



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

**Minnesota Division**

April 11, 2018

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Charles A. Zelle  
Commissioner of Transportation  
Department of Transportation  
MS 120, Transportation Building  
St. Paul, Minnesota 55155

Re: Finding of No Significant Impact  
Minnesota State Project Number 1981-124  
I-35W Over the Minnesota River Project  
In the Cities of Bloomington and Burnsville  
Hennepin and Dakota Counties, Minnesota

Dear Mr. Zelle:

Enclosed is a Finding of No Significant Impact (FONSI) as requested by the Minnesota Department of Transportation (MnDOT). The proposed project consists of replacing the existing I-35W bridge over the Minnesota River east of the existing alignment, the I-35W bridges over West 106<sup>th</sup> Street, vehicle mobility issues, raising I-35W profile to address flood events, and bicycle/pedestrian connectivity. This Finding concludes that the project will not significantly impact the human environment.

A Notice of Availability of the FONSI must be sent to Federal, State, and local government agencies that are likely to have an interest in the undertaking and to the State intergovernmental review contacts. It is encouraged that agencies, which commented on the Environmental Assessment (or requested to be informed) are advised on the project decision, the disposition of their comments and provided a copy of the FONSI.

If you have any questions, please contact me at (651) 291-6110 or [phil.forst@dot.gov](mailto:phil.forst@dot.gov) .

Sincerely,

PHILIP J FORST  
2018.04.11  
09:47:16 -05'00'  
FHWA

Philip Forst  
Environmental Specialist

Enclosure

PJF

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U.S. Department of Transportation

Federal Highway Administration

**FINDING OF NO SIGNIFICANT IMPACT  
AND SECTION 4(F) DETERMINATION**

I-35W Over the Minnesota River

State Project Number 1981-124

Dakota and Hennepin Counties  
Cities of Burnsville and Bloomington, Minnesota  
April 11, 2018

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The I-35W Over the Minnesota River Project Environmental Assessment/Environmental Assessment Worksheet (EA/EAW) was approved by the Federal Highway Administration (FHWA) on December 6, 2017. The entire document is available for review on the project website: <https://www.dot.state.mn.us/metro/projects/i35wbloomington/>.

**FEDERAL HIGHWAY ADMINISTRATION  
FINDING OF NO SIGNIFICANT IMPACT  
AND SECTION 4(F) DETERMINATION**

I-35W Over the Minnesota River  
Dakota and Hennepin Counties  
Cities of Burnsville and Bloomington, Minnesota  
April 11, 2018

**BACKGROUND**

The Federal Highway Administration (FHWA) and the Minnesota Department of Transportation (MnDOT) prepared a combined Environmental Assessment (EA) and Environmental Assessment Worksheet (EAW) for the I-35W Over the Minnesota River Project in compliance with the National Environmental Policy Act (NEPA) (42 U.S.C. § 4231 et seq.) and Minnesota Environmental Policy Act processes (M.S. 116D).

MnDOT is the project sponsor and responsible governmental unit (RGU) for the I-35W Over the Minnesota River.

The project includes reconstructing I-35W between Cliff Road in Burnsville to West 106<sup>th</sup> in Bloomington. The existing I-35W bridge over the Minnesota River will be replaced essentially on existing alignment. Major features of the Preferred Alternative include:

- A steel girder bridge over the Minnesota River
- Extending the existing I-35W northbound truck climbing lane from south of West 10<sup>th</sup> to Cliff Road
- Reconstructing of the I-35W bridges at the I-35W/West 106<sup>th</sup> Street interchange
- Raising the vertical profile of I-35W (south of the Minnesota River Bridge) to reduce the risk of roadway flooding

The project is being led by MnDOT Metro District.

**STATEMENT OF PURPOSE AND NEED**

**Purpose**

The purpose of the I-35W Over the Minnesota River Project is address bridge condition at multiple locations, improve I-35W traffic operations and accommodate pedestrian and bicycle movements across the Minnesota River.

