APPENDIX D: AGENCY CORRESPONDENCE
STATE AID FOR LOCAL TRANSPORTATION
Railroad Highway Grade Crossing Data Sheet

April 2007

29170 (11-71) (Instructions in MnDOT’s Traffic Manual 13-5.07)

S.P. 027-653-021 CSAH 53 DATE: 12-3-15

County Hennepin County
Location W 66th Street, City of Richfield Sec. 27 Twp. 28N R. 24W
R. R. Co. Progressive Rail, Inc.

1. ROADWAY
   Present Grade Crossing Proposed Grade Crossing
   a) Surface (Type & Width) Bituminous (59 feet) Bituminous (55 feet)
   b) Shoulders (Type & Width) None None
   c) Approach Grades (For vehicles moving towards crossing) EB Approach 1.2% EB Approach 0.664%
      WB Approach 1.6% WB Approach 2.23%
   d) Angle (CL track to CL road) 90 degrees 90 degrees
   e) A.D.T., H.C., Year of count 15,500 (2012) 16,400 (2030)
   f) Speed Limit 35 mph 35 mph
   g) Realistic highway speed 35 mph 35 mph
   h) Parking restriction along road? Distance from crossing Yes (entire road) Yes (entire road)
      i) Crossing Surface (Type & Condition) Bituminous Concrete

2. RAILROAD
   a) Number of tracks Main_1_ Passing_0_ Industrial_0_ 
   b) Number of trains daily Passenger_0_ Freight_1_ 
   c) Train speeds: 5 mph (max. time table speed = 5 mph)
   d) Train schedules: Day_1_ Night_0_ 

3. PROTECTION INPLACE
   a) Type in-place at crossing Cantilever w/flashers Condition: Operational
   b) Type of illumination at crossing Street light within 50 feet of crossing
      Distance from crossing: 330-400 feet Condition: Good Size 36” dia.
   c) Advance warning signs Distance from crossing 15 feet Condition: Good Size: 24” Stop Line
   d) Other traffic signs None

4. SIGHT DISTANCES Submit sketch of crossing area showing all pertinent information
   a) Distance at which crossing is first visible: EB Approach: 570’ EB Approach: 630’
      WB Approach: 1580’ WB Approach: 1100’
   b) Moving vehicle: Design sight Distance from Table I Along track 69’ Along track 69’
      Note sight deficiency, if any Name quadrants NA NA
   c) Stopped Vehicle: EB Appr. L 240’ R 240’ EB Appr. L 240’ R 240’
      Sight distance available WB Appr. L 240’ R 240’ WB Appr. L 240’ R 240’
Rachel:

The layout of project: SP 027-653-021 66th Street (CSAH 53) has been reviewed by the Office of Aeronautics and has been determined to have no significant impact to the operation of the Minneapolis-St. Paul International Airport.

Thank you for the opportunity to comment.

Rylan Juran  
Aviation Planner and Zoning Coordinator  
MnDOT Aeronautics  
651-234-7190

Hi Rachel,

We do not anticipate the use of any cranes or equipment taller than 50 feet. Let me know if you have any other questions.

Thanks,  
Rachel

Rachel Haase | Kimley-Horn | 651 643 0412

Hi Rachel:

Will any cranes or equipment be used that is taller than 50’?

Rylan Juran  
Aviation Planner and Zoning Coordinator  
MnDOT Aeronautics
651-234-7190

-----Original Message-----
From: Vesely, Kathleen (DOT)
Sent: Tuesday, April 28, 2015 11:48 AM
To: Rachel.Haase@kimley-horn.com; Juran, Rylan (DOT)
Cc: Boerner, Daniel (DOT); Burrell, Robert (DOT)
Subject: Re: SP 027-653-021 66th Street (CSAH 53) Reconstruction Project Review Request

Thanks Rachel,

I appreciate that you are contacting us early in the life of the project. Rylan Juran in our planning group will be your contact for comments on the project, and is copied on my reply. He may request additional information.

Best Regards,
Kathy

Sent from my iPad

> On Apr 28, 2015, at 11:23 AM, "Rachel.Haase@kimley-horn.com" <Rachel.Haase@kimley-horn.com> wrote:
> > Kathy,
> > > Hennepin County is currently preparing an EA/EAW for SP 027-653-021 - the 66th Street Reconstruction Project. This project is located in Richfield (Township 28N, Range 24W, Sections 26, 27, 28, and 29) and is within the area of influence for MSP Internal Airport.
> > > This project will reconstruct and upgrade 3.3 miles of the existing four-lane divided and undivided urban roadway to an urban roadway with a cross-section similar to the existing roadway between the west end of the project (Xerxes Avenue) and Nicollet Avenue (CSAH 52). Between Nicollet Avenue and the east end of the project (16th Street), the cross-section will be revised to a three-lane road section with a center two-way left turn lane. Roundabouts will be constructed at Lyndale and Nicollet Avenues. Project elements include a 10-ton design, a raised concrete median or a continuous left turn lane, pedestrian and bicycle accommodations, ADA-compliant curb ramps, and the replacement of existing signals. The acquisition of 18 homes will be required. There will be no impacts to the I-35W bridge over 66th Street (Bridge No. 27V11) as part of the proposed project.
> > > I've attached a USGS map showing the project area.
> > > Please review the provided information and let me know if you have any questions or need additional information.
> > > Thank you,
> > Rachel Haase
> > > Rachel Haase
> > Kimley-Horn | 2550 University Avenue W, Suite 238N, Saint Paul, MN
> > 55114
> > Direct: 651 643 0412 | Main: 651 645 4197 Connect with us:
> > Twitter<https://twitter.com/kimleyhorn> |
> > LinkedIn<http://www.linkedin.com/company/kimley-horn-and-associates-in
> > c.> | Facebook<https://www.facebook.com/KimleyHorn> |
> > YouTube<http://www.youtube.com/user/KimleyHornAssociates>
> >
No Effect Determination
S.P. 027-653-021, County State Aid Highway 53
Roadway Reconstruction
City of Richfield, Hennepin County

In response to your request, the above referenced action has been reviewed for potential effect to federally-listed threatened, endangered, proposed, candidate species and listed critical habitat. As a result of this review, a determination of no effect has been made.

