

FINDINGS OF FACT and CONCLUSIONS

Interstate 90 / Dresbach Bridge and
Approach Roadway Interchange Project

Dresbach Township, Winona County, Minnesota; and
Campbell Township, La Crosse County, Wisconsin

Minnesota DOT State Project: S.P. 8580-149
Wisconsin DOT State Design Number: 1071-05-34

MINNESOTA DEPARTMENT OF TRANSPORTATION

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TABLE OF CONTENTS

TABLE OF CONTENTS	2
I. STATEMENT OF ISSUE/ADMINISTRATIVE BACKGROUND	3
II. FINDINGS OF FACT	4
EXISTING CONDITION.....	4
PROPOSED ACTION	5
CORRECTIONS TO THE EA OR CHANGES IN PROJECT INFORMATION SINCE THE EA WAS PUBLISHED	5
PUBLIC INVOLVEMENT	11
AGENCY AND PUBLIC COMMENTS ON THE EA AND MN/DOT'S RESPONSES	14
III. DECISION REGARDING NEED FOR ENVIRONMENTAL IMPACT STATEMENT	14
A. TYPE, EXTENT, AND REVERSIBILITY OF IMPACTS	14
B CUMULATIVE POTENTIAL EFFECTS OF RELATED OR ANTICIPATED FUTURE PROJECTS	15
C EXTENT TO WHICH THE ENVIRONMENTAL EFFECTS ARE SUBJECT TO MITIGATION BY ONGOING PUBLIC REGULATORY AUTHORITY	15
D EXTENT TO WHICH ENVIRONMENTAL EFFECTS CAN BE ANTICIPATED AND CONTROLLED AS A RESULT OF OTHER ENVIRONMENTAL STUDIES	16
IV. CONCLUSIONS	17

APPENDICES

Appendix A – Agency and Interest Group Comments and Responses

Appendix B – Public and Public Hearing Comments and Responses

Appendix C – Record of Public Meeting and Certificate of Compliance

Appendix D – Post EA/EAW Data and Correspondence

Appendix E –MOU with U.S. FWS and Section 4(f) *De Minimis* Concurrence

Appendix F – Figures

Appendix G – Updated Commitments List

I. STATEMENT OF ISSUE/ADMINISTRATIVE BACKGROUND

The Minnesota Department of Transportation (MnDOT) and the Wisconsin Department of Transportation (WisDOT) propose this project; the MnDOT is the Responsible Governmental Unit for Minnesota state environmental review of this project. The project replaces the I-90 Mississippi River Bridge with a new bridge that meets structural standards, and includes improvements to the I-90/United States Highway 14/61 (US 61) interchange to improve traffic safety, capacity, and access in the interchange area.

An Environmental Assessment/Environmental Assessment Worksheet (EA/EAW) was prepared as a part of the National Environmental Policy Act (NEPA) process and state environmental review process to fulfill requirements of 42 USC 4332 (2)(c) et. seq. and Minnesota Statute 116D [the Minnesota Environmental Policy Act (MEPA)] and Wisconsin Administrative Code-Chapter Trans 400.

At the federal level, the EA is used to provide sufficient environmental documentation to determine the need for an Environmental Impact Statement (EIS) or that a Finding of No Significant Impact (FONSI) is appropriate. At the state level, this document also serves as a State of Minnesota Environmental Assessment Worksheet (EAW), and is used to provide sufficient environmental documentation to determine whether or not preparation of a state EIS is required, or that a Negative Declaration is appropriate. The Wisconsin Department of Transportation's (WisDOT's) requirements for WEPA are fulfilled by the federal NEPA documentation.

Section 3 of the EA/EAW discussed the various alternatives that were considered, Section 3.4 described the Recommended Alternative and Section 3.6 described the Preferred Alternative. Comments were sought on the Preferred during the public comment period. This Findings of Fact document describes the comments received during the review and the responses to those comments and the considerations that lead to retaining the Preferred Alternative as the proposed project. The next step in the environmental review process is either a negative or a positive decision that an EIS must be prepared. State and federal environmental review process requirements state that an EIS must be prepared for the project if it is determined the project has the potential for significant environmental effects or, conversely, that an EIS is not needed if the EA review finds no potential for significant environmental impacts.