## **Need**

The identified needs for this project are summarized below. Project needs include:

- To address the deteriorating condition of the bridge structures across the Minnesota River and at the I-35W/West 106<sup>th</sup> Street interchange
- Maintain traffic to maximum extent possible during construction
- Address traffic operations on northbound I-35W
- Address bicycle and pedestrian movements across the Minnesota River
- Address roadway flooding

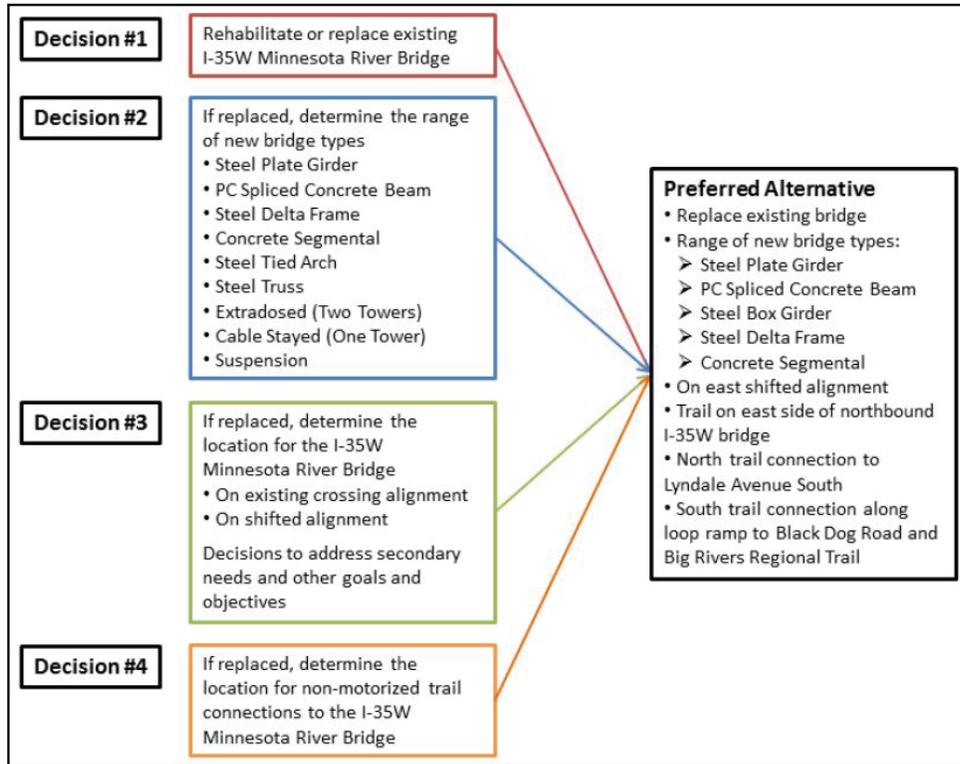
See Chapter 3 of the Environmental Assessment/Environmental Assessment Worksheet (EA/EAW) for the detailed discussion of project need.

## **ALTERNATIVES**

Chapter 4 of the EA/EAW describes the alternatives considered in greater detail. Figure I of this document provides an overview of the process. In addition to the No Build Alternative, Rehabilitation Alternative, and Build Alignment Alternatives, as shown in Table 1 and Bridge Type Alternatives as shown in Table 2, were considered for the project elements.

Due to bridge roadway, and non-motorized components, a four-step process (Figure I) was followed for evaluating the alternatives. Screening criteria were applied for the various elements of the project to better identify differences, benefits and impacts. If an alternative did not meet the defined purpose and need, it was eliminated from further study.

Each of the remaining alternatives was evaluated in the EA/EAW. The evaluation considered engineering and environmental factors. Engineering factors included constructability, service life, maintenance, and cost. Environmental factors considered included the impacts that would occur to biological resources, historic and cultural resources, as well as socioeconomic impacts, changes in noise and vibration levels, and impacts to wetlands and water quality.



**Figure I: Overview of the NEPA Decision Process**

**Table 1 – Alternatives Considered for Analysis**

<b>Alignment Alternatives</b>	<b>Description</b>	<b>Result of Evaluation</b>
	On Existing Crossing Alignment	<b>Eliminated</b>
	On Shifted Alignment (shifted to east of existing bridge)	<b>Selected Alternative</b>
	On Shifted Alignment (shifted to west of existing bridge)	<b>Eliminated</b>
<b>No Build Alternative</b>	<b>Description</b>	<b>Result of Evaluation</b>
No Build	No construction addressing the existing bridge condition	<b>Eliminated</b>

**ALTERNATIVES ELIMINATED**

Through the alternatives analysis process described in the EA/EAW, it was determined that some of the alternatives either did not fully address purpose and need, did not address purpose and need as well as other alternatives, and/or had greater social, economic, and environmental impacts. Therefore, they were eliminated.

