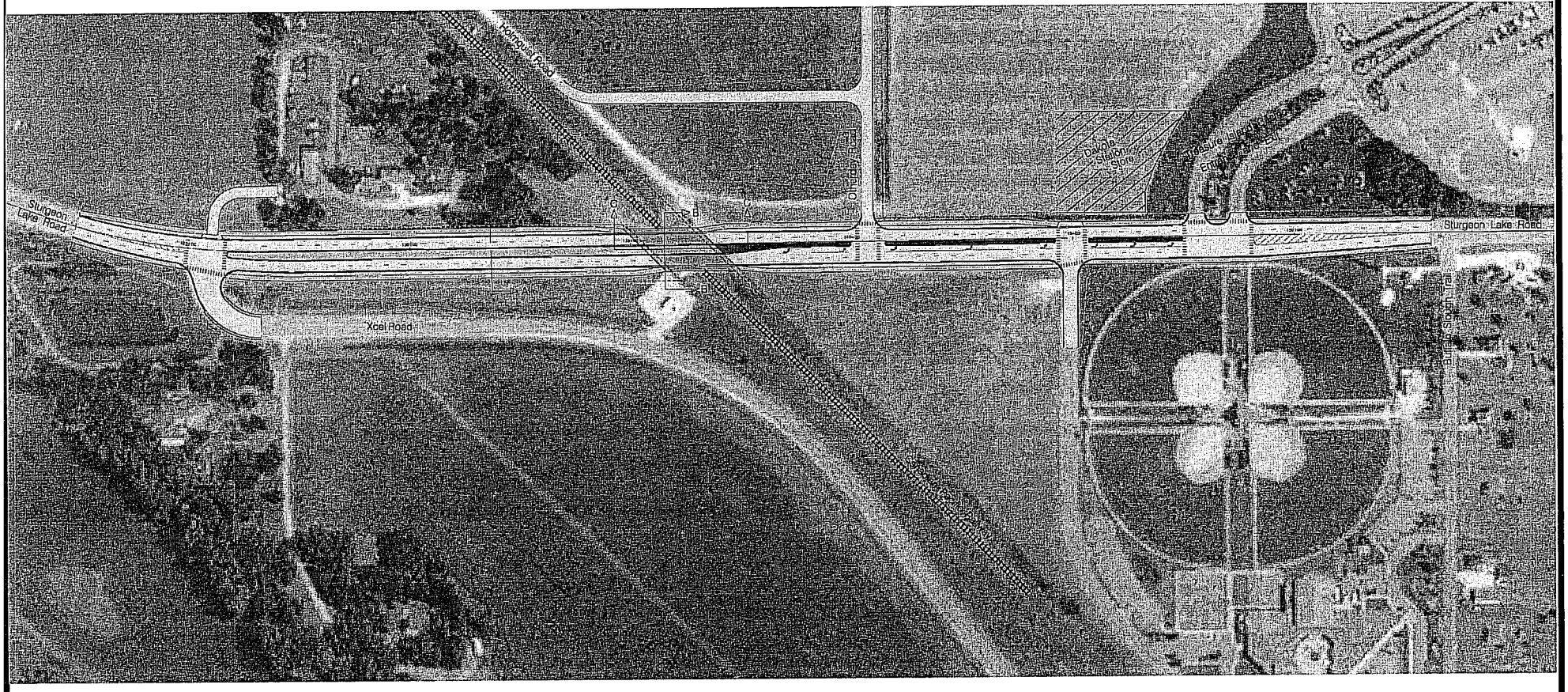
It is important to note that state highway standards set the minimum requirements. According to Minnesota Rules Chapter 8820.9920, "Engineering judgment may be used to choose a lane-width or shoulder-width dimension other than the widths indicated in the chart for roadways. Factors to consider may be safety, speed, population/land use, benefit/cost analysis, traffic mix, farm equipment, environmental impacts, terrain limitations, bicycle traffic, pedestrian traffic, other nonmotorized uses, functional classification, or other factors."

Typical sections of the existing and proposed roadway, a profile of the proposed roadway, and typical sections of the bridge are included in Appendix C.

During the early stages of the preliminary design process, a bridge study was conducted (a copy of the bridge study may be obtained by contacting the Prairie Island Indian Community or City of Red Wing). The study concluded that a steel plate girder bridge type would be most appropriate for this project (as compared to a prestressed concrete beam bridge, for example) due to the fact that the depth of structure is less for a steel plate girder bridge. The shallower structure afforded by a steel plate girder bridge reduces the overall structure height, reduces the grades on the approaches, reduces the amount of fill required for the approaches, and reduces the footprint of the project. In addition, since the visual impact of the bridge was a concern expressed by residents in the area, it was considered prudent to take all reasonable measures to minimize the height of the structure.

The decision to include a sidewalk on the north side of the bridge and a paved multi-use trail on the south side of the bridge was made in response to the concerns of the community regarding the volume of non-vehicular traffic in the area. See discussion under Question 25c in the EAW section of this document.

Figures



Proposed Roadway Alignment
Turtle Alternative

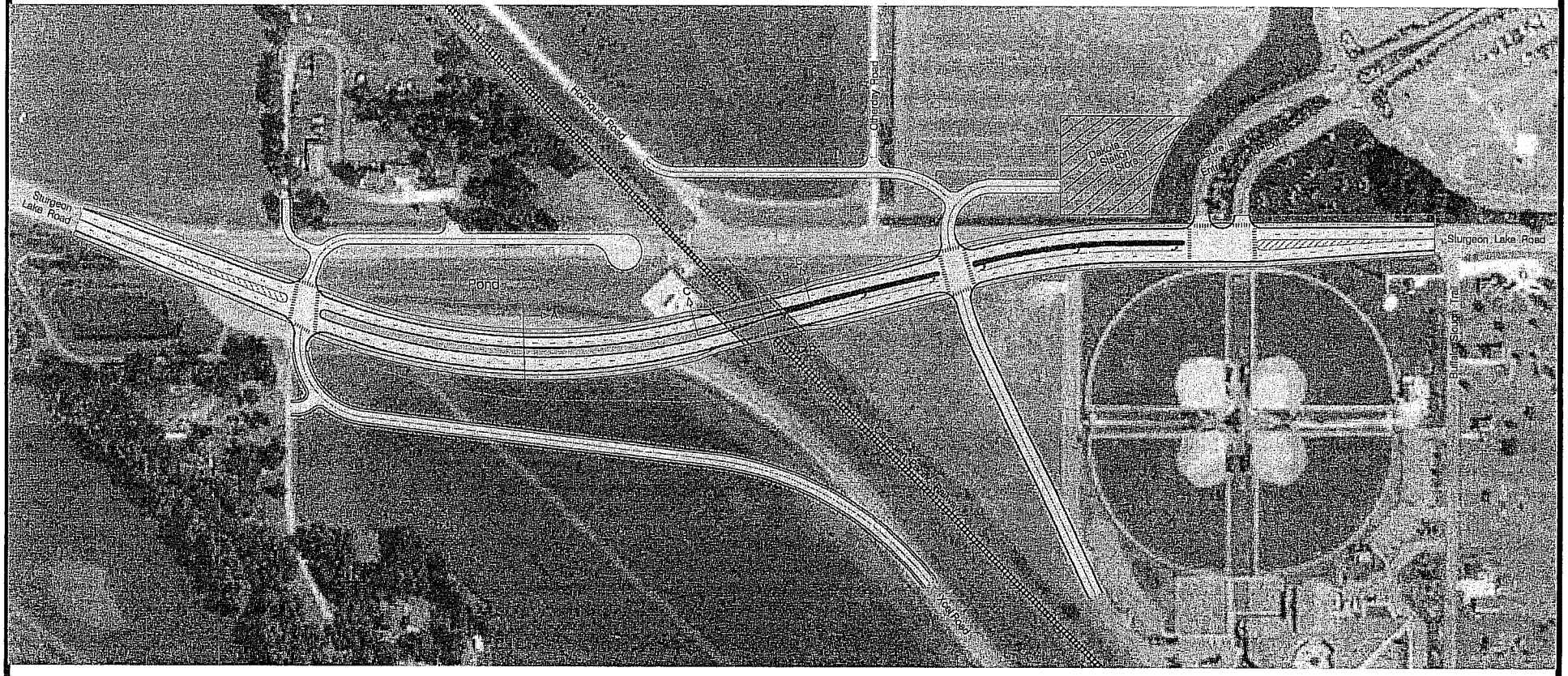
Sturgeon Lake Road Overpass

Environmental Assessment

N

No Scale

Figure 3-A



Proposed Roadway Alignment
Eagle Alternative

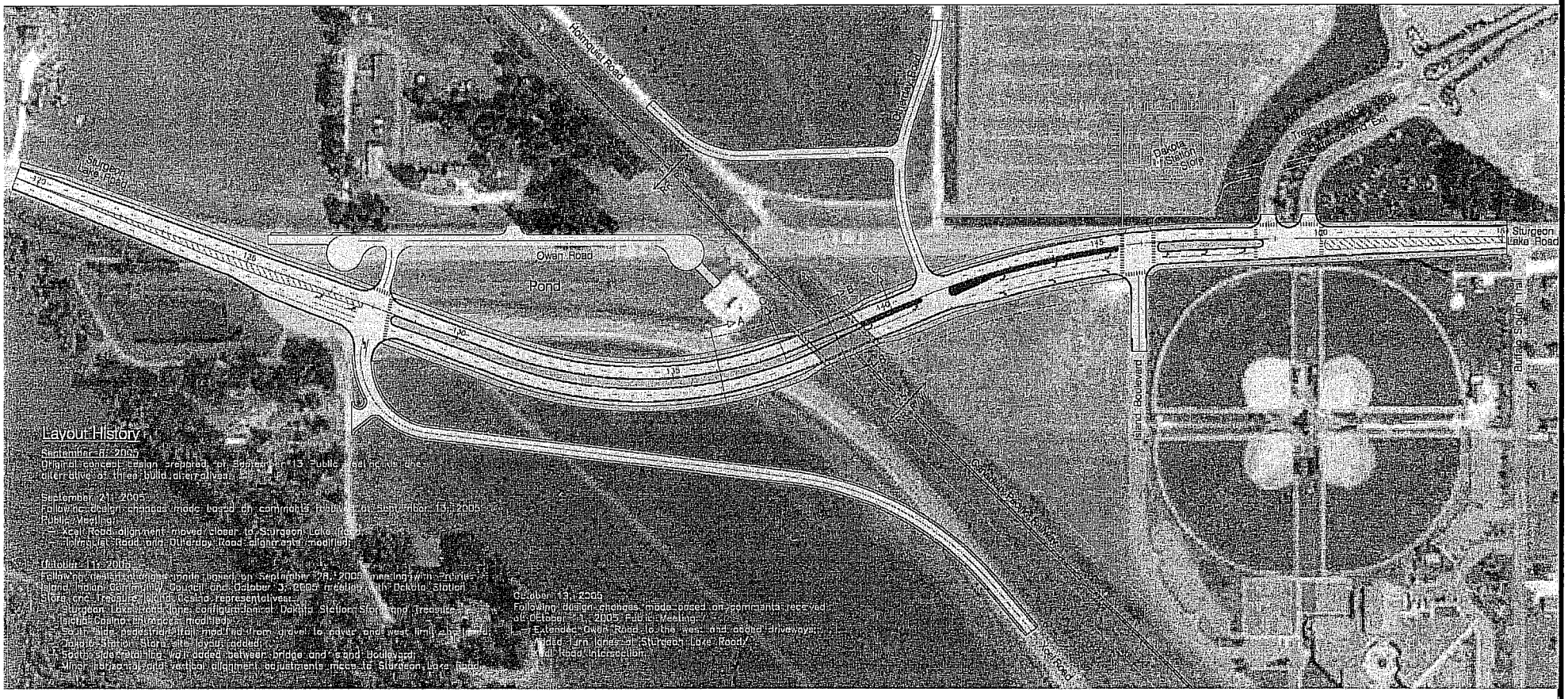
Sturgeon Lake Road Overpass

Environmental Assessment

N

No Scale

Figure 3-B



Proposed Roadway Alignment
Buffalo Alternative

Sturgeon Lake Road Overpass

Environmental Assessment

N

No Scale

Figure 3-C

Appendix A – Agency Correspondence

August 8, 2005

Endangered Species Environmental Review Coordinator
Section of Ecological Resources
MINNESOTA DEPARTMENT OF NATURAL RESOURCES
500 Lafayette Road, Box 25
St. Paul, MN 55155

SUBJECT: Prairie Island Indian Community
Sturgeon Lake Road (MSAS 104) Overpass
S.P. 91-104-01

To Whom It May Concern:

The Prairie Island Indian Community is in the process of developing the project documentation for roadway improvements at the current at-grade intersection of Sturgeon Lake Road and the Canadian Pacific Railway (CPR) rail line in the northern part of the City of Red Wing. This letter is a request for your review for threatened and endangered species in the project area.

The planned improvements include the construction of a grade-separated crossing (bridge) over the CPR line and associated improvements to the roadway. In compliance with State-Aid requirements, an Environmental Assessment/Environmental Assessment Worksheet (EA/EAW) is being prepared to describe the proposed project. The information you provide will be incorporated into the EA/EAW.

