPCA, St. Paul

RESPONSE

Karen Kromar (MPCA)
Continued

B. Construction staging, traffic control measures, short-term intersection and roadway closures, access, and temporary construction impacts to neighborhoods and businesses will be further studied during the Tier II EIS process. A construction staging plan will be developed during final design. The staging plan would further assess potential construction-related traffic congestion problems, property access needs, and total length of construction time. Specific detour routes will be determined in consultation with affected communities prior to construction.

C. Further noise study will be done as part of the Tier II EIS prior to construction. Impacts and mitigation under the state noise standards will be analyzed in accordance with Mn/DOT and MPCA rules and policies that are applicable at that time.

COMMENT

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

DEC 29 2014

REPLY TO THE ATTENTION OF
(E-19J)

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

RE: FHWA/MnDOT Tier 1 Final Environmental Impact Statement, TH 41 Minnesota River Crossing, From US Highway 169 to New US Highway 212, Scott County and Carver County, Minnesota (dated September 2014, FHWA issued November 12, 2014). (CEQ No.: 20140349)

Dear Mr. Forst:

The United States Environmental Protection Agency Region 5 (EPA) reviewed the above referenced Tier 1 Final Environmental Impact Statement (Tier 1 FEIS). Our review and comments are provided pursuant to Section 102(2)(C) of the National Environmental Policy Act (NEPA), Section 309 of the Clean Air Act, and Section 404 of the Clean Water Act (CWA).

The Minnesota Department of Transportation (MnDOT), in conjunction with the Federal Highway Administration (FHWA), proposes future construction of a new Minnesota River crossing of Trunk Highway (TH) 41 connecting TH 169 and US 212 in the vicinity of existing TH 41, within Scott and Carver Counties, Minnesota. The project is proposed, in part, to address regional congestion and public safety concerns during flooding, and improve the regional connection between US 169 and US 212. Construction is not currently in MnDOT's 20-year plan and may not be initiated for 20 or more years.

In order to identify a broad corridor for preservation so that communities can plan around it and designate it in land use plans, the project is being developed under a tiered NEPA/CWA Section 404 merger process. Tier I identifies a corridor for preservation. Tier 2 will reevaluate/reconfirm the Tier 1 Preferred Alternative corridor, and select a design for construction. Tier 2 will provide the detailed evaluation of direct, indirect and cumulative impacts, identify further avoidance/minimization measures, provide detailed mitigation measures, and detailed compensation mitigation plans that will be implemented during construction and/or operation of the TH 41 project.

EPA is a cooperating agency in the tiered NEPA/404 merger process for the TH 41

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RESPONSE

Kenneth Westlake (U.S. EPA)

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COMMENT

proposal. EPA concurred with the Tier 1 Purpose and Need, and Tier 1 Range of Alternatives for analysis in our letter dated May 9, 2013. In our May 27, 2014, letter, EPA concurred with the Modified Alternative C-2 as the Tier 1 Preferred Alternative for the TH 41 project. While Modified Alternative C-2 has several more wetland impacts (13.2 acres total) than Tier 1 Draft EIS Alternative C-2 (10.9 acres total) and impacts more acres of the Minnesota River Valley National Wildlife Refuge (22 acres total), it avoids direct impacts to the Athletic Park, reduces impacts to the Jackson Heights community, and avoids Seminary Fen.

The Tier 1 FEIS identifies Modified Alternative C-2 as the Tier 1 FEIS Preferred Alternative. EPA has no major concerns with the information provided in the Tier 1 FEIS for this project. EPA reserves its right to further review and comment on the TH 41 project during Tier 2 and the U.S. Army Corps of Engineers Clean Water Act Section 404 permitting process.

A **Recommendation**: We recommend FHWA's Tier 1 Record of Decision (Tier 1 ROD) for this proposal include the U.S. Army Corps of Engineers' Special Public Notice (2006-02250-MMJ) Notice of Availability of the Trunk Highway 41 Tier 1 Final Environmental Impact Statement and associated Clean Water Act Section 404 review process, which was issued on December 8, 2014 and expires on January 7, 2015.

When finalized, EPA requests FHWA provide us with one hard copy and 2 DVDs of the Tier 1 ROD. If you have any questions, please contact Virginia Laszewski of my staff at (312) 886-7501.

Sincerely,

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

cc: Tamera Cameron, Regulatory Branch, U.S. Army Corps of Engineers, 180 Fifth Street East, Suite 700, St. Paul, Minnesota 55101-1678
Diane Langenbach, Project Manager, Minnesota Department of Transportation, Metro District, 1500 W. County Road B-2, Roseville, Minnesota 55113
Gerry Shimek, Supervisory Refuge Specialist, U.S. Fish and Wildlife Service, Minnesota Valley National Wildlife Refuge, 3815 American Blvd. East, Bloomington, Minnesota 55425

2.

RESPONSE

Kenneth Westlake (U.S. EPA) Continued

A. The U.S. Army Corps of Engineers' Special Public Notice (2006-02250-MMJ) Notice of Availability of the Trunk Highway 41 Tier I FEIS is provided in Appendix B of the Adequacy Determination.