### Rehabilitation Alternative

This alternative was eliminated for the following reasons:

- Construction cost similar to cost of a new bridge
- No meaningful extension of existing bridge service life
- Future expansion (widening) is precluded

### On Existing Crossing Alignment

This alternative was dismissed for the following reasons:

- I-35W alignment would be shifted closer to homes
- Black Dog interchange ramps anticipated to be pushed into wetlands and storm water treatment basin

### On Shifted Alignment (shifted to west of existing bridge)

This alternative was dismissed for the following reasons:

- I-35W alignment would be shifted closer to homes
- Black Dog interchange ramps anticipated to be pushed into wetlands and storm water treatment basin

### No-Build Alternative

Under the No-Build Alternative, the bridge condition would not be addressed and there would be no modifications to address bridge condition. The No-Build Alternative was eliminated because it does not meet the project purpose and need.

**Table 2: Bridge Type Alternatives**

Bridge Type Alternatives	Description	Result of Evaluation
A	Steel Plate Girder	Available to Design-Builder
B	PC Spliced Concrete Beam	Available to Design-Builder
B1	Steel Box Girder	Available to Design-Builder
C	Steel Delta Frame	Available to Design-Builder
D	Concrete Segmental	Dismissed
E	Steel Tied Arch	Dismissed
E1	Steel Truss	Dismissed
F	Extradosed (Two Towers)	Dismissed
G	Cable Stay (One Tower)	Dismissed
H	Suspension	Dismissed

Bridge type alternatives E through H were dismissed for reasons including cost, greater SEE impacts (e.g. flyway issues) as well as potential river navigation clearance issues. Alternatives A through C, inclusive, have lower overall SEE impacts, no known river navigation clearance issues, lower construction cost, and no above deck elements.

### **PREFERRED ALTERNATIVE**

The preferred alternative (shifted alignment to east of existing bridge) evaluated in the EA/EAW from the alternatives that are listed in Table 1 and the Bridge Type Alternative in Table 2. The On Shifted Alignment (shifted to east of existing bridge) is the alternative that best meets the purpose and need of the project. The preferred alternative assumed a steel plate girder type for purposes of impact assessment but the four bridges types in Table 2 will be available to potential design-build contractor in the bidding process.

The No-Build Alternative was evaluated as further described in the EA/EAW as a basis against which to compare the Build Alternatives in evaluation of environmental impacts, but was not identified as the selected alternative because it did not meet the project purpose and need.

### **Benefits of Selected Alternative**

The selected alternative provides three main benefits. First, it addresses the primary and secondary project needs. Second, it has an overall lower cost of construction. Third, it minimizes wetland impacts compared to the other alternatives.

Based upon the EA/EAW, included by reference with its appendices in this FONSI in its entirety, FHWA and MnDOT have concluded that the preferred alternative, including the mitigation measures for unavoidable impacts, will have no foreseeable significant impact on the quality of the natural and human environments. The preferred alternative is best able to achieve the proposed action purpose and need without significant environmental impacts.

### **ENVIRONMENTAL CONSEQUENCES AND MITIGATION**

The EA describes the existing conditions in the project area and the potential impacts and mitigation that would result if the selected alternative is implemented. Information was gathered from various sources, including site observations, maps, aerial photography, and local state and federal agency data.

The following environmental factors were analyzed and recorded for the portion of the selected alternative in the United States:

- Land Use
- Water Resources (including Section 404)
- Contamination, Hazardous Materials, and Regulated Waste
- Fish, Wildlife, Plant Communities and Sensitive Ecological Resources
- Historic Resources
- Construction Noise and Dust
- Social Impacts
- Right of Way
- Noise and Vibration
- Section 4(f)
- Section 7 – Endangered Species

The following environmental factors were analyzed, and no impacts were recorded for the selected alternative:

- Aesthetic/Visual
- Air Quality
- Airport Zones
- Environmental Justice
- Farmland/Agriculture
- Groundwater
- Section 106
- Section 6(f)
- Wild and Scenic Rivers

## **Land Use**

### *Floodplain:*

The 100-year floodplain of Minnesota River is within the project area. These floodplains are fairly well contained within the banks of the river within the project area. Approximately 56,600 cubic yards of fill will be placed in the Minnesota River floodplain.

A floodplain assessment has been completed. The bridge piers are not anticipated to create changes in the floodplain either upstream or downstream. Hydraulic models indicate a 0.01-foot decrease in the future flood stage based upon the proposed bridge.

Agency Finding:

Based on the mitigation measures discussed in this section, FHWA finds the proposed project will not result in any significant impacts to land use including floodplains.

**Water Resources**

*Surface Waters:*

The build alternative will involve work in surface waters of the Minnesota River.