Federally-Listed Species/Designated Critical Habitat in the Action Area
Section 7 of Endangered Species Act of 1973, as amended (Act), requires each Federal agency to review any action that it funds, authorizes or carries out to determine whether it may affect threatened, endangered, proposed species or listed critical habitat. Federal agencies (or their designated representatives) must consult with the U.S. Fish and Wildlife Service (Service) if any such effects may occur as a result of their actions. Consultation with the Service is not necessary if the proposed action will not directly or indirectly affect listed species or critical habitat. If a federal agency finds that an action will have no effect on listed species or critical habitat, it should maintain a written record of that finding that includes the supporting rationale. According to the official County Distribution of Minnesota’s Federally-Listed Threatened, Endangered, Proposed, and Candidate Species list (revised in June 2015), maintained by the Service, the project county is within the distribution range of the following:

<table>
<thead>
<tr>
<th>Hennepin County</th>
<th>Northern long-eared bat (Myotis septentrionalis)</th>
<th>Threatened</th>
<th>Hibernates in caves and mines - swarming in surrounding wooded areas in autumn. Roosts and forages in upland forests during spring and summer.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Higgins eye pearly mussel (Lampsilis higginsi)</td>
<td>Endangered</td>
<td>Mississippi River</td>
<td></td>
</tr>
<tr>
<td>Snuffbox (Epioblasma triqueta)</td>
<td>Endangered</td>
<td>Mississippi River</td>
<td></td>
</tr>
</tbody>
</table>

Potential Impacts to Northern Long-Eared Bat Habitat

<table>
<thead>
<tr>
<th>Amount of Tree Removal Anticipated</th>
<th>Potential Impacts to NLEB Hibernacula</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approximately 1.96 acres of trees will be removed. All tree removal will occur within the winter season (Oct 1- April 1) to avoid impacts to roosting northern long-eared bats</td>
<td>None Anticipated</td>
</tr>
</tbody>
</table>

Based on the information that you provided and the nature of the activities proposed, it has been determined that no further action under Section 7 of the Act is required. However, if information becomes available indicating that federally-listed species or designated critical habitat may be affected, please contact this office and consultation with the Service will be initiated if necessary.

Jason Alcott
Minnesota Department of Transportation
SECTION 4(f)

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) amendment to the Section 4(f) requirements allows the U.S. DOT Federal Highway Administration (FHWA) to determine that certain uses of Section 4(f) land are de minimis.

An impact may be determined to be de minimis if the transportation use of the Section 4(f) resource, including consideration of impact avoidance, minimization, and mitigation or enhancement measures, is so minor in nature that it does not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f). Such a finding will be conditioned upon:

- the official(s) with jurisdiction over the resource indicating, in writing, that the proposed action, including consideration of the mitigation, will not adversely affect the activities, features and attributes that are important to the resource, and
- the public has been afforded an opportunity (by public notice) to review and comment on the effects of the project on the protected activities, features, and attributes of the Section 4(f) resource, and
- implementation of the mitigation measures.

When this is the case, an analysis of avoidance alternatives is not required and the Section 4(f) evaluation process is complete. The official(s) with jurisdiction over the resource will be informed of FHWA’s intent to make the de minimis impact finding.

These conditions appear to be met in the case of Monroe Park. Following public and agency review of this report, it is anticipated that the City of Richfield will request the FHWA to determine the proposed action at Monroe Park is a Section 4(f) de minimis action in accordance with Section 6009(a) of SAFETEA-LU.

1. Description of The Section 4(f) Property. See Figure 2

   Name: Monroe Park

   Size (acre): 9.5 acres

   Location: Richfield, MN

   Ownership: City of Richfield

   Type of Section 4(f) Property: City park and recreation area

   Function of or Available Activities on the Property: Established in 1969 as a neighborhood park with youth fields for soccer and baseball with hockey available in winter months. The park includes an existing trail network.

   Description and Location of Existing and Planned Facilities: Monroe Park includes a softball diamond, basketball court, volleyball court, play equipment, a park shelter, and an existing trail network.
The existing trail access from 66th Street, located between the properties at 6600 James Avenue and 1617 66th Street, is not ADA compliant and will be removed. The 66th Street project will construct a new ADA compliant trail access at and connect to an existing trail within Monroe Park. In order to construct the trail, a temporary easement will be required. As part of this construction, the buildings at 6600 James Avenue will be demolished including a retaining wall that is partially located within Monroe Park boundaries associated with the buildings.

Access: There is no vehicle parking at Monroe Park, however there is street parking available along four separate pedestrian accesses, including one at the north end of the park from 66th Street, via an old right-of-way for the absent James Street.

Usage: Unavailable

Relationship to Other Similarly Used Lands in the Vicinity: The Richfield Park system includes 12 neighborhood parks, including Monroe Park, which have similar uses and facilities. This neighborhood park is located just west of a smaller neighborhood park, Fairwood Park, which is 2.5 acres in size and features a park shelter, two tennis courts, play equipment, and a horseshoe court.

