

## Attachment A: Responses to Comments

# Minnesota Valley State Trail, Bloomington Segment

## Environmental Assessment Worksheet

### Responses to Comments

#### A. Commenter – Bethani Glander

Comment A1: The Minnesota River Bottoms Trail is one of my favorite features of Bloomington. It feels like a secret cove where you can step out into the wild. I love how natural that area is. For me, pavement would really ruin that feeling and what makes this trail special.

Response A1: Comment noted.

Comment A2: As a person with mobility issues I appreciate the effort to make the trail ADA accessible. As is, some of the trail is currently inaccessible to me. However, we have many accessible trails in Bloomington. This is one of the most natural areas of Bloomington, and I would like to see it kept that way. While there are lots of great mitigation efforts in the plan, this area is frequently flooded and the wildlife would still experience short and long-term damage from construction, clearing, and increased recreational use. Clearing 19 acres is a lot for an already narrow corridor. As is, the damage and expense for this project does not seem worth it.

Response A2: The Department of Natural Resources (DNR) designs and constructs all trails compliant with the Americans with Disabilities Act (ADA). EAW Item 6 notes that in order to maintain ADA compatible grades, larger cut and fill sections as well as vegetation clearing would be required as the trail drops into the river valley at Bloomington Ferry Bridge and exits the river valley at the Minnesota Valley National Wildlife Refuge Visitor Center. Regarding flooding, DNR anticipates this would occur. The trail has been engineered and designed to account for, accommodate, and withstand flood inundation on a frequent, seasonal basis. Flood-related design features include armored trail shoulders, equalizing culverts, and strategic trail alignment.

Comment A3: A few minor repairs and bathroom facilities would really spruce up this trail and cause far less disruption to the native environment.

Response A3: Comment noted. While this is not currently part of the proposal, project design recommendations will be shared with the project proposer.

#### B. Commenter – Jeff Grady

Comment B1: I find it troubling and confusing that first of all, this project for some reason is still pushing forward. After multiple attempts, it has been dropped by the City of Bloomington, the Metropolitan Council and other organizations thanks to the massive effort by everyday citizens, dog walkers, trail runners, hikers and bikers who only want to preserve this wonderful piece of heaven we get to experience in our own backyards.

Response B1: The Bloomington City Council has affirmed its support for the project by passing a resolution of support in 2016 and approving a cooperative agreement allowing trail construction to move forward on city lands in November 2018. The trail as proposed is also consistent with relevant management plans and statutes (laws). The trail must be paved per Minnesota Statute 85.015, subpart 6(b). EAW Item 9 includes descriptions of applicable plans and compatibility with land uses and plans.

Comment B2: Actually, what troubles me the most after reading the EAW was that if approved, the DNR would be LEVELING, CLEARING AND DEFORESTING 13.5 miles of Bloomington's most precious natural habitat in a 50 - 80 foot wide strip. Nearly 500 Acres? Are you serious? More like DNR: Destruction of Natural Resources!

Response B2: As shown in the EAW figures, most of the project area would not be impacted. The project area is not the footprint of the proposed trail development. The trail surface itself consists of a 10 foot asphalt surface with 2-foot shoulders, totaling 14 feet. EAW Item 6b describes construction of the trail that may require 20-50 feet of clearing to allow passage of construction equipment. The majority of the cleared corridor would be 20 feet wide. The proposer estimates that this would lead to a total of approximately 10-12 acres of forest land converted to grassland or impervious surface over the entire 13.5 mile project. Tree clearing, which has less impact than grading and excavation, would be selective and the number and size of trees that would be removed has yet to be determined. Extensive efforts have been undertaken during the trail planning process and would be undertaken during construction to limit tree removal, particularly large, mature trees. As stated in EAW Item 6b: "Trail segments through woodlands will be aligned to avoid mature floodplain forest and quality wildlife habitat." Wetlands would also be avoided where possible, in accordance with Minnesota law. The 471 acres refers to the total project area described by the EAW, not the area of tree clearing or construction.

Comment B3: What is the estimate on how many trees are to be cut down? Is there a number? Deforestation at this level can and will have serious effects on CO2 propagation, rare and endangered animals habitats and flood control along the river! Why am I telling this the [sic] DNR? Do I really need to mention climate change to an organization who's job is to protect our natural resources? One acre of hardwood trees can off-set 18 American's carbon footprint of 2.3 tons of CO2 a year. Multiply that by the DNR's proposed area of deforestation: thats [sic] nearly 20,000 tons of CO2 a year!

Response B3: While the specific number of trees to be cut as part of construction has not yet been determined, trail segments through woodlands would be aligned to avoid mature floodplain forest and quality wildlife habitat, thus reducing the need for tree removal. Following project construction, vegetation would be managed to achieve habitat, safety, and recreational goals. Habitat improvement efforts could include additional tree plantings, which would mitigate project-related carbon releases.

Comment B4: What is also very troubling with this whole project is that the DNR is on both sides of the issue. One side of the DNR is proposing this massive deformation effort and working hard like they're excited to destroy miles and miles of untouched wildlife. At the same time the other side, the ecologists and biologists in the DNR are discouraging the whole thing, labeling the area as "an area with a high level of rare biodiversity." It's so strange, your biologists and ecologists are writing up reports to your lumberjacks saying don't do it!

Response B4: Multiple divisions and specific resource disciplines within DNR have been involved in the development and analysis of the project, and there has also been ongoing coordination with USFWS and

City of Bloomington staff. The proposer is working to avoid or minimize impacts to rare resources and will continue to consult with stakeholders and technical experts to ensure an appropriate balance of resource conservation and recreational opportunities in accordance with laws, rules and regulations.

Comment B5: Here is the mission statement of the Department of Natural Resources: "The mission of the Minnesota Department of Natural Resources (DNR) is to work with citizens to conserve and manage the state's natural resources." After reading the entire EAW the DNR wrote up, it seems to me like the only thing the DNR would be doing would be destroying and deforesting an unprecedented amount of one of Minnesota's most precious natural resources. "MN DNR: Destruction of Natural Resources?"