*Stormwater Management:*

The project must comply with the National Pollutant Discharge Elimination System/State Disposal System Construction Stormwater (NPDES) Permit requirements. For the roadway portions of the project, rate control and infiltration volume will be provided for the net new impervious surface as required by the NPDES permit. The project will result in an increase in impervious of 0.9 acres. The roadway project proposes to construct seven best management practices (BMPs).

*Wetlands and wet ditches:*

There will approximately 0.3 acres permanent wetland impacts and 0.16 acre of wet ditch impacts are attributed this project. Temporary wetland impacts are anticipated but are not quantified at this time.

Agency Finding:

Due to the limited impact the proposed project will have on water resources, FHWA finds the proposed project will not result in significant impacts on water resources and will require mitigation within the regulatory thresholds for surface water including surface water, groundwater, stormwater, water appropriation, wetlands and wet ditches.

For waters under the jurisdiction of the USACE, the USACE and the MPCA have a joint application form. Permits from the USACE, including General Permits and Letters of Permission that may require mitigation commitments for MnDOT.

**Contamination/Regulated Waste**

There is a low likelihood of encountering contaminated materials as a result of construction activities. Six known contaminated groundwater or soil were identified near the project area. Any potentially contaminated materials encountered during construction will be handled and treated in accordance with applicable state and federal regulations. It is not anticipated that construction work would release contaminated dust particles to the surrounding populace; however, minimization measures will avoid, control, and manage these efforts.

Agency Finding:

FHWA finds the proposed project will result in the low likelihood of encountering contaminated materials. Since the wastes generated by construction of the proposed project will be disposed of

properly following completion of the proposed project and the construction impacts will be subject to mitigation, there will not be significant impacts associated with contamination and regular waste.

### **Fish, Wildlife, Plant Communities and Sensitive Ecological Resources**

The project area is in a riverine watercourse that contains many resident fish species. Any wildlife displaced would likely relocate to suitable nearby areas, including waters immediately adjacent to the project area. The areas limited to the waterway and banks in the construction limits.

MnDOT will undertake protection measures to include: design and stage the project to avoid or minimize impacts to fish and fish habitat.

#### Agency Finding:

Due to the limited impact the proposed project will have on ecological resources, FHWA finds the project will not result in significant impacts on ecological systems and MnDOT will undertake recommended protection measures.

### **Historic Resources**

The project was reviewed by the MnDOT Cultural Resources Unit for potential effects to historic properties.

#### Agency Finding:

FHWA finds the project will not impact any historic properties.

### **Construction Noise and Dust**

Construction related activities will result in temporary noise level increases associated with construction equipment and pile driving. Elevated noise levels are, to a degree, unavoidable for this type of project. MnDOT will require that construction equipment be properly muffled and in proper working order. MnDOT will require its contractors to comply with applicable local noise restrictions and ordinances to the extent that is reasonable.

Dust generated during construction will be minimized by MnDOT through standard dust control measures such as applying water to exposed soils and limiting the extent and duration of exposed soil conditions. Construction contractors will be required to control dust and other airborne particulates in accordance with MnDOT specifications in place at the time of project construction. During construction, particulate emissions will temporarily increase due to the generation of fugitive dust associated with activities such as grading and other soil disturbance. The following dust control measures will be considered:

- Minimize the duration and extent of areas being exposed or regraded at any one time.
- Spray construction areas and haul roads with water, especially during periods of high wind or high levels of construction activity.
- Minimize the use of vehicles on unpaved surfaces when feasible.
- Pave, apply water as needed, or apply (non-toxic) soil stabilizers on unpaved access roads, parking areas and staging areas at construction sites.
- Use water sweepers to sweep paved access roads, parking areas and staging areas at construction sites.
- Use water sweepers to sweep streets if visible soil material is carried onto adjacent public streets.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas
- Enclose, cover, water or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- Utilize appropriate erosion control measures to reduce silt runoff to public roadways.
- Replant vegetation as quickly as possible to minimize erosion in disturbed areas.
- Use alternative fuels for construction equipment when feasible.
- Minimize equipment idling time.
- Maintain properly tuned equipment.

Agency Finding:

FHWA finds that because the construction impacts will cease following completion of the proposed project and the construction impacts will be subject to mitigation, the proposed project will not result in significant impacts associated with construction.

**Social Impacts**

Consideration of effects to the social and economic environment include: an assessment of the community characteristics and cohesion, protected groups of people, environmental justice, public facilities and services, changes in travel patterns, relocations of residences or businesses, economic impacts, land use, growth and economic development and changes to pedestrian or bicycle facilities.

No impacts were identified with regard to community characteristics and cohesion, protected groups of people, environmental justice, and public facilities and services.

