



Minnesota Department of Transportation

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February 1, 2013

To Whom It May Concern:

SUBJECT: Negative Declaration Regarding the Need for an Environmental Impact Statement for the TH 169 Project – Elk River to Zimmerman (S.P. 7106-73 & S.P. 7106-71)

The Minnesota Department of Transportation (MnDOT) has identified long-term improvements to Trunk Highway (TH) 169 from TH 10 in Elk River to County State Aid Highway (CSAH) 4 in Zimmerman, including redesign of the TH 10/101/169 interchange. The project also includes improvements to TH 101 from CSAH 39 in Otsego to TH 169 in Elk River, including reconstruction of the TH 101 bridge over the Mississippi River. The proposed project would remove at-grade intersections and signals along the project corridor. A system of interchanges, overpasses, and frontage/backage roads would replace existing at-grade intersections. A collector-distributor road design would be constructed providing full access interchanges at Main Street and School Street in Elk River. Interchanges would also be constructed at Jackson Avenue/193rd Avenue/197th Avenue in Elk River, 221st Avenue in Elk River, CSAH 25/19 in Livonia Township, and CSAH 4 in Zimmerman. The proposed project would result in consolidation and closure of access along TH 169. These future roadway improvements were defined to help inform local land use and transportation planning decisions. There currently is no funding identified for construction of the roadway improvements.

Under Minnesota rules, MnDOT is the Responsible Governmental Unit (RGU) for this project. The proposed action was described and analyzed in an Environmental Assessment/Environmental Assessment Worksheet (EA/EAW) circulated to the EAW Distribution List and others. A Notice of Availability appeared in the EQB Monitor on November 1, 2010. A public hearing was held on December 1, 2010 in Livonia Township and on December 2, 2010 in Elk River. The EA/EAW comment period closed December 20, 2010.

As the RGU for work on the Minnesota trunk highway system, MnDOT has undertaken a thorough analysis of the project and its impacts. Through its own analysis, coordination with affected agencies, public and community involvement, and comment letters received, MnDOT has determined that the long-term improvements to TH 169 (Elk River to Zimmerman) as described in the EA/EAW and the Findings of Fact and Conclusion does not have the potential for significant environmental impacts. MnDOT has concluded that an Environmental Impact Statement is not required, and has issued a Negative Declaration Order for the project. This decision and determination is supported by the full administrative record of the project, including the Findings of Fact and Conclusions. The Negative Declaration concludes the Minnesota state environmental review process.

An Equal Opportunity Employer



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MnDOT does not intend to circulate paper copies of the Findings and Conclusions document or the Negative Declaration Order. These items and others are available on the project website at: <http://projects.dot.state.mn.us/srf/169elkriver/environment.html>. To request the document in an alternative format, please contact the MnDOT Affirmative Action Office at 651-366-4718 or 1-800-657-3774 (Greater Minnesota); 711 or 1-800-627-3529 (Minnesota Relay). You may also send an e-mail to ADArequest.dot@state.mn.us. (Please request at least one week in advance). Should any readers not have access to these electronic documents, paper copies may be obtained by contacting Jim Hallgren at 218-828-5797.

As an item of information, the Federal Highway Administration (FHWA) issued a Finding of No Significant Impact (FONSI) for this project on January 29, 2013. The FONSI is also posted to the above-referenced website.

For the Minnesota Department of Transportation



James Hallgren, P.E.
Project Manager/District Bridge Engineer
Minnesota Department of Transportation

2-1-13

Date

FINDINGS OF FACT AND CONCLUSIONS

Trunk Highway 169 (Elk River to Zimmerman)

State Project: 7106-71 (Zimmerman) and 7106-73 (Elk River)

**City of Elk River
City of Zimmerman
Livonia Township
Sherburne County, Minnesota**

Minnesota Department of Transportation

December 2012

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I. ADMINISTRATIVE BACKGROUND/STATEMENT OF ISSUE

The Minnesota Department of Transportation (MnDOT) has identified long-term improvements to Highway 169 in Elk River, Livonia Township, and Zimmerman. These long-term improvements include reconstruction of Highway 169 to a freeway facility between Main Street in Elk River and County State Aid Highway (CSAH) 4 in Zimmerman, as well as redesign of the Highway 10/101/169 system interchange (refer to Figures 1 and 2A – 2C in Appendix A).

MnDOT is the proposer and Responsible Governmental Unit for this project. An Environmental Assessment/Environmental Assessment Worksheet (EA/EAW) has been prepared for this project in accordance with Minnesota Rules Chapter 4410 and the National Environmental Policy Act (NEPA) [42 USC 4321 et. seq.]. The EA/EAW was developed to assess the impacts of the project and other circumstances in order to determine if an Environmental Impact Statement (EIS) is indicated.

The EA/EAW was filed with the Minnesota Environmental Quality Board (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 November 1, 2010, and a legal advertisement was published in the *Star News* on October 30, 2010. A press release was also provided to media outlets in the surrounding area.

The EA/EAW was made available for public review at the Elk River Public Library, Great River Regional Library, Elk River City Hall, Zimmerman City Hall, Livonia Town Hall, Sherburne County Public Works Office, and MnDOT District 3 Offices. The EA/EAW was also available on the project website at: <http://projects.dot.state.mn.us/srf/169elkriver/>.