Response B5: Comment noted. As described in EAW Item 6, the development of the proposed trail would potentially result in the one-time removal of a number of trees (not yet determined) and understory vegetation, while keeping the canopy intact. Management and uses of the trail area have been varied and are the responsibility of multiple parties. This would not change as a result of the project.

Comment B6: I use the trail on a weekly basis. Nearly every day out on the trails I see multiple Bald Eagles, great blue herons, and lots of wildlife. As far as I see it, I would be more than [sic] happy to present a case against the MN DNR using the Federal Bald and Golden Eagle Protection Act of 1940 to protect the lives and habitat of the Bald Eagles that have lived along the MN River Bottoms for hundreds of years. The purpose of the Bald and Golden Eagle Protection act is to not agitate the bald and golden eagle to the extent of not 1.) Abusing an eagle, 2.) Interfering with its substantial lifestyle, including shelter, breeding, feeding, or 3.) Nest abandonment. Federal Law states that maximum fine is \$5,000 and one-year in prison. Who would be the one to go though? The truck-driver? The chain-saw operator? The DNR?

Response B6: Comment noted. EAW Item 13 acknowledges the presence of bald eagles and nests in the project area. The EAW acknowledges the bald eagle is listed as federally protected under the Migratory Bird Treaty Act and The Bald and Golden Eagle Protection Act. The EAW states, "Although trail development is planned in the vicinity of known active and alternate bald eagle nest trees, no removal of active or alternate bald eagle nest trees will occur as part of this project." The EAW further states, "Due to the presence of active and alternate nests near the proposed trail corridor, there would be specific consultation with the USFWS regarding this protected species. Measures to avoid disturbance at specific nest sites would be identified and implemented. Measures may include altering the timing of construction or maintaining landscape buffers."

Comment B7: Here's some specific wording from your EAW: "Federally protected species: Bald eagles (*Haliaeetus leucocephalus*) Although trail development is planned in the vicinity of known active and alternate bald eagle nest trees, no removal of active or alternate bald eagle nest trees will occur as part of this project."

Here is more wording from your EAW: "Next, the contractor will clear the trail construction limits which are anticipated to be between 20 and 50 feet wide depending on location. The majority of the cleared trail corridor will be 20 feet wide. In order to provide sufficient space for heavy equipment to turn around, 50 feet of clearing will be necessary at certain locations. It is anticipated that the contractor will use logging equipment to safely perform the clearing operation. Woody biomass will either be removed from the construction site or chipped and left on site. After removal of the trees, the contractor will install silt fence, filter logs and other perimeter erosion control measures. The process and timing of tree clearing will be planned to avoid impacts to state-protected species."

Response B7: Comment noted. The commenter is referring to text that describes generally the construction activities that would be undertaken. Based on consultation with the USFWS, construction plans would be modified so as to avoid or minimize potential impacts to bald eagles. Please also see previous response.

Comment B8: This is truly just a bad project. It's a waste of money, resources, time and effort from both sides. Leave the trail as it is! Use your resources for a project that is of value to our state and community!

Response B8: Comment noted. Design recommendations will be provided to the project team/proposer for their consideration.

Comment B9: I am a close friends with many Bloomington City Council Members and the Mayor Gene Winstead. I have a feeling they haven't read some of the details of the EAW yet. I will be sharing specific details of the DNR's deforestation efforts in Bloomington in the next few days.

Response B9: Comment noted. The City of Bloomington Council affirmed its support for the project by passing a resolution of support in 2016 and approving a cooperative agreement allowing trail construction to move forward on City lands in November of 2018. The trail as proposed is also compliant with all management plans and statutes covering the project area. Please see Item 9b of the EAW for more information and Response to Comment B1 above.

Comment B10: I apologize for the negativity in this email. It is not directed at you (the reader). It is directed towards the continued efforts of a very small group of people, led by Ann Lenchewski, a former political figure, turned paid lobbyist, who have made it their mission to destroy one of Minnesota's greatest natural resources. This trail is a little slice of Heaven that we have in Bloomington. We need to preserve and converse [sic] the few areas we still have that are not influenced by the industrializing tendencies of our human nature.

Response B10: Comment noted. The MN Valley State Trail-Bloomington Segment project proposes to construct a segment of the legislatively authorized Minnesota Valley State Trail that would be accessible by a variety of users. The trail is to provide opportunities for recreation, and through signage and interpretive programs, interpretation of the variety of natural and cultural resources in the Lower Minnesota River Valley. DNR is committed to maintaining a proper balance between resource protection and recreational use of recreation and conserved lands.

Comment B11: Plus if you've ever stepped foot down on those trails you'd know that everyday the trails look dramatically different. Flooding, erosion and tree-fall make this area totally unpredictable and ever-changing. Any trucks you drive down there would start to sink and the next day they'd be in the river! Just like those trucks, I respectfully hope to see this project sink in the mud! Thank you for your time reading this and hopefully is [sic] has made an impact.

Response B11: Comment noted. Please see other responses regarding flooding, efforts being made to limit tree removal and leave the tree canopy intact, the short construction window planned to avoid impacts to rare species, and plans to leave the natural trails in place where possible.

C. Commenter – Reid Johnson

Comment C1: The proposal for a 13.5 mile paved trail is, to put it lightly, a COMPLETE WASTE OF TAX PAYER DOLLARS and political buffoonery at its worst.

Response C1: Comment noted.

Comment C2: It takes no more than a 20 minute walk on the current trail - as a reminder, is unpaved, naturally-occurring, and is multi-purpose - to realize that annual flooding will make a paved trail a maintenance NIGHTMARE. Currently, as of 10/17/2018, the trail is flooded - meaning un-passeable [sic] - in no less than five different sections. I have been a regular user of the trail and this is not the first summer season where floodwaters have prevented me from using the trail on a regular basis. I present each of these anecdotes to hopefully provide additional reasoning for why a paved trail will continuously be unusable.