The EA/EAW was filed with the Minnesota EQB and circulated for review and comments to the required EA/EAW distribution list. A "Notice of Availability" was published in the EQB Monitor on December 23, 2011. A legal notice of the public hearing was published in the La Crosse Tribune Newspaper on December 26, 2011 and in the Houston County News on December 29th, 2011. A public hearing for the project was held on January 25th, 2012, at the La Crescent (MN) High School. The hearing presented the proposed transportation improvements and identified potential environmental impacts of the project. The EA/EAW was made available for public review at the La Crosse Public Library, La Crescent Public Library, Minneapolis Public Library, Rochester Public Library, Winona Public Library, Hokah Public Library,

Caledonia Public Library, Onalaska Public Library, Dresbach Town Hall, La Crescent City Hall, La Crosse City Hall, Onalaska City Hall, Wisconsin Department of Transportation – SW Regional Office and MnDOT District 6 Offices. Comments were received through February 23rd, 2012. All comments received during the EA/EAW comment period were considered in determining the potential for significant environmental impacts. Written comments received during the comment period, and responses to the comments, are provided in Appendix A. Information pertaining to the public hearing is located in Appendices B and C.

Based upon the information in the record, which is comprised of the EA for the proposed project, written comments received, responses to the comments, and other supporting documents, MnDOT makes the following Findings of Fact and Conclusions ('Findings') supporting the decision on the need to prepare an EIS for the I-90 Dresbach Bridge Project. The Appendices provide additional information and documentation as part of the project record supporting the Findings.

II. FINDINGS OF FACT

Existing Condition

The I-90 Dresbach Bridge is nearing the end of its useful life expectancy and has a non-redundant design (i.e., the steel girders are arranged such that there are no backup or "redundant" structural supports to provide backup if one bridge member fails).

Current bridge shoulder widths do not meet federal interstate and state bridge standards, prevent emergency vehicles from bypassing congested or stopped traffic, prevent stalled vehicles from leaving traffic flow and cannot accommodate westbound off-ramp queues that back up onto the mainline of westbound I-90.

Traffic volumes at peak hours are high, and traffic experiences significant queuing and delay (nearly five minutes of delay).

Two patterns of crashes are associated with the current road geometry: at I-90 in the curved bridge section over the railroad and northbound US 61 where spillback queues and visibility present challenges; and at the ramp from northbound US 61 to eastbound I-90, where a sharp turn (nearly 90 degrees) is required from US 61 to the I-90 ramp.

Travelers cannot directly access the facilities along the riverfront (boat launches, Lock & Dam No. 7, the Rest Area) from the north (via southbound US 61) or from eastbound I-90.

Both I-90 and US 61 are National Highway System routes, principal arterials that carry significant truck traffic and function as high mobility, high speed corridors. Interstate 90 is a primary travel corridor across southern Minnesota and central Wisconsin, connecting the two states, and the bridge serves as an important regional river crossing.

Proposed Action

The project replaces the I-90 Mississippi River Bridge with a new bridge that meets structural standards, and proposes improvements to the I-90/US 61 interchange to improve traffic safety, capacity, and access in the interchange area. A river crossing alignment north of the existing bridge was selected, with a concrete box main span bridge and a pre-stressed/pre-cast concrete girder Wisconsin approach span

Corrections to the EA, or Changes in Project-Related Information Since the EA was Published

Since the EA was published, the following project items have changed or been updated:

Wetland Impacts and Mitigation

Wetland impacts areas have been re-assessed based on updated project design plans and anticipated contractor staging and are now at 7.58 acres of impact, including 3.62 acres of permanent Refuge wetland fill and 2.57 acres of temporary Refuge wetland impact in Wisconsin and 1.39 acres of (non-Refuge) fill impact in Minnesota. Table 1_ summarizes the updated estimated wetland impacts in Minnesota and Wisconsin. Discussions with U.S. FWS, USACE, MnDNR, MPCA and WisDNR have contributed to the wetland mitigation plan discussed in the EA for this project, which includes use of the Wacker Site wetland mitigation bank. More detailed wetland mitigation plans will be developed and submitted for approval as part of the wetland permitting process for the project.