Applicable Clauses Affecting Ownership: There is existing pedestrian access at the north end of the park via an old right-of-way for the absent James Street. The eastern 30 feet of this old right-of-way is owned by Hennepin County, and it has provided a perpetual easement to the City of Richfield for purposes of street and park use on this parcel. The western 30 feet of the old right-of-way is also designated for street and park purposes and provides the current trail connection to the park from 66th Street. Easement and dedication records are attached.

Unusual Characteristics Reducing or Enhancing the Value of the Property: This access is 1 of 4 pedestrian accesses to Monroe Park and is not ADA compliant. This restricts ADA access to the park from the north.

Section 6(f) Impacts: Note Applicable

2. Impacts to the Section 4(f) Property.

Amount of land impacted: 0.18 acres

Permanent R/W Acquisition/Easements: 0 acres

Temporary Easements: 8,000 sq ft (0.18 acres) of temporary impact due to realignment of north trail access from 66th Street.

Functions Affected: None

Facilities Affected: The 66th Street reconstruction project will not change current functions for youth activities including softball, play equipment, and trails. The proposed project would enhance the trail network, which is an identified improvement in the City of Richfield Parks Master Plan.

3. Coordination with Responsible Official with Jurisdiction Over the Section 4(f) Property: The City of Richfield Parks and Recreation Department is in full support of this project. The City
is planning for trail enhancements through the park which would benefit from ADA compliance enhancement at 66th Street.

4. Considerations.

Impact Avoidance: To avoid the impact, the access would not be reconstructed. This would not provide ADA compliant access from the north end of Monroe Park from 66th Street.

Planning to minimize harm: The City of Richfield has stated that the proposed trail will enhance the current use of the park property by providing ADA compliant access from the north end of Monroe Park.

Mitigation: No mitigation is required

Enhancement: ADA compliant access from a newly constructed 66th Street will enhance the existing trail network of Monroe Park.

6. Public Notice: A public notice will be prepared detailing the availability of the environmental document and the De Minimis finding. The public notice will contain information on commenting procedures and timeframes.

7. Conclusion: The proposed action includes all possible planning to minimize harm to the resource, and is not anticipated to adversely affect the activities, features and attributes of Monroe Park.
This Indenture, made this 13th day of August, 1923, between David H. Wachter and Ollie Wachter, husband and wife,

of the County of Hennepin and State of Minnesota, party of the first part, and

City of Richfield

A corporation under the laws of the State of Minnesota, party of the second part,

WITNESSETH, That the said parties of the first part, in consideration of the sum of One Dollar ($1.00) and other good and valuable consideration, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do hereby Grant, Bargain, Sell, and Convey unto the said party of the second part, its successors and assigns, Forever, all the tract... or parcel... of land lying and being in the County of Hennepin and State of Minnesota, described as follows, to-wit:

A perpetual easement for street and park purposes, over and across the West 30 feet, as measured along the North and South lines, of the following described tract:

That part of the East 1/2 of the North East 1/4 of the South West 1/4 of Section 28, Township 28, Range 24, according to the Government Survey thereof, described as follows: Beginning at the Northwest corner of said tract; thence South along the West line of said tract 208 feet; thence East parallel with North line of said tract 165 feet; thence North parallel with West line of said tract a distance of 208 feet to the North line of said tract; thence West along the North line of said tract 165 feet to point of beginning.

Tax statements for the property described in this instrument should be sent to:

David H. Wachter
675 9th St. S.
Richfield, Minnesota

STATE DEED TAX
DUE MCNEON $ 0.50

To have and to hold the same, Together with all the hereditaments and appurtenances thereto belonging, or in anywise appertaining, to the said party of the second part, its successors and assigns, Forever, and the said David H. Wachter and Ollie Wachter, husband and wife, party of the first part, for themselves, their heirs, executors and administrators, do covenant with the said party of the second part, its successors and assigns, that they...are... well said in fee of the lands and premises aforesaid, and to have good right to sell and convey the same in manner and form aforesaid, and that the same are free from all incumbrances.

And the above bargained and granted lands and premises, in the quiet and peaceable possession of the said party of the second part, its successors and assigns, against all persons lawfully claiming or to claim the whole or any part thereof, subject to incumbrances, if any, heretofore mentioned, the said party... of the first part will Warrant and Defend.

In Testimony Whereof, The said parties of the first part have hereunto set their hand the day and year first above written.

In Presence of

David H. Wachter
Ollie Wachter

[Signature]
[Signature]
January 12, 2016

Ms. Arlene Kocher
Division Administrator
Federal Highway Administration
380 Jackson Street, Suite 500
St. Paul, MN 55101

Re: 66th Street Reconstruction between Xerxes and 16th Avenue
S.P. 027-653-021
Section 4(f) De Minimis Evaluation for Monroe Park

Dear Ms. Kocher:

I have reviewed the project description and exhibits for the 66th Street Reconstruction Project and am in full support of the proposed improvements in Monroe Park.

I understand that the project would construct a new ADA compliant trail access at 6600 James Avenue South and connect to an existing trail within Monroe Park. This new trail would replace the current trail access from 66th Street, located between the properties at 6600 James Avenue and 1617 66th Street known as "old James Avenue right of way." This existing trail is not ADA compliant. The new trail would begin on the adjacent 6600 James Avenue parcel to the west, which requires acquisition and demolition of structures as part of the roadway project. This includes a retaining wall that is partially located within the park boundary. The retaining wall was not constructed for park use and serves no park function, and the city agrees to its removal.

Based on ownership documents, the old James Avenue right of way is designated for "street and park" uses. This parcel will remain in street use as right of way for 66th Street, and will include pedestrian and bicycle facilities parallel to 66th Street, and connecting to the new trail in Monroe Park. This land use remains consistent with the intended "street and park" purposes.