Response C2: It is known that the project area is prone to flooding and that the trail would at times be inundated and inaccessible to trail users. DNR (project proposer) manages a number of facilities in similar environments, including the paved, multiuse trails in Fort Snelling State Park and the Minnesota Valley State Trail in the vicinity of Shakopee and Chaska. Maintenance of these facilities poses a unique set of challenges to which the DNR (project proposer) has learned to adapt. For example, flooding often deposits sediment on the trail surface that must be cleared off after waters recede. Flood episodes that cause major damage to these facilities are rare. DNR anticipates flooding will occur. Design and engineering details have been considered given the trail's proposed location and setting.

Comment C3: All financial reports also indicate that the project has barely enough funds to pay for the total 13.5 miles, which of course leaves a significant shortfall in the funds needed to maintain the trail on a yearly basis, which WILL be required, as per the above. Do the right thing and WALK AWAY FROM THIS FOOLISH PROJECT.

Response C3: Responsibilities related to authorized permits or other regulatory requirements are the responsibility of the proposer regardless of funding situation. Funding for a project is not an environmental effect and thus it is outside the scope of the EAW. The MN Valley State Trail in Bloomington would be built in phases as funding is secured. Maintenance for state parks, state trails and other DNR managed recreational facilities is allocated by the state legislature and is a separate process from development funding.

D. Commenter – Lower Minnesota River Watershed District (LMRWD), Linda Loomis

Comment D1: The following District standards are triggered: Erosion and Sediment Control, Stormwater Management, and Floodplain and Drainage Alteration standards. The District's Steep Slope, Shoreline and Streambank and Water Crossing standards are also triggered because of natural steep slopes along the trail's alignment and the proposed crossing at Nine Mile Creek.

Response D1: Comment noted. LMRWD's comment has been provided to the project proposer. Finding 11 of the Record of Decision (ROD) identifies that compliance with these LMRWD standards is required.

Comment D2: The proposed project does not cross the District's High Value Resources Area (HVRA) Overlay District.

Response D2: Comment noted. LMRWD's comment has been provided to the project proposer.

Comment D3: The proposed project will disturb more than an acre of land. The EAW references the DNR's intent to obtain a National Pollutant Discharge Elimination System (NPDES) General Construction Stormwater (CSW) permit. Compliance with the CSW permit would satisfy the District's general erosion and sediment control requirements, as they are equivalent. Provide proof of compliance with the NPDES CSW permit.

Response D3: Comment noted. LMRWD's comment has been provided to the project proposer. The proposer intends to comply with LMRWD permitting requirements and will provide the "proof of compliance" with other permits as requested by the LMRWD.

Comment D4: Before completing the EAW, the DNR provided the project's floodplain analysis to the District for review. The District reviewed and ultimately approved the analysis during its June 13, 2018, meeting. If significant changes are made to the proposed project, calculations must be updated, and a narrative must be sent to the District explaining how the project will maintain compliance with the Floodplain and Drainage Alteration Standard.

Response D4: Comment noted. EAW Item 8 identified the project requires and has received the approval from LMRWD for the Floodplain Fill/No Rise Certification. LMRWD's comment has been provided to the project proposer. The proposer intends to continue coordinating with LMRWD and will provide updates as needed.

Comment D5: The proposed project will generate more than an acre of impervious surface. The EAW references the DNR's intent to obtain an NPDES CSW permit. Compliance with the CSW permit would satisfy the District's general stormwater management requirement, as they are equivalent. Provide proof of compliance with the NPDES CSW permit.

Response D5: Comment noted. LMRWD's comment has been provided to the project proposer. The proposer intends to comply with LMRWD permitting requirements and will provide the "proof of compliance" with other permits as requested by the LMRWD.

Comment D6: This proposed project involves work beneath the ordinary high water level and includes the installation of riprap at the Nine Mile Creek bridge. The EAW states the DNR will design the bridge and support elements in accordance with the Minnesota Department of Transportation State Aid Geometric Design Standards and the DNR Public Waters Work Permit. Provide proof of compliance with the DNR Public Waters Work Permit.

Response D6: Comment noted. LMRWD's comment has been provided to the project proposer. The proposer intends to comply with LMRWD permitting requirements and will provide the "proof of compliance" with other permits as requested by the LMRWD.

Comment D7: The proposed multiuse trail crosses into the city of Bloomington's Bluff Protection Overlay District as well as the District's Steep Slope Overlay District. The EAW indicates the project will comply with the city's Bluff Protection Overlay District, City Code §19.38. Although there are some differences between the District's and the city's slope protection standard, compliance with the city's requirements will suffice. Provide proof of compliance with the City of Bloomington's bluff protection requirements.

Response D7: Comment noted. LMRWD's comment has been provided to the project proposer. The proposer intends to comply with LMRWD permitting requirements and will provide the "proof of compliance" with other permits as requested by the LMRWD.

Comment D8: The proposed project meets the threshold for this District standard and satisfies it through the adoption and implementation of the DNR Public Waters Work Permit. Provide proof of compliance with the DNR Public Waters Work Permit.

Response D8: Comment noted. LMRWD's comment has been provided to the project proposer. The proposer intends to comply with LMRWD permitting requirements and will provide the "proof of compliance" with other permits as requested by the LMRWD.

Comment D9: As the DNR moves forward with finalizing the EAW and project plans, the District respectfully requests updates on any changes to the alignment and construction methods that would cause the project to significantly affect water and natural resources.

Response D9: Comment noted. LMRWD's comment has been provided to the project proposer. The proposer intends to continue coordinating with LMRWD and will provide updates as needed.

E. Commenter – Metropolitan Council, LisaBeth Barajas

Comment E1: The staff review finds that the EAW is complete and accurate with respect to regional concerns and does not raise major issues of consistency with Council policies. An EIS is not necessary for regional purposes.

Response E1: Comment noted.

