

Appendix B

Agency Correspondence

Exhibit B1. MnDOT Cultural Resources Unit (CRU) Correspondence (Page 1 of 1)

**Office of Environmental Stewardship**

Mail Stop 620
395 John Ireland Boulevard
St. Paul, MN 55155-1899

Office Tel: (651) 366-4291

Fax: (651) 366-3603

April 06, 2018

Darin Mielke, PE, LSIT, PMP
Carver County Public Works
11360 Highway 212, Suite 1
Cologne, MN 55322

Re: S.P. 1017-108TH 212/CSAH 44 Partial interchange construction, Chaska, Carver County

Dear Mr. Mielke,

Your request for review of the above-referenced project indicates that no FHWA funds will be used, and there will be no federal permits. The project will use state funds; therefore, a review per Minnesota statutes 138.661-138.669 (Minnesota Historic Sites Acts) and 138.31-138.42 (Minnesota Field Archaeology Act) is required. These statutes require MnDOT to consult with the Minnesota Historical Society (MHS) when its undertakings have the potential to affect historic properties listed in the State or National Registers of Historic Places, or to consult with MHS and the Office of the State Archaeologist (OSA) when its undertakings have the potential to affect known or suspected archaeological sites.

This project includes construction of a new interchange at Trunk Highway (TH) 212 and County State Aid Highway (CSAH) 44 in Chaska. The existing CSAH 44 Bridge over TH 212 will remain in place. A new pedestrian/bicycle bridge will be constructed along the north side of the existing CSAH 44 Bridge over TH 212. TH 212 will remain a four-lane divided freeway. Stormwater BMPs will be constructed. The TH 212/CSAH 44 interchange will be constructed in phases as described below. Phase 1: Construction of partial access interchange with access to TH 212 to and from the north. Construction of ramp in northeast quadrant to provide access from CSAH 44 to northbound TH 212. Construction of a loop in the southwest quadrant to provide access from southbound TH 212 to CSAH 44. Construction of roundabouts at ramp terminal intersections. The Planned letting for Phase 1 construction is fall 2018. Phase 2: Completion of TH 212/CSAH 44 interchange. Construction of interchange ramps to and from the south. Timing for construction to be determined.

It is the determination of this office that the proposed undertaking has **no potential to affect properties listed in the State or the National Registers of Historic Places or to affect known or suspected archaeological sites**. Therefore, no consultation with the MHS or the OSA is required and the historical/archaeological review should be considered completed. If the project does receive FHWA funds or the project scope changes, the Cultural Resources Unit should be notified to determine if additional review is required.

Sincerely,

Renée Hutter Barnes, Historian
Cultural Resources Unit
renee.barnes@state.mn.us

cc: Sulmaan Khan, PE, Metro District
Brett Danner, SRF Consulting
Rick Dalton, Metro Environmental Coordinator
MnDOT CRU Project File

Exhibit B2. Minnesota Department of Natural Resources (DNR) Correspondence (Page 1 of 4)

Brett Danner

From: Leete, Peter (DOT) <peter.leete@state.mn.us>
Sent: Friday, April 13, 2018 2:49 PM
To: Dalton, Richard (DOT)
Cc: Straumanis, Sarma (DOT); Smith, Christopher E (DOT); Joyal, Lisa (DNR); Orne, Benjamin G MVP; Horton, Becky (DNR); Hoaglund, Erica (DNR); Skancke, Jennie (DNR); Regenscheid, Diana H (DNR); Brett Danner
Subject: DNR Comments on MnDOT Early notification Memo, TH212/CSAH44 intersection reconstruction (SP1017-108) Carver Co.
Attachments: MNDOT_DOCS-#2044850-v2-ENM_(TH_212_at_CSAH_44;_final).pdf; DNRbasemap.pdf

Rick,

This email is the DNR response for your project records. I have not sent this Early Notification Memo (ENM) out for full DNR review. The following comments are based on information provided in the submitted documents regarding the proposed construction of a new interchange at Trunk Highway (TH) 212 and County State Aid Highway (CSAH) 44 in Chaska. The existing CSAH 44 bridge over TH 212 will remain in-place. A new pedestrian/bicycle bridge will be constructed along the north side of the existing CSAH 44 bridge over TH 212. This project is being proposed by the City of Chaska and Carver County. DNR area managers may also have had the opportunity to comment on this project through local contact with the city and county. Please incorporate the following comments into final designs and special provisions as they are developed:

1. For MnDOT planning purposes, attached to this email is a map of the project area (DNRbasemap.pdf) showing nearby locations of DNR areas concern (if they exist), such as Public Waters (in blue), waterbodies designated as infested with aquatic invasive species (AIS), snowmobile Trails (in pink), and various green shaded polygons for Sites of Biodiversity Significance. This map may be shared or included in project documentation, as all information is from publically available data layers. Most of this information is also available on the MnDOT georilla website (<http://georilla/metrogis/#>) in the natural resources catalog (DNR ENM).