The project lies within the following sections:

Township	Range	Section(s)
114N	15W	South Half of 31
113N	15W	North Half of 6

I have enclosed a data request form and a map of the project area. If you need any additional information for your review, please contact me at 763-278-5911 or via e-mail at scott.reed@hdrinc.com.

Thank you for your assistance on this project.

Sincerely,

HDR Engineering, Inc.

Scott M. Reed, P.G.
Senior Environmental Scientist

Enclosures

c:
Mr. Rick Elberts, Prairie Island Indian Community
File

HDR Engineering, Inc.
6190 Golden Hills Drive
Minneapolis, MN 55416
Phone: (763) 591-5400
Fax: (763) 591-5413
www.hdrinc.com

Please do not staple request documents

For Agency Use Only:
Received _____ Due _____ RUSH
Related ES# _____
Search Radius _____mi. ER/All EOs _____
Quads _____
Map'd ____ C / NoC Let ____ Inv ____ Log out ____

MINNESOTA NATURAL HERITAGE INFORMATION SYSTEM DATA REQUEST FORM

DATE OF REQUEST August 8, 2005

WHO IS REQUESTING THE INFORMATION?

Name and Title Scott M. Reed, P.G.

Agency/Company HDR Engineering, Inc.

Address 6190 Golden Hills Drive, Minneapolis, MN 55416
(Street) (City) (State) (Zip Code)

Phone 763-278-5911 FAX 763-591-5413 e-mail scott.reed@hdrinc.com

THIS INFORMATION IS BEING REQUESTED ON BEHALF OF (if applicable): Prairie Island Indian Community - Sturgeon Lake Road Overpass Project – S.P. 94-104-01

WHAT INFORMATION DO YOU NEED?

__X__ Printouts of known occurrences of federally and state listed plants and animals; native plant communities; and aggregation sites such as bat hibernacula, colonial waterbird nesting sites, and prairie chicken booming grounds.

__X__ Information listed above, plus geological features and state rare species with no legal status.

____ Other (specify): _____

Frequent applicants: Check here if you DO NOT need a copy of the field-by-field explanation of the printouts: ____

WHERE IS THE AREA OF INTEREST? 1) **ENCLOSE A MAP** showing detailed boundaries of the project area (topographic or aerial photos are preferred). 2) If a GIS shapefile of the project area is available, please provide a copy.

For Agency Use Only:

REGION

PROVIDE THE FOLLOWING REQUIRED PROJECT INFORMATION

County	Twnshp#	Range#	Section(s) (and half-section, quarter-section, etc., if known)
Goodhue	T 114 N	15 W	South Half of Section 31
Goodhue	T 113 N	15 W	North Half of Section 6

Project Name Proposed Sturgeon Lake Road Overpass

Project Proposer Prairie Island Indian Community

Detailed Project Description (attach additional sheets if necessary)

The Prairie Island Indian Community is exploring options for the construction of a grade-separated crossing at the current at-grade intersection of the Canadian Pacific Railway line and Sturgeon Lake Road. The current and proposed future traffic levels on both the road and the rail line make this crossing a safety concern, especially considering that Sturgeon Lake Road is the only improved access to the Prairie Island Indian Community.

Past Land-Use of Project Site The project area has been used for transportation, agricultural, and rural residential purposes for the past several years.

(OVER)

HOW WILL THE INFORMATION BE USED? Describe the planned use of the information, including in what form and detail you wish to publish this information, if any. The information provided by the DNR NHIS will be used for the completion of a Federal Environmental Assessment/State Environmental Assessment Worksheet document. Only appropriate information will be made available for public review.

TURN-AROUND TIME

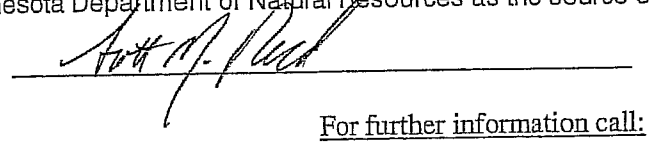
Requests generally take 2 to 3 weeks from date of receipt to process, and are processed in the order received. Rush requests are processed in 2 weeks or less.

FEES

For-profit organizations, including consultants working for governmental agencies, are charged a fee for this service. In addition, a fee may be charged for large requests from any source. A surcharge (currently $50) is applied for rush orders; if this is a rush order, please check the blank below. Fees subject to change. A fee schedule is available upon request. Please do not include payment with your request; an invoice will be sent to you.

__X__ Rush

"The information supplied above is complete and accurate. I understand that material supplied to me from the Minnesota Natural Heritage Information System is copyrighted and that I am not permitted to reproduce or publish any of this copyrighted material without prior written permission from the Minnesota DNR. Further, if permission to publish is given, I understand that I must credit the Minnesota Natural Heritage and Nongame Research Program, Minnesota Department of Natural Resources as the source of the material."

Signature 

Mail or email completed forms to:

For further information call:

Endangered Species Environmental Review Coordinator *(for project reviews)* (651) 296-7863 or 296-8279
Sarah.hoffmann@dnr.state.mn.us
or
Assistant Database Manager *(for general requests)* (651) 296-8324
Sharron.nelson@dnr.state.mn.us
at
Natural Heritage and Nongame Research Program
Minnesota Department of Natural Resources
500 Lafayette Road, Box 25
St. Paul, Minnesota 55155

Or FAX completed forms to: (651) 296-1811

Additional information about the Natural Heritage & Nongame Research Program is available at
http://www.dnr.state.mn.us/ecological_services/nhnrp/index.html

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For Agency Use Only:

EO's requiring comment _____

Sources contacted Topic Response

_____ _____ _____

_____ _____ _____

_____ _____ _____

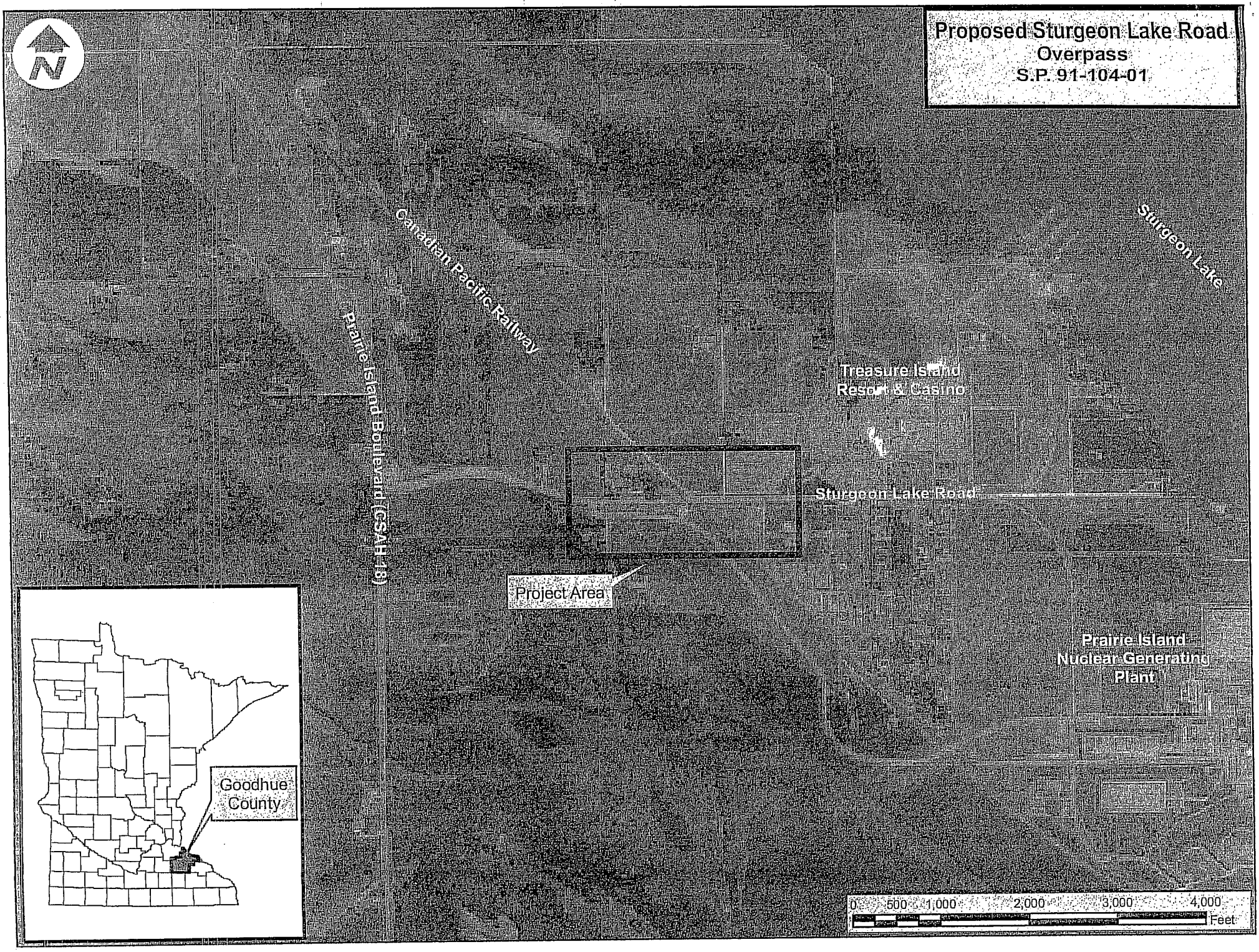
Response Summary _____

_____

_____

_____ Responder _____

Revised 12/04


Proposed Sturgeon Lake Road
Overpass
S.P. 91-104-01
N
Canadian Pacific Railway
Prairie Island Boulevard (CSAH 18)
Sturgeon Lake
Treasure Island
Resort & Casino
Sturgeon Lake Road
Project Area
Prairie Island
Nuclear Generating
Plant
Goodhue
County
0
500
1,000
2,000
3,000
4,000
Feet

Minnesota Department of Natural Resources

Natural Heritage and Nongame Research Program, Box 25
500 Lafayette Road
St. Paul, Minnesota 55155-40__
Phone: (651) 296-7863 Fax: (651) 296-1811 E-mail: sarah.hoffmann@dnr.state.mn.us

August 17, 2005

Mr. Scott Reed
HDR Engineering, Inc.
6190 Golden Hills Drive
Minneapolis, MN 55416

Re: Request for Natural Heritage information for vicinity of proposed Sturgeon Lake Road Overpass, T114N R15W Section 31 & T113N R15W Section 6, Goodhue County
NHNRP Contact #: ERDB 20060132

Dear Mr. Reed,

The Minnesota Natural Heritage database has been reviewed to determine if any rare plant or animal species or other significant natural features are known to occur within an approximate one-mile radius of the area indicated on the map enclosed with your information request. Based on this review, there are 31 known occurrences of rare species or native plant communities in the area searched (for details, see enclosed database printout and explanation of selected fields). Following are specific comments for **only those elements that *may* be impacted** by the proposed project. Rare feature occurrences not listed below are not anticipated to be affected by the proposed project.

- Blanding's Turtles (*Emydoidea blandingii*), a state-listed threatened species, are reported from the vicinity of the project area. For your information, I have attached a fact sheet and a flyer about the Blanding's Turtle. The fact sheet is intended to provide you with background information regarding habitat use, life history, and reasons for the species' decline, as well as recommendations for avoiding and minimizing impacts to this rare turtle. As you will note, there are two lists of recommendations. The first list contains recommendations to prevent harm to turtles during construction work, and is relative to all areas inhabited by Blanding's Turtles. Please refer to this first list of recommendations for your project. The second column expands on the first column, and contains greater protective measures to be considered for areas known to be of state-wide importance to Blanding's Turtles, or any area where greater protection for turtles is desired. Your project area is not within one of these priority areas. The flyer, which should be given to all contractors working in the area, contains an illustration and description of the Blanding's Turtle, as well as a summary of the recommendations provided in the fact sheet.

The Natural Heritage database is maintained by the Natural Heritage and Nongame Research Program, a unit within the Division of Ecological Services, Department of Natural Resources. It is continually updated as new information becomes available, and is the most complete source of data on Minnesota's rare or otherwise significant species, native plant communities, and other natural features. Its purpose is to foster better understanding and protection of these features.