Comment E2: The EAW acknowledges Hyland-Bush-Anderson Lakes Regional Park Reserve and Savage Fen Scientific and Natural Area (SNA) within a two-mile radius of the project area. It also needs to mention the Regional Trail Search Corridors. Intercity Extension and South Hennepin West (CP Rail) Regional Trail Search Corridors, as identified in the 2040 Regional Parks Policy Plan, potentially intersect with the future Minnesota Valley State Trail. Moreover, the Minnesota River Extension



Regional Trail Search Corridor in Scott County is within 0.5 mile of the future Minnesota Valley State Trail. Staff encourage the DNR to coordinate with the City of Bloomington, Three Rivers Park District, and Scott County (the respective park implementing agencies) for potential future connections as they evaluate the alignments. This concludes the Council's review of the EAW. The Council will not take formal action on the EAW.

Response E2: Comment noted. Findings paragraph 10c of the ROD acknowledges the additional recreation areas identified by the Metropolitan Council. The Metropolitan Council's comment has been provided to the project proposer. There are a number of possible future connections to be made with other recreational facilities and the proposer intends to continue coordination with the City of Bloomington and park implementing agencies as needed for the project.

#### F. Commenter – Porter Million

Comment F1: I am writing in regards to the possible development of the MN Valley State Trail. Over the past 14 years I have lived in the metro area, I have hiked, biked, snowshowed [sic], and xc [sic] skied down where they are proposing to pave. During the non-winter months, I have watched the water levels of the river rise to flood stage more than a couple times each year. In my opinion, it makes absolutely no sense to pave any section of that segment. I can only imagine the amount of yearly maintenance that would have to be done, and the massive amount of money that would need to be spent to keep the trail surface in good shape after the floodwaters go down, year after year. The natural surface trail that is currently there, has been very resilient. After the water resides [sic], the trail is reformed by the many different users who run, walk, and bike it, everyday. There is always a general path, but it is never quite the same and that is only one of the things that many people love about it!

Response F1: It is known that the project area is prone to flooding and that the trail would at times be inundated and inaccessible to trail users. DNR manages a number of facilities in similar environments, including the paved, multiuse trails in Ft. Snelling State Park and the Minnesota Valley State Trail in the vicinity of Shakopee and Chaska. Maintenance of these facilities poses a unique set of challenges to which DNR staff have learned to adapt. For example, flooding often deposits sediment on the trail surface that must be cleared off after waters recede. Flood episodes that cause major damage to these facilities are rare. DNR anticipates flooding will occur. Design and engineering details have been considered given the trail's proposed location and setting. Please also see response to Comment C2.

Comment F2: When you are down in the river bottoms, it feels like you are miles away from any civilization. You are immersed in the natural surrounding [sic]. Wildlife is everywhere, and you feel as if you are just hiking through some remote woods. If the path was paved, it would greatly change that experience... especially if it was constantly in need of repairs from the surging floodwaters in the spring, and throughout the summer. I have seen many regional trail sections blocked off or closed because maintenance cannot be completed in a timely fashion. This becomes a huge issue for the people who use that trail every day for recreation and commuting. I do realize that the goal is to allow access for all types of users to enjoy this natural area but if that is the main goal, I believe it can be

done in ways other than adding more pavement to our natural areas. Please do not pave the River Bottoms trail!

Response F2: The MN Valley State Trail-Bloomington Segment project proposes to construct a segment of the legislatively authorized Minnesota Valley State Trail that is accessible by a variety of users. This legislation also requires the trail to be paved. The trail is intended to provide opportunities for recreation, and through signage and interpretive programs, interpretation of the variety of natural and cultural resources in the Lower Minnesota River Valley. Additional information regarding the design and construction plans of the project are included in EAW Item 6d.

G. Commenter – Minnesota Department of Transportation (MnDOT), Cameron Muhic

Comment G1: Given the proximity to known bat maternity roosts, tree clearing within MnDOT right-of-way must be limited to the winter months (Nov. 1 to March 31, inclusive).

Response G1: Construction plans have been refined since completion of the EAW in order to avoid impacts to state and federally listed species (see Findings paragraph 10k). The two portions of the trail to be constructed first are bounded by the I-35W Bridge in the west and the Highway 77/Cedar Avenue Bridge in the east. Both of these bridges have been identified as known or suspected locations for NLEB maternity roosts. For construction of this phase, the proposer intends to cut the trees that need to be removed Feb 15 – March 31 (within the period MnDOT has identified in the comment) and arrange them onsite for removal at a later date. The trees would be felled and cut into pieces of a size that can be arranged, without using heavy equipment, for removal at a later date. Heavy equipment would not be used during the period of frozen ground conditions so as to prevent soil disturbance and thereby avoid potential impacts to other listed species identified in the area. Heavy equipment may be used during the period of August 1 – October 31 for stump grinding and removal of felled trees and other woody material.

For the first construction phase and all following phases, the proposer intends to work with MnDOT and applicable federal agencies during the pre-project consultation and permitting phases of each segment to ensure compliance with agency policy and ensure all necessary steps are taken to avoid and minimize impacts to state and federally listed species. Specifically, a Limited Use Permit (LUP) would be required to construct in MnDOT right-of-way (ROW). Construction timing would be the primary means of impact avoidance. However, other measures in addition to avoidance windows may be used where timing alone is not sufficient.

Comment G2: Multiple bridges along the project corridor are known bat maternity roosts, including two bridges that are known roosts for the federally threatened Northern Long-eared Bat. All construction activities under these bridges and within MnDOT right-of-way adjacent to these bridges must avoid the bat pupping season of June 1 to August 15, inclusive. This includes all activities that increase noises above the background level and activities that use percussives or cause vibrations.