Two open houses/public hearings for the proposed project were held on Wednesday, December 1, 2010, at the Livonia Town Hall and Thursday, December 2, 2010, at the Elk River City Hall. The hearings presented the project design and identified potential environmental impacts of the project. At the hearings, members of the public were given the opportunity to provide formal written comments or oral testimony on the proposed project.

Two written comments and no oral statements were received at the December 2 public hearing. Additional comments were received through December 20, 2010. Four additional written comments were received during the EA/EAW comment period, for a total of six comments. All comments received during the EA/EAW comment period, including those received from the open house/public hearing, were considered in determining the potential for significant environmental impacts. Comments received during the comment period are provided in Appendix B, and responses to the comments are provided in Appendix C.

Based upon the information in the record, which is composed of the EA/EAW for the proposed project, the issues raised during the public comment period, the responses to the comments, and other supporting documents, MnDOT makes the following Findings of Fact and Conclusions:

II. FINDINGS OF FACT

Project Description

The Highway 169 improvements studied in the EA/EAW include reconstruction of Highway 169 to a freeway between Main Street in Elk River and CSAH 4 in Zimmerman, including redesign of the Highway 10/101/169 system interchange. The project includes improvements to Highway 101 from Highway 169 in Elk River to CSAH 39 in Otsego, including reconstruction of the Highway 101 bridge over the Mississippi River. The proposed project would remove at-grade intersections and signals along the project corridor. A system of interchanges, overpasses, and frontage/backage roads would replace existing at-grade intersections. A collector-distributor road design would be constructed providing full access interchanges at Main Street and School Street in Elk River. Interchanges would also be constructed at Jackson Avenue/193rd Avenue/197th Avenue and 221st Avenue in Elk River. Interchanges would be constructed at CSAH 25/19 in Livonia Township and CSAH 4 in Zimmerman. The proposed project would result in consolidation and closure of access along Highway 169. Refer to Figures 4A through 4E in Appendix A for a depiction of the improvements studied in the EA/EAW.

The purpose of the project is to address safety, mobility, and operational issues to maintain the functionality of Highway 169 as a principal arterial route. There is no funding in place for right of way acquisition or construction of the proposed project. This EA/EAW process is intended to allow for improvements consistent with the proposed project to be implemented over time as funding becomes available. In the near term, this EA/EAW will be used to help inform local land use and transportation planning decisions.

Corrections to the EA/EAW or Changes in the Project Since the EA/EAW was Published

- The ERDB file number referenced in the April 19, 2007 letter from the Minnesota Department of Natural Resources (MnDNR) in Appendix D of the EA/EAW is incorrect. The correct ERDB file numbers for this project are 20080494, 20040317, and the Mississippi River crossing.
- In Section VII.A – Item 11b of the EA/EAW, the yes/no space should be checked “yes” as there are state-listed species, rare plant communities, and other sensitive ecological resources located on or near the project site. These resources are also described in Section III.A of this Findings document.
- The Minnesota Pollution Control Agency (MPCA) has permitting authority through the National Pollutant Discharge Elimination System (NPDES) Phase II Permit. The NPDES permit specifies minimum standards for temporary and permanent stormwater management due to construction activities including erosion and sediment control. As noted by the MPCA in their comments on the EA/EAW, the previous 2,000-foot examination requirement for impaired or specially-protected waters as part of the construction stormwater (CSW) permit was expanded to one mile in August 2008.

- Receiving water bodies that are listed on the 2012 draft 303(d) List of Impaired Waters for Minnesota and specially-protected waters within one mile of the project corridor are listed below:¹
 - Mississippi River is considered a specially-protected water (state-designated wild and scenic river)
 - Mississippi River is impaired for mercury with the affected use of aquatic consumption.
 - Mississippi River (Clearwater River to Elk River) is impaired for fecal coliform and biological integrity (fish bioassessments) with the affected use of aquatic recreation and aquatic life.
 - Mississippi River (Elk River to Crow River) is impaired for polychlorinated biphenyls (PCBs) in fish tissue with the affected use of aquatic consumption.
 - Lake Fremont is impaired for nutrients/eutrophication biological indicators with the affected use of aquatic recreation.
- Figure 10A from Appendix A the EA/EAW has been updated to show a total acquisition of the property located at 229 Carson Street NW. This parcel was identified as a total take in the document (Appendix J of EA/EAW), but the total take was not identified in Figure 10A. The corrected version of Figure 10A is included in Appendix A.

III. DECISION REGARDING NEED FOR ENVIRONMENTAL IMPACT STATEMENT

An EIS is not necessary for the proposed project based on the following criteria:

A. Type, Extent, and Reversibility of Impacts

MnDOT finds that the analysis completed for the EA/EAW is adequate to determine whether the project has the potential for significant environmental effects.

The EA/EAW described the type and extent of impacts to the natural and built environment anticipated to result from the proposed project. This Findings of Fact and Conclusion document provides corrections, changes, and new information since the EA/EAW was published. The proposed design for the project includes features to mitigate the identified impacts.