Because our information is not based on a comprehensive inventory, there may be rare or otherwise significant natural features in the state that are not represented in the database. A county-by-county survey of rare natural features is now underway, and has been completed for Goodhue County. Our information about native plant communities is, therefore, quite thorough for that county. However, because survey work for rare plants and animals is less exhaustive, and because there has not been an on-

)ta Natural Her ;tage Database
: Occurrence Re ords

STURGEON LAKE ROAD OVERPASS
T114N R15W SECTION 31 & T113N R15W SECTION 6, GOODHUE COUNTY
MnDNR, Natural Heritage and Nongame Research Program

NG	PRIMARY SECTION	FED STATUS	MN STATUS	S RANK	ELEMENT and OCCURRENCE NUMBER	MANAGED AREA
115W	05			S2	DRY OAK SAVANNA (SOUTHEAST) SAND-GRAVEL SUBTYPE #9	R.J.DORER STATE FOREST (STATUTORY BNDRY)
115W	05		THR		FALCO PEREGRINUS (PEREGRINE FALCON) #66	R.J.DORER STATE FOREST (STATUTORY BNDRY)
115W	06		NON		ARISAEMA DRACONTIUM (GREEN DRAGON) #17	R.J.DORER STATE FOREST (STATUTORY BNDRY)
115W	06		SPC		DENDROICA CERULEA (CERULEAN WARBLER) #40	R.J.DORER STATE FOREST
115W	06			S2	FLOODPLAIN FOREST #57	R.J.DORER STATE FOREST
115W	06	LT	SPC		HALIAEETUS LEUCOCEPHALUS (BALD EAGLE) #1722	R.J.DORER STATE FOREST
115W	06	LT	SPC		HALIAEETUS LEUCOCEPHALUS (BALD EAGLE) #2142	R.J.DORER STATE FOREST
115W	06		NON		LYCOPUS VIRGINICUS (VIRGINIA WATER HOREHOUND) #11	R.J.DORER STATE FOREST (STATUTORY BNDRY)
115W	06			S2	MIXED EMERGENT MARSH (PRAIRIE) #19	R.J.DORER STATE FOREST
115W	08	LT	SPC		HALIAEETUS LEUCOCEPHALUS (BALD EAGLE) #1532	R.J.DORER STATE FOREST
115W	08			S2	MAPLE-BASSWOOD FOREST (SOUTHEAST) #55	R.J.DORER STATE FOREST (STATUTORY BNDRY)
115W	08		SPC		PANAX QUINQUEFOLIUS (AMERICAN GINSENG) #84	R.J.DORER STATE FOREST (STATUTORY BNDRY)
116W	01		SPC		HESPERIA LEONARDUS LEONARDUS (LEONARD'S SKIPPER) #14	R.J.DORER STATE FOREST (STATUTORY BNDRY)
116W	01			S2	MAPLE-BASSWOOD FOREST (SOUTHEAST) #28	R.J.DORER STATE FOREST (STATUTORY BNDRY)
116W	01		SPC		PANAX QUINQUEFOLIUS (AMERICAN GINSENG) #83	R.J.DORER STATE FOREST (STATUTORY BNDRY)
116W	12			S2	OAK FOREST (SOUTHEAST) MESIC SUBTYPE #36	R.J.DORER STATE FOREST (STATUTORY BNDRY)
115W	29		SPC		ACIPENSER FULVESCENS (LAKE STURGEON) #206	
115W	29		SPC		CYCLEPTUS ELONGATUS (BLUE SUCKER) #61	
115W	29		SPC		CYCLEPTUS ELONGATUS (BLUE SUCKER) #81	
115W	29	LT	SPC		HALIAEETUS LEUCOCEPHALUS (BALD EAGLE) #1305	
115W	30		SPC		CYCLEPTUS ELONGATUS (BLUE SUCKER) #80	
115W	30			S2	FLOODPLAIN FOREST #54	
115W	31		NON		ELAPHE VULPINA (FOX SNAKE) #83	PRAIRIE ISLAND RESERVATION
115W	31		THR		EMYDOIDEA BLANDINGII (BLANDING'S TURTLE) #718	PRAIRIE ISLAND RESERVATION
115W	31			S2	FLOODPLAIN FOREST #53	GORES WMA
115W	31			S2	MIXED EMERGENT MARSH (PRAIRIE) #13	PRAIRIE ISLAND RESERVATION
115W	32		SPC		CYCLEPTUS ELONGATUS (BLUE SUCKER) #82	
115W	32		NON		OPSOPOEODUS EMILIAE (PUGNOSE MINNOW) #99	
115W	32		THR		POLYODON SPATHULA (PADDLEFISH) #22	
116W	36			S2	DRY OAK SAVANNA (SOUTHEAST) SAND-GRAVEL SUBTYPE #2	R.J.DORER STATE FOREST (STATUTORY BNDRY)
116W	36		NON		REITHRODONTOMYS MEGALOTIS (WESTERN HARVEST MOUSE) #7	R.J.DORER STATE FOREST (STATUTORY BNDRY)

; PRINTED = 31

Rare Features Database Print-outs: An Explanation of Fields

The Rare Features database is part of the Natural Heritage Information System, and is maintained by the Natural Heritage and Nongame Research Program, a unit within the Division of Ecological Services, Minnesota Department of Natural Resources (DNR).

Field Name: [Full (non-abreviated) field name, if different]. Further explanation of field.

-C-

CBS Site: [County Biological Survey site number]. In each county, the numbering system begins with 1.

CLASS: A code which classifies features by broad taxonomic group: NC = natural community; SA = special animal; SP = special plant; GP = geologic process; GT = geologic time; OT = other (e.g. colonial waterbird colonies, bat hibernacula).

Cty: [County]. Minnesota counties (ordered alphabetically) are numbered from 1 (Aitkin) to 87 (Yellow Medicine).

CURRENT STATUS: Present protection status, from 0 (owner is not aware of record) to 9 (dedicated as a Scientific and Natural Area).

-D-

DNR Region: 1=NW, 2=NE, 3=E Central, 4=SW, 5=SE, 6= Minneapolis/St. Paul Metro.

DNR Quad: [DNR Quadrangle code]. DNR-assigned code of the U.S. Geologic Survey topographic map on which the rare feature occurs.

-E-

ELEMENT or Element: See AElement Name (Common Name)@

Element Name (Common Name): The name of the rare feature. For plant and animal species records, this field holds the scientific name, followed by the common name in parentheses; for all other elements (such as plant communities, which have no scientific name) it is solely the element name.

EO RANK: [Element Occurrence Rank]. An evaluation of the quality and condition of natural communities from A (highest) to D (lowest).

EO Size: [Element Occurrence Size]. The size in acres (often estimated) of natural communities.

-F-

~~FED STATUS: [Federal Status]. Status of species under the Federal Endangered Species Law. LE=endangered, LT=threatened, C=species which have been proposed for federal listing.~~

~~Federal Status: See AFED STATUS@~~

Forestry District: The Minnesota DNR=s Division of Forestry district number.

-G-

GLOBAL RANK: The abundance of an element globally, from G1 (critically imperiled due to extreme rarity on a world-wide basis) to G5 (demonstrably secure, though perhaps rare in parts of its range). Global ranks are determined by the Conservation Science Division of The Nature Conservancy.

-I-

INTENDED STATUS: Desired protection status. See also ACURRENT STATUS.@ If a complete list of protection status codes is needed, please contact the Natural Heritage Program.

-L-

LAST OBSERVED or Last Observed Date or Last Observation: Date of the most recent record of the element at the location.

Latitude: The location at which the occurrence is mapped on Natural Heritage Program maps. NOTE: There are various levels of precision in the original information, but this is not reflected in the latitude/longitude data. For some of the data, particularly historical records, it was not possible to determine exactly where the original observation was made (e.g. "Fort Snelling", or "the south shore of Lake Owasso"). Thus the latitude/longitude reflect the mapped location, and not necessarily the observation location.

Legal: Township, range and section numbers.

Long: [Longitude]. See NOTE under ALatitude@

-M-

MANAGED AREA or Managed Area(s): Name of the federally, state, locally, or privately managed park, forest, preserve, etc., containing the occurrence, if any. If this field is blank, the element probably occurs on private land. If "(STATUTORY BOUNDARY)" occurs after the name of a managed area, the location may be a private inholding within the statutory boundary of a state forest or park.

Map Sym: [Map Symbol].

MN STATUS: [Minnesota Status]. Legal status of plant and animal species under the Minnesota endangered species law:

Endangered, Threatened, and Special Concern Species of Minnesota

Blanding's Turtle

(Emydoidea blandingii)

Minnesota Status:	Threatened	State Rank[1]:	S2
Federal Status:	none	Global Rank[1]:	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 (cattails, water lilies, etc.) 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, racoons, etc.) which prey on nests and young

*It is illegal to possess this threatened species.

ROADS cont.	
Culverts between wetland areas, or between wetland areas and nesting areas, should be 36 inches or greater in diameter, and elliptical or flat-bottomed.	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).
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).	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.
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.	Roads crossing streams should be bridged.
UTILITIES	
Utility access and maintenance roads should be kept to a minimum (this reduces road-kill potential).	
Below-ground utility construction sites should be returned to original grade (trenches can trap turtles).	
LANDSCAPING AND VEGETATION MANAGEMENT	
Terrain should be left with as much natural contour as possible.	As much natural landscape as possible should be preserved (installation of sod or wood chips, paving, and planting of trees within nesting habitat can make that habitat unusable to nesting Blanding's turtles).
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).	Open space should include some areas at higher elevations for nesting. These areas should be retained in native vegetation, and should be connected to wetlands by a wide corridor of native vegetation.
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).	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).

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

[1]Association for Biodiversity Information. "Heritage Status: Global, National, and Subnational Conservation Status Ranks." NatureServe. Version 1.3 (9 April 2001). http://www.natureserve.org/ranking.htm (15 April 2001).

Coffin, B., and L. Pfannmuller. 1988. Minnesota's Endangered Flora and Fauna. University of Minnesota Press, Minneapolis, 473 pp.

SUMMARY OF RECOMMENDATIONS FOR AVOIDING AND MINIMIZING IMPACTS TO BLANDING'S TURTLE POPULATIONS

(see Environmental Review Fact Sheet Series for full recommendations)

- A flyer with an illustration of an adult 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.
- 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 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.
- Blanding's turtles do not make good pets. It is illegal to keep this threatened species in captivity.
- 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.
- Below-ground utility construction 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).

Compiled by the Minnesota Department of Natural Resources Natural Heritage and Nongame Research Program, August, 2001
Endangered Species Environmental Review Coordinator, 500 Lafayette Rd., Box 25, St. Paul, MN 55155 / 651-296-7863

August 8, 2005

Mr. Jason Alcott
Minnesota Department of Transportation
Office of Environmental Services
395 John Ireland Boulevard
St. Paul, MN 55155-1899

SUBJECT: Prairie Island Indian Community
Sturgeon Lake Road (MSAS 104) Overpass
S.P. 91-104-01

To Whom It May Concern:

The Prairie Island Indian Community is in the process of developing the project documentation for roadway improvements at the current at-grade intersection of Sturgeon Lake Road and the Canadian Pacific Railway (CPR) rail line in the northern part of the City of Red Wing. This letter is a request for your review for threatened and endangered species in the project area.

The planned improvements include the construction of a grade-separated crossing (bridge) over the CPR line and associated improvements to the roadway. In compliance with State-Aid requirements, an Environmental Assessment/Environmental Assessment Worksheet (EA/EAW) is being prepared to describe the proposed project. The information you provide will be incorporated into the EA/EAW.

The project lies within the following sections:

Township	Range	Section(s)
114N	15W	South Half of 31
113N	15W	North Half of 6

I have enclosed a data request form and a map of the project area. If you need any additional information for your review, please contact me at 763-278-5911 or via e-mail at scott.reed@hdrinc.com.

Thank you for your assistance on this project.

Sincerely,

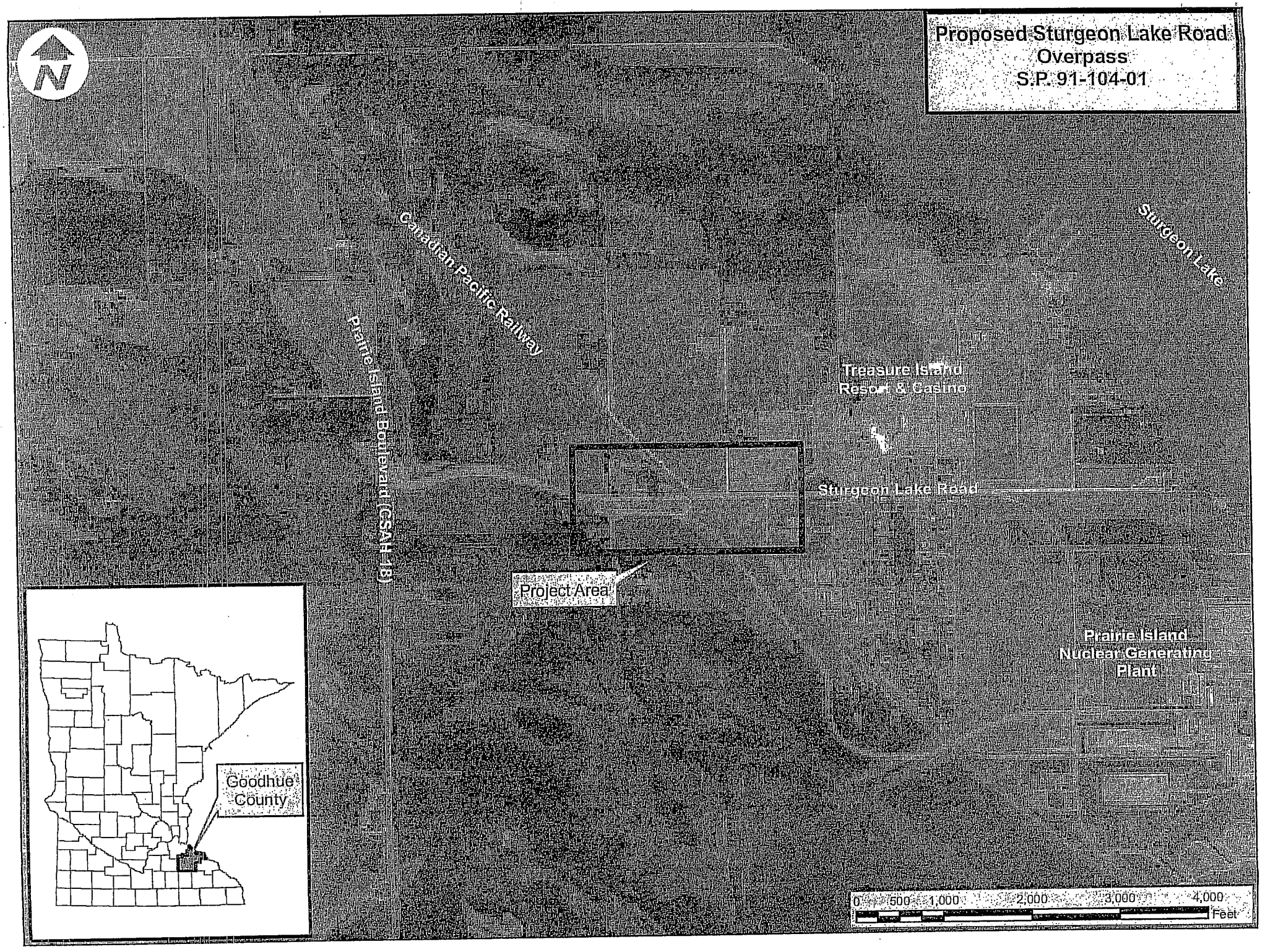
HDR Engineering, Inc.