COMMENT

From: Generous, Bob
To: Langenbach, Diane (DOT)
Subject: RE: TH 41 Tier 1 EIS
Date: Tuesday, January 13, 2015 11:48:43 AM

Hi Diane,

Can't believe this is almost done.

Only two minor comments:

A In sections 3.2.5 and 3.2.6 it references Bluff Creek Road. The reference should be Bluff Creek Drive.

Bob

Robert Generous, AICP
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P.O.Box 147
Chanhassen, MN 55317
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Chanhassen is a Community for Life—
Providing for Today and Planning for Tomorrow

From: Langenbach, Diane (DOT) [mailto:diane.langenbach@state.mn.us]
Sent: Tuesday, December 09, 2014 4:33 PM
To: mleek@ci.shakopee.mn.us; Anne Carroll (carrfran@gmail.com); CJenson@co.scott.mn.us; cnash@collaborative-planning.com; Wheeler, Cynthia A (DNR); kringwald@chaskamn.com; Gerry_Shimek@fws.gov; Bill Weckman (bweckman@co.carver.mn.us); LFreese@co.scott.mn.us; Matt Podhradsky (matt@chaskamn.com); Zschomler, Kristen (DOT); Generous, Bob; Phil Forst Forst (Phil.Forst@dot.gov)
Cc: Frick, Nancy (DOT); Clarkowski, Lynn (DOT); Connie Kozlak (connie.kozlak@metc.state.mn.us); Oehme, Paul; Solberg, Jon P (DOT)
Subject: TH 41 Tier 1 EIS

Good afternoon,

I wanted to let you know that we have reached another major milestone with this effort. The TH 41 MN River Crossing Tier 1 FEIS was determined to be legally sufficient by FHWA and it has now been distributed for public review and comment. We are asking that comments be received by January 12, 2015. The RCIC members were on the final mailing list and will be receiving a hard copy of the document. If you would like to view an electronic version, it can be found on the website at: http://www.dot.state.mn.us/metro/projects/hwy41bridge/

Once we receive the comments, we will draft the Record of Decision and that will conclude the Tier

RESPONSE

Robert Generous (City of Chanhassen)

A. Road name has been revised to "Bluff Creek Drive" within Section 3.0 of the Adequacy Determination.

COMMENT

1 FEIS process. We really appreciate your valuable contributions and your continued support of this lengthy and challenging effort. We are almost there!

Thanks,
Diane

Diane Langenbach, P.E.
South Area Engineer, Carver and Scott Counties
MnDOT Metro District
1500 West County Road B-2
(651) 234-7721 Office
(651) 271-7334 Mobile

RESPONSE

Robert Generous (City of Chanhassen)
Continued

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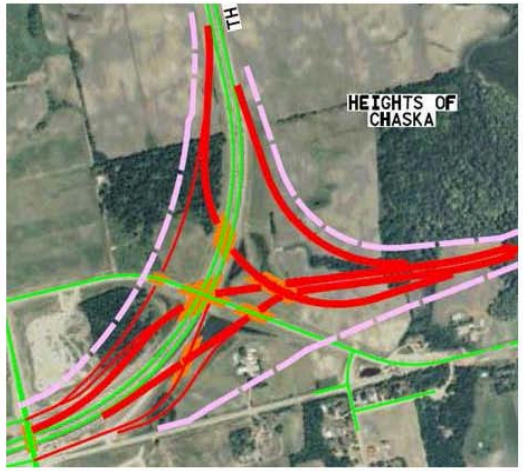
COMMENT

From: Terry DeBey
To: Langenbach, Diane (DOT)
Subject: Comment on TH 41 FEIS
Date: Friday, December 19, 2014 3:59:30 PM

Good afternoon Diane, just have a few quick comments that will hopefully be considered prior to the final plan for this highway. I live in Brooklyn Park and have seen the development of HWY 610 and have enjoyed what it has done for us to get around town quickly. But a few things seem excessive about Hwy 610 that I don't want to happen elsewhere. Here is my Friday afternoon armchair traffic management comments:

A

- Reduce the amount of acreage needed for the intersections/on and off ramps. We have hundreds of feet between lanes that aesthetically look good, but take that land out of production and are a death zone for any animal that ventures toward them.
- Consider the manpower (additional tax money) needed to maintain the space – mowing is a waste of manpower and bad for the environment/ecosystem.
- Less acreage for the road mean more land and tax base for the city/county and doesn't displace farmers or soon to be developments.



I think you understand what I am saying. I'll try to keep up on the plane and wish you luck with it going forward.

Regards,
Terry DeBey

RESPONSE

Terry DeBey

A. The outcome of the Tier I EIS process is an identified corridor for right of way preservation. Specific roadway design, such as specific locations of ramps and interchanges, will be further studied in the Tier II EIS. The future project will be designed to meet engineering design standards available at that time and provide for acceptable freeway operations. Comments about reducing unused space within interchanges and ramps are noted and will be further evaluated during future project design.

COMMENT	RESPONSE
763-315-5018 W | 866-214-7138 F | 206-229-0665 C tdebey@orcabayfoods.com	**Terry DeBey** **Continued** REMAINDER OF THIS COLUMN INTENTIONALLY LEFT BLANK