Permanent negative changes in pedestrian and bicycle facilities are not anticipated as a result of the project. Temporary occupancy (23 CFR § 774.13(d)) during construction is expected and is discussed in the Section 4(f) Determination section within this document.

No businesses or residences will be relocated.

Agency Finding:

FHWA finds the proposed project will provide a positive long-term social impact for residents and businesses.

**Right of Way**

The project will not displace any residents or businesses. The City of Bloomington will deed two parcels to MnDOT for transportation purposes. The transportation purposes are the construction, operations, and maintenance of stormwater ponds and a bicycle/pedestrian trail.

Agency Finding:

No relocations will be required. The Uniform Relocation and Real Property Acquisition Act of 1970, as amended by the Surface Transportation Uniform Relocation Assistance Act of 1987 and 49 CFR, Part 24, and effective April 1989 will be followed for the project by MnDOT, to compensate landowners for easements acquired for this project.

**Noise and Vibration**

Traffic noise levels were modeled at representative receptor locations throughout the project area. In general, the analysis determined that construction of the project will result in increases in highway traffic noise levels compared to existing conditions. Changes in daytime traffic noise levels exceed applicable state or federal noise thresholds at over 70 receptor locations.

Agency Finding:

FHWA finds the proposed project will result in noise impacts requiring consideration of noise abatement measures but not significant noise or vibration effects.

**Section 4(f) Determination**

Section 4(f) of the U.S. Department of Transportation Act (DOT Act) of 1966 (49 U.S.C. 303) states that FHWA cannot approve the use of land from publicly owned parks, recreational areas, wildlife, and waterfowl refuges or public and private historic sites unless the following conditions apply: (1) there is no feasible and prudent alternative to the use of the property; and (2) the action includes all possible planning to minimize harm to the property resulting from use. Temporary occupancy of a Section 4(f) resource may not be considered a use if certain conditions are met: duration is temporary; no change in ownership of property; minor scope of work; no anticipated permanent adverse physical impacts; no interference with the activities or purpose of the resource; property will be fully restored to pre-project condition or better; and there is documented agreement from the Official With Jurisdiction (OWJ) over the resource (23 C.F.R. 774.13(d)).

Evaluation of the project has determined that although there are two Section 4(f) resources that would be impacted by all project build alternatives, the project does have unavoidable impacts to two Section 4(f) resources: The City of Bloomington Trail and the Minnesota State Water Trail.

These two Section 4(f) resources will be closed intermittently or continuously during construction. The activities, attributes, and features of these resources are not anticipated to experience permanent adverse physical impacts.

Agency Finding:

For the reasons stated above, FHWA finds the proposed project will result in a temporary occupancy of the City of Bloomington Trail and the Minnesota State Water Trail.

**Section 7 – Federal Threatened and Endangered Species**

As stated in the EA/EAW, MnDOT’s Office of Environmental Stewardship (OES), is FHWA’s designated representative to review Section 7 resources within Minnesota for federally-listed threatened species. There are four species with a range that includes the project location:

- Northern Long-Ear Bat (NLEB), (*Myotis septentrionalis*)
- Higgens Eye pearlymussel
- Rusty-patch bumble bee
- Prairie bush clover
- Snuffbox mussel

Agency Finding:

FHWA finds the proposed project “may affect, likely to adversely affect” the northern long-eared bat. The MnDOT Wildlife Ecologist noted that the project will occur within the northern long-eared bat’s range, but there are no documented maternity roosts and/or hibernacula within the project area. No tree removals will occur within 0.25-mile of a known hibernaculum or within 150 feet from a maternity roost tree.

FHWA finds the proposed project will have “No Effect” on the Higgens Eye pearlymussel, rusty-patched bumble bee, prairie bush clover, or snuffbox mussel.

USFWS did not object the conclusion reached by MnDOT OES Wildlife Ecologist acting on behalf of FHWA.

**COMMENTS AND COORDINATION**

During preparation of the EA/EAW, early coordination and consultation was initiated with agencies, stakeholder groups, and the public to incorporate their comments and concerns into the development and analysis of the project purpose and need, alternatives, and potential environmental impacts. Public coordination included stakeholder meetings, briefings, and presentations are detailed in the EA/EAW.

An open house and public hearing were held on the EA/EAW on January 11, 2018, from 4:30 pm to 6:30 pm at Oak Grove Middle School in Bloomington, MN.

Comments were received from local, state and federal agencies regarding the EA/EAW during the official public comment period.