The City of Richfield Recreation Services Department is in full support of the modifications and improvements proposed by Hennepin County as part of this project. This will enhance the current use of Monroe Park by providing an ADA compliant connection to the existing trail system. Therefore, the City requests that you coordinate as needed to make a de minimis determination for this project regarding this Section 4(f) resource.

As the official with jurisdiction over the City owned Monroe Park, I hereby concur with the recommendation of Hennepin County that the use associated with this project will not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f) of the US Department of Transportation Act of 1966. If you have any questions or would like to discuss this further, please contact me at 612-861-9394.

The Urban Hometown
7000 Nicollet Avenue, Richfield, Minnesota 55423  612.861.9395  FAX: 612.861.9388
www.cityofrichfield.org  AN EQUAL OPPORTUNITY EMPLOYER  www.cityofrichfield.org  AN EQUAL OPPORTUNITY EMPLOYER
Section 4(f) De Minimis Evaluation for Monroe Park
January 12, 2016
Page 2

Sincerely,

[Signature]

Jim Topitzhofer
Recreation Services Director
Richfield Recreation Services Department

Cc: Maury Hooper, Hennepin County
    Jeff Pearson, City of Richfield
APPENDIX F: MnDOT CRU RECOMMENDATION
January 12, 2016

Sarah Beimers, Manager
Government Programs and Compliance
Minnesota Historical Society
345 Kellogg Boulevard
St. Paul, MN 55102-1906

Re: S.P. 027-653-021(CSAH 53 (66th Street South) Reconstruction, Richfield, Hennepin County

Dear Ms. Beimers,

We have reviewed the above-referenced undertaking pursuant to our FHWA-delegated responsibilities for compliance with Section 106 of the National Historic Preservation Act, as amended (36 CFR 800), and as per the terms of the applicable Programmatic Agreements between the FHWA and the Minnesota State Historic Preservation Office (SHPO). The Section 106 review fulfills MnDOT's responsibilities under the Minnesota Historic Sites Act (MS 138.665-.666), the Field Archaeology Act of Minnesota (MS 138.40); and the Private Cemeteries Act (MS 307.08, Subd. 9 and 10).

MnDOT Cultural Resources Unit (CRU) received a review request from Kimley-Horn on behalf of Hennepin County in April of 2015. Hennepin County is proposing to reconstruct and upgrade 3.3 miles of the existing four-lane divided and undivided urban roadway to an urban roadway with a cross-section similar to the existing roadway between the west end of the project (Xerxes Avenue) and Nicollet Avenue (CSAH 52). Between Nicollet Avenue and the east end of the project (16th Street), the cross-section will be revised to a three-lane road section with a center two-way left turn lane. Roundabouts will be constructed at Lyndale and Nicollet Avenues. Project elements include a 10-ton design, a raised concrete median or a continuous left turn lane, pedestrian and bicycle accommodations, ADA-compliant curb ramps, and the replacement of existing signals. The acquisition of 19 homes will be required. There will be no impacts to the I-35W Bridge over 66th Street (Bridge No. 27V11) as part of the proposed project.

Our office consulted with the following tribal groups, as per 36 CFR 800 and our existing Programmatic Agreement with certain tribes: Ft. Peck Tribes, Lower Sioux Indian Community, Santee Sioux Nation, Sisseton-Wahpeton Oyate Community and Turtle Mountain Band of Chippewa. None of the tribes responded to our consultation requests.

The area of potential effects (APE) for direct effects of the project consists of the proposed construction area. For the most part, construction will be contained within the existing right-of-way. Some temporary easements will be required; however these are of limited extents and abut the right-of-way. There are no known archeological sites in the APE. Much of the APE has been disturbed by previous roadway construction. The APE has low potential for containing unidentified significant archaeological resources. The APE for direct and indirect effects of the project consists of the first tier of properties adjacent to the proposed project.

After reviewing the APE, MnDOT CRU requested an architecture/history investigation to determine whether the APE contained any previously recorded or unrecorded
The 106 Group identified 167 properties within the APE that were 45 years of age or older. Of these 167, two had been previously determined eligible for listing in the NRHP, the Academy of Holy Angels (HE-RFC-004) and the Minneapolis St. Paul Rochester and Dubuque (MStPR&D) Railroad Corridor Historic District (no SHPO inventory number available). Of the remaining 165 properties, 164 were recommended as not eligible for listing in the NRHP due to lack of historical significance and/or loss of historical integrity. MnDOT CRU concurs with these recommendations (see forms submitted by 106 Group).

A Phase II architecture/history evaluation was conducted for the Hub Shopping Center (HE-RFC-204) and further research by 106 Group led them to recommend that the property is eligible under Criterion A, within the “Mid-Twentieth Century Shopping Malls” historic context, in the area of commerce as a locally prominent suburban community center mall that served auto-orientated, developing suburbs. The Hub’s continued use and prominence within the Richfield community still allows the building to convey its original use as a community mall despite some material alterations. It still exemplifies the development of this type of suburban mall prior to the construction of enclosed, indoor shopping malls. The period of significance is 1954-1956, representing the original date of construction through the construction of Southdale mall, the first indoor shopping center which signaled a new phase in shopping center design. The property boundary includes the current parcel of land on which the buildings and parking lot are located. MnDOT CRU concurs with this recommendation of eligibility, with the recommended period of significance, and the recommended boundary (see form submitted by 106 Group).