Following are the findings regarding potential environmental impacts of the proposed project and the design features included to avoid, minimize, and mitigate these impacts:

¹ Minnesota Pollution Control Agency. 2012. The Minnesota Pollution Control Web Site (online). 2012 Draft 303d List of Impaired Waters accessed 2012-09-18 at <http://www.pca.state.mn.us/index.php/water/water-types-and-programs/minnesotas-impaired-waters-and-tmdls/assessment-and-listing/303d-list-of-impaired-waters.html>.

Contaminated Sites

A Phase I Environmental Site Assessment (ESA) found 50 sites of documented or potential contamination within the current study area. Four sites were identified as having high risk potential for contamination and 41 were identified as medium risk potential sites. Eighteen (18) of these properties will be affected by right of way impacts; many of these are partial “strip” takings along the roadway.

Prior to construction, a Phase II Environmental Site Assessment (ESA) will be conducted, as needed, on properties identified as potential concern that are identified for potential acquisition as part of final design. Of particular note is Parcel #49 in the Phase I ESA, located in the vicinity of the proposed CSAH 4 interchange in Zimmerman. Parcel #49 is identified as a former Zimmerman dump site, costs of which could (based on information currently available) range from \$75,000 up to \$2.8 million to mitigate. The Phase II ESA investigation should be undertaken as soon as possible once project implementation is programmed, to better define the anticipated clean-up costs (or possible project design changes to minimize impacts) so they can be included in the project cost estimate.

Protected Species

The Highway 101 bridge over the Mississippi River will be inspected for swallows prior to construction. If nesting swallows are present on the bridge, measures will be taken in accordance with the Migratory Bird Treaty Act.

Blanding’s turtles (*Emydoidea blandingii*), a state threatened and endangered species, have been observed in the vicinity of the project area. The need for protection measures will be evaluated prior to final design/construction in consultation with MnDNR. The contractor would be made aware of any protection recommendations and will also be provided with a copy of the Blanding’s Turtle Fact Sheet to make them aware of the possible presence of these turtles.

Occurrence records of black sandshell mussels (*Ligumia recta*), a state species of special concern, have been noted in the Mississippi River in the vicinity of the southern project terminus. Project construction could require in-river impacts thereby potentially affecting mussel resources. MnDOT will continue to coordinate with MnDNR to determine the appropriate course of action as the project moves closer to final design/construction.

According to the U.S. Fish and Wildlife Service’s Minnesota County Distribution of Federally-listed Threatened, Endangered, Proposed, and Candidate Species list, there are no known federally listed endangered, threatened, proposed, candidate species or listed critical habitat identified in Sherburne County at this time. The Section 7 consultation process will be revisited closer to the time of project final design/construction.

Physical Impacts to Water Resources/Wetlands

Possible impacts to the Mississippi River include dredging/excavation impacts resulting from bridge pier construction/reconstruction, dredging/excavation impacts from placement of new bridge piers in the river, fill impacts from the bridge abutment, and fill impacts from access road construction. Assuming six piers in the river for the proposed TH 101 mainline bridge (three in each direction of travel) and three bridge piers for the adjacent structure for the northbound

TH 101 ramp, the project would result in approximately 0.2 acres of fill impacts to the Mississippi River.² (Note that this estimate of fill impacts is based on an assumed pier footprint area of 13 feet by 175 feet for each set of northbound and southbound TH 101 bridge piers, including the area between the two bridges. The pier impact area for the northbound TH 101 ramp is based on an assumed individual pier footprint of 13 feet by 50 feet.) More detailed estimates of possible impacts to the Mississippi River will be identified with preliminary and final bridge design activities and documented as part of future environmental reviews for the project. Permitting for fill impacts to the Mississippi River will be coordinated with the Corps of Engineers and MnDNR, consistent with regulatory requirements at the time of the project's final design and construction.

Seventy-three (73) wetlands were identified within the project area. In general, most of the wetlands are surrounded by agricultural fields. In other areas, development typically extends very close to the wetland boundaries. A few wetlands are more remote from the Highway 169 corridor where frontage or connecting roads may be proposed, and some of these wetlands are surrounded by wooded uplands. The wetland edges are defined by a rise in topography and a noticeable change in vegetation, typically from cattails, reed canary grass, or, in a few cases, diverse wetland vegetation to a mown grass, a cropped/fallow landscape, or a developed and impervious surface.

The edges of roadside ditches and stormwater treatment ponds along the project corridor were also identified and are shown in Figures 4A through 4E in Appendix A. Stormwater ponds and roadside ditches differ from natural wetlands in that they were constructed on non-hydric soils in areas that were not previously wetlands, for the purpose of managing and treating stormwater runoff.

Approximately 39.1 acres of wetland impacts will result from the proposed project. Approximately 28.8 acres of wetland impacts are anticipated as a result of Highway 169 improvements and interchange construction. Remaining impacts are anticipated as a result of frontage/backage road construction and BNSF Railway relocation.

Wetland W5-21 (see Figure 4E in Appendix A), located in the City of Zimmerman in the northeast quadrant of CSAH 4 interchange, exhibits a high quality scrub-shrub wetland community. Wetland W5-21 is approximately 10.5 acres in size. The Highway 169 alignment and CSAH 4 interchange are estimated to impact approximately 3.2 acres, or 32 percent, of this wetland. Appropriate mitigation for impacts to this wetland will be identified with regulatory agencies at the time of final design and permitting, in accordance with rules and regulations in place at that time.