**TABLE 1
Wetland Impacts**

WETLANDS FILLED (acres)		WETLAND MITIGATION (acres)	
MN	WIS	MN	WIS
1.39 (Project wetland impacts outside the Refuge are Type 1.)	3.62 ¹ (Type 1 Wetland within Refuge)	Refuge wetland impacts will be mitigated in conjunction with overall project wetland mitigation (7.58 acres of impact total), through use of the MnDOT Wetland Mitigation Bank in accordance with the ratio prescribed by current state and federal regulations (i.e., at a ratio of about 2:1). Approximately 15.2 acres	
	Temporary ¹ : 2.57		

¹ In addition to the permanent wetland fill, approximately 2.57 acres of temporary wetland impact have been identified on Island 98. The 2.57 acres of temporary impact are to be mitigated at a 2:1 ratio. This wetland will be restored at the conclusion of the project.

Upper Mississippi River National Wildlife and Fish Refuge

In written comments on the EA, the US Fish and Wildlife Service (U.S. FWS) noted that in some places in the EA, the name of the refuge was stated incorrectly. For the record, the correct name is: Upper Mississippi River National Wildlife and Fish Refuge. U.S.

FWS also noted that the refuge is located in four states, not five (as stated in Section 4.2.9 of the EA): Minnesota, Wisconsin, Iowa and Illinois.

Land Ownership

Land ownership changed during the preparation of the EA/EAW due to the acquisition of a privately-owned tract located on the south side of the Wisconsin approach by the US Fish and Wildlife Service Upper Mississippi River National Wildlife and Fish Refuge (the Refuge) in November 2010. This 60.77-acre parcel is now being managed by as part of the Refuge. The adjacent land use and area available for turn-back as described in Section 4.14.1 – Land Use Designations; Section 4.27 – Compatibility with Plans and Land Use Regulations; Section 5.10. – Section 4(f) should be described as: “The Wisconsin side of the project area is entirely within the Refuge.” Wisconsin would still be conveying to the U.S. FWS 2.1 acres of fee land.

Shading Impacts

Potential shading impacts to vegetated wetland areas under the bridges have been recalculated based on the Preferred Alternative identified in the EA/EAW, and would be an additional 0.6 acres. The existing conditions shade 1.0 acre, which will be restored to a vegetated condition after removal of the overshadowing existing bridge. The new pair of bridges will shade 1.6 acres total. However, since temporary wetland impacts due to construction underneath the bridges are to be permanently mitigated, shading impacts to wetlands are no longer relevant – they are included in the 15.2 acres of permanent mitigation offered, as listed in Table 1.

Memorandum of Understanding

The EA/EAW included a draft Memorandum of Understanding (MOU) to document the commitments MnDOT and other agencies have made for mitigation. A revised and signed MOU is included in Appendix E of this document.

Section 4(f) – *de minimis*

The EA/EAW described the project impacts to the Upper Mississippi River National Wildlife and Fish Refuge (Refuge), proposed mitigation, and FHWA's proposed *de minimis* finding regarding the overall Section 4(f) use of the Refuge, pending public input and concurrence of the U.S. FWS. Since publication of the EA/EAW, potential impacts to the Refuge and mitigation commitments have been revised, as described in the MOU included in Appendix E, but the overall impacts to the Refuge have not changed substantially. Therefore, the project impacts to the Refuge are still considered by FHWA to be a *de minimis* use of this Section 4(f) resource. The U.S. FWS concurred with this determination (see letter in Appendix E). Based on FWS concurrence, MnDOT anticipates that FHWA will finalize its *de minimis* determination as part of its EIS need determination.

Bluff Encroachment

More detailed design work completed following release of the EA identified changes necessary to meet MnDOT road and ramp design standards that necessitate an encroachment into the Minnesota river bluffs near the I-90/US 61 interchange. When MnDNR was informed of this additional impact, they wrote a letter (see Appendix A) expressing their concerns about the need for this impact and their concerns about potential impacts. The following information is provided to address the questions and concerns identified by MnDNR.

Comment: Why is the impact to the bluff only recently proposed?