Response G2: As noted above, the two portions of the trail to be constructed first are bounded by the I-35W Bridge in the west and the Highway 77/Cedar Avenue Bridge in the east. Both of these

bridges have been identified as known or suspected locations for NLEB maternity roosts. For construction of this first phase, the proposer plans to remove woody material and previously cut trees, grub stumps, grade the corridor and install drainage culverts during the period of Aug 1-Oct 31. A 2-week period (August 1 - August 15) of this planned schedule conflicts with the recommended avoidance period for the NLEB pupping season. To accommodate this restriction, work near the I-35W Bridge and the Highway 77/Cedar Avenue Bridge would be avoided from August 1 - August 15 or coordinated with USFWS and MnDOT so as to avoid impacts to known or potential NLEB maternity roosts. Similar coordination would occur for future construction phases, including work near the Highway 169/Bloomington Ferry Bridge. Also see response to Comment G1.

Comment G3: MnDOT's Right-Of-Way (ROW) line along I-35W in the 'Figure 3 - General Land appears to be missing. Please indicate MnDOT ROW along I-35W in the area surrounding the project.

Response G3: Comment noted. Finding 11 of the ROD acknowledges MnDOT's ROW along I-35W. This comment has been provided to the project proposer. The proposer will continue to coordinate with MnDOT on trail design and construction within MnDOT ROW, and will secure any required permits or approvals from the agency.

Comment G4: The 12" base shown in 'Figure 4 - Typical Drawings' may not be stout enough to support the proposed trail. Soils adjacent to the Minnesota River are unstable.

Response G4: The proposed trail base and all associated infrastructure have been designed to withstand the conditions present in the project area by licensed DNR engineers and consultants. Figure 4 is a typical section that is a generic representation of the trail design and is not site specific. Modifications would be made in the field if on-site analysis suggests design changes are warranted.

Comment G5: The MnDOT trail adjacent to I-494 is currently planned for immediate rehabilitation as well as widening within the next few years. Please consider the proposed plans in your connection.

Response G5: Comment noted. The project proposer has been provided this information and intends to coordinate with MnDOT on this planned trail project.

Comment G6: Consider storm water management rules of the various Water Resources/Water Quality stakeholders along the trail while planning for right-of-way needs.

Response G6: Comment noted. MnDOT's comment has been provided to the project proposer. As noted in the EAW and elsewhere in this Record of Decision, the proposer is coordinating with MnDOT, MPCA, LMRWD, USFWS and City of Bloomington on the development and permitting of the project, which the proposer intends to continue.

Comment G7: Additionally, this project may affect drainage flows into the MnDOT Right of Way and a drainage permit may be required. We would like to review the computations and plans as a check that the proposed development maintains or reduces drainage rates to MnDOT right of way. Please include both existing and proposed site conditions for comparison.

Response G7: Comment noted. MnDOT's comment has been provided to the project proposer. The proposer intends to coordinate with MnDOT on the information requested for a potential drainage permit.

Comment G8: Please submit the documents below with the drainage permit application for review and approval:

- Proposed grading plans, proposed drainage plans and all hydraulic calculations. Please show that the proposed drainage rate to MnDOT right-of-way is the same as or less than existing conditions.
- Existing and Proposed drainage area maps with flow arrows and labeling that correspond with the submitted calculations.
- Hydro CAD model and the corresponding .pdf output for the 2, 10, and 100 year Atlas 14 storm events.

Response G8: Comment has been provided to the project proposer. The requested information is associated with the drainage permit process administered by MnDOT, which the project proposer will pursue, if needed, outside of the EAW process.

H. Commenter – Minnesota Pollution Control Agency (MPCA), Karen Kromar

Comment H1: Due to the size of the Project and proximity to impaired waters, the Stormwater Pollution Prevention Plan (SWPPP) will need to be submitted to MPCA for review and approval prior to obtaining National Pollutant Discharge Elimination System/State Disposal System General Construction Stormwater (CSW) permit coverage.

Response H1: Comment noted. MPCA's comment has been provided to the project proposer.

Comment H2: The SWPPP will need to include plans for installing redundant (double) down gradient perimeter sediment controls where construction encroaches existing natural buffers within 50 feet of all surface waters and wetlands. These down gradient sediment controls are required in addition to sediment controls that will be required at the base of any soil stockpiles erected at the site.

Response H2: Comment noted. MPCA's comment has been provided to the project proposer.

Comment H3: The SWPPP will need to describe specialized best management practices to be utilized at the stream crossings to prevent sediment discharges into these surface waters during construction.

Response H3: Comment noted. MPCA's comment has been provided to the project proposer.

Comment H4: The infiltration systems used to treat stormwater runoff from the new impervious surfaces must be designed according to the requirements listed under Item 16.1 in the 2018 CSW permit. Soil borings must be conducted in the locations of the infiltration areas to determine infiltration rates and depths to seasonally saturated soils. Where infiltration cannot be achieved due

to one of the prohibitions listed in the permit, another method of stormwater volume reduction must be considered.

Response H4: Comment noted. MPCA's comment has been provided to the project proposer.

Comment H5: The MPCA highly encourages the use of pervious pavements (e.g. pervious asphalt) for trail segments to reduce the need for constructed stormwater collection areas where suitable.

Response H5: Comment noted. MPCA's comment has been provided to the project proposer. Pervious pavement can reduce the need for stormwater collection areas and will be considered in appropriate locations. However, pervious pavements may not be suitable for certain flood-prone locations due to sediment deposition issues.

I. Commenter – William O'Reilly

Comment I1: I have worked on cycling and pedestrian trails as a member of the Crystal Park and Recreation Department for 17 years, and with the City of Minneapolis for the development of the Theodore Wirth ski and off road cycling trail system. I have never seen a more idiotic proposal for a trail than the one being considered for the Minnesota River 'bottoms'. I have ridden bicycles and hiked that trail for 35 years, and can attest to the futility of constructing an asphalt trail in that particular flood plane [sic]. Just this year alone would have had half the trail at the bottom of the river gorge, and the replacement cost and maintenance would bankrupt any City that would enjoin the DNR in its construction and upkeep. All I can ask is, "What are you thinking?" Leave this area natural as the river will keep it that way, whether you like it or not.