Two previously determined eligible properties and one newly determined eligible property fall within the project APE. The proposed roundabout at the CSAH 52/Nicollet Avenue South and CSAH 53/66th Street intersection will be constructed adjacent to the NRHP-eligible Holy Angels and the Hub Shopping Center. The proposed roundabout will clip the corners of both parcels for use as turning radius lanes (see Sheet 486, please note we are only including plan sheets for the three impacted properties). Even though this roundabout is a change to the current circulation pattern, it is not an adverse effect on the Hub or the Holy Angels properties which are eligible for their associations and their architecture, respectively. The sidewalks in front of the properties will be reconstructed but will not be changed significantly from the current conditions and will not adversely affect the properties. The current wide sidewalks will be divided into a 4 foot bituminous walk/trail and a 4 foot concrete sidewalk (see Sheet 485). Additionally a bus pull-off will be added to the north and south sides of CSAH 53 prior to the roundabout. The project will not change access to the property. The Hub will continue to function as a suburban mall with an adjacent parking area and its integrity of location, setting, feeling and association. The Holy Angels will remain an excellent example of the Gothic Revival Style in Richfield. The taking of a small corner of the parcel will not affect its integrity of location, setting, design, materials, workmanship, feeling and association.

The MStPR&D Railroad Corridor Historic District is also within the APE for this project. Proposed improvements include reconstruction of the sidewalk and roadway intersecting the railroad. This segment of the MStPR&D railroad corridor ran from 54th Street and Nicollet Avenue in Minneapolis to Lakeville. It established a transportation connection for the Twin Cities passengers to an important tourist destination at Lake Marion, particularly the Antlers Amusement Park. This segment meets the Railroads MPDF Registration Requirement Number 2 under Criterion A. The period of significance of the railroad corridor is 1910 to 1916. The project will widen the sidewalks minimally and split the sidewalk into a 4 foot bituminous path and a 4 foot
concrete sidewalk and the roadway width will remain essentially the same (see Sheet 484). In addition there will be essentially no change to the corridor’s setting (through an urban area), no taking of railroad right-of-way and no physical impacts to the railroad. The proposed improvements will not alter the historic integrity of the railroad and the historic corridor will remain intact.

Three properties are listed or considered eligible for listing in the NRHP and the finding of this office is that the project will have **no adverse effects to these historic properties** as currently proposed. If anything changes in scope or design that could affect the NRHP-eligible Holy Angels (HE-RFC-004), Hub Shopping Center (HE-RFC-204), and the M StPR&D Railroad Corridor Historic District, this office will coordinate further with your office. Please provide your comments within 30 days of receipt of this letter. If you have any questions or comments regarding the enclosed or this letter, please do not hesitate to call me at (651)366-4291.

Sincerely,

Renée Hutter Barnes, Historian
Cultural Resources Unit

cc: Beth Kunkel, Kimley-Horn (email)
Maury J Hooper, Hennepin County (email)
David Jaeger, Hennepin County (email)
Saleh Miller, 106 Group Inc (email)
MnDOT CRU Project File
Hi Rachel,

I have reviewed your assessment of the potential for the above project to impact rare features and have the following additional comments:

- The Minnesota Biological Survey (MBS) has identified a Site of Moderate Biodiversity Significance within T28N R24W Section 28 near the project area. Sites of Biodiversity Significance have varying levels of native biodiversity and are ranked based on the relative significance of this biodiversity at a statewide level. Sites ranked as Moderate contain occurrences of rare species and/or moderately disturbed native plant communities, and/or landscapes that have a strong potential for recovery. This particular Site contains high quality native plant communities. (GIS shapefiles of MBS Sites of Biodiversity Significance and MBS Native Plant Communities can be downloaded from the MN Geospatial Commons at https://gisdata.mn.gov/.) We recommend that the project be designed to avoid impacts to this ecologically significant site. Indirect impacts from surface runoff or the spread of invasive species should also be considered during project design and implementation.

- Blanding’s turtles (Emydoidea blandingii), a state-listed threatened species, have been reported from the vicinity of the proposed project. Blanding’s turtles use upland areas up to and over a mile distant from wetlands, as well as wetlands. Uplands are used for nesting, basking, periods of dormancy, and traveling between wetlands. Because of the tendency to travel long distances over land, Blanding’s turtles regularly travel across roads and are therefore susceptible to collisions with vehicles. Any added mortality can be detrimental to populations of Blanding’s turtles, as these turtles have a low reproduction rate that depends upon a high survival rate to maintain population levels. Other factors believed to contribute to the decline of this species include wetland drainage and degradation, and the development of upland habitat.

For your information, I have attached a Blanding’s turtle fact sheet that describes the habitat use and life history of this species. The fact sheet also provides two lists of recommendations for avoiding and minimizing impacts to this rare turtle. Please refer to the first list of recommendations for your project. In addition, if erosion control mesh will be used, the DNR recommends that the mesh be limited to wildlife-friendly materials (see enclosed fact sheet). If greater protection for turtles is desired, the second list of additional recommendations can also be implemented.

The attached flyer should be given to all contractors working in the area. If Blanding’s turtles are encountered on site, please remember that state law and rules prohibit the destruction of threatened or endangered species, except under certain prescribed
conditions. If turtles are in imminent danger they should be moved by hand out of harm’s way, otherwise they should be left undisturbed.

The reference number for this correspondence is ERDB #20150350. Thank you for notifying us of this project, and for the opportunity to provide comments.