Response: Avoidance of bluff encroachments was strongly recommended and the preliminary design effort included consideration of this issue. However, after the preferred alternative was chosen and additional design had taken place in 2011, design staff realized that the preliminary design had not fully considered the requirements of MnDOT Road Design Manual (RDM) section 4-6.02 regarding road sections adjacent to rock slopes and the potential requirements for rockfall containment sections. This section of the RDM recommends certain minimum widths of rock fall containment area based on rock slope and height. Containment width values provided in the RDM are given without engineering analysis. Given the values listed in RDM 4-6.02, a 20-ft. wide ditch width would be recommended at various locations in the project corridor without any other such mitigative strategies. When this value was applied to the design, there were some areas along I-90 that fell short of this requirement. Because of the potential for rock fall impacts to the traveling public on eastbound Interstate 90 and the importance of protecting the public, along with the limited published engineering data and guidance regarding rock slopes and rock fall protection, MnDOT initiated a rockfall investigation analysis in late summer 2011, calling on key experts to evaluate the current rockslope conditions and determine what, if any, mitigation efforts were necessary. Based on initial rockfall results at the end of 2011 utilizing Colorado Rock Fall simulation modeling techniques, all areas of deficient rockfall containment could be mitigated by implementation of rockfall short (low height) walls constructed adjacent to I-90 and therefore avoiding bluff encroachment.

However, after further refinement of the analysis in early 2012, the key experts found that one area could not be mitigated alone by implementation of rock catchment walls. In fact to provide an acceptable level of mitigation, an approximate area of 0.7 acres of the existing bluff would need to be cut back in addition to a rock fall protection wall. Additional alternatives regarding the use

of flexible barrier that would not require bluff impacts were considered at this location. However, as discussed at a meeting with MnDNR staff on 4/30/2012, the flexible barrier option is extremely difficult to install and maintain and would require significant tree impacts. This alternative was dismissed for the reasons noted previously.

Comment: Provide detailed description of location, details such as height of cut, height of backsloping, cut in distance, area and methods of cutting.

Response: The size of the rock excavation is approximately 0.7 acres. The location of the proposed rock excavation occurs at EB I-90 Stations 480+50 to 487+50 and is entirely within an area of existing cut that was disturbed in the 1960s during original construction of Interstate 90. See also Figs. 1 and 2 included in App. F. Figure 22 from the Rockfall report (provided to MnDNR staff, and available to others, upon request, from the MnDOT project manager) shows the existing cut as it is today. Additional plan details and graphics illustrate the proposed cut. The maximum height of the proposed excavation is approximately 75 ft. The height of the existing 1960s era cut at this location is over 200 ft. in height.

Because the proposed cut occurs within the original 1960s era excavations, visually it is expected that the proposed excavation will have an exposed rock surface as is the case presently, with the exception of the loss of vegetation that has been partially re-established on the surface of the 1960s era excavations. Additionally, there are intermittent areas within this reach of the I-90 corridor that contain exposed rock surfaces on the face of the bluffs at the lower elevations and this would not be visually out of character .

Methods of cutting will likely utilize ripping or controlled blasting. Exact methodology will ultimately be governed by MnDOT specifications for rock excavation.

Comment: Address seeps that may be affected by the proposed bluff cut and how water runoff will be incorporated into the plans.

Response: As discussed at a meeting on 4/30/2012 with MNDNR staff, existing slope is already seeping and there is little that can be done to prevent this from continuing. Ditches are sized appropriately to handle seepage. The project will be scheduled to require the Contractor to perform the rock cutting work early in the project schedule to provide time for monitoring the stability post excavation. If necessary, should issues arise regarding the seepage post rock cut, mitigation efforts can be added to the project.

Comment: Discuss potential effects to rare resources.

Response: Field investigation of vegetation and species has not found a potential to affect rare resources. Potential resource concerns identified by MnDNR in their letter included unique vegetation communities and potential impacts to peregrine falcons and timber rattlesnakes. The following discussion summarizes information and investigations regarding potential impacts to these resources: MnDOT Office of Environmental Stewardship Roadside Vegetation Unit staff performed a field review of the existing bluff vegetation in the project impact area on April 11, 2012 (see Appendix D). Based on vegetation differences, they classified the area into three different zones: Highly disturbed vegetation on the face of the existing cut, disturbed forest in areas beside the existing cut, and intact forest above the existing cut. According to maps showing the expected area of impact from the proposed bluff cut, it appears that the construction will impact the highly disturbed vegetation on the existing cut as well as the disturbed forest beside the existing cut. Since the proposed cut will not extend above the existing cut, it is not likely to impact the intact forest growing above the existing cut and will be confined to the two zones of previously disturbed vegetation.