Scott M. Reed, P.G.
Senior Environmental Scientist

Enclosures

c:
Mr. Rick Elberts, Prairie Island Indian Community
File

HDR Engineering, Inc.
6190 Golden Hills Drive
Minneapolis, MN 55416
Phone: (763) 591-5400
Fax: (763) 591-5413
www.hdrinc.com


Proposed Sturgeon Lake Road
Overpass
S.P. 91-104-01
N
Canadian Pacific Railway
Prairie Island Boulevard (CSAH 18)
Sturgeon Lake
Treasure Island
Reso & Casino
Sturgeon Lake Road
Project Area
Prairie Island
Nuclear Generating
Plant
Goodhue
County
0 500 1,000 2,000 3,000 4,000
Feet

October 3, 2005

Dr. Greg Busacker
Office of Environmental Services
Minnesota Department of Transportation
395 John Ireland Boulevard – M.S. 620
Saint Paul, MN 55155

RE: State Project No.: S.P. 91-104-01
Federal Project No.: PLHD 2504 (160)
Proposed Sturgeon Lake Road Overpass, Prairie Island Indian Community

Subject: Bald Eagle Nesting Site

Dear Dr. Busacker:

During preliminary coordination with the Mn/DOT Office of Environmental Services (OES) and the United States Fish and Wildlife Service (USFWS) on the referenced project, a bald eagle nesting location was identified. The USFWS has expressed some concern regarding the potential for impacts to the nesting location. The primary concern is that the noise associated with the construction of an overpass on Sturgeon Lake Road at the Canadian Pacific Rail line could cause a failed nesting event.

To address this concern, the Prairie Island Indian Community (PIIC) has evaluated potential construction activities and reviewed the Minnesota Department of Natural Resources (Mn/DNR) Bald Eagle Environmental Review Fact Sheet (copy attached). Based on the information provided in the fact sheet, it appears that the following criteria are applicable to the proposed Sturgeon Lake Road Overpass project:

Zone	Nesting Period Segment			
	Critical (2/10 to 5/1)	**Moderately Critical (1/10 to 2/10 and 5/1 to 6/1)**	**Less Critical (6/1 to 7/31)**	**Non-critical (7/31 to 1/10)**
Primary (0 to 330 feet)	Avoid Construction	Avoid Construction	Avoid Construction	Avoid Construction
Secondary (330 to 660 feet)	Avoid Construction	Avoid Construction	Minimize Construction Activities	Minimize Construction Activities
Tertiary (660 to 1320 feet)[1]	Avoid Construction	No Restrictions	No Restrictions	No Restrictions

[1]Depending on site characteristics, the tertiary zone may extend further than 1320 feet.

5636 Sturgeon Lake Road • Welch, MN 55089
(651) 385-2554 • 800-554-5473 • Fax (651) 385-2980 • TTY 800-627-3529 Deaf or Hearing Impaired

The PIIC has examined the proposed project location in relation to the eagle nest. The attached figures demonstrate that the western end of the proposed project is approximately 1600 feet from the eagle nest, the likely bridge over the Canadian Pacific Rail line is approximately 3200 feet from the nest, and the eastern end of the project is roughly 4700 feet from the nest. Therefore the entire project is outside the tertiary zone (note that the wooded area on the west shore of the water across from the eagle nest location provides a visual buffer between the project and the nest).

The PIIC, however, is aware that the roadway network that provides access to the project area does encroach upon the secondary and tertiary zones (see the attached eagle nest zone figure). In addition, the PIIC is well aware of the importance of the bald eagle not only as a federally listed species, but as a culturally important symbol to Native Americans. Therefore, the PIIC is submitting the following construction scheduling restrictions for consideration by Mn/DOT OES and USFWS staff:

- Critical Period – No hauling of fill or other construction materials to or from the project site; work at the project site limited to relatively quiet activities such as site preparation.
- Moderately Critical Period – No hauling of fill or other construction materials on CSAH 18 south of Sturgeon Lake Road; no pile driving at the construction site. Grading activities allowed provided that fill is trucked in via CSAH 18 southbound to Sturgeon Lake Road.
- Less Critical Period – Same as Moderately Critical Period
- Non-Critical Period – No restrictions on hauling; only period when pile driving is allowed

It is important to note that filling and grading activities need to begin in May so that the bridge embankments can be constructed in one construction season. By delaying filling and grading later than May, these activities could extend into a second construction season, and increase the duration of potential disturbance of eagle nesting.

Please contact me at (651) 267-4084 if you have any questions regarding this letter, or wish to discuss this issue further.

Sincerely,
Prairie Island Indian Community

Rick C. Elberts
Tribal Engineer

Enc.: Environmental Review Fact Sheet Series 'Bald Eagle'
Eagle Nest Location and Distance from Project
Eagle Nest Location and Potential Impact Zones

c: C. Wills
D. Brisk – HDR
S. Reed – HDR

Environmental Review Fact Sheet Series

Endangered, Threatened, and Special Concern Species of Minnesota

Bald Eagle

(*Haliaeetus leucocephalus*)

Minnesota Status:	Special Concern	State rank[1]:	S3
Federal Status:	Threatened	Global Rank[1]:	G4

HABITAT

During the breeding season, the Bald Eagle typically inhabits forests near lakes and rivers where large trees are available for nesting. The nest trees are usually within 1 mile of water, and are often closer. In northern Minnesota, red or white pines in the supercanopy (taller than the surrounding forest) are often selected as nest trees, whereas in the central and southern part of the state, eagles choose large hardwoods such as aspen or cottonwood. In winter, Bald Eagles can be found in upland areas where game or carrion is available. However, it is most common for them to congregate along major rivers where open water remains (such as near dams or power plants), as these areas provide opportunities for obtaining their major food items, fish and waterfowl.

LIFE HISTORY

For the purpose of assessing the impacts of human activity on Bald Eagles, the nesting period can be broken into four segments, as detailed in the following table. The "wintering" season for Bald Eagles varies by latitude, but can generally be considered to be October 15th through March 15th (a period which includes spring and fall migration).

Nesting Period Segment	Dates for	
	Northern Minnesota*	Southern Minnesota*
Critical - Eagles are involved with courtship, egg-laying, and incubation.	March 15th - May 15th	Feb. 10th - May 1st
Moderately critical - Eagles are becoming physiologically conditioned for breeding (February/March), or newly hatched chicks require frequent brooding and feeding (May/June).	Feb. 15th - March 15th *and* May 15th - June 15th	Jan. 10th - Feb. 10th *and* May 1st - June 1st
Less critical - Eagle chicks are one month old to 1 week post-fledging.	June 15th - Aug. 15th	June 1st - July 31st
Non-critical - Most eagles are not regularly present at the nest site.	Aug. 15th - Feb. 15th	July 31st - Jan. 10th

*The state is arbitrarily divided into north and south by State Highway 210.

IMPACTS / THREATS / CAUSES OF DECLINE

- habitat loss
- human disturbance
- farm runoff and industrial pollution
- leg-hold traps
- management activities such as timber harvest and burning
- power lines and transmission structures (collisions, electrocutions)
- roads and bridges (vehicle collisions)
- lead poisoning (e.g. by lead shot ingested by eagles during feeding)
- shooting (in violation of state and federal law)
- contaminants and poisons (particularly organochlorine, organophosphorus, mercury and other heavy metals)

PROTECTION

Bald Eagles are protected under the Migratory Bird Treaty Act, and under the Bald and Golden Eagle Protection Act of 1940 and the Endangered Species Act of 1973, as amended, which prohibit the possession or taking of Bald Eagles, or their nests, eggs, or young. "Taking" is defined by the Endangered Species Act as to harass (i.e., create the likelihood of injury), harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Prohibited activities include, for example, cutting down nest trees (at any time of the year), and intense human activity that is demonstrated to have caused adult eagles to abandon eggs or young in the nest. Possession permits may be issued by the U.S. Fish & Wildlife Service for Indian religious purposes, or for scientific or exhibition purposes of public museums, public scientific societies, or public zoological parks.

In addition, the National and Minnesota Environmental Protection Acts prevent certain actions which would cause significant adverse impacts to the environment (including destruction of habitat for listed species) if there is a reasonable alternative to the proposed action.

If you are uncertain whether a proposed action may take Bald Eagles or their nests, or if you for any reason cannot follow the recommendations below, contact USFWS Ecological Services at (612) 725-3548.

RECOMMENDATIONS FOR AVOIDING AND MINIMIZING IMPACTS

These recommendations will be useful in avoiding or minimizing effects that may be caused by federal or non-federal actions, but ***all federal actions that may affect bald eagles must also complete consultation with U.S. Fish and Wildlife Service*** *under section 7 of the Endangered Species Act. A federal action is any action that a federal agency funds, authorizes, or carries out. Contact the U.S. Fish and Wildlife Service at (612) 725-3548 for further information regarding section 7 consultation.*

WINTERING AREAS[2]

Bald Eagle wintering area habitat contains three main components: foraging (feeding) areas, daytime perching areas, and night roosts. Within these areas, eagles need to be protected from human disturbance, physical alterations of their habitat, environmental contaminants, and loss of food resources.

Foraging and Daytime Perching Areas: In Minnesota, winter foraging areas where Bald Eagles congregate are located primarily along major rivers. Daytime perches tend to be near these foraging areas. While eagles are present, buffer zones (areas within which there is no human activity) of at least 1/4 mile (400m) should be maintained around foraging areas where possible. Where this is impractical, human use should be avoided between sunrise and 10am, when Bald Eagle feeding activity is greatest. Buffer zones around daytime perches should be 1/8 to 1/4 mile (250m-400m). At foraging areas along rivers, trees within 100 ft. of the shore seem to be preferred as perches. Therefore, no trees greater than 12 in. diameter should be removed within 100 ft. (33m) of river banks or other foraging areas. Activities which have the potential to kill trees (such as livestock grazing and dumping of dredge spoil) should be avoided within foraging and perching areas. New road and bridge construction should be at least 2 mile from major foraging areas.

Night Roosts: Bald Eagles are more sensitive to disturbance at night roosts than at foraging and daytime perching areas. No logging, development, or road building should occur at any time in critical roosts. Critical roosts are defined as those used more than 14 nights per season by eagles from local breeding territories *or* more than 14 nights per season by more than 15 eagles *or* roosts which have been documented as active for 5 years or longer. A buffer zone of at least 1/4 mile (400m) should be maintained around night roosts, within which both low and high impact activities, including recreation, are restricted while the roost is in use. New road or bridge construction should be at least 1/5 mile from critical roosts.

NESTING AREAS

Studies show that Bald Eagles are vulnerable to human intrusion. The vulnerability varies with the type of disturbance and the particular eagle, as some individuals have become accustomed to human activity near their nests. However, because some eagles are easily disturbed, human contact with Bald Eagles should be avoided whenever possible, particularly during the critical segment of the nesting period. The following table, adapted from the Minnesota Department of Natural Resources (DNR) Management Guidelines for Bald Eagle Breeding Areas, and the Northern States Bald Eagle Recovery Plan, summarizes recommendations for protecting individual occupied and active nest sites.

If a nest is not occupied during the year in which the activity will occur, the recommendations for the Non-critical Nesting Period Segment may be used year-round. If a nest is abandoned (unused for more than 5 years and not being maintained by eagles), activities are only restricted within the Primary Zone. Whether a nest is occupied, unoccupied, or abandoned must be determined in consultation with a DNR Nongame Specialist (see contact numbers below the table) and the U.S. Fish and Wildlife Service (612-725-3548). Because eagles often rebuild nests that have been blown out of trees, in this situation activities are restricted within the Primary Zone for 3 years after the event. If the nest is not rebuilt, zone restrictions are removed.