The following is a summary of general comments received during the public comment period:

- Clarifying edits
- Concerns about on bridge demolition methods
- Bridge lighting plan
- Potential impacts to transit operations

All comments received were considered, addressed and responded to by MnDOT.

## **ENVIRONMENTAL COMMITMENTS**

### **Applicable Regulations and Permits**

The selected alternative was chosen after the potential impacts were evaluated, and the ability to mitigate impacts was considered. The following Federal regulations, statutes, and orders apply to the project:

- Clean Water Act of 1977 (33 USC § 1251-1376)
- Endangered Species Act (50 CFR 17)
- Executive Order 11988, Floodplain Management (42 Federal Register 26951)
- Executive Order 11990, Protection of Wetland (42 Federal Register 26961)
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (59 Federal Register 7629)
- National Environmental Policy Act of 1969 (42 USC § 4231 et seq.)
- Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (40 CFR 1500-1508)
- Section 4(f) of the U.S. Department of Transportation Act of 1966 (49 USC § 303)
- Section 6(f) of the Land and Water Conservation Act of 1965 (16 USC § 460)
- Section 106 of the National Historic Preservation Act, as amended (16 USC § 470) (54 U.S.C. § 306108)
- Section 404 of the Federal Water Pollution Control Act (33 USC § 1344)
- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 USC § 61)
- Federal Highway Administration's Procedures for Abatement of Highway Traffic Noise and Construction Noise (23 CFR 772)

In addition to the federal regulations, statutes, and orders, the project is subject to agency approvals and permits.

## **Mitigation**

Mitigation describes any action taken to reduce the adverse effects of potential impacts. The order of precedence for dealing with impacts is listed below:

- Avoiding the impact altogether by not taking a certain action or parts of an action
- Minimizing impacts by limiting the degree or magnitude of the action and its implementation; rectifying the impact by repairing, rehabilitating, or restoring the affected environment
- Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action
- Compensating for adverse impacts by replacing or providing substitute resources or environments

The following sections describe the list of commitments to mitigation that are being committed to as part of this project. A more thorough listing of environmental commitments is an attachment to this FONSI.

### ***Land Use***

#### ***Floodplain:***

Mitigation includes 1:1 compensatory storage, as feasible. If 1:1 compensatory storage is determined not to be feasible during final design, then 1:1 compensatory storage will be implemented to the extent feasible and combined with a no-rise certificate supported by modeling information.

### ***Water Resources***

#### ***Water appropriation:***

MnDOT will implement a dewatering plan, along with meeting all requirements included in the project SWPPP and NPDES Permit, during construction to ensure that the discharge does not adversely affect receiving waters and that the inlet and discharge points are adequately protected from erosion and scour.

### ***Contamination/Regulated Waste***

MnDOT will require that any potentially contaminated materials encountered during construction will be handled and treated in accordance with applicable state and federal regulations. It is not anticipated that construction work would release contaminated dust particles to the surrounding populace; however, minimization measures will avoid, control, and manage these efforts.

MnDOT will dispose of all solid wastes generated by construction of the proposed project properly in a permitted, licensed solid waste facility.

If any contaminated spills or leaks occur during construction, MnDOT will require the contractor to notify the Duty Officer and work with the MPCA to contain and remediate contaminated soil/materials in accordance with state and federal standards.

### ***Fish, Wildlife, Plant Communities and Sensitive Ecological Resources***

While impacts to sensitive species are not anticipated, MnDOT will implement the following protection measures:

- Protect and preserve vegetation from damage in accordance with MnDOT Spec 2572.3.
- Construction operations that may impact the river bed will not occur during fish and spawning migration periods (March 15<sup>th</sup> through June 15<sup>th</sup>)
- Use redundant sediment/erosion control BMPs for protection of areas of environmental sensitivity.

### ***Construction Noise and Dust***

To minimize construction noise disturbances, the following commitments have been made:

- MnDOT will require that construction equipment be properly muffled and in proper working order.
- MnDOT will require its contractors to comply with applicable local noise restrictions and ordinances to the extent that is reasonable.

MnDOT will ensure that construction contractors are required to control dust and other airborne particulates in accordance with MnDOT specifications in place at the time of project construction.

### ***Right of Way***

The Uniform Relocation and Real Property Acquisition Act of 1970, as amended by the Surface Transportation Uniform Relocation Assistance Act of 1987 and 49 CFR, Part 24, and effective April 1989 will be followed by MnDOT for the project, to compensate landowners for property acquired for this project. For temporary impacts, MnDOT will ensure that land features will be returned to match their prior condition.