A MnDOT OES staff biologist contacted MnDNR wildlife staff to obtain additional information on potential timber rattlesnake populations in the project vicinity and/or potential project impacts. No specific potential impacts to timber rattlesnakes were identified as a result of this inquiry.

MnDOT requested that Jacquelyn Fallon of the Midwest Peregrine Society review the bluff area and proposed project impacts to assess the potential for negative impacts to peregrine falcons. In her opinion, "...based on nearly 20 years of working with peregrine recovery, the proposed time-frame and blasting into the cliff should not negatively affect the resident peregrine falcons in that area." (see letter in Appendix D)

Comment: Discuss proposed mitigation for impacts; include a discussion on the avoidance/minimization leading into mitigation options:

Potential mitigation options to address re-vegetation of the cut slopes in the bluff area considered include post excavation slope treatment to encourage re-vegetation. However, MnDOT's staff have noted that that these efforts have not

been especially successful in the past. MnDOT's past experience is that allowing re-vegetation to occur naturally is more practical.

Additional measures including shot-creteing the exposed surface with a special surface treatment were discussed with MnDNR staff. However, these surface treatments may actually be detrimental from a visual quality perspective.

Avoidance of bluff encroachment has been achieved in 2 of 3 locations with the inclusion of rock catchment walls adjacent to the I-90 eastbound roadway. In one location, the inclusion of rock catchment walls alone cannot mitigate the potential for rockfall onto the roadway below. A flexible barrier fencing system placed near the top of the existing cut was investigated as a potential means at avoiding any excavation at this location. However, as noted previously, the flexible barrier system was dismissed due to the impractical nature of the installation and maintenance of this system. Additionally, early assessments found that a high degree of vegetation may be impacted with installation of this system.

Wildlife

Bat colony: Section 4.11 of the EA/EAW (page 44) described the presence of a bat colony on the bridge structure. In spring 2012, staff from both the Minnesota and Wisconsin Departments of Natural Resources conducted a field inspection of the colony to identify the species present and estimate the size of the population. A large maternal colony of little brown bats (*Myotis lucifugus*) was identified roosting within the bridge structure. Little brown bats are considered a threatened species in Wisconsin (they are not currently assigned to a protective status in Minnesota or at the Federal level). Estimates of the size of the colony varied considerably depending on the appraising criteria used and ranged from 1,400 and 4,000 individuals. Regardless of the exact number, this is considered a substantial population and is the largest know little brown bats roost in Wisconsin.

MnDOT will continue to work with both the Minnesota and Wisconsin Departments of Natural Resources as the project construction/phasing plans are developed, to identify measures to minimize disruption to the colony, to the extent feasible.

Eagles: U.S. FWS indicated that a survey of eagle nests in the Refuge would be conducted in spring 2012. The results of that survey have not yet been received, but MnDOT will continue to coordinate with U.S. FWS staff to identify if any eagle nests are in the vicinity of the project, and, if so, determine appropriate measures to avoid/minimize impacts to nesting.

Vegetation

Invasive Species: The WDNR commented that the EA/EAW did not include discussion of terrestrial invasive species. As noted in the response to the DNR's comment (see Appendix A), terrestrial construction equipment decontamination will be required by the construction specifications, to address this issue. MnDOT is also coordinating with WisDOT regarding standard Transportation Invasives BMPs, which will be incorporated into project specifications.

Public Involvement

The Dresbach Bridge Project development process included a public and agency involvement program that was initiated at the beginning of the project development. Several elements were included in the public involvement program, as listed below.

Technical Advisory Committee (TAC)

The TAC met regularly throughout the project development process to provide regular and ongoing technical oversight regarding preliminary design, environmental review and public involvement. Members included representatives from FHWA, MnDOT District 6, MnDOT Office of Environmental Stewardship, MnDOT Bridge Office, MnDOT Office of Technical Support, Wisconsin DOT, and the La Crosse Area Planning Committee (LAPC) - the area's metropolitan planning organization (MPO).