² The existing TH 101 bridge includes six bridge piers in the Mississippi River (three bridge piers for the northbound TH 101 structure and three bridge piers for the southbound TH 101 structure. Two additional piers, one in each direction of travel, are located on-land at the north end of the TH 101 bridge. The estimate of fill impacts to the Mississippi River assumes the same number of bridge piers at the existing structure, and does not account for the area of the existing piers in the river.

A formal wetland delineation and functional analysis will be completed at the time of final design and permitting, consistent with regulatory agency processes. Current laws and rules in place at the time of permitting will be used to determine jurisdictional authority and mitigation.

Water-Related Land Use Management District

Wellhead Protection Area and Drinking Water Supply Management Area

Highway 169 crosses a wellhead protection area and drinking water supply management area in the City of Elk River near Main Street. City staff was contacted regarding any impacts to wells within and adjacent to the project area. Final design studies will determine whether additional measures such as lining of proposed stormwater ponds is necessary to prohibit infiltration into groundwater. No impact to the drinking water supply is anticipated as a result of the proposed project.

Floodway Impacts

The project will result in fill impacts to the Mississippi River floodway. Approximately 620 feet of transverse impact to the floodplain is anticipated. A floodplain analysis conducted for the EA/EAW indicated that no significant floodplain impacts are anticipated as a result of the project. Floodplain impacts will be further minimized during final design.

Shoreland Overlay District

The City of Elk River has designated a shoreland overlay district adjacent to the Mississippi River. The boundary of the shoreland overlay district corresponds to the Mississippi wild and scenic river land use district.

Mississippi River (State-Designated Wild and Scenic River)

The Mississippi River, from St. Cloud to Anoka, is a state-designated wild and scenic river. The existing Highway 101 bridge over the Mississippi River is located within a segment of the river designated as recreational. Recreational users of the Mississippi River may be temporarily affected by project construction activities, as recreational navigation may be temporarily obstructed around work areas. No substantial changes to the use of this segment are anticipated with reconstruction of the Highway 101 river crossing.

Within the project area, the wild and scenic river district boundaries extend from the Mississippi River to the Highway 10 alignment. The City of Elk River zoning code identifies regulations relating to wild and scenic river protection within the City, including measures such as minimizing vegetation removal or other shoreland alterations, stormwater management and other practices to minimize impacts to the river. Work on the State Trunk Highway system is not subject to local zoning codes; however, construction best management practices, including practices similar to the zoning protections, will be identified during final design, consistent with permitting requirements in place at the time of project implementation

MnDNR's Mississippi Scenic Riverway Management Plan (2004) prohibits new bridges across wild and scenic rivers unless transportation agencies can document need, and directs new bridges to existing bridge corridors unless there is no feasible alternative. As this bridge reconstruction would be located in an existing river crossing, it is consistent with MnDNR's management plan.

Erosion and Sedimentation

There is a potential for erosion during construction, due to the presence of areas of Highly Erodible and Potentially Highly Erodible land and steep slopes within the project area. Impacts to wetlands and water quality will be minimized by the use of best management practices. Excess fill material will not be deposited in wetlands or other environmentally sensitive areas. Temporary and permanent erosion control measures will be identified in final site grading and construction plans, and implemented in accordance with NPDES Construction Stormwater permitting requirements and MnDOT best management practices in place at that time.

Water Quality

The project will increase the amount of impervious surface in the corridor, thereby increasing stormwater runoff that may contain roadway pollutants. Stormwater management will utilize best management practices (BMPs), including conveyance of runoff to stormwater detention ponds. Both urban and rural stormwater conveyance systems will be used in the Highway 169 corridor. The proposed design, as described in the EA/EAW and this Findings of Fact and Conclusion, includes stormwater BMPs based on current regulatory requirements. See Figure 4A through Figure 4E, Appendix A for the location anticipated stormwater pond locations. The standards established by the NPDES Construction Stormwater (CSW) permit program in place at the time of final design will be followed to mitigate the water quality and quantity impacts created by the project. In addition, coordination will occur with the Cities of Elk River and Zimmerman as well as the Sherburne County Soil and Water Conservation District (SWCD). The standards and rules of each of these entities will be followed to the extent practicable.

The Mississippi River, near the southern end of the project at the Highway 10/101/169 interchange, is considered a specially-protected water (i.e., State-designated wild and scenic river as described above). According to the 2012 Section 303(d) list of impaired waters from the MPCA, the following impaired waters are located within one mile of the project corridor:³

- Mississippi River is impaired for mercury with the affected use of aquatic consumption.
- Mississippi River (Clearwater River to Elk River) is impaired for fecal coliform and biological integrity (fish bioassessments) with the affected use of aquatic recreation and aquatic life.
- Mississippi River (Elk River to Crow River) is impaired for polychlorinated biphenyls (PCBs) in fish tissue with the affected use of aquatic consumption.
- Lake Fremont is impaired for nutrients/eutrophication biological indicators with the affected use of aquatic recreation.