### ***Section 4(f) Resources***

The City of Bloomington Trail and the Minnesota River State Water Trail will be returned to a state as good as or better than their pre-project condition.

### ***Section 7 – Endangered Species***

MnDOT will ensure that the project includes minimization measures to prevent or reduce effects to the bat. Tree removal will not occur between June 1 and August 15<sup>th</sup>, inclusive, during calendar year 2018 in order to avoid possible impacts to the species. Any tree removal in post

calendar year 2018 will be only be allowed between November 1 and March 31<sup>st</sup>, inclusive. Further avoidance and minimization measures (AMM), as outlined in the March 16, 2018, United States Fish and Wildlife Service letter are also being incorporated into the project. A two-chambered Rocketbox bat house will also be placed on or near the project site per coordination with the MnDOT Wildlife Ecologist.

**FHWA CONCLUSION**

FHWA finds the elements of the I-35W Over the Minnesota River Project which require FHWA funding and the environmental impacts caused thereby have been adequately identified and assessed in the January 2017 EA/EAW as prepared by MnDOT and FHWA. Therefore, pursuant to 23 CFR 771.121(c), FHWA hereby finds the I-35W Over the Minnesota River Project will not cause significant environmental impacts.

FHWA has determined the proposed action will not result in the use of any Section 4(f) resources.

The FHWA has determined the proposed improvements, as described in the Environmental Assessment (EA) will have no significant impacts to the human or natural environment. This Finding of No Significant Impact (FONSI) is based upon the attached EA which has been independently evaluated by FHWA and determined to adequately discuss the need, environmental issues, and impacts of the proposed project and appropriate mitigation measures.

The EA provides sufficient evidence and analysis for determining that an Environmental Impact Statement is not required.

  
WILLIAM R LOHR  
2018.04.11 09:42:24  
FHWA -05'00'

4/11/2018

William Lohr, P.E.  
Field Operations Team Leader  
Federal Highway Administration – Minnesota Division

Date

**List of Commitments (Standard Mitigation Measures)**

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

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

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

**List of Commitments (Project-Specific Mitigation Measures)**

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

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

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

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

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

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<p>or other standard spill prevention and countermeasures to avoid impacts to possible bat hibernacula. Where practicable, a 300-foot buffer will be employed to separate fueling areas and other major containment risk activities from caves, sinkholes, losing streams, and springs in karst topography.</p>				
<p>Direct temporary lighting away from suitable bat habitat during the active season (April 1 to October 31, inclusive).</p>				
<p>Design all phases/aspects of the project to avoid tree removal to the maximum extent practicable.</p>				
<p>Ensure tree removal is limited to that specified in project plans. Ensure that contractors understand clearing limits and how they are marked in the field (e.g., install bright colored flagging or fencing prior to any tree clearing to ensure contractors stay within clearing limits).</p>				
<p><b>Contamination and Hazardous Materials</b></p>				
<p>Complete a methane gas survey within one year of the beginning of construction.</p>				
<p><b>Visual</b></p>				
<p>Design and construct the project following the recommendations and guidelines identified in the Visual Quality Manual (VQM)</p>				
<p>No aesthetic lighting will be allowed on the I-35W Minnesota River Bridge. Entry monument</p>				

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Lighting shall be focused downwards toward the bridge deck.				

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<b>Traffic Noise</b>				
Construct a 20-foot tall noise wall in northeast quadrant of the I-35W/West 106 <sup>th</sup> Street interchange.				
<b>Minnesota River State Water Trail (Section 4(f) Resource)</b>				
Post state water trail closure signs upstream and downstream of I-35W Minnesota River Bridge. Locations for signs to be determined in consultation with DNR.				
Provide dates and durations of closures to DNR for posting on Minnesota River State Water Trail webpage.				
Remove existing I-35W Minnesota River Bridge piers from the water and restore the river bottom after piers have been removed.				
Remove all equipment and excess material/soils. Restore Minnesota River channel and adjacent shoreland areas before the end of construction.				
<b>City of Bloomington Trail (Section 4(f) Resource)</b>				
Open City of Bloomington trail crossing under I-35W Minnesota River Bridge prior to the end of construction.				
Identify a trail detour route for use during construction.				
Provide trail detour route signing during construction.				