Have a great day,
Samantha Bump
NHIS Review Specialist
(651) 259-5091
Division of Ecological and Water Resources
Minnesota Department of Natural Resources
500 Lafayette Road, Box 25
St. Paul, MN  55155

samantha.bump@state.mn.us
www.mndnr.gov/eco

From: Rachel.Haase@kimley-horn.com [mailto:Rachel.Haase@kimley-horn.com]
Sent: Tuesday, April 28, 2015 11:28 AM
To: *NHIS, Review (DNR)
Subject: SP 027-653-021 NHIS Concurrence Request

We are preparing an EA/EAW for the CSAH 53/66th Street reconstruction in Richfield, Hennepin County, Minnesota (SP 027-653-021). This project will reconstruct and upgrade 3.3 miles of the existing four-lane divided and undivided urban roadway to an urban roadway with a cross-section similar to the existing roadway between the west end of the project (Xerxes Avenue) and Nicollet Avenue (CSAH 52). Between Nicollet Avenue and the east end of the project (16th Street), the cross-section will be revised to a three-lane road section with a center two-way left turn lane. Roundabouts will be constructed at Lyndale and Nicollet Avenues. Project elements include a 10-ton design, a raised concrete median or a continuous left turn lane, pedestrian and bicycle accommodations, ADA-compliant curb ramps, and the replacement of existing signals. The acquisition of 18 homes will be required. There will be no impacts to the I-35W bridge over 66th Street (Bridge No. 27V11) as part of the proposed project.

The project limits as shown in the attached figures are from Xerxes Avenue South to 16th Avenue South.

A review of the DNR Natural Heritage Inventory System database was conducted (LA-718) for the project study area and within approximately one mile of the study area. The database includes known occurrences of state endangered, threatened, or special concern species. The review identified six records. These include two watchlist species (upland sandpiper and bald eagle), one special concern species (Forster’s tern), one threatened species (Blanding’s turtle), and two that are not listed but are included in the database (white baneberry and colonial waterbird nesting site).

**Watchlist**
The upland sandpiper records are within the Minneapolis-Saint Paul International Airport. Typical habitat for the upland sandpiper is grassland, which is not found within the project study area. Therefore, no impacts to this population are expected. According to the Natural Heritage and Nongame Research Program, there are no known nesting sites for the bald eagle within the project study area. Bald eagles in Minnesota typically nest in large trees near large lakes or rivers. The project study area is entirely located within an urban setting, with the Mississippi River approximately three miles from the project study area. No impacts to bald eagle nesting habitat are anticipated as a result of this project.
Special Concern
Foster’s tern records are within Legion Lake and Veterans Memorial Park. During breeding season, Foster’s tern prefer extensive marshes with an interspersion of emergent vegetation and deep open water. There are no waterbodies within the project study area; therefore, no impacts to the Forster’s tern are expected.

Threatened
The Blanding’s turtle records are located within the Wood Lake Nature Preserve. The Blanding’s turtle’s typical habitat is wetland complexes, and no wetlands are located within the project study area. Specific erosion control measures as identified in the Blanding’s turtle fact sheet will be implemented.

Not Listed
Species that are not listed but included in the database have no legal status, but they are species for which the Natural Heritage and Nongame Research Program are gathering data.
No wooded habitats are within the project study area so no impacts to white baneberry are expected.
The colonial waterbird nesting habitat is within lakes and wetland complexes within a one mile radius of the project study area; however, none of this habitat intersects with the project study area. Therefore, no impact to the colonial waterbird nesting habitat is expected.

Conclusion
Based on the information listed above, no adverse impacts are anticipated to the species and habitats identified through the NHIS records search.

We request confirmation of the above findings. Please let me know if you have questions or would like to discuss in further detail.

Thank you,
Rachel Haase

Rachel Haase
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Direct: 651 643 0412 | Main: 651 645 4197
Connect with us: Twitter | LinkedIn | Facebook | YouTube

Celebrating eight years as one of FORTUNE’s 100 Best Companies to Work For
CAUTION

BLANDING’S TURTLES MAY BE ENCOUNTERED IN THIS AREA

The unique and rare Blanding’s turtle has been found in this area. Blanding’s turtles are state-listed as Threatened and are protected under Minnesota Statute 84.095, Protection of Threatened and Endangered Species. Please be careful of turtles on roads and in construction sites. For additional information on turtles, or to report a Blanding’s turtle sighting, contact the DNR Nongame Specialist nearest you: Bemidji (218-308-2641); Grand Rapids (218-327-4518); New Ulm (507-359-6033); Rochester (507-206-2820); or St. Paul (651-259-5772).

DESCRIPTION: The Blanding’s turtle is a medium to large turtle (5 to 10 inches) with a black or dark blue, dome-shaped shell with muted yellow spots and bars. The bottom of the shell is hinged across the front third, enabling the turtle to pull the front edge of the lower shell firmly against the top shell to provide additional protection when threatened. The head, legs, and tail are dark brown or blue-gray with small dots of light brown or yellow. A distinctive field mark is the bright yellow chin and neck.

BLANDING’S TURTLES DO NOT MAKE GOOD PETS
IT IS ILLEGAL TO KEEP THIS THREATENED SPECIES IN CAPTIVITY
SUMMARY OF RECOMMENDATIONS
FOR AVOIDING AND MINIMIZING IMPACTS
TO BLANDING’S TURTLE POPULATIONS
(see Blanding’s Turtle Fact Sheet for full recommendations)