The Natural Heritage Information System (NHIS) database has been reviewed, though in order to prevent the inadvertent release of a rare features location, those details are not shown on the map. Comments on potential impacts to rare features listed in the NHIS comments are below. If you have questions regarding proposed work near any of the data shown, please give me a call.

2. There are no Public Waters in the Project Area. As such a Public Waters is not required. The nearest Public Water is Chaska Creek. Should work extend as far as the creek for stormwater discharge, please contact me as further review may be required.
3. Please remind contractors that a separate water use permit is required if the project will require the withdrawal of more than 10,000 gallons of water per day or 1 million gallons per year from surface water or ground water that may be needed for construction. GP1997-0005 (temporary water appropriations) covers a variety of activities associated with road construction and should be applied of if applicable. An individual appropriations permit may be required for projects lasting longer than one year or exceeding 50 million gallons. Information is located at: http://www.dnr.state.mn.us/waters/watermgmt_section/appropriations/permits.html
4. The Minnesota Natural Heritage Information System (NHIS) has been queried to determine if any rare plant or animal species, native plant communities, or other significant natural features are known to occur within an approximate one-mile radius of the project area. There were sixteen rare features identified in this query. In order to prevent the inadvertent release of the location of specific listed or rare species contained in the NHIS, I have not identified the species or their location on the attached 'DNRbasemap.pdf'. If these details are needed for documentation, please contact me. Please note that the following rare features were identified in the query and *may* be impacted by the proposed project. Suggested avoidance and/or protection measures are also identified:

Exhibit B2. Minnesota Department of Natural Resources (DNR) Correspondence (Page 2 of 4)

- a. The northern long-eared bat (*Myotis septentrionalis*), federally listed as threatened and state-listed as special concern, can be found throughout Minnesota. During the winter this species hibernates in caves and mines, and during the active season (approximately April-October) it roosts underneath bark, in cavities, or in crevices of both live and dead trees. Pup rearing is during June, July, and early August. Activities that may impact this species include, but are not limited to, any disturbance to hibernacula and destruction/degradation of habitat (including tree removal).

The U.S. Fish and Wildlife Service (USFWS) has published a final 4(d) rule that identifies prohibited take. To determine whether you need to contact the USFWS, please refer to the USFWS Key to the Northern Long-Eared Bat 4(d) Rule (see links below). Please note that the NHIS does not contain any known occurrences of northern long-eared bat roosts or hibernacula within an approximate one-mile radius of the proposed project, though the project is within a township identified as containing known NLEB roost trees or hibernacula.

Links: USFWS Key to the Northern Long-Eared Bat 4(d) Rule for Non-Federal Activities
<http://www.fws.gov/midwest/endangered/mammals/nleb/KeyFinal4dNLEB.html>
 USFWS Key to the Northern Long-Eared Bat 4(d) Rule for Federal Actions
<http://www.fws.gov/midwest/endangered/mammals/nleb/KeyFinal4dNLEBFedProjects.html>
 USFWS Northern Long-eared Bat Website
<http://www.fws.gov/midwest/endangered/mammals/nleb/index.html>
 USFWS Northern Long-eared Bat Fact Sheet
<http://www.fws.gov/midwest/endangered/mammals/nleb/nlebFactSheet.html>

The Natural Heritage Information System (NHIS) is not an exhaustive inventory and thus does not represent all of the occurrences of rare features within the state. If information becomes available indicating additional listed species or other rare features, further review may be necessary.

5. The construction of the TH212 corridor included the use of native seed outside of the mowed clear zone. This should continue and revegetation of disturbed soils include native mixes in areas that are not proposed for mowed turf grass. Please utilize the native recommendations developed by BWSR (http://www.bwsr.state.mn.us/native_vegetation/) or MnDOT in the 'Vegetation Establishment Recommendations' – dated November 13, 2015 (<http://www.dot.state.mn.us/environment/erosion/seedmixes.html>). Please contact your Districts representatives for the Erosion Control & Stormwater Management Unit, Roadside Vegetation Management Unit, and the Districts Maintenance staff to help determine appropriate permanent revegetation plans. Additionally, any use of erosion control blanket should be limited to 'bio-netting' or 'naturalnetting' types (category 3N or 4N), and specifically not allow plastic mesh netting.

This ENM has not been circulated to DNR field staff for comment. I will let you know if any additional comments on design requirements are returned to me due to this email.

DNR folks, if I've missed anything, or have any suggestions for MnDOT to consider, please respond ASAP to Rick, and myself.

Peter Leete

Transportation Hydrologist (DNR-MnDOT Liaison) | Division of Ecological & Water Resources

Minnesota Department of Natural Resources

Office location: MnDOT Office of Environmental Stewardship
 395 John Ireland Blvd., MS 620

Exhibit B2. Minnesota Department of Natural Resources (DNR) Correspondence (Page 3 of 4)

St. Paul, MN 55155
Phone: 651-366-3634
Email: peter.leeete@state.mn.us



Exhibit B2. Minnesota Department of Natural Resources (DNR) Correspondence (Page 4 of 4)