Response I1: It is known that the project area is prone to flooding and that the trail would at times be inundated and inaccessible to trail users. DNR manages a number of facilities in similar environments, including the paved, multiuse trails in Ft. Snelling State Park and the Minnesota Valley State Trail in the vicinity of Shakopee and Chaska. Maintenance of these facilities poses a unique set of challenges to which DNR staff have learned to adapt. For example, flooding often deposits sediment on the trail surface that must be cleared off after waters recede. Flood episodes that cause major damage to these facilities are rare. DNR anticipates flooding will occur. Design and engineering details have been considered given the trail's proposed location and setting. Also see response to Comment F1.

J. Commenter – Jeffrey Perry

Comment J1: Thank you for the clear, detailed, and well-written summary of the proposed trail project in the Minnesota River bottoms. It is gratifying to realize that nearly every element that the project will impact has been addressed.

Response J1: Comment noted.

Comment J2: The missing element, however, is NEED.

Response J2: The "need" for this type of trail development was established by actions and authorizations from the Minnesota Legislature. State Trails are constructed and managed by either DNR or a local partner under authorization provided by the Minnesota Legislature. This trail would provide a recreational connection to the existing MN Valley State Trail between Bloomington Ferry Bridge and Trunk Highway 41 in Chaska. Trail development is consistent with direction from the Minnesota Legislature and applicable management plans.

Comment J3: The current state of the river bottoms is natural, with many towering cottonwood trees so close to the trail that they can be touched while walking, skiing, or biking past them. This intimacy is what brings users of the trail who come from all over the metro region. Nowhere else can be enjoyed the proximity of big water and wild woods in the heart of the city. The planned twelve-foot swath of pavement would change the character of the trail for the worse.

Response J3: Tree clearing would be selective. Extensive efforts have been undertaken during the trail planning process and would be undertaken in the field during construction to limit tree removal, particularly of large, mature trees. Natural surface trail segments impacted by construction of the Project would be reestablished to the extent possible, and in locations where there is not sufficient space for both trails, all users may be routed onto the paved trail. See also response to Comment B2.

Comment J4: The current-condition trail requires maintenance, of course, but this is provided by an enthusiastic group of volunteers who open the trail after flood events or wind events that create blockages. This maintenance is done at no cost to the city, state, or federal governments. A paved trail would require even more maintenance, but it is unlikely that a volunteer force would step forth. Note the condition of the trail downstream from the Bloomington Ferry bridge as an example. Broken and silted-over pavement entices neither users nor volunteer maintainers.

Response J4: The comment is noted and has been provided to the project proposer for consideration. The DNR would be responsible for maintenance of the paved, multiuse trail once it has been developed.

Comment J5: Your report suggests that deep excavation will be the answer to flood erosion. Note the condition of Black Dog Road, built to carry truck traffic, which suffered damage after every flood, eventually causing it to be closed.

Response J5: DNR did not construct Black Dog Road and is not aware of construction methods or engineering used for its construction; the trail is being planned, designed and built as a sustainable trail, not to road standards. The elevation of the majority of the trail surface would be around 702 feet +/- 1. The proposed trail base and all associated infrastructure has been designed to withstand the conditions present in the project area to the extent possible by licensed DNR engineers and consultants. Modifications would be made in the field if on-site analysis suggests design changes are warranted. Site specific measures such as shoulder armoring or modifications to the trail's aggregate base may be employed to protect against potential flood damage. Also in anticipation of flooding,

DNR is designing the trail to include leveling the elevation of the paved surface to avoid dips and valleys that could cause isolated areas of inundation (flooding) along the trail corridor.

Comment J6: Far more than twelve feet would need to be cleared in order to make room for the construction equipment. Witness the work done recently on Irwin Avenue south of Overlook. A charming, woody path was transformed into a barrens. The asphalt bakes in the sun, and the overhanging shade trees are just a memory. The cleared swath is approximately the width of the land between the river and the riverine lakes (Coleman and Nine Mile). The paved trail that the DNR envisions will be similarly barren, and to what end? The current trail users will not be attracted to it. It will take a human generation before mature trees once again shade the trail and provide habitat for the bird life. This is unacceptable and unnecessary.

Response J6: The trail surface itself would consist of a 10-foot wide asphalt surface with 2-foot wide shoulders, totaling 14 feet. As the EAW indicates, construction of the trail may require 20-50 foot wide corridor of clearing to allow passage for construction equipment. DNR estimates that this would lead to a total of approximately 12 acres of forest land converted to grassland or impervious surface over the entire 13.5 mile project. Tree clearing would be selective. Extensive efforts have been undertaken during the trail planning process and would be undertaken in the field during construction to limit tree take, particularly large, mature trees, and leave the canopy intact.

Comment J7: Your report mentions ADA compliance as a feature of the "improved" trail. I recognize that any trail work will need to address this concern. The only response I have is: leave it alone. No ADA compliance is required if no work occurs. It may be worth considering a stable of Segway wheelchairs to enable the differently-abled to access the river bottoms. My cousin had such a chair, and his negotiated off-road conditions easily. Not every wild spot need be ADA-compliant.

Response J7: Post-construction, the corridor would include a paved trail, constructed and managed by DNR, and natural surface trails managed by the City of Bloomington and USFWS on their respective ownerships. The paved trail would be 10 feet wide to be ADA-compliant. Much of the natural surface trail that currently exists in the project area would remain in its current location. Natural surface trail segments impacted by Project construction would be reestablished to the extent possible. In certain locations, where there is not sufficient space for both trails, all users may be routed onto the paved trail.

Comment J8: Thank you for taking my objections to the proposed trail paving seriously. I am adamantly opposed to the project, and I speak for many friends and neighbors. It not only wastes money in the construction; it will waste money in perpetuity if it is to be adequately maintained. The track record of the MN DNR in project maintenance is not enviable. Why take on more burden? Leave the trail maintenance in the hands of the bikers and bird watchers. Leave the river-bottom trees to stand. Leave the beauty of the forest and river banks to remain the jewel they are.