Activity	Nesting Period Segment			
	Critical	Moderately	Less Critical	Non-critical
Primary Zone: (within 330 feet of the nest)				
Landscape Alteration[a]	avoid	avoid	avoid	avoid[b]
Construction (structures, trails, etc.)[c]	avoid	avoid	avoid	avoid[b]
Burning[d]	avoid	avoid	avoid	restrict/minimize[b]
Minor Forest Maintenance[e]	avoid	avoid	avoid	restrict/minimize[b]
Motorized Access	avoid[f]	avoid[f]	restrict/minimize[b]	restrict/minimize[b]
Human Entry	avoid[f]	avoid[f]	restrict/minimize[b]	restrict/minimize[b]
Low Flying Aircraft	avoid	avoid	no restrictions	no restrictions
Secondary Zone: (330 to 660 feet from the nest)				
Landscape Alteration[a]	avoid	avoid	avoid	restrict/minimize[b]
Construction (structures, trails, etc.)	avoid	avoid	restrict/minimize[b]	restrict/minimize[b]
Burning[d]	avoid	avoid	avoid	restrict/minimize[b]
Minor Forest Maintenance	avoid	avoid	no restrictions[f]	no restrictions[g]
Motorized Access	avoid[f]	restrict/minimize[b]	restrict/minimize[b]	no restrictions[g]
Human Entry	avoid[f]	restrict/minimize[b]	restrict/minimize[b]	no restrictions
Low Flying Aircraft	avoid	restrict/minimize[b]	no restrictions	no restrictions
Tertiary Zone: (660 feet to 1/4 mile from the nest - May extend up to 2 mile from the nest, if topography or vegetation permit a direct line of sight to the disturbance area.)				
Landscape Alteration[a]	avoid	avoid	avoid	no restrictions[g]
Burning[d]	avoid	avoid	avoid	restrict/minimize[b]
Other Activities (as listed above)	avoid[f]	no restrictions[g]	no restrictions[g]	no restrictions[g]

[a] Landscape alteration includes activities such as clear cutting or land clearing, which result in significant changes in the landscape.

[b] Restrictions should be decided on a case by case basis, based on type, extent, and duration of proposed activity, and sensitivity of individual eagle pairs. For assistance, contact your nearest DNR Nongame Specialist: Bemidji (218-755-2976); Grand Rapids (218-327-4267); Brainerd (218-828-2228); New Ulm (507-359-6033); Rochester (507-280-5070); St. Paul (651-297-2277).

[c] For construction involving land clearing, see also recommendations for the "Landscape Alteration" activity.

[d] *If burning can not be done within the non-critical nesting period segment, please contact your nearest DNR Nongame Specialist* (see contact numbers above).

[e] Such as thinning of tree stands, pruning, and other like maintenance.

[f] Some eagles have become habituated to human activity and can be tolerant of these activities, particularly if they were occurring regularly at the time the eagles began nesting. In these cases, complete avoidance of the activity may not be necessary. If you believe this is the case in your particular situation, contact your nearest Nongame Specialist (see contact numbers above).

[g] However, the habitat should not be altered in ways that would make it unsuitable for future nesting.

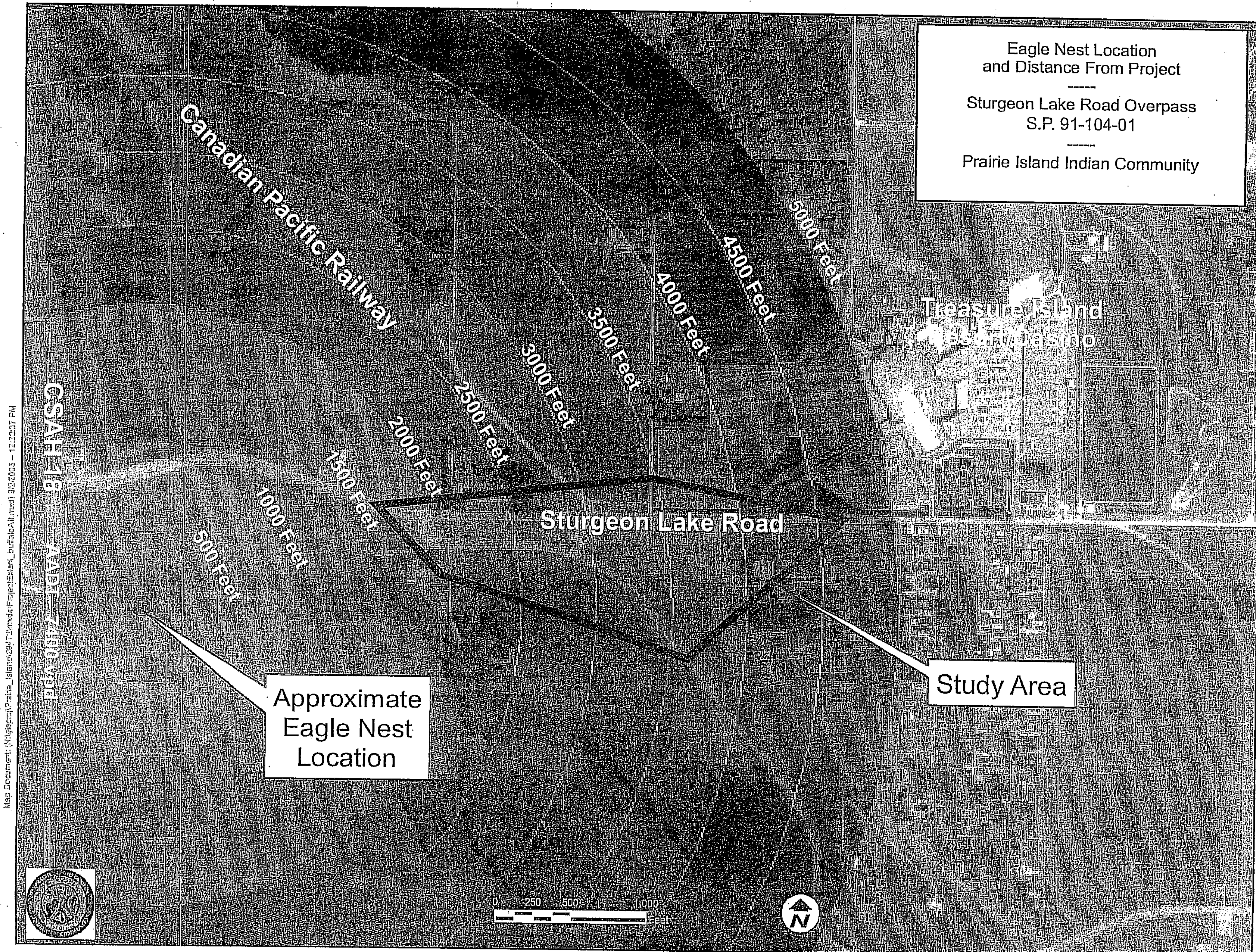
REFERENCES

[1]Association for Biodiversity Information. "Heritage Status: Global, National, and Subnational Conservation Status Ranks." NatureServe. Version 1.3 (9 April 2001). http://www.natureserve.org/ranking.htm (15 April 2001).

Coffin, B., and L. Pfannmuller. 1988. Minnesota's Endangered Flora and Fauna. University of Minnesota Press, Minneapolis, 473 pp.

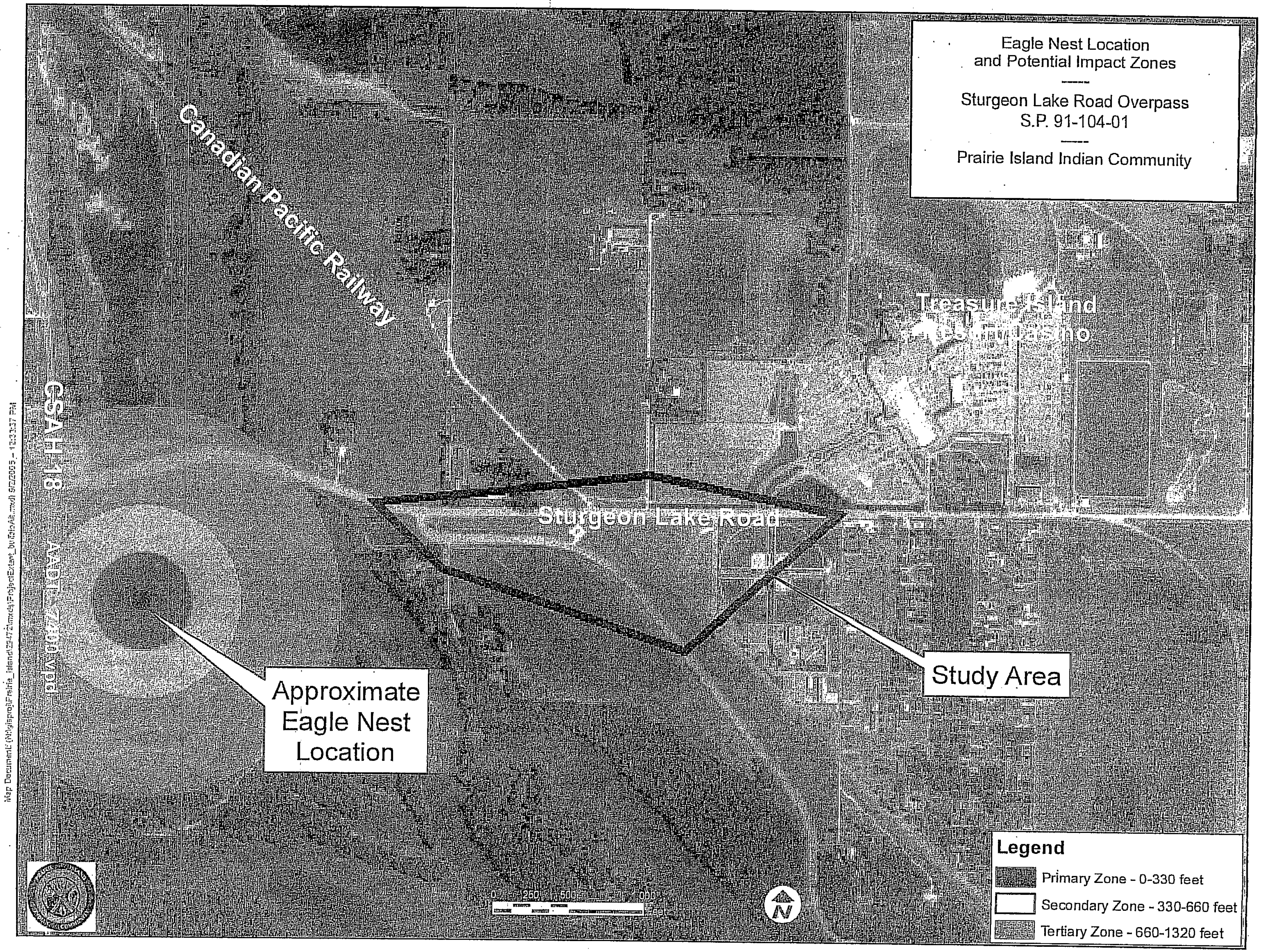
Grier, J. W., J. B. Elder, F. J. Gramlich, N. F. Green, J. V. Kussman, J. E. Mathisen, and J. P. Mattsson. 1983. Northern States Bald Eagle Recovery Plan. U. S. Fish and Wildlife Service. 76 pages +appendices.

[2]Martell, M. 1992. Bald Eagle Winter Management Guidelines. Unpublished brochure, The Raptor Center, University of Minnesota, St. Paul, unpaged. August.


Eagle Nest Location
and Distance From Project

Sturgeon Lake Road Overpass
S.P. 91-104-01

Prairie Island Indian Community
Canadian Pacific Railway
Treasure Island
5000 Feet
4500 Feet
4000 Feet
3500 Feet
3000 Feet
2500 Feet
2000 Feet
1500 Feet
1000 Feet
500 Feet
Sturgeon Lake Road
Study Area
Approximate
Eagle Nest
Location
CSAH 18
AADT 7400 vpd
0 250 500 1,000
Feet
N


Eagle Nest Location
and Potential Impact Zones
Sturgeon Lake Road Overpass
S.P. 91-104-01
Prairie Island Indian Community
Canadian Pacific Railway
CSAH 18
AADT - 7400 vpd
Sturgeon Lake Road
Approximate Eagle Nest Location
Study Area
Legend
Primary Zone - 0-330 feet
Secondary Zone - 330-660 feet
Tertiary Zone - 660-1320 feet
0 250 500 1,000
Feet

Minnesota Department of Transportation

Office of Environmental Services
395 John Ireland Boulevard, MS 620
St. Paul, MN 55155-1899

Fax: 651/ 284-3754
Phone: 651/ 284-3750

October 14, 2005

Mr. Gary Wege
USFWS St. Paul Field Office
4101 E 80th St
Bloomington, MN 55425

RE: Request for concurrence, State Project No.: SP 91-104-01
Federal Project No.: PLHD 2404 (160)
Proposed Sturgeon Lake Road Overpass, Prairie Island Indian Community
Bald Eagle Nesting Site
Goodhue County

Dear Mr. Wege:

We have reviewed the effects the above referenced project will have upon Federal Threatened and Endangered (T&E) Species. According to the County Distribution of Minnesota's Federally-Listed Threatened, Endangered, Proposed and Candidate Species list maintained by the U.S. Fish and Wildlife Service (USFWS), Goodhue County is within the distribution range of the bald eagle (*Haliaeetus leucocephalus*), the dwarf trout lily (*Erythronium propullans*), the Higgins eye pearlymussel (*Lampsilis higginsii*), and the prairie bush-clover (*Lespedeza leptostachya*). All are federal T&E Species.

If a Federal agency authorizes, funds, or carries out a proposed action, the responsible Federal agency, or its delegated agent, is required to evaluate whether the proposed action "may affect" listed species. If it is determined that the action "may affect" a listed species, then the responsible Federal agency shall request Section 7 consultation with the USFWS. If the consultation shows "no effect" on the listed species, further consultation is not necessary.