- This flyer should be given to all contractors working in the area. Homeowners should also be informed of the presence of Blanding’s turtles in the area.
- Turtles that are in imminent danger should be moved, by hand, out of harm’s way. Turtles that are not in imminent danger should be left undisturbed to continue their travel among wetlands and/or nest sites.
- If a Blanding’s turtle nests in your yard, do not disturb the nest and do not allow pets near the nest.
- Silt fencing should be set up to keep turtles out of construction areas. It is critical that silt fencing be removed after the area has been revegetated.
- Small, vegetated temporary wetlands should not be dredged, deepened, or filled.
- All wetlands should be protected from pollution; use of fertilizers and pesticides should be avoided, and run-off from lawns and streets should be controlled. Erosion should be prevented to keep sediment from reaching wetlands and lakes.
- Roads should be kept to minimum standards on widths and lanes.
- Roads should be ditched, not curbed or below grade. If curbs must be used, 4" high curbs at a 3:1 slope are preferred.
- Culverts under roads crossing wetland areas, between wetland areas, or between wetland and nesting areas should be at least 36 in. diameter and flat-bottomed or elliptical.
- Culverts under roads crossing streams should be oversized (at least twice as wide as the normal width of open water) and flat-bottomed or elliptical.
- Utility access and maintenance roads should be kept to a minimum.
- Because trenches can trap turtles, trenches should be checked for turtles prior to being backfilled and the sites should be returned to original grade.
- Terrain should be left with as much natural contour as possible.
- Graded areas should be revegetated with native grasses and forbs.
- Vegetation management in infrequently mowed areas -- such as in ditches, along utility access roads, and under power lines -- should be done mechanically (chemicals should not be used). Work should occur fall through spring (after October 1st and before June 1st).
Endangered, Threatened, and Special Concern Species of Minnesota

**Blanding’s Turtle**  
(*Emydoidea blandingii*)

- **Minnesota Status**: Threatened  
- **State Rank**: S2  
- **Federal Status**: none  
- **Global Rank**: G4

**HABITAT USE**

Blanding’s turtles need both wetland and upland habitats to complete their life cycle. The types of wetlands used include ponds, marshes, shrub swamps, bogs, and ditches and streams with slow-moving water. In Minnesota, Blanding’s turtles are primarily marsh and pond inhabitants. Calm, shallow water bodies (Type 1-3 wetlands) with mud bottoms and abundant aquatic vegetation (e.g., cattails, water lilies) are preferred, and extensive marshes bordering rivers provide excellent habitat. Small temporary wetlands (those that dry up in the late summer or fall) are frequently used in spring and summer -- these fishless pools are amphibian and invertebrate breeding habitat, which provides an important food source for Blanding’s turtles. Also, the warmer water of these shallower areas probably aids in the development of eggs within the female turtle. Nesting occurs in open (grassy or brushy) sandy uplands, often some distance from water bodies. Frequently, nesting occurs in traditional nesting grounds on undeveloped land. Blanding’s turtles have also been known to nest successfully on residential property (especially in low density housing situations), and to utilize disturbed areas such as farm fields, gardens, under power lines, and road shoulders (especially of dirt roads). Although Blanding’s turtles may travel through woodlots during their seasonal movements, shady areas (including forests and lawns with shade trees) are not used for nesting. Wetlands with deeper water are needed in times of drought, and during the winter. Blanding’s turtles overwinter in the muddy bottoms of deeper marshes and ponds, or other water bodies where they are protected from freezing.

**LIFE HISTORY**

Individuals emerge from overwintering and begin basking in late March or early April on warm, sunny days. The increase in body temperature which occurs during basking is necessary for egg development within the female turtle. Nesting in Minnesota typically occurs during June, and females are most active in late afternoon and at dusk. Nesting can occur as much as a mile from wetlands. The nest is dug by the female in an open sandy area and 6-15 eggs are laid. The female turtle returns to the marsh within 24 hours of laying eggs. After a development period of approximately two months, hatchlings leave the nest from mid-August through early-October. Nesting females and hatchlings are often at risk of being killed while crossing roads between wetlands and nesting areas. In addition to movements associated with nesting, all ages and both sexes move between wetlands from April through November. These movements peak in June and July and again in September and October as turtles move to and from overwintering sites. In late autumn (typically November), Blanding’s turtles bury themselves in the substrate (the mud at the bottom) of deeper wetlands to overwinter.

**IMPACTS / THREATS / CAUSES OF DECLINE**

- loss of wetland habitat through drainage or flooding (converting wetlands into ponds or lakes)  
- loss of upland habitat through development or conversion to agriculture  
- human disturbance, including collection for the pet trade* and road kills during seasonal movements  
- increase in predator populations (skunks, raccoons, etc.) which prey on nests and young

*It is illegal to possess this threatened species.
RECOMMENDATIONS FOR AVOIDING AND MINIMIZING IMPACTS

These recommendations apply to typical construction projects and general land use within Blanding’s turtle habitat, and are provided to help local governments, developers, contractors, and homeowners minimize or avoid detrimental impacts to Blanding’s turtle populations. **List 1** describes minimum measures which we recommend to prevent harm to Blanding’s turtles during construction or other work within Blanding’s turtle habitat. **List 2** contains recommendations which offer even greater protection for Blanding’s turtles populations; this list should be used in addition to the first list in areas which are known to be of state-wide importance to Blanding’s turtles (contact the DNR’s Natural Heritage and Nongame Research Program if you wish to determine if your project or home is in one of these areas), or in any other area where greater protection for Blanding’s turtles is desired.