Response J8: Comment noted.

K. Commenter – Kevin Schafer

Comment K1: I just wanted to voice my opposition to paved paths, on the MN River Valley area, as stated in the project overview. Having seen the river at flood level 5 times, since this past April, I have great concerns about the fiscal responsibility of such a project, there is already a Black Dog Road path, that will connect 35w and 77. I don't understand the need to fund further paved paths.

Response K1: Comment noted. See also response to Comment B10 above regarding the basis for developing the project, and to EAW Item 6d for additional information regarding the design of the project.

Comment K2: Environmentally, this too, feels extremely short sighted [sic], both for it's [sic] direct impact on the area, but also, it ignores the dramatic shift in the mindset of urban adventurers. Be it mountain biking, including school riding teams, hikers, climbers, kayakers, these cities have fully embraced the BOLD NORTH attitudes, of natural recreation. Looking at Duluth, that is now a world renowned mountain biking destination, due to the miles and miles of trail systems they have developed, as well as the Cayuna trail systems, near Brainerd, which have completely revitalized the area, with adventure tourism. There is an opportunity here, to do the same. I would fully support a similar approach here, one that embraces the pristine natural space, that is becoming so much harder to find, in urban areas. I ask that you please reconsider, and implement a much more progressive approach, to preserving natural space, and greatly enhancing the ability to be a true adventure destination.

Response K2: DNR would not be closing the area to mountain biking. As this is a recreation area, the trail would accommodate other forms of recreation in addition to biking. Mountain biking is likely to remain in the river bottoms, as long as the landowners (Bloomington and USFWS) allow it. DNR notes that it appears the current unauthorized, user-built trail system has caused damage to the environment in the river bottoms and may not be sustainable.

Efforts would be made to reestablish natural surface trails on segments that are impacted by construction of the paved trail. In certain locations, where there is not sufficient space for both trails, all users may be routed onto the paved trail. Natural surface trails would be managed by the City of Bloomington and the USFWS in coordination with DNR.

Bloomington's MRV Strategic Plan, pg. 5.4 states, "...the City believes the State Trail appropriately balances the need to accommodate public access to the River Valley while also ensuring stewardship of the natural environment. For people to connect with nature, they need to get into and directly experience it. The City believes that as more residents access and become aware of this important resource, they will become advocates for its environmental stewardship. Therefore, improving public access is extremely important to the future environmental health and stewardship of the River Valley. The City Council reiterated its support for the State Trail in a formal resolution passed on January 5, 2015."



L. Commenter – Keith Severson

Comment L1: I support the creation of a of the 13 Mile Trail from the Bloomington Ferry to East Bloomington. I would likely bike and rollerblade on it at least twice a month!

Response L1: Comment noted.

M. Commenter – U.S. Dept. of the Interior Fish and Wildlife Service (USFWS), Peter Fasbender

Comment M1: Northern long-eared bat (NLEB): We consider the northern long-eared bat (*Myotis septentrionalis*, NLEB) to be present throughout the state and the species was positively identified in 2018 using acoustic sampling at both units that intersect the proposed action area (Long Meadow Lake and Bloomington Ferry). NLEB females with pups have been observed roosting on the Hwy 77 Bridge in close proximity to the proposed action area and indications of bat use were detected beneath the 1-35 Bridge. In light of the recent bridge observations, we recommend that trail construction directly beneath any of the three bridge locations (I-169, I-35 and I-77) [sic] occur outside of the NLEB pupping season (June 1 through August 15).

Response M1: As noted in the response to Comment G2, work near the bridges would be avoided from August 1 - August 15, which is in addition to the DNR's June 1 – July 31 pupping season impact avoidance period, or coordinated with USFWS and MnDOT so as to avoid impacts to known or potential NLEB maternity roosts. Findings paragraph 10k provides additional information regarding listed species and efforts to avoid or minimize impacts.

Comment M2: Northern long-eared bat (NLEB): Based on recent observations of NLEB in the greater metro area, it appears that the species has not declined as much as it has elsewhere in the state. This may be potential [sic] related to the lack of large occupied hibernacula for the species in the Twin Cities where the fungus that causes white-nose syndrome may spread more easily. We believe that added effort should be taken in order to minimize impacts to NLEB from this project on and off Service lands. To more fully understanding the impacts of the project on local NLEB populations, we recommend that surveys be conducted to assess NLEB use of the area and to determine if the proposed actions will impact maternity roost trees. Information gained by this effort may provide flexibility for construction timing and help alleviate the competing conservation measures for this species and the rusty patched bumble bee (*Bombus affinis*, RPBB).

Response M2: Construction plans have been refined since completion of the EAW in order to avoid impacts to listed species (see Findings paragraph 10k). The proposer intends to work with USFWS and other applicable agencies during the pre-project consultation and permitting phases of each segment to ensure compliance with agency policy and ensure that all necessary steps are taken to avoid and minimize impacts to state and federally listed species. Specifically, a right-of-way permit would be required on USFWS lands, and Section 7 consultation would be required as part of the USACE Section 404 Permit regarding federally listed species. If surveys are recommended by USFWS during coordination for each portion of the trail, the proposer has committed that surveys would be conducted. Construction timing would be the primary means by which avoidance is achieved.

However, other measures in addition to avoidance windows may be used where timing alone is not sufficient.

Comment M3: Northern long-eared bat (NLEB): Direct impacts to NLEB can be avoided if all tree removal is conducted in the winter when the species is not present (October 1 through March 31), however, this conservation measure would not avoid potential impacts to RPBB within the suitable overwintering habitat of mapped High Potential Zones.

Response M3: The two portions of the trail to be constructed first extend from the I-35W Bridge in the west and the Highway 77/Cedar Avenue Bridge in the east. For construction of this phase, the proposer intends to cut the trees that need to be removed Feb 15 – March 31 when the NLEB is not present. The trees would be felled and cut into pieces of a size that can be arranged, without using heavy equipment, for removal at a later date. Heavy equipment would not be used during the period of frozen ground conditions so as to prevent soil disturbance and thereby avoid impacts to other listed species identified in the area. The proposer intends to continue to work with USFWS to develop strategies to avoid or minimize impacts to NLEB and other federally listed species. See response to Comment M6 regarding the RPBB. Also see Findings paragraph 10k.