³ Source: Minnesota Pollution Control Agency. 2012. The Minnesota Pollution Control Agency Website (online). 2012 Draft 303d List of Impaired Waters accessed 2012-09-18 at <http://www.pca.state.mn.us/index.php/water/water-types-and-programs/minnesotas-impaired-waters-and-tmdls/assessment-and-listing/303d-list-of-impaired-waters.html>

These impairments are not associated with stormwater runoff from roadways. The NPDES CSW permit includes specific requirements for projects located within one mile of impaired or specially-protected waters, and that have stormwater runoff that flows to impaired or specially-protected waters (expanded from 2,000 feet to one mile in August 2008, see MPCA comments in Appendix C). Additional BMPs may be required for sites near impaired or specially-protected waters. Stormwater BMPs will be designed and implemented for the project consistent with NPDES CSW permit requirements in place at the time of permitting and construction.

Given the proximity of groundwater to the roadway surface within the project area, it is likely that temporary dewatering will be needed during construction. Prior to construction, MnDNR groundwater appropriation permits will be obtained. BMPs (e.g., temporary/permanent sedimentation basins, other BMPs) will be implemented prior to any dewatering activities for treatment of dewatering discharges as per NPDES Construction Stormwater permit requirements. If water is discharged from a permanent or temporary sedimentation basin, it will be checked to ensure adequate treatment was obtained, and that no-nuisance conditions will result from the discharge.

Noise

Many locations along the corridor exceed both daytime and nighttime noise standards under existing conditions. State daytime and nighttime noise standards are predicted to be exceeded along the project corridor with future (2030) Build conditions. Construction of the project will result in increases in traffic noise due to increases in traffic volumes, changes in traffic speeds, and changes in the vertical and horizontal alignment of project-area roadways. Some locations are predicted to experience decreases in traffic noise due in part to depression of Highway 169 through the urban Elk River area. Noise walls were modeled adjacent to Highway 169 at various locations throughout the project corridor. One 20-foot high wall located along the east side of Highway 169 between School Street and 193rd Avenue that achieved 5 dBA noise reduction was found to be cost effective and is proposed for construction.

Traffic noise impacts and mitigation will be re-assessed in the future at the time of project implementation, based on conditions and land uses in place at that time. Decisions on noise mitigation to be included in the project will be based on the results of this future noise impact re-evaluation. Final mitigation decisions will be subject to final design considerations, input from affected property owners, and community input.

Railroad

The project includes realignment of the BNSF Railway to the north of its existing alignment from 171st Avenue to the Great River Energy Site. The proposed realignment will increase impervious surfaces and result in wetland fill and right of way impacts. Right of way acquisition and relocation will be conducted in accordance with federal regulations.

MnDOT District 3 has also prepared an EA/EAW (published November 2010) for reconstruction of Highway 10 as a freeway facility through Elk River (SP 7102-123). The Highway 10 project includes construction of the BNSF Railway on a new alignment to the north of its existing

alignment from the GRE Site to Proctor Avenue. The impacts associated with the realignment of the BNSF Railway through Elk River are described in the Highway 10 EA/EAW.

It is likely that construction of the proposed BNSF Railway alignment, grade separations through downtown Elk River, and new bridge over Highway 169 would occur as one project.

Archaeological and Historic Resources

The proposed project has been reviewed pursuant to Section 106 of the National Historic Preservation Act of 1966 (as amended), in accordance with 36 CFR 800. This project would result in an adverse effect to the St. Paul and Pacific (BNSF) Railroad Corridor, a historic resource eligible for listing on the NRHP.

Mitigation for adverse effects to the St. Paul and Pacific (BNSF) Railroad Corridor are described in detail in a Section 106 Memorandum of Agreement (MOA) signed by MnDOT, FHWA and the State Historic Preservation Office (SHPO) (see the MOA in the Attachments to the Section 4(f) document in Appendix D). The MOA will govern mitigation for adverse effects as a result of the proposed project. This will include an interpretive display to be located at the Northstar Commuter Rail Station in Elk River. The content of the display will be developed in consultation with the SHPO at the time of project implementation.

No eligible archaeological sites were found during Phase I archaeological surveys; however, six parcels could not be surveyed in the Zimmerman area because property access was not granted. These parcels will be surveyed in the future when access is obtained.

The project has been reviewed for Section 4(f) involvement. As noted above, the project will cause an adverse effect to the St. Paul and Pacific (BNSF) Railroad Corridor, a historic district that has previously been determined as eligible for listing on the National Register of Historic Places (NRHP). A Section 4(f) review was completed for this property. The Final Section 4(f) Evaluation, included measures to minimize harm, is provided in Appendix D.

Farmland

The project will convert approximately 5.7 acres of prime farmland and 2.5 acres of statewide and locally important farmland to roadway and/or highway right of way. Overall, the project will impact 54.5 acres of potential cropland. The Elk River urban service district currently extends to the proposed 197th Avenue interchange. The Zimmerman orderly annexation area includes the CSAH 4 interchange and frontage road improvements to the south to Livonia Township. Approximately 18 percent of the cultivated land impacted by the proposed project is within an existing or planned urban service district. A majority of the farmland impacted by the project is located within Livonia Township. Over the planning timeframe of the proposed project, development of agricultural land and open space is anticipated.

Parkland/Recreational Areas

Babcock Memorial Rest Area

Babcock Memorial Rest Area is located along the north bank of the Mississippi River in the southwest quadrant of the Highway 10/101/169 interchange within the Highway 10 right of way.