According to the information provided by the Natural Heritage Database (updated 7-13-05) maintained by the Minnesota Department of Natural Resources, there are no known occurrences of three of the four Federal T&E Species or their critical habitat within the immediate project area. The bald eagle has an established nesting site within one mile of the proposed project.

During our preliminary coordination with your office, and the Prairie Island Indian Community (PIIC), concern was expressed regarding the potential for impacts to the nesting success of the bald eagle pair using the nest. The primary concern is that the noise and activity associated with the construction of an overpass on Sturgeon Lake Road at the Canadian Pacific Rail line could cause a failed nesting event.

To address this concern, the PIIC has evaluated potential construction activities and reviewed the Minnesota Department of Natural Resources Bald Eagle Environmental Review Fact Sheet. The PIIC has examined the proposed project location in relation to the eagle nest. The western end of the proposed project is approximately 1600 feet from the eagle nest, the likely bridge site over the Canadian Pacific Rail line is approximately 3200 feet from the nest, and the eastern end of the project is roughly 4700 feet from the nest. Therefore, the entire project is outside the tertiary zone of 660 to 1320 feet expressed in the fact sheet. However, the roadway network that provides access to the project area does encroach upon the secondary and tertiary zones. Therefore, the PIIC is proposing the following construction scheduling restrictions for consideration and concurrence by USFWS:

- Critical Period (2/10 to 5/1) – No hauling of fill or other construction materials to or from the project site; work at the project site limited to relatively quiet activities such as site preparation.
- Moderately Critical Period (1/10 to 2/10 and 5/1 to 6/1) – No hauling of fill or other construction materials on CSAH 18 south of Sturgeon Lake Road; no pile driving at the construction site. Grading activities allowed provided that fill is trucked in via CSAH 18 southbound to Sturgeon Lake Road, then east to the project site.
- Less Critical Period (6/1 to 7/31) – Same as Moderately Critical Period
- Non-Critical Period (7/31 to 1/10) – No restriction on hauling; only period when pile driving is allowed.

Filling and grading activities need to begin in May so that the bridge embankments can be constructed in one construction season.

Due to the nature, location, and timing of the proposed project, and the absence of the dwarf trout lily, the Higgins eye pearlymussel, and the prairie bush-clover in the project area, we have determined there will be no effect of this project on the dwarf trout lily, the Higgins eye pearlymussel, and the prairie bush-clover, all are Federal T&E Species. Based on discussions with the PIIC Tribal Engineer and coordination with your office, we request your concurrence that the proposed project "may effect, but is not likely to adversely effect" the bald eagles nesting on Sturgeon Lake if the proposed restrictions listed above are followed. If new information becomes available we will re-initiate Section 7 consultation with your office.

This review was completed for Federally Listed T&E Species only. For information on State Listed T&E Species, contact the Natural Heritage and Nongame Research Program of the Minnesota Department of Natural Resources.

Sincerely,

Greg P. Busacker, Ph.D.
Natural Resource Specialist

cc: Gerry Larson Jason Alcott Rick Elberts, PIIC
Scott Reed - HDR

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Twin Cities Field Office
4101 East 80th Street
Bloomington, Minnesota 55425-1665

NOV 2 2005

Mr. Greg. P. Busacker, Ph.D.
Natural Resource Specialist
Minnesota Department of Transportation
Office of Environmental Services
395 John Ireland Boulevard, MS 620
St. Paul, Minnesota 55155-1899

RE: State Project No. SP 91-104-01
Federal Project No.: PLHD 2404 (160)
Proposed Sturgeon Lake Road Overpass, Prairie Island Indian Community
Bald Eagle Nesting Site
Goodhue County, Minnesota

Dear Mr. Busacker:

This concerns your October 14, 2005, letter requesting U.S. Fish and Wildlife Service comments on potential impacts to federally endangered or threatened species from the proposed construction of the Sturgeon Lake Road Overpass on the Prairie Island Indian Community in Goodhue County, Minnesota.

You have determined that the proposed project will not affect the endangered Higgins eye pearlymussel (*Lampsilis higginsii*), endangered dwarf trout lily (*Erythronium propullans*), and threatened prairie bush clover (*Lespedeza leptostachya*) as these species do not occur in the project area.

We concur with your determination that the proposed project may effect but is not likely to adversely affect the threatened bald eagle (*Haliaeetus leucocephalus*). An eagle nest is located in the vicinity of the proposed project and has been active for several years. As indicated in your letter, the Prairie Island Indian Community has proposed the following construction scheduling restrictions to avoid adverse impacts to nesting eagles if the nest is active again next year:

1. Critical Period (2/10 to 5/1) – No hauling of fill or other construction materials to or from the project site; work at the project site limited to relatively quiet activities such as site preparation.

2. Moderately Critical Period (1/10 to 2/10 and 5/1 to 6/1) – No hauling of fill or other construction materials on CSAH 18 south of Sturgeon Lake Road; no pile

driving at the construction site. Grading activities allowed provided that fill is trucked in via CSAH 18 southbound to Sturgeon Lake Road, then east to the project site.

3. Less Critical Period (6/1 to 7/31) – Same level of activity as described for Moderately Critical Period.

4. Non-Critical Period (7/31 to 1/10) – No restriction on hauling; only period when pile driving is allowed.

We concur with these avoidance measures and request they be required and enforced during project implementation. This precludes the need for further action on this project as required under section 7 of the Endangered Species Act of 1973, as amended. However, if the project is modified or new information becomes available which indicates that listed species may occur in the affected area, consultation with this office should be reinitiated.

We appreciate the opportunity to comment and look forward to working with you and the Prairie Island Indian Community in the future. If you have questions regarding our comments, please call Mr. Gary Wege of my staff at (612) 725-3548, extension 207.

Sincerely,

Dan P. Stinnett

Dan P. Stinnett
Field Supervisor

DATE: August 10, 2005

TO: Joe Hudak, Chief Archaeologist
Mn/DOT Office of Environmental Services
395 John Ireland Boulevard, MS 620
St. Paul, MN 55155

FROM: Scott Reed, Senior Environmental Scientist
HDR Engineering, Inc. – Consultant to the Prairie Island Indian Community

SUBJECT: Request for Archaeological/Historical Review to Meet State and Federal Requirements

District No.: 6 County: Goodhue

S.P. No.: 91-104-01 S.A.P. No.: None

Highway Type: ( ) TH ( ) CSAH ( ) CR ( ) Twp. Rd.
or ( ) Trail – None - MSAS Highway No.: MSAS # 104

Does project have FHWA funds? ( ) No (X) Yes

Does project require a federal permit? (e.g., Corps of Engineers 404 permit)
( ) No (X) Yes → Permitting agency: Uncertain at this time – potential for USACE Section 404 permit, also approval from BIA for conversion of tribal trust lands

Project letting date: Not Determined – Tentative Letting in Fall 2006

Bridge no. and feature crossed (e.g., railroad, river, stream) (if applicable): **Bridge # not determined; new bridge planned for the crossing of the Canadian Pacific Railway line**

Document being prepared: ( ) PM ( ) EIS (X) EA (X) EAW

Project is in: ( ) scoping stage (X) pre-design stage

Plan drawings are: ( ) available (X) not yet available

Is project within an Indian reservation? ( ) No (X) Yes → Reservation name: Prairie Island Indian Community

Brief project description. (Please include an explanation of how proposed improvements will change existing conditions, such as horizontal and vertical alignments, the current vs. proposed ROW, traffic lane width, or ditch profiles, etc. For bridge work please indicate whether project will include filling and/or cutting):

The proposed project consists of the construction of a grade-separated rail crossing at the current at-grade intersection of Sturgeon Lake Road and the Canadian Pacific Rail Line. This project is in the early stages of preliminary design; conceptual horizontal and vertical alignments and construction limits have not been developed. Filling will be required, and some excavation for utilities and potentially for soil correction may be necessary. The attached project location figures depict the area in which alternative rail crossings will be considered.

Are any borrow or disposal areas associated with this project?
Borrow: ( ) No ( ) Yes **Unknown at this time** Disposal: ( ) No ( ) Yes **Unknown at this time**
( ) new area ( ) within limits of existing area ( ) expanded portion of existing area

Current land use (e.g., cultivated field; pasture; mixture of fallow field and woodland, etc.):

The current land use in the project area includes a mix of fallow field, roadway/railway, and rural residential property.

Legal location:

Township	Range	Section(s)
114N	15W	South Half of 31
113N	15W	North Half of 6

Please include the following with your request for review:

- An 8½" x 11" or 11" x 17" photocopy from a USGS 7.5-minute topographic map showing project location (please include name of map quadrangle)
- If a paper copy of USGS map is not available, this information is available in electronic format on the MnDNR's web site at http://maps.dnr.state.mn.us/tomo (please include name of map quadrangle)
- Project plan showing construction limits, roadway widening or addition of turn lanes, existing ROW, proposed ROW, realignment, temporary easement or construction bypass (if detailed plans are not yet available, please be sure to include this information in the brief project description section above)
- If **borrow or disposal areas** are part of the project, indicate legal location of the area or areas to be used (Twp., Range, Section[s])

Contact person for any additional information concerning the project:

Name Scott Reed, P.G. (Consultant) Phone No. 763-278-5911

Name Rick Elberts, P.E. (PIIC Tribal Engineer) Phone No. 651-267-4084

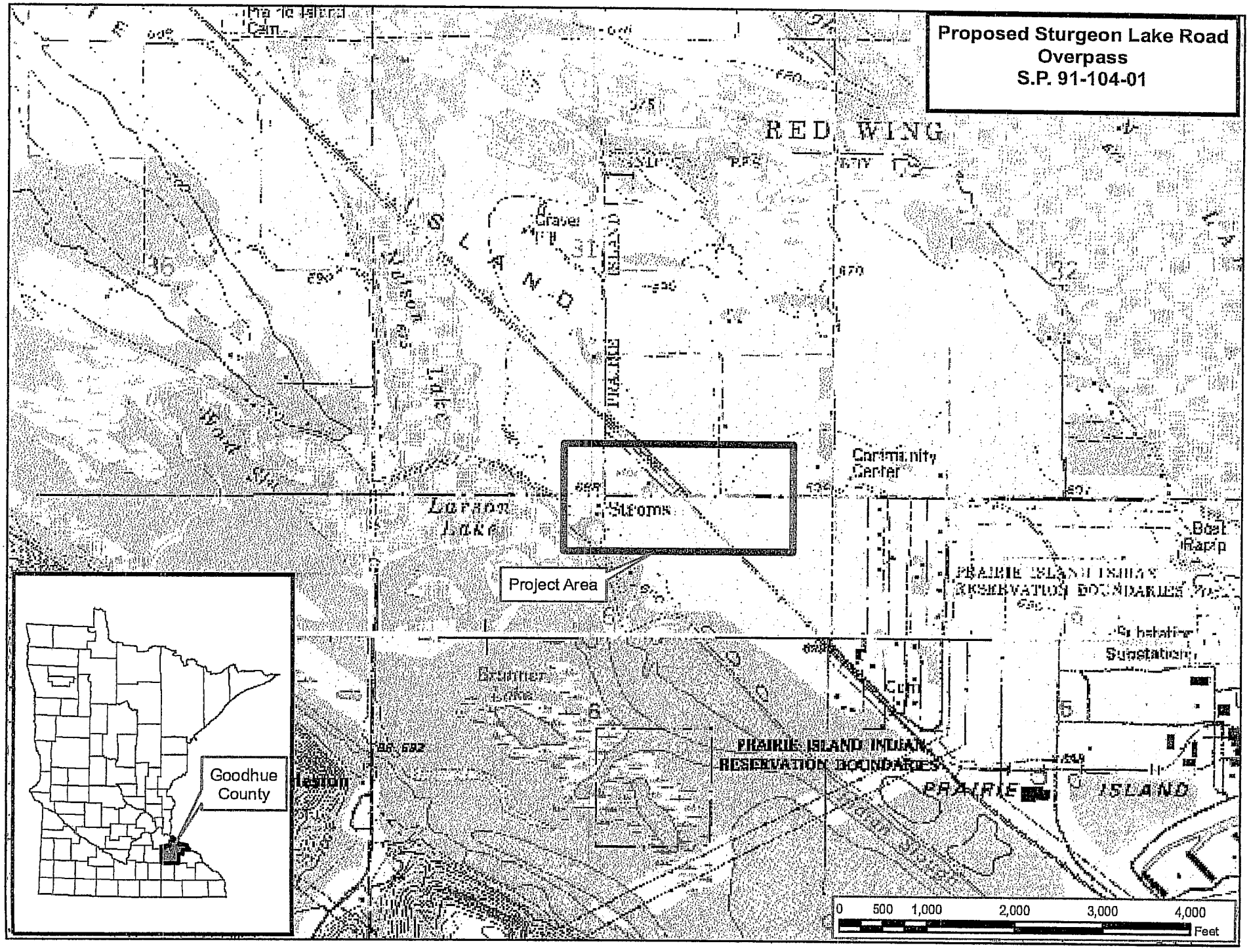
Additional comments or information:

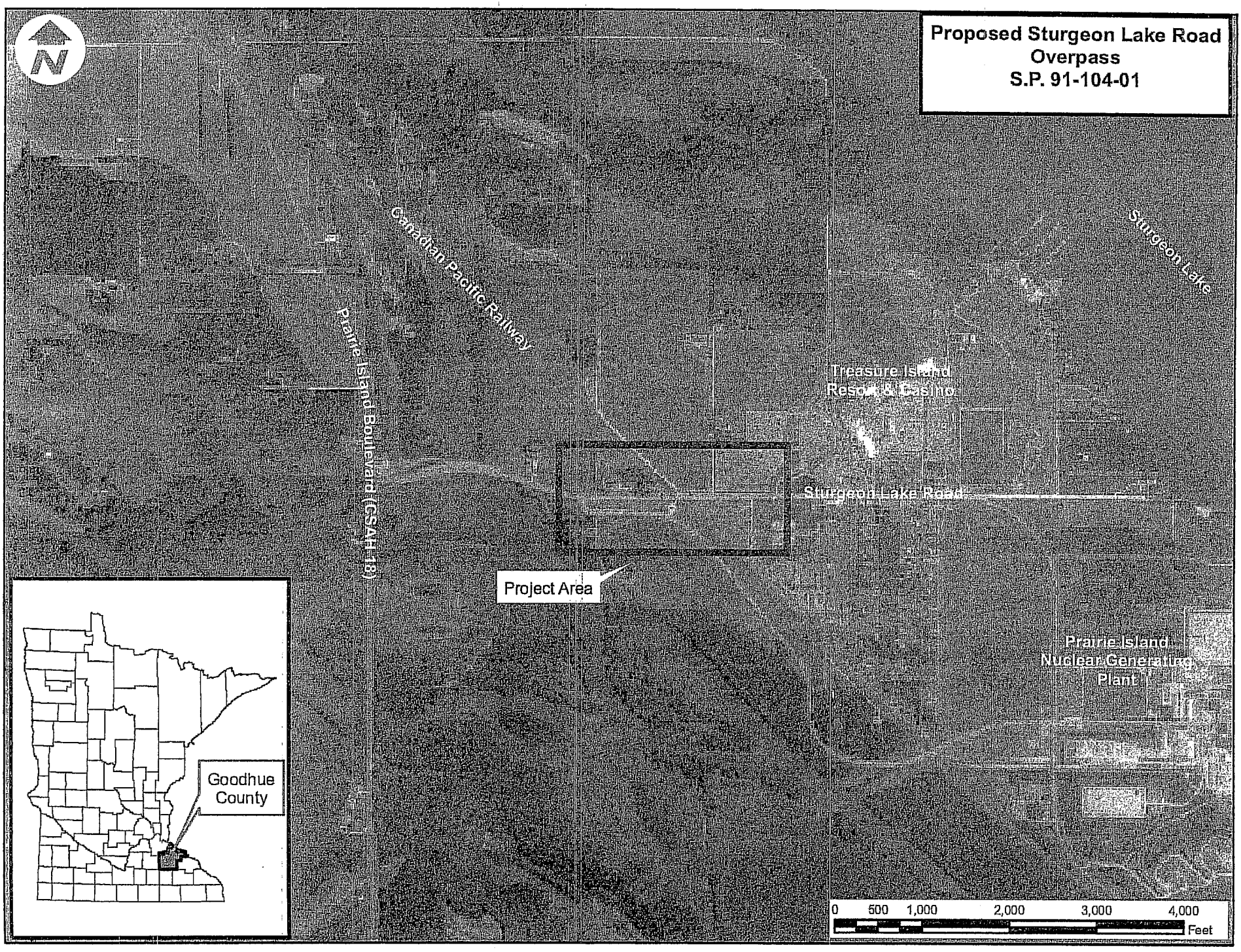
E-mail for Scott Reed – scott.reed@hdrinc.com

E-mail for Rick Elberts – relberts@piic.org

USGS 7.5 Minute Quadrangle Maps - The project is located near the south edge of the Diamond Bluff West quadrangle; the Welch quadrangle is located immediately to the south.

Note: Cultural resource work was conducted in the project area in 1995. A report titled "Report on Cultural Resource Reconnaissance Surveys Conducted Along CSAH 18 and Sturgeon Lake Road, Goodhue County, Minnesota" was prepared by Archaeological Research Services in December 1995. SHPO Numbers 95-1812 (CSAH 18) and 95-1280 (Sturgeon Lake Road) are associated with this survey work, as is Minnesota Archaeological Research License 95-036. Please contact Scott Reed if you would like a copy of the report.


Proposed Sturgeon Lake Road
Overpass
S.P. 91-104-01
RED WING
PRAIRIE ISLAND
Gravel
Community
Center
Project Area
Goodhue
County
PRAIRIE ISLAND INDIAN
RESERVATION BOUNDARIES
0 500 1,000 2,000 3,000 4,000
Feet


Proposed Sturgeon Lake Road
Overpass
S.P. 91-104-01
N
Canadian Pacific Railway
Prairie Island Boulevard (CSAH 18)
Sturgeon Lake
Treasure Island
Resort & Casino
Sturgeon Lake Road
Project Area
Prairie Island
Nuclear Generating
Plant
Goodhue
County
0
500
1,000
2,000
3,000
4,000
Feet

October 12, 2005

Ms. Lynnette Roshell
State Aid for Local Transportation
Minnesota Department of Transportation
395 John Ireland Boulevard – M.S. 500
Saint Paul, MN 55155

Mr. Kevin Kliethermes
Federal Highway Administration
Galtier Plaza
380 Jackson Street, Suite 500
St. Paul, MN 55101

RE: S.P. 91-104-01 – Proposed Sturgeon Lake Road Overpass
Prairie Island Indian Community
Request for Concurrence on 4(f) Eligibility Determination

Dear Ms. Roshell and Mr. Kliethermes:

As you are aware, the Prairie Island Indian Community (PIIC) is in the process of developing environmental documentation and preliminary engineering concepts for a Sturgeon Lake Road overpass of the Canadian Pacific Railway. As the concept development process has progressed, it has been determined that limited impacts to the PIIC Sports Complex are likely. The area of potential impact is depicted on the enclosed figure.

Since the sports complex is a recreational facility and since the overpass project is federally funded through FHWA, the issue of Section 4(f) applicability must be considered. PIIC and consultant staff have reviewed the facility characteristics, and are of the opinion that the facility is not a 4(f) resource for the following reasons:

- The facility is not publicly owned; the sports complex was developed by the PIIC as a business venture
- As a business venture, the facility is only available for softball tournaments where participating teams have paid a fee to use the facilities
- The facility is not available to the general public when softball tournaments are not occurring

5636 Sturgeon Lake Road • Welch, MN 55089
(651) 385-2554 • 800-554-5473 • Fax (651) 385-2980 • TTY 800-627-3529 Deaf or Hearing Impaired

While it is not a determining factor regarding the 4(f) eligibility of the sports complex, please note that the proposed road improvement alternatives will not actually impact the function of the ball fields. The proposed improvements will involve the acquisition of right of way up to the existing fence line of the two northern ball fields.

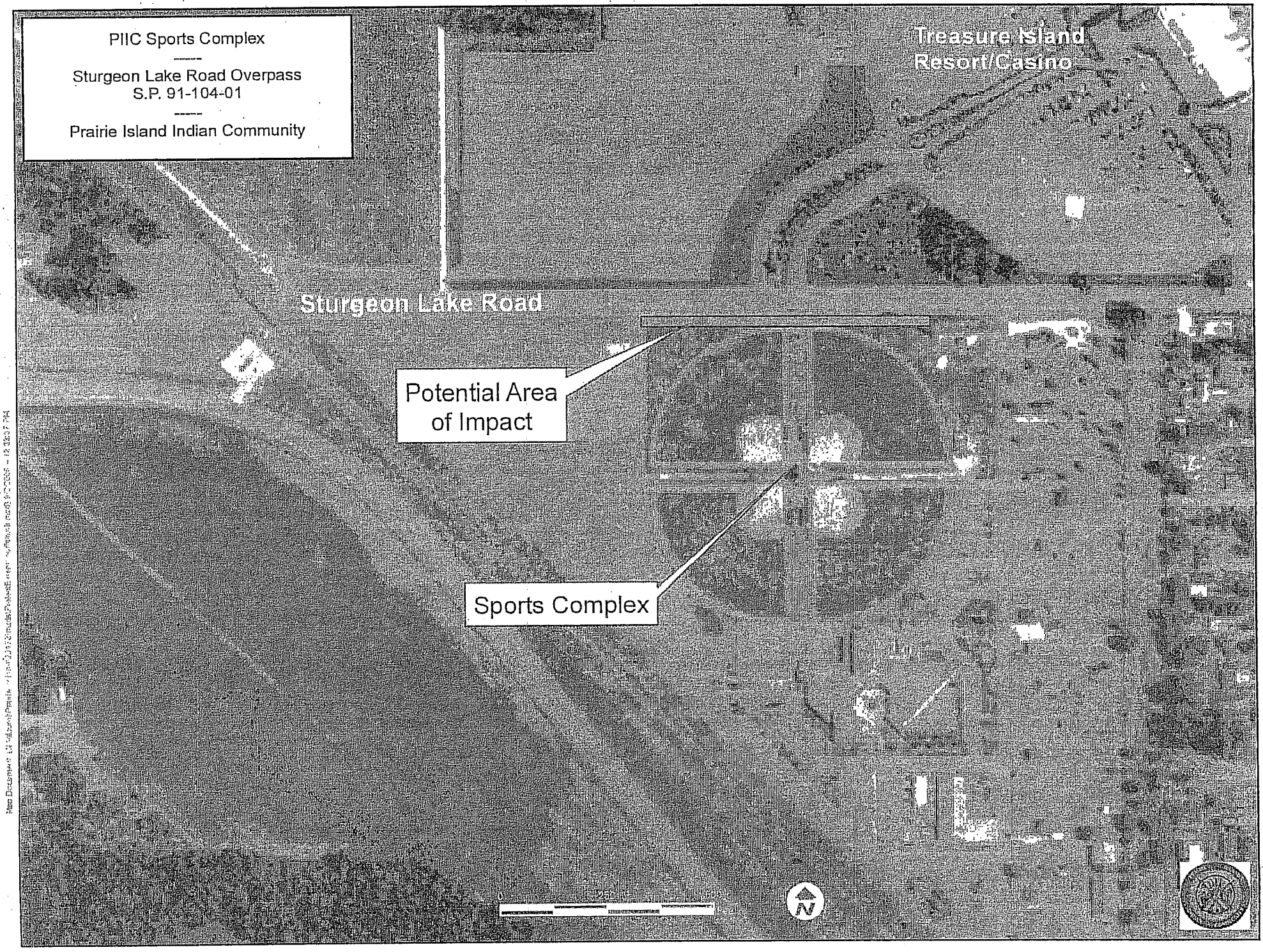
The PIIC requests the concurrence of MN/DOT and the FHWA regarding the Community's position that the sports complex is not eligible as a 4(f) resource.

Please contact Rick Elberts, Tribal Engineer at (651) 267-4084 if you have any questions regarding this letter, or wish to discuss this issue further.

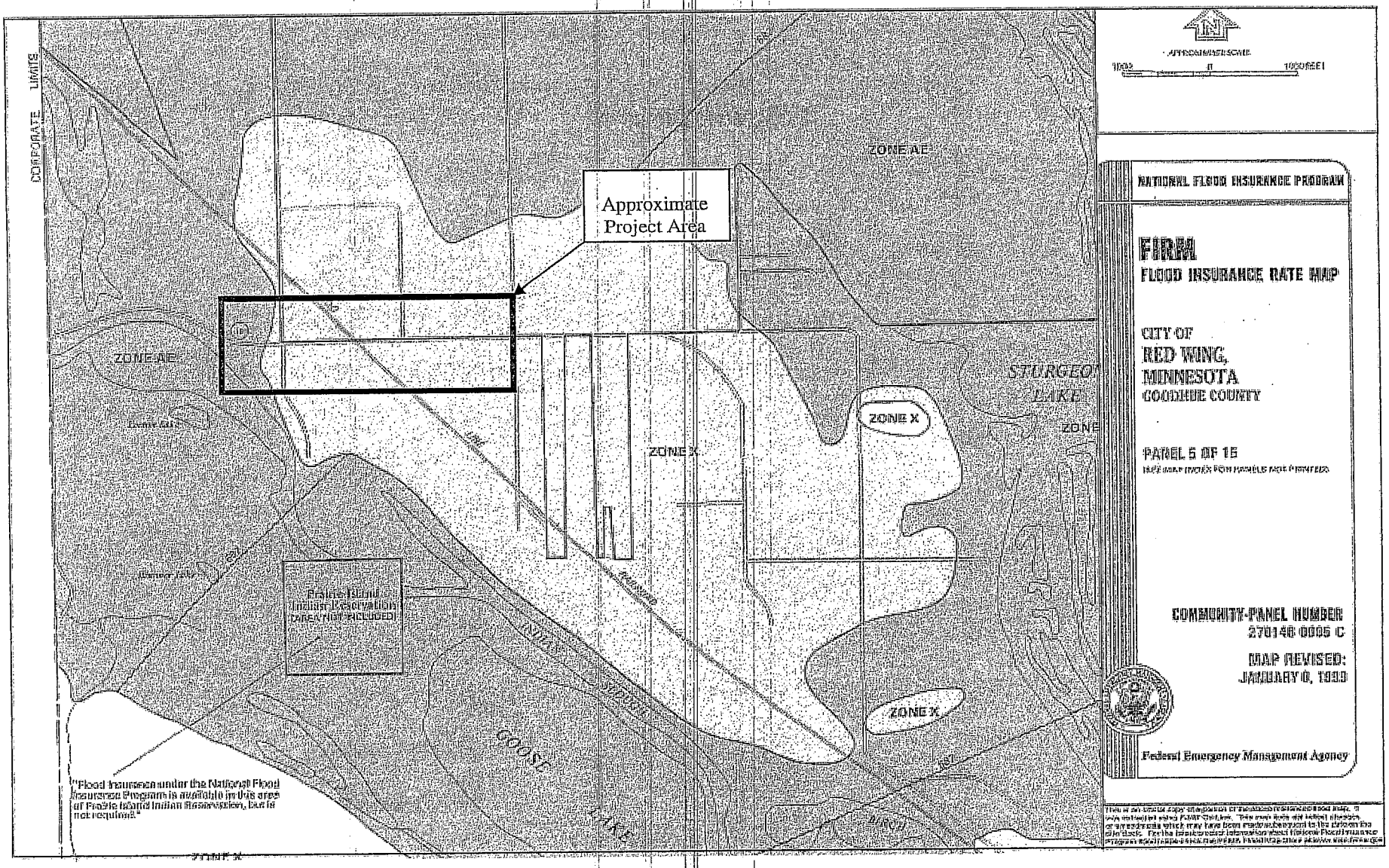
Sincerely,

Doreen Hagen
President

Enclosure (as stated)
cc: D. Brisk – HDR
S. Reed – HDR


PIIC Sports Complex
Sturgeon Lake Road Overpass
S.P. 91-104-01
Prairie Island Indian Community
Treasure Island
Resort/Casino
Sturgeon Lake Road
Potential Area
of Impact
Sports Complex
N