Comment M4: Northern long-eared bat (NLEB): We believe that impacts to NLEB may be significantly minimized if the proposed route can avoid large trees, greater than 15-inches DBH. This may require close coordination with our office when the proposed ROW is marked on the ground.

Response M4: As a standard practice, DNR strives to reduce overall tree harvest for trail projects. For this project, the USFWS would play a substantial role in determining the trail alignment on lands the USFWS owns. Trail alignment, in turn, controls the amount of tree removal. The proposer intends to continue to coordinate with USFWS to minimize impacts to NLEB and other federally listed species. For each trail segment proposed on USFWS property, DNR would work with USFWS staff during the pre-project consultation and ROW application review periods to ensure that the proposed alignment minimizes resource impacts. This includes field review and, where warranted, modifications to the trail alignment to avoid mature trees over 15-inches DBH. The USFWS's role in determining the trail alignment would be more limited on lands owned by the City of Bloomington and other landowners.

Comment M5: Rusty patched bumble bee (RPBB): The RPBB was detected within 1 mile of the proposed project area in 2017 and within 0.4 miles of the proposed project area in 2018. The High Potential Zone generated from these observations intersects approximately 2.15 miles of the route and consists of habitat believed to be suitable for RPBB overwintering and spring foraging.

Response M5: Findings paragraph 10k of the ROD addresses the RPBB and plans to avoid impacts. USFWS's comment has been provided to the project proposer. The presence of RPBB in the project area is acknowledged, and a portion of the project area to the east of Bloomington Ferry Bridge is currently within the "High Potential Zone" where the species would be presumed to be present. Avoidance of impacts through construction timing is possible, and this would be the preferred method of avoidance in the "High Potential Zone." The proposer intends to work with USFWS during the pre-project consultation, federal environmental review, and permitting phases of each segment of the

trail including the federal Environmental Assessment that would be required on USFWS lands to ensure that all necessary steps are taken to avoid or minimize impacts to federally listed species, including the RPBB.

Comment M6: Rusty patched bumble bee (RPBB): We anticipate impacts to the species if soil disturbance occurs within forested overwintered habitat between October 15th and March 15th. At this time, we do not believe that additional surveys will provide enough certainty on whether RPBB would be present and impacted within the overwintering habitat along the proposed ROW. In order to fully avoid direct impacts to overwintering queens within the project area, soil disturbance associated with the tree removal and construction along the 2.15-mile portion of the trail would need to occur when the species is not anticipated to be present (between March 16 and October 15th). It is during this period of the species' life cycle where we would anticipate RPBBs be present in open floral resource areas located outside of the proposed construction limits.

Response M6: A follow-up discussion with USFWS on this and other rare species recommendations provided that cutting trees during the overwintering period but leaving them to be removed at a later date would not be considered an activity that would impact the RPBB. In addition, USFWS indicated that floodplains are poor overwintering habitat for RPBB foundress queens because of their propensity to flood. The proposer intends to continue coordinating with USFWS and other applicable agencies to avoid or minimize impacts to the RPBB and other listed species.

Construction plans for the first phase of the trail between the I-35W Bridge and the Highway 77/Cedar Avenue Bridge (outside of the RPBB High Potential Zone) include cutting the trees that need to be removed Feb 15 – March 31. As stated in the response to Comment M3, the trees would be felled and cut into pieces of a size that can be arranged, without using heavy equipment, for removal at a later date. Heavy equipment would not be used during the period of frozen ground conditions so as to prevent soil disturbance and thereby avoid potential impacts to listed species identified in the area. Heavy equipment may be used during the period of August 1 – October 31 for stump grinding and removal of felled trees and other woody material.

Comment M7: Rusty patched bumble bee (RPBB): If avoidance of impacts through construction timing is not possible, we believe soil disturbance may rise to the level that impacts to overwintering RPBB queen would be likely. The Federal action agency should then be prepared to conduct "take" calculations in order assess the overall impact of the project on the RPBB. We can provide whatever additional guidance is necessary to further evaluate the potential impacts.

Response M7: Comment noted. See responses to Comments M5 and M6.

Comment M8: Continued coordination with Refuge: The proposed action will require a ROW easement and Special Use Permits from the Minnesota Valley National Wildlife Refuge for the construction and continued operation and maintenance of the state trail. Please continue working closely with Refuge managers and personnel to avoid, minimize, and offset adverse impacts to all federal trust resources.

Response M8: Comment noted. All of the USFWS comments have been provided to the project proposer. The proposer intends to continue coordinating with USFWS on final design, construction and maintenance of the trail both as a partner as well as through the permitting processes of the USFWS Right-of-Way permit and the USACE Section 404 permit, which includes Section 7 consultation requirements.

N. Commenter – Daniel VanHorn

Comment N1: Hope this new paved trail could be placed above the low flood prone river bottom. Doing this would keep the trail open more and reduce maintenance. This no doubt would be more expensive to install with grading, board walks over wet seeps and springs, and bridges over drainages. A high quality project would be appreciated.

Response N1: Comment noted. Many years of planning, design and engineering work has occurred for the proposed route, and refinements would be made as appropriate to ensure the trail meets its purpose given the circumstances and location. There are issues in addition to floodplain management considered when locating, designing, constructing and maintaining trails. These issues include land ownership (private) limitations, side-slopes, stream crossings, bluffs, and costs. Please also see response to Comment C2 above.

O. Commenter – Debra Walsh

Comment O1: We are 4 season users of the trail system. We fully support the building of a pave [sic] addition to the trail system. It will open a beautiful area to a much broader group. We hope to see the paved trail completed and open for use soon.

Response O1: Comment noted.