MnDNR supervises, operates, and maintains the easternmost portion of the site as a Water Access Site (WAS) through an interagency agreement and limited use permit with MnDOT. The Babcock Memorial Rest Area WAS is identified in MnDNR's *Metro Area Rivers Guide*, providing boating access to the Mississippi River (carry-in and vehicular boating). The City of Elk River supervises, operates, and maintains the remaining portion of the site as a wayside through a limited use permit with MnDOT.

Vehicular access is currently permitted to the site through an access point along Highway 10 west of the Highway 10/101/169 interchange. Vehicular access to this site from Highway 10 would be eliminated with the reconstruction of the Highway 10/101/169 interchange. The site would continue to be accessible by boaters and canoeists from the Mississippi River. The City of Elk River Parks Map identifies a future trail along the east bank of the Mississippi River from downtown Elk River through Babcock Memorial Rest Area. A vehicular access will be maintained from Highway 10 to accommodate maintenance access.

Nearby sites will continue to provide access for recreational uses on the river. Nearby access points are located at Otsego County Park (two miles upstream of Babcock Memorial Rest Area at river mile 885.2) and in Dayton at the confluence with the Crow River (Crow/Dayton Public Access) (four miles downstream at river mile 879.0). Otsego County Park includes carry-in canoe access. The Crow/Dayton Public Access includes a boat ramp and parking facilities.

Baldwin Park

Baldwin Park is a one-acre neighborhood park located east of Highway 169 and north of Main Street. The proposed Highway 169 improvements are located within the existing highway right of way adjacent to Baldwin Park. The proposed design includes construction of retaining walls along Highway 169 to minimize impacts to adjacent properties. These retaining walls would be located within the existing right of way limits.

Great Northern Trail

Sherburne County has identified an abandoned Burlington Northern Railroad corridor as a north-south regional trail facility from Elk River to Princeton (Great Northern Trail). At its closest point (CSAH 25 in Livonia Township), the railroad corridor is located approximately 1,100 feet west of the Highway 169 corridor. The proposed CSAH 25/19 interchange design will accommodate an underpass for the future extension of the Great Northern Trail.

Visual Impacts

The proposed project will result in changes to the existing visual character of the Highway 169 corridor and alter the existing visual elements with views of additional pavement, new retaining walls, new storm water ponds, and new bridges and ramps. MnDOT will coordinate with affected communities prior to project implementation to identify appropriate aesthetic enhancements for the project corridor, consistent with MnDOT policies in place at that time.

Access Changes

The proposed project would result in the closure/consolidation of several access points along Highway 169. Direct access to Highway 169 would be limited for safety and operational reasons, with many access points being eliminated when improvements are constructed. Many properties would be provided access via proposed frontage/backage roads. Coordination regarding access changes would be done with affected property owners in the future, during final design (including, but not limited to Great River Energy, who submitted comments regarding project impacts [see Appendix C, and revised Figure 4A in Appendix A]). Compensation would be provided to those parcels where access is not replaced as part of the proposed project.

Right of Way Acquisitions and Relocation

A total of approximately 507 acres of right of way (306 affected parcels) will be acquired for the proposed project. Based on preliminary engineering and design, 33 single-family residences and 44 commercial businesses would be relocated as part of the proposed project.

The acquisition and relocation will be conducted in accordance with federal regulations. Because the proposed project is not programmed for construction and may not be constructed for many years, changes in current land use are anticipated and right of way impacts will be re-evaluated closer to the time of construction.

B. Cumulative Potential Effects of Related or Anticipated Future Projects

Construction of this project is not yet funded, and the EA/EAW process is being done at this time to support the anticipated future use of federal funding and to allow for land use and local transportation improvements, consistent with the proposed project, to be implemented over time as funding becomes available. Over time, new development and redevelopment of currently developed land can be expected to occur in the project vicinity.

As discussed in Section VII.A.29 of the EA/EAW, the cumulative potential effect of related or anticipated future development has been considered and the proposed project has low potential for cumulative impacts to the resources directly or indirectly affected by the project. Given laws, rules, and regulations in place, as well as local regulatory requirements and comprehensive planning and zoning laws, substantial adverse cumulative impacts to these resources are not anticipated.

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 regulatory agencies and will be subject to the plan approval and permitting process. Permits and approvals that have been obtained or may be required prior to project construction include those listed in Table 1.

**TABLE 1
PERMITS AND APPROVALS**

Permit/Approval	Agency	Action Required
Federal		
Environmental Assessment	FHWA	Approved
EIS Need Decision	FHWA	Determination
Section 404 – Individual Permit	U.S. Army Corps of Engineers	Permit
Section 10 ⁽¹⁾	U.S. Army Corps of Engineers	Permit
Section 106	FHWA MnDOT Cultural Resources Unit (CRU)	Determination of Effect
As-built drawings of replacement bridge (after construction)	U.S. Coast Guard	Coordination
State		
Environmental Assessment Worksheet	MnDOT	Approved
EIS Need Decision	MnDOT	Determination
Section 401	Minnesota Pollution Control Agency	Certification
Public Waters Work Permit ⁽¹⁾	MnDNR	Permit
Wetland Conservation Act (Replacement Plan) for new roads and capacity expansion projects	MnDOT with review by Board of Soil and Water Resources, and Minnesota Department of Natural Resources	Approval/Review
Temporary Water Appropriation Permit (if needed)	MnDNR	Permit
Mussel Relocation Permit (if needed) ⁽¹⁾	MnDNR	Permit
National Pollutant Discharge Elimination System (NPDES) Construction Stormwater Permit	MPCA	Permit
Section 106 (Historic / Archeological)	Minnesota State Historic Preservation Officer (SHPO)	Concurrence
Local		
Municipal Consent	City of Zimmerman City of Elk River City of Otsego	Approval
County Ditch Permit	Sherburne County	Approval
Other		
Railroad Agreement	MnDOT and BNSF Railway	Written Agreement
Railroad Permit	MnDOT and BNSF Railway	Permit (stand-alone or part of Agreement)

