

Exhibit 01: Stipulations for Highway 1 Project
Superior National Forest/MnDOT

Exhibit I: STIPULATIONS
Highway I
State of Minnesota, Department of Transportation Superior National Forest

This Stipulation made this 1st day of March, 2017 by and between the State of Minnesota,

acting through its Commissioner of Transportation, hereinafter referred to as the State, and the Forest Service, United States Department of Agriculture, acting herein by and through the Forest Supervisor, hereinafter referred to as the Forest Service.

WHEREAS, the State is engaged in the laying out, construction, operation, and maintenance of a public highway designated as US Highway 1 in Lake County within the areas identified in this Easement [re: State Projects 3801-92 and 3802-21], which traverses lands of the United States in the State of Minnesota, County of Lake, administered by the Forest Service, and

WHEREAS, the State and the Forest Service desire to cooperate in the development and construction of a highway that will protect adequately and afford adequate utilization of the lands of the United States traversed by the highway for the purpose for which the lands are being administered.

NOW THEREFORE, supplementary to the terms and conditions of the highway easement deed between the United States, acting through the Department of Transportation, Federal Highway Administration, and the State, the parties hereto agree to carry out the following provisions during the construction stage (Construction stage is to begin when construction activities commence on lands administered by the Forest Service and end when the Forest Service and the State mutually agree that any work done thereafter will be considered as maintenance, EXCEPT, that the Forest Supervisor reserves the right to reinstate the provisions of this stipulation if the State subsequently submits plans for reconstruction or alteration of the highway).

The State shall:

- A. Before any clearing of the right-of-way or construction of the highway commences:
 1. Prepare, in cooperation with the Forest Service, an environmental document as needed when doing any construction or ground disturbing activities. Applicable Superior National Forest Plan direction must be identified in the environmental document and followed.
 2. Follow mitigation measures outlined in any environmental document, including the Categorical Exclusion prepared by the Forest Service in 2016 for State Projects 3801-92 and 3802-21 (see Exhibit C).
 3. Prior to ground disturbing activities, monitor nests or dens of animal species (Endangered, Threatened, Sensitive, or Conservation Concern) identified by the Forest Service to determine occupancy. Follow any necessary mitigations identified in the environmental document.
 4. Conduct surveys for plants (Endangered, Threatened, Sensitive, or Conservation Concern) identified by the Forest Service prior to any ground disturbance in all appropriate habitats and during the proper blooming period for each species within the easement area. Follow any necessary mitigations identified in the environmental document.
 5. A). Prepare, in cooperation with the Forest Supervisor, a clearing plan that sets forth in detail the procedures and standards that will apply to (1) all clearing and disposal of merchantable timber for construction and (2) all clearing and disposal of merchantable timber for thinning to reduce shading issues. Such plan shall include provision for payment by the State or its contractors for the merchantable timber on lands of the United States to be cut, used, or destroyed in the construction of highway or the clearing of said right of way. Payment for merchantable timber shall be at appraised value as determined by the Forest Service.

- B) Small maintenance clearing activities within the Maintenance Corridor, defined as the portion of the right of way extending 38 feet each side of the centerline of TH 1 within the project area, shall be performed consistent with the clearing plan. See Attachment 1.
- 6. Prepare, in cooperation with the Forest Service, a landscape and erosion control plan with the objective of protection, restoring, or enhancing the roadside landscape, protecting soil, protecting or reestablishing vegetative cover as well as reducing the visual impacts along a scenic route through the Forest. Such plan shall, when appropriate, provide for vegetating cuts, fills, and other areas damaged as a result of highway construction; maintenance or operation; and for terraces, drainage, waste disposal areas, soil replacement, and other requirements necessary to achieve the objective. See Attachment 2.
- B. Comply with the following recommendation of the United States Forest Service for resource management:
 - 1. Take all necessary precautions to avoid damage to fish habitat and exercise every reasonable precaution to prevent muddying or silting live streams and wetlands.
 - 2. Do not deposit material removed from the roadway or channel changes in live streams or into the streams or stream channel where it would be washed away by high stream flows.
 - 3. Do not haul materials, including logs, brush, and debris by fording live streams. Provide temporary bridges or other structures for this purpose.
 - 4. Do not operate mechanized equipment in live streams, except as may be required to construct bridges, retaining walls, culverts or channel changes as stipulated.
 - 5. Do not allow oil or greasy substances originating from construction operations to enter or be placed where they may enter a live stream or wetland.
 - 6. Comply with provisions of State Code and other applicable statutes relating to pollution prevention or abatement.
- C. Re-establish Forest signs if disturbed during construction. Obtain specifications and recommended sources from Superior National Forest Engineer Department.
- D. Permanently monument the right-of-way in accordance with State requirements for such right-of-way before completing construction, but, at a minimum, place permanent monuments at intervals of not more than 1,000 feet along the right-of-way limits.
- E. Reestablish or restore public land monuments disturbed or destroyed by construction, reconstruction, or maintenance according to instructions of the Bureau of Land Management, Department of the Interior. Other land monuments and property corners or witness markers shall not be damaged, destroyed, or obliterated without the prior permission of the Forest Service and shall be relocated or reestablished in accordance with State Code.
- F. Take all reasonable precautions to avoid damages to property and resources of the United States and to diligently carry out measures for prevention of fires and to take suppression action in the event of fire resulting from clearing or construction.
- G. The Contractor will be held liable for suppression costs of fires on land within the National Forest boundary and held liable for damages to National Forest land as a result.

IN WITNESS WHEREOF, the parties hereto have caused this Stipulation to be executed on the day and year first above written.