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Restore trail crossing under I-35W Minnesota River Bridge to a condition at least as good as the trail condition prior to the project.				
<b>Russell A. Sorenson Landing (Section 4(f) Resource)</b>				
Maintain vehicular access to the Russell A. Sorenson Landing during construction.				
Maintain access to the Minnesota River at the Russell A. Sorenson Landing during construction.				
<b>Minnesota Valley State Trail (Section 4(f) Resource)</b>				
Accommodate the future Minnesota Valley State Trail crossing under the I-35W Minnesota River Bridge:				
<ul style="list-style-type: none"> <li>• Maintain the causeway along the north shoreline of the river.</li> <li>• Maintain the existing causeway profile and elevation.</li> <li>• Accommodate a 20-foot wide gravel access road and 10-foot wide trail typical section on the causeway and east side of the bridge, connecting to the Russell A. Sorenson Landing.</li> </ul>				
<b>Cultural Resources</b>				
Install fencing surrounding Site 21HE497 before construction begins to avoid any impacts to the site.				
Install fencing along the right of way limits north of the proposed pond site in Bloomington. Fencing shall be installed before				

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<p>construction begins to prevent any impacts to a possible mound site north of the construction area.</p>				
<p>MnDOT CRU staff to inspect placement of fencing prior to the start of construction.</p>				
<p><b>Floodplains</b></p>				
<p>Design and construct retaining walls along I-35W south of the Minnesota River to minimize floodplain fill.</p>				
<p><b>Traffic During Construction</b></p>				
<p>Notify the USCG, the USACE, and local barge operators of temporary disruptions to commercial river traffic during bridge construction.</p>				
<p>The I-35W Minnesota River crossing shall remain open during construction.</p>				
<p>Implement maintenance of traffic criteria identified in Transportation Management Plan (TMP).</p>				
<p>Restriction of I-35W to five lanes during construction will be allowed. During the period for the five-lane configuration, two general purpose lanes with a reversible MnPASS lane during the peak period/peak direction shall be provided.</p>				
<p>Minimize duration of five-lane configuration during construction.</p>				
<p>Monitor traffic on I-35W, I-35E, TH 13, TH 77, and TH 169 while I-35W is in five-lane configuration. Provide temporary mitigation measures to improve system</p>				

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operations.				
Remove temporary strategies to mitigate the impacts of diverting traffic once I-35W is returned to the six-lane condition.				
For period where I-35W is not restricted to five lanes, a minimum of six lanes shall be provided. Six lane configuration will provide two general purpose lanes and one MnPASS lane in each direction.				
Monitor system operations while I-35W is in six-lane configuration and implement temporary improvements based on volume of traffic diverting from I-35W.				
Temporary closure of entrance ramp from Cliff Road to northbound I-35W and exit ramp from southbound I-35W to Cliff Road allowed for a period not to exceed 90 days.				
Temporary closure of entrance ramp from Cliff Road to northbound I-35W not allowed until after August 1, 2019.				
Maintain access to I-35W at Black Dog Road and West 106 <sup>th</sup> Street at all times during construction.				
Provide temporary detection at ½-mile intervals throughout work zone. Communicate travel times on permanent and portable message boards and manage MnPASS lane pricing.				
Monitor I-35W operations. Extend MnPASS lane hours of operation if beneficial to transit, HOVs, and				

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MnPASS users.				
Partner with local units of government and transit providers to market the I-35W Over the Minnesota River Project.				
Complete outreach with affected stakeholders during development of maintenance of traffic plan (cities, commuters, local businesses, emergency service providers, schools, school bus services, transit providers, neighborhoods).				
Coordinate with transit providers during construction.				
Provide public information regarding transit routes, schedules, delays, etc. during construction.				
<b>In-Water Pier Removal</b>				
Prepare removal plan for in-water bridge piers. Identify all proposed methods for removal and best management practices to be implemented during removal. Submit removal plan to MnDOT and permitting agencies for review and approval prior to the start of in-water pier removal activities.				
Follow in-water pier removal requirements: <ul style="list-style-type: none"> <li>• Obtain all required permits prior to the start of removal operations in the Minnesota River.</li> <li>• Remove in-water bridge piers to a depth of two feet below the Minnesota River channel bottom.</li> </ul>				

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<ul style="list-style-type: none"> <li>• Contain all fugitive dust emissions during the pier removal process.</li> <li>• No turbid and/or sediment laden water shall leave the project limits.</li> <li>• Perform turbidity monitoring, both upstream and downstream from the removal site, at least every two hours during active removal operations. Turbidity monitoring shall indicate no sediment being added to the Minnesota River as a result of removal operations.</li> <li>• Contain and remove all rubble and debris.</li> <li>• All efforts shall be made to minimize noise impacts.</li> <li>• Perform side sonar to confirm the required removal depth and indicate any obstructions remaining in the Minnesota River channel. Document and provide this information to MnDOT.</li> </ul>				