The TAC developed a Public Involvement Plan to provide guidance for public and agency participation activities (described below). MnDOT District 6 developed a list of area and agency stakeholders with whom to communicate, sent out press releases and newsletters in advance of public information meetings, and maintained a web site that provides project information to the public.

Project Advisory Committee (PAC)

A Project Advisory Committee (PAC) was established to provide periodic project updates and obtain input from local stakeholders and agencies with jurisdiction over planning and permitting. Stakeholders invited to participate on the PAC included the U.S. FWS; the Departments of Natural Resources from Minnesota and Wisconsin; Minnesota Office of Tourism; the U.S. Army Corps of Engineers (USACE); the U.S. Coast Guard; the Cities of La Crosse, Onalaska and La Crescent; the Counties of Winona, Houston and La Crosse; LAPC; the La Crosse Area Chamber of Commerce; and the La Crosse Area Convention and Visitors Bureau. In addition, the PAC also included MnDOT and WisDOT staff on the TAC.

Meetings were held at key project decision points starting in late 2007, to allow for PAC review/comment on project progress. The PAC played a primary role in identifying the importance of full access to the Minnesota Riverfront; they expressed concerns over

maintenance of traffic during construction; and they provided input into aesthetic design options.

Roadway and Bridge Workshops

Day-long technical workshops were conducted at key decision-making points during the development, screening and refinement of project alternatives. Sets of roadway and bridge workshops were held, respectively, on April 9th and June 25th, 2008; and on November 11th and 25th, 2008.

Aesthetics Workshop

A workshop was held on March 17th, 2009 that addressed bridge design elements to receive input on issues related to visual quality and aesthetics, including pier type, abutment treatment, bridge railings, and lighting. Invitees included local stakeholders and PAC members.

Public Meetings / Public Hearing

Public information meetings were held to provide opportunities for the public to review plans, ask questions, and provide input. An introductory public information meeting was held on March 20th, 2008, which provided information on the project scope, previous work, and existing project area conditions. A second public information meeting on November 6th, 2008 presented a set of three roadway interchange and four bridge types as well as environmental considerations for public feedback and discussion. A public open house meeting/hearing was held on January 25, 2012, during the EA/EAW public comment period.

Environmental Agency Coordination

On October 1st, 2008, project consultants and MnDOT staff hosted a workshop for environmental agencies to review and discuss the project's Purpose and Need, environmental considerations, and project alternatives developed to date.

On February 4th, 2009, MnDOT and WisDOT project representatives met with representatives from state and federal environmental agencies to update them on the development and screening of alternatives.

In December 2009 and January 2010, the proposing agencies (MnDOT and WisDOT) coordinated with WDNR regarding the WDNR/WisDOT Cooperative Agreement.

Starting in May of 2009, MnDOT and WisDOT project representatives held meetings with representatives of the U.S. FWS to discuss issues of concern to the U.S. FWS. Discussion items included Refuge impacts and mitigation, the U.S. FWS compatibility

determination (permit for right-of-way), Section 4(f) impacts, and the overall environmental review process.

Starting in April of 2008, project representatives met with the U.S. Coast Guard. Discussion items have included river navigation and bridge design issues, including vertical/horizontal clearance, pier reinforcement, life-cycle costs, main span alternatives, bridge skews and bridge tapers.

The USACE concurred with the project Purpose and Need at a meeting on October 1, 2008, and attended PAC meetings throughout the project where the alternatives were discussed and narrowed and the project overall plan was developed. Starting in 2009, project representatives have met numerous times with the USACE, WDNR and U.S. FWS to review the development and selection of the preferred alternative, receive input from the USACE regarding the measures taken to avoid and minimize wetland impacts, and to discuss potential wetland mitigation locations.

The Cultural Resource Unit of MnDOT and WisDOT staff consulted with tribal groups who have expressed a potential interest in reviewing projects in this area of Minnesota and Wisconsin. None of the tribes responded with an interest in the project.

On February 27th, 2008, MnDOT and WisDOT staff discussed the effects that a future high speed rail track/corridor, part of the Midwest Regional Rail Initiative, might have on the project.

On May 22nd, 2008, project representatives met with representatives from CP Rail. Agenda items included the number and spacing of tracks; lateral clearance requirements; location of piers; and railroad cross sections.