Constance Cummins Forest Supervisor
U.S. Department of Agriculture Superior National Forest
Date 3/2/17

Duane Green Jr.
Acting Director Office of Land Management State of Minnesota
Minnesota Department of Transportation
Date 3/22/2017

Attachment I-Clearing Plan
Attachment 2- Landscape Management and Erosion Control Plan
Attachment 3 - Mitigation Measures for State Projects 3801-92 and 3802-21 from 2016
Categorical Exclusion prepared by the Forest Service

Attachment I-CLEARING PLAN Highway I
State of Minnesota, Department of Transportation Superior National Forest

1. As provided in Minn. Stat. Section 160.22, Subd. 3 and 4 (2012), the State may cut and remove any trees, hedges, and vegetation from the areas of the Stipulation consistent with the terms of this clearing plan.
2. The State may cut and remove all trees, hedges and vegetation within the Maintenance Corridor. Downed trees within the Maintenance Corridor will be handled and disposed of by the State.
3. The State may dispose of woody vegetation free of charge when such products are not being used for personal or commercial use. If woody vegetation will be used for personal or commercial use, a permit must be obtained from the Forest Service. For any vegetation outside the Maintenance Corridor, the state must coordinate with the Forest Service and payment may be required.
4. For all future projects, the Forest Service will mark, appraise and sell the timber as expediently as possible with at least 1-year notification by the State. The State will identify and mark the areas of potential construction/clearing for future projects. All applicable resource surveys will be completed before construction/clearing/thinning can commence.
5. Dispose of all debris from Maintenance Corridor clearing operations by method that is currently approved in the State Highway Specifications.
6. No burning of slash or debris is allowed on National Forest System Lands.
7. No disposal will be permitted in live or intermittent streams.
8. Current State of Minnesota, Department of Natural Resource (MNDNR) recommendations for the reduction and management of bark beetle habitat will be observed when generating and removing pine slash and pine products; likewise follow current recommendations or rules regarding emerald ash borer, gypsy moth or other insect pests.

Attachment 2- LANDSCAPE MANAGEMENT AND EROSION CONTROL PLAN

Highway 1

State of Minnesota, Department of Transportation Superior National Forest

1. In order to reduce invasion of non-native invasive species, equipment and vehicles used for construction and maintenance need to be free of soil, seeds, vegetative debris, or other matter that could contain seeds or plant parts when such equipment arrives near National Forest land. Any necessary cleaning of such equipment and vehicles cannot be conducted on National Forest lands.
2. Minimize soil erosion and displacement by maintaining adequate ground cover and soil organic layers, both during and after treatment. Protect soil-hydrologic function by minimizing rutting, puddling, and compaction. During any soil disturbing activities, adhere to any timing or operability limitations set forth by the Superior National Forest or MN Forest Resource Council designed to protect soil productivity. Also, all cut banks and disturbed soil areas will be seeded immediately following completion of the construction work. In no case will soil be left exposed more than 30 days from time of exposure. Durable biodegradable matting should be considered for stabilization of slopes. If work is stopped for a period of more than 30 days outside the growing season, then textile material must be used to prevent soil erosion.
3. When seeding, use a seed mix that does not contain non-native invasive species and free of noxious weeds.
4. Do not use hay for mulch. Substitute coconut fiber, synthetic mulch, clean straw, or some other material that is unlikely to contain invasive plant seeds or parts.
5. Removal of unused waste or un-needed materials should be accomplished within a year after completion of construction or project.
6. All exposed areas, including slopes and stream banks disturbed in the construction will be stabilized with a durable biodegradable fabric such as coconut mat.
7. Silt traps must be checked on a regular basis two times per week and cleaned out one time per week once grasses are established. At the end of project, sediment and silt fences must be removed and disturbance seeded and mulched.
8. Disposed sediment must be done outside of flood plain and seeded and mulched promptly.
9. Divert water away from construction as much as possible and as quickly as possible.
10. The tops and toes of all road cuts and waste area fills will be rounded back to blend with existing topography.

Attachment 3-MITIGATION MEASURES OUTLINED IN THE CATEGORICAL EXCLUSION
prepared by the Forest Service in 2016 for State Projects 3801-92 and 3802-21

Highway I
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1. Avoid disturbance of existing Forest Service signs; if this cannot be avoided then replace the sign in consultation with the Forest Service when the project is complete.
2. Blasting or rock removal/movement shall be natural appearing to prevent unsightly rock faces within the viewshed.
3. Clearing limits shall be natural appearing to prevent straight view lines of vegetation.
4. Any openings created as a result of tree clearing shall be natural appearing and contain islands of vegetation to prevent direct line sightings into the Forest.
5. Where possible, design openings to allow views adjacent to waterbodies.
6. Where the Stony River is near the highway in T60N R10W S26, ensure that best management practices are in place for sediment runoff to minimize effects to sensitive freshwater mussels.
7. Culvert replacements or improvements will follow guidance provided by the Forest Service for maintaining or enhancing aquatic organism passage. The Forest Service provided MnDOT with the culvert locations.
8. Review the MN DNR Natural Heritage database for rare species locations and avoid or mitigate effects to these if applicable.
9. At northern goshawk sites with an existing nest structure, prohibit or minimize, to the extent practical, activities that may disturb nesting pairs in an area of 50 acres minimum (860 ft. radius) during critical nesting season (March 1-August 30).
10. If culvert replacement happens near the rare plant location, conduct a rare plant survey if activities occur outside the existing clearing limits. The Forest Service provided MnDOT with the rare plant location.
11. If culvert replacement happens at purple loosestrife locations, clean equipment before moving to next culvert replacement. The Forest Service provided MnDOT with the purple loosestrife locations.
12. Where feasible use relatively noxious weed free gravel sources such as the Denley pit.
13. Use a native seed mix for any revegetation needs.
14. Follow any mitigation measures identified in consultation with U.S. Fish and Wildlife Service for Endangered Species Act-listed species.