⁽¹⁾ Associated with reconstruction of Highway 101 bridge over the Mississippi River.

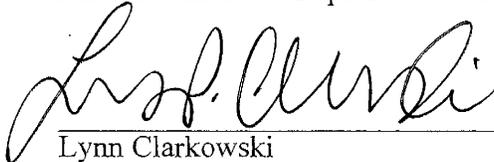
D. Extent to Which Environmental Effects can be Anticipated and Controlled as a Result of Other Environmental Studies

The Minnesota Department of Transportation has extensive experience in roadway construction. Many similar projects have been designed and constructed throughout the metropolitan area. No problem is anticipated which the staff of MnDOT District 3 have not encountered and successfully solved many times in similar projects in or near the project area. Because the project proposed in the EA/EAW is not funded for construction at this time, subsequent environmental documentation may need to occur closer to the time of construction. Future environmental studies will need to confirm environmental impacts and mitigative measures. MnDOT finds that the environmental effects of the project can be anticipated and controlled as a result of assessment of potential issues during environmental review, and MnDOT experience in addressing similar issues on previous projects.

IV. CONCLUSIONS

1. All requirements for environmental review of the proposed project have been met.
2. The EA/EAW and the permit development processes related to the project have generated information which is adequate to determine whether the project has the potential for significant environmental effects.
3. Areas where potential environmental effects have been identified will be addressed during the final design of the project. Mitigation will be provided where impacts are expected to result from project construction, operation, or maintenance. Mitigative measures are incorporated into project design, and have been or will be coordinated with state and federal 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 Trunk Highway 169 (Elk River to Zimmerman) project.

For the Minnesota Department of Transportation



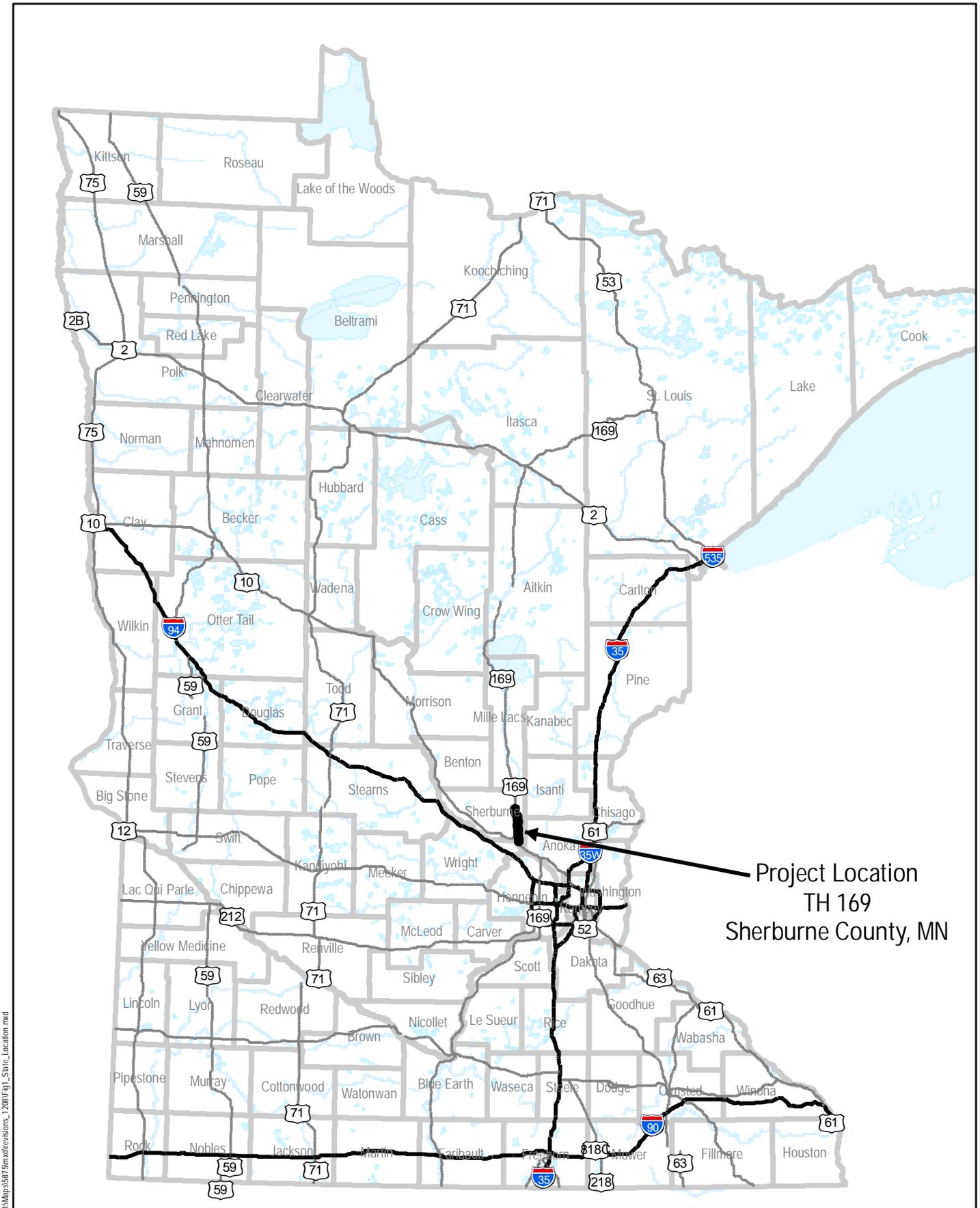
Lynn Clarkowski
Chief Environmental Officer
Director, Office of Environmental Stewardship
Minnesota Department of Transportation