<table>
<thead>
<tr>
<th>List 1. Recommendations for all areas inhabited by Blanding’s turtles.</th>
<th>List 2. Additional recommendations for areas known to be of state-wide importance to Blanding’s turtles.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>GENERAL</strong></td>
<td>Turtle crossing signs can be installed adjacent to road-crossing areas used by Blanding’s turtles to increase public awareness and reduce road kills.</td>
</tr>
<tr>
<td>A flyer with an illustration of a Blanding’s turtle should be given to all contractors working in the area. Homeowners should also be informed of the presence of Blanding’s turtles in the area.</td>
<td>Workers in the area should be aware that Blanding’s turtles nest in June, generally after 4pm, and should be advised to minimize disturbance if turtles are seen.</td>
</tr>
<tr>
<td>Turtles which are in imminent danger should be moved, by hand, out of harms way. Turtles which are not in imminent danger should be left undisturbed.</td>
<td>If you would like to provide more protection for a Blanding’s turtle nest on your property, see “Protecting Blanding’s Turtle Nests” on page 3 of this fact sheet.</td>
</tr>
<tr>
<td>If a Blanding’s turtle nests in your yard, do not disturb the nest.</td>
<td>Construction in potential nesting areas should be limited to the period between September 15 and June 1 (this is the time when activity of adults and hatchlings in upland areas is at a minimum).</td>
</tr>
<tr>
<td>Silt fencing should be set up to keep turtles out of construction areas. It is critical that silt fencing be removed after the area has been revegetated.</td>
<td>Shallow portions of wetlands should not be disturbed during prime basking time (mid morning to mid- afternoon in May and June). A wide buffer should be left along the shore to minimize human activity near wetlands (basking Blanding’s turtles are more easily disturbed than other turtle species).</td>
</tr>
<tr>
<td><strong>WETLANDS</strong></td>
<td>Wetlands should be protected from road, lawn, and other chemical run-off by a vegetated buffer strip at least 50’ wide. This area should be left unmowed and in a natural condition.</td>
</tr>
<tr>
<td>Small, vegetated temporary wetlands (Types 2 &amp; 3) should not be dredged, deepened, filled, or converted to storm water retention basins (these wetlands provide important habitat during spring and summer).</td>
<td>Wetlands should be protected from pollution; use of fertilizers and pesticides should be avoided, and run-off from lawns and streets should be controlled. Erosion should be prevented to keep sediment from reaching wetlands and lakes.</td>
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<td>Wetlands should be protected from road, lawn, and other chemical run-off by a vegetated buffer strip at least 50’ wide. This area should be left unmowed and in a natural condition.</td>
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<td><strong>ROADS</strong></td>
<td>Tunnels should be considered in areas with concentrations of turtle crossings (more than 10 turtles per year per 100 meters of road), and in areas of lower density if the level of road use would make a safe crossing impossible for turtles. Contact your DNR Regional Nongame Specialist for further information on wildlife tunnels.</td>
</tr>
<tr>
<td>Roads should be kept to minimum standards on widths and lanes (this reduces road kills by slowing traffic and reducing the distance turtles need to cross).</td>
<td>Roads should be ditched, not curved or below grade.</td>
</tr>
<tr>
<td>Roads should be ditched, not curved or below grade. If curbs must be used, 4 inch high curbs at a 3:1 slope are preferred (Blanding’s turtles have great difficulty climbing traditional curbs; curbs and below grade roads trap turtles on the road and can cause road kills).</td>
<td>Roads should be ditched, not curved or below grade.</td>
</tr>
</tbody>
</table>
### ROADS cont.

<table>
<thead>
<tr>
<th>Culverts between wetland areas, or between wetland areas and nesting areas, should be 36 inches or greater in diameter, and elliptical or flat-bottomed.</th>
<th>Road placement should avoid separating wetlands from adjacent upland nesting sites, or these roads should be fenced to prevent turtles from attempting to cross them (contact your DNR Nongame Specialist for details).</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wetland crossings should be bridged, or include raised roadways with culverts which are 36 in or greater in diameter and flat-bottomed or elliptical (raised roadways discourage turtles from leaving the wetland to bask on roads).</td>
<td>Road placement should avoid bisecting wetlands, or these roads should be fenced to prevent turtles from attempting to cross them (contact your DNR Nongame Specialist for details). This is especially important for roads with more than 2 lanes.</td>
</tr>
<tr>
<td>Culverts under roads crossing streams should be oversized (at least twice as wide as the normal width of open water) and flat-bottomed or elliptical.</td>
<td>Roads crossing streams should be bridged.</td>
</tr>
</tbody>
</table>

### UTILITIES

<table>
<thead>
<tr>
<th>Utility access and maintenance roads should be kept to a minimum (this reduces road-kill potential).</th>
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<tbody>
<tr>
<td>Because trenches can trap turtles, trenches should be checked for turtles prior to being backfilled and the sites should be returned to original grade.</td>
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</table>

### LANDSCAPING AND VEGETATION MANAGEMENT

<table>
<thead>
<tr>
<th>Terrain should be left with as much natural contour as possible.</th>
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<tbody>
<tr>
<td>Graded areas should be revegetated with native grasses and forbs (some non-natives form dense patches through which it is difficult for turtles to travel).</td>
</tr>
<tr>
<td>Vegetation management in infrequently mowed areas -- such as in ditches, along utility access roads, and under power lines -- should be done mechanically (chemicals should not be used). Work should occur fall through spring (after October 1st and before June 1st).</td>
</tr>
<tr>
<td>Ditches and utility access roads should not be mowed or managed through use of chemicals. If vegetation management is required, it should be done mechanically, as infrequently as possible, and fall through spring (mowing can kill turtles present during mowing, and makes it easier for predators to locate turtles crossing roads).</td>
</tr>
</tbody>
</table>

### Protecting Blanding’s Turtle Nests:

Most predation on turtle nests occurs within 48 hours after the eggs are laid. After this time, the scent is gone from the nest and it is more difficult for predators to locate the nest. Nests more than a week old probably do not need additional protection, unless they are in a particularly vulnerable spot, such as a yard where pets may disturb the nest. Turtle nests can be protected from predators and other disturbance by covering them with a piece of wire fencing (such as chicken wire), secured to the ground with stakes or rocks. The piece of fencing should measure at least 2 ft. x 2 ft., and should be of medium sized mesh (openings should be about 2 in. x 2 in.). It is very important that the fencing be removed before August 1st so the young turtles can escape from the nest when they hatch!

### REFERENCES


REFERENCES (cont.)