On February 28, 2008 MnDOT, WisDOT and local planning agency staff toured the project area and vicinity to assess the potential for accommodation of a bicycle/pedestrian trail (or "the trail") across the I-90 bridge, identify through-connection deficiencies and identify areas needing improvement in the project area.

On December 15th, 2008 and April 11, 2011, MnDOT and LAPC staff met with the Bicycle/Pedestrian Advisory Committee (BPAC) of the LAPC. During 2009 and early 2010, additional contact/coordination occurred primarily with the LAPC contact at TAC and PAC meetings. Throughout summer and fall of 2011, correspondence and discussions with LAPC and bicycle advocacy groups continued, including meetings to discuss the Feasibility Study.

Agency and Public Comments on the EA and MnDOT's Responses

A total of 53 comments were received during the EA/EAW comment period. Comments were received from private citizens, business representatives, interest groups, agencies, and other government entities. Consistent with state and federal environmental review rules, responses have been prepared for all substantive comments submitted during the 45-day comment period. Written responses have been provided for substantive comments pertaining to analysis conducted for and documented in the EA. Appendix A contains agency comments and MnDOT responses to those comments; Appendix B contains public written and public hearing comments and responses to those comments. Responses were not provided for comments of general opinion or statements of preference; however, since a number of commenters expressed opinions for or against a ped/bike trail accommodation on the bridge, a summary of those opinions is provided below.

Summary of Public Comments on Trail Accommodation

The majority of public comments were regarding a preference for bicycle/pedestrian trail accommodation on the bridge. Comments on bicycle/pedestrian accommodation and general opinions have been summarized below. No response is required to be provided for comments expressing preference or opinion.

(A) Thirty-one letters, e-mails, and written or verbal comments expressed a preference for including bicycle/pedestrian accommodation with the construction of the bridge. General opinions expressed about this alternative are summarized below.

1. Trails help promote a healthy lifestyle through increased opportunity for walking and biking.
2. Future generations' use of a bridge should be considered, and indicate the need to include a river crossing trail.
3. Bicycle commuters would benefit from a trail on this crossing.

(B) Four comments were received expressing a preference that a river crossing trail not be included with the project. General opinion expressed about this are summarized below.

1. No trail connection exists after the trail reaches Wisconsin.
2. Cost for a trail should be considered, it may be too high.
3. Concerns about potential conflicts between bicycles and vehicles when sharing roadway use.

III. DECISION REGARDING NEED FOR ENVIRONMENTAL IMPACT STATEMENT

A. Type, Extent, and Reversibility of Impacts

MnDOT finds that the analysis completed for the EA/EAW and Section II above is adequate to determine whether the project has the potential for significant environmental effects. In the EA/EAW analysis and during the public review period no impacts were identified as

potentially significant. The EA/EAW and this Findings document (including Appendix G) also identify commitments made to avoid, minimize and/or mitigate project impacts. Based on these analyses and mitigation commitments, the proposed project is not anticipated to result in substantial impacts.

B. Cumulative Potential Effects of Related or Anticipated Future Projects

The EA/EAW identified projects that are planned or are under construction in the vicinity of the I-90 Bridge project and assessed the potential for cumulative effects. As described in the EA/EAW, the combined impacts of these actions in addition to the impacts of the I-90 Bridge project are not anticipated to result in significant cumulative potential effects.

C. Extent to Which the Environmental Effects are Subject to Mitigation by Ongoing Public Regulatory Authority

The mitigation of environmental impacts will be designed and implemented in coordination with appropriate regulatory agencies, and will be subject to permitting/approval processes. Permits and approvals that have been or may be required prior to project construction include:

Permits / Review	Agency	Action Required
FEDERAL		
Environmental Assessment document	FHWA	Approval
EIS Need Decision	FHWA	Decision
Section 4(f) <i>de minimis</i> finding	FHWA	Determination
Section 106 (Historical/Archaeological)	FHWA (MnDOT CRU/ FHWA)	Determination
Endangered Species Act (Section 7 Consultation)	FHWA (MnDOT OES/FHWA)	Informal Consultation-Determination of May Affect, Not Likely to Adversely Affect
Endangered Species Act (Section 7 Consultation)	U.S. FWS	Concurrence
Interstate Access Modification and Design Exceptions	FHWA	Approval
Section 404 Permit – Wetlands; Section 10 Permit	U.S Army Corps of Engineers	Approval
Section 9 Permit	U.S. Coast Guard	Approval
Project Review/Circular 39 Review	FAA / WisDOT Aeronautics	Determination of No Hazard to Navigation
Project Compatibility Determination	U.S. FWS	Determination
Section 4(f) <i>de minimis</i> finding	U.S. FWS	Concurrence