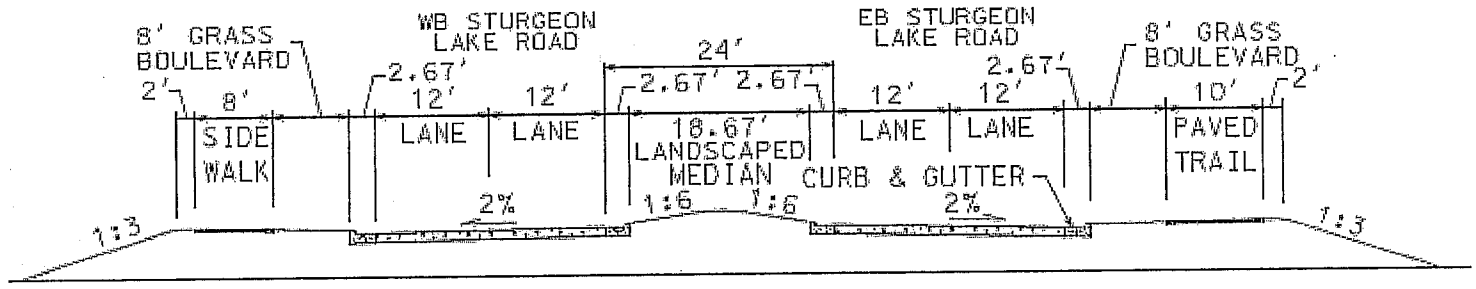
Appendix B – FEMA Flood Insurance Rate Map



S.P. 91-104-02 – Proposed Sturgeon Lake Road Overpass

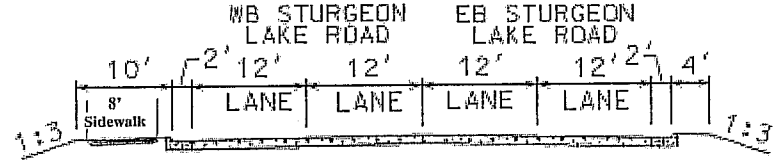
FEMA Flood Insurance Rate Map

Appendix C – Typical Roadway Sections



STURGEON LAKE ROAD – PROPOSED TYPICAL SECTION

(NOT TO SCALE) LOOKING EAST

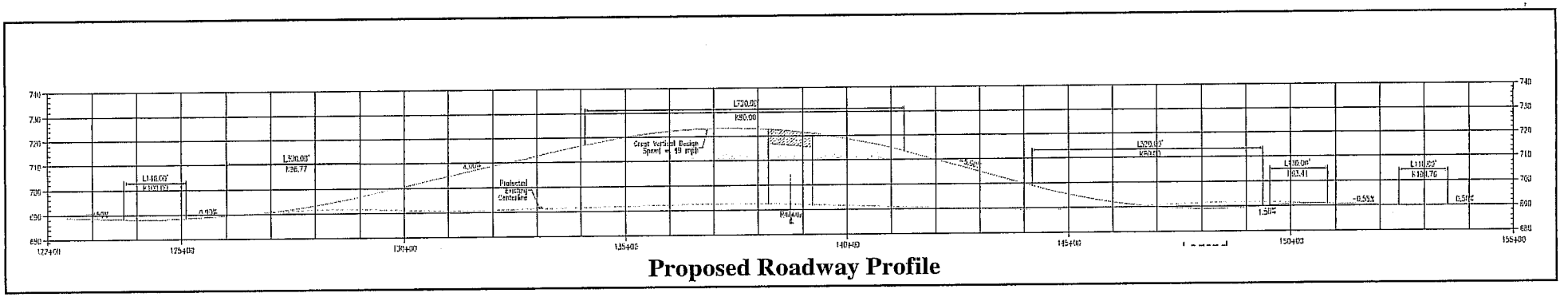


STURGEON LAKE ROAD – EXISTING TYPICAL SECTION

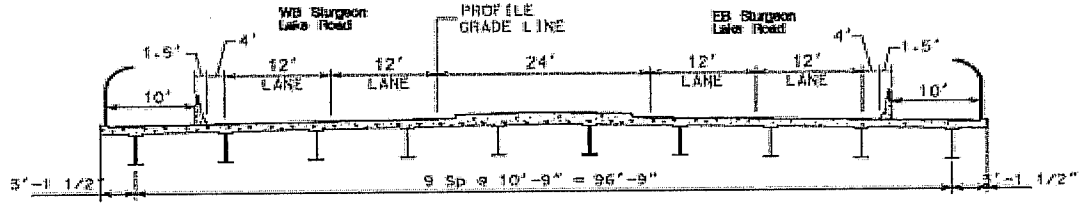
(NOT TO SCALE) LOOKING EAST

SP 91-104-02 – Proposed Sturgeon Lake Road Overpass

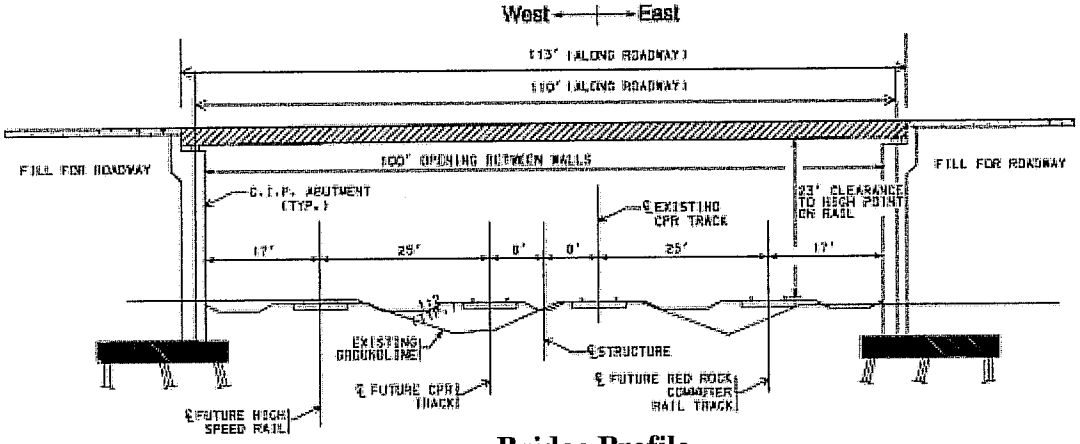
Existing and Proposed Typical Sections - Roadway



Proposed Roadway Profile



Bridge Cross Section



Bridge Profile

SP 91-104-02 – Proposed Sturgeon Lake Road Overpass
Profile and Bridge Sections

Appendix D – Letter Report – Archaeological Survey

November 10, 2005

Ms. Teresa Martin
Minnesota Department of Transportation
Office of Environmental Services
Cultural Resources Unit
395 John Ireland Boulevard
Mail Stop 620
St. Paul, MN 55155-1899

In regards to: Phase I Archaeological Survey and potential Phase II Archaeological Evaluation of the Proposed Sturgeon Lake Road Overpass, Goodhue County. Mn/DOT contract #88836; OSA license #05-044

Dear Ms. Martin:

During the month of October 2005, HDR Engineering, Inc. (HDR) conducted Phase I archaeological reconnaissance studies for the proposed grade separation of the Canadian Pacific Railway (CPR) and Sturgeon Lake Road. Sturgeon Lake Road provides the only improved access to the Prairie Island Indian Community (PIIC) and the Treasure Island Casino. The proposed project is located in the S ½ Section 31, Township 114 N, Range 15 W, and in the NE ¼ of Section 6, Township 113N, Range 15W in Goodhue County, Minnesota.

The survey work was done to satisfy the compliance requirements of Section 106 of the National Historic Preservation Act of 1966 (as amended) and its implementing regulations 36 CFR 800. The act requires federal agencies to consider the effects of federal undertakings on historic properties defined as eligible for listing on the National Register of Historic Places (NRHP). The Federal Highway Administration (FHWA) is the lead federal agency for this project. The project is using FHWA funds administered through the Minnesota Department of Transportation (Mn/DOT).

Information provided by Mn/DOT prior to the field study suggested that the area may have a high potential for buried archaeological resources due to the proximity of several burial mounds and precontact American Indian sites. The nearest site is roughly 600 feet south of the southern project area boundary.

On October 26 and 27, 2005, HDR archaeologists surveyed the project area for archaeological resources. The crew photographed and assessed the area for relative archaeological potential. It was clear from a visual inspection that most of the area on the eastern end of Sturgeon Lake Road has been developed to the extent that no intact soils are present. The area to the north consists of a convenience store and associated fuel pumps and parking lot, and is adjacent to a large overflow parking lot for Treasure Island Casino. The south side at this point has been developed into a ball park. Construction of several roadways and a railroad has also modified the natural landscape. Paralleling the roadways are buried utilities whose installation has also caused ground disturbance.

Toward the western end of the project area, there is a large open agricultural field. Part of the field had been previously planted in corn, which had been harvested by the time the field crew inspected the area. Surface visibility in the corn field was adequate for pedestrian survey. The remaining portion of field had been recently harvested of soybeans and visibility was adequate for surface survey. Pedestrian survey of the fields yielded two objects. One possible piece of lithic debitage was found on the western field edge, closest to the Vermillion River. A piece of weathered mammal bone was noted in the same field roughly 50 feet away. The bone was not collected, but a GPS point was taken with a hand-held Garmin unit.

Because of the proximity of the Vermillion River, the area held some potential for buried soil horizons. A local resident informed the field crew that much of the surrounding terrain floods on a regular basis during the spring. Preliminary assessment of the geomorphology of the area suggested that any stable, buried soil horizon would most likely not be more than 1 meter from the present ground surface. To research the possibility that buried soil horizons that may contain precontact archaeological materials exist at depth, a line consisting of twelve auger tests spaced at 30-meter intervals was dug through the bean and corn fields. The auger was able to sample soils to a depth of up to 3 meters, although most tests only sampled to about 110 cm. The auger tests measured roughly 8-9 inches (20-23 cm) in diameter, and all retrieved soils were passed through a ¼-inch mesh hardware cloth. One auger test produced an iron nail from around 240 centimeters below ground surface (cmbs). All other tests produced negative results and did not identify any buried topsoil horizon.

While conducting pedestrian survey, the HDR crew noted lithic debitage on the ground surface along the very edge of a plowed field with excellent visibility on the far north and west of the project area. No collecting was done, as the exact status of the area in relation to construction limits still needed to be assessed, along with obtaining property owner information. After discussing the area with the PIIC Tribal Engineer, this area was determined to be outside the construction limits and will not be affected by the project.

Sixteen shovel tests (15–m intervals) were dug in the triangular area of fallow land east of the railroad and south of Sturgeon Lake Road. Tests were dug to between 75 and 110 cmbs. Only recent historic material was retrieved in one of the tests. A neighboring landowner stopped out to

visit the field crew, and explained that the eastern end of this parcel used to have a small visitor center of some sort, with a gravel parking lot. At some point in the past the structure was taken down and the gravel was pushed into a pile before being hauled away. Remnant gravel/crushed rock is still abundant on the ground surface in this area. The structure does not appear on the 1949 aerial photograph of Prairie Island. It is possible that the structure was constructed after 1949 and razed before the most recent aerial photos were taken.

Recommendations

Two previously unreported archaeological sites were identified by the HDR crew. One lithic scatter is outside the area of direct effects and should not need additional consideration. The other site is within the construction boundaries, but is sparse and in a disturbed context and is recommended as not meeting eligibility requirements for the NRHP.

Respectfully,

HDR Engineering, Inc.

Michael A. Justin
Archaeologist/Cultural Resources Project Manager

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Minneapolis, MN 55416-1518
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