Permits / Review	Agency	Action Required
STATE		
EA/EAW Document	MnDOT, WisDOT	Approval
EIS Need Determination	MnDOT	Decision
Construction Plans – Bridge Preliminary Plan	MnDOT; WisDOT	Approval
Construction Plans – Roadway/Geometric Layout	MnDOT; WisDOT	Approval
MN Wetland Conservation Act (Replacement Plan)	MnDOT with review by Board of Soil and Water Resources	Approval/Review
Design Exception for US 61 Northbound to Eastbound I-90 Ramp	MnDOT	Approval
Wisconsin DNR/WisDOT Cooperative Agency Agreement	WDNR, WisDOT	Concurrence
Public Waters Work Permit (General Permit 2004-0001)	MNDNR	Permit
Notice of Demolition and/or Removal and Application for Permit Exemption	WDNR	Approval
Section 106 Cultural Resources Review (Historic/Archaeological)	Minnesota SHPO	Consultation
Section 401 Water Quality Certification	MPCA; WDNR	Certification
NPDES Construction Stormwater Permit	MPCA; WDNR	Permit
LOCAL		
Stormwater Management Plan	Winona County, La Crosse County	Coordination
Erosion and Sediment Control Plan	Winona County, La Crosse County	Coordination

D. Extent to Which Environmental Effects can be Anticipated and Controlled as a Result of Other Environmental Studies

The Minnesota Department of Transportation has extensive experience in bridge and highway construction, including design and construction of numerous projects similar to the Dresbach Bridge project. MnDOT's design and construction staff are very familiar with the project area. No problem is anticipated that the staff of MnDOT District 6 has not encountered and successfully solved as part of similar projects. Therefore, MnDOT finds that the environmental effects of the project can be anticipated and controlled as a result of environmental review and experience on similar projects.

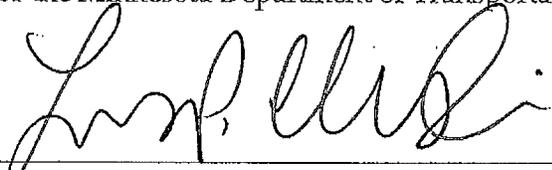
IV. CONCLUSIONS

1. All requirements for environmental review of the proposed project have been met.
2. The EA/EAW and permit processes related to the project completed to date have generated sufficient information to determine whether the project has the potential for significant effects.
3. Areas where potential environmental effects have been identified are being addressed during the detailed design phase of the project. Mitigation will be provided where impacts are expected to result from project construction, operation, or maintenance. Mitigation measures are incorporated into project design and they are being coordinated with appropriate agencies during the permit process.
4. Based on the criteria in Minnesota Rules part 4410.1700, the project does not have the potential for significant environmental effects.
5. An Environmental Impact Statement is not required for the proposed I-90 Dresbach Bridge Project.

Based on the Findings of Fact and Conclusions contained herein and on the entire record:

The Minnesota Department of Transportation hereby determines that the I-90 Bridge Project will not result in significant environmental impacts, and that the project does not require the preparation of an environmental impact statement.

For the Minnesota Department of Transportation



Chief Environmental Officer
Director, Office of Environmental Stewardship
Minnesota Department of Transportation

8/22/12
Date

Appendix A – Agency and Interest Group Comments and Responses

Appendix B – Public and Public Hearing Comments and Responses

Appendix C – Record of Public Meeting and Certificate of Compliance

Appendix D – Post EA/EAW Data and Correspondence

Appendix E –MOU with U.S. FWS and Section 4(f) *De Minimis* Concurrence

Appendix F – Figures

Revised EA/EAW Figures

- Figure 3
- Figures 6a, 6b, 6c
- Figure 14d

New Figures

- Figure 1
- Figure 2

Appendix G – Updated Commitments List