January 25, 2013
Date

APPENDICES

Appendix A

Figures

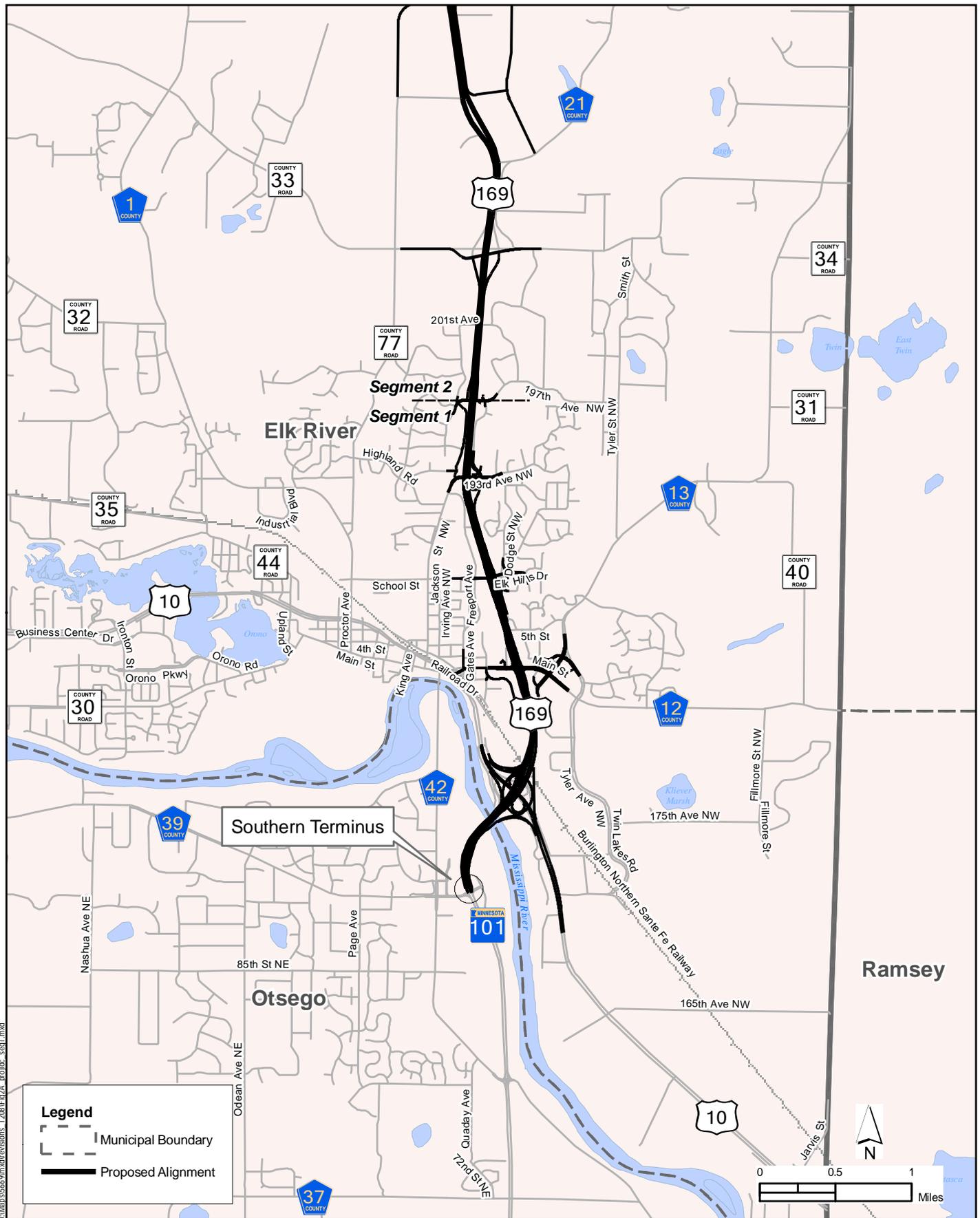


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STATE LOCATION MAP

ENVIRONMENTAL ASSESSMENT
 T.H. 169 - SP 7106-73 and 7106-71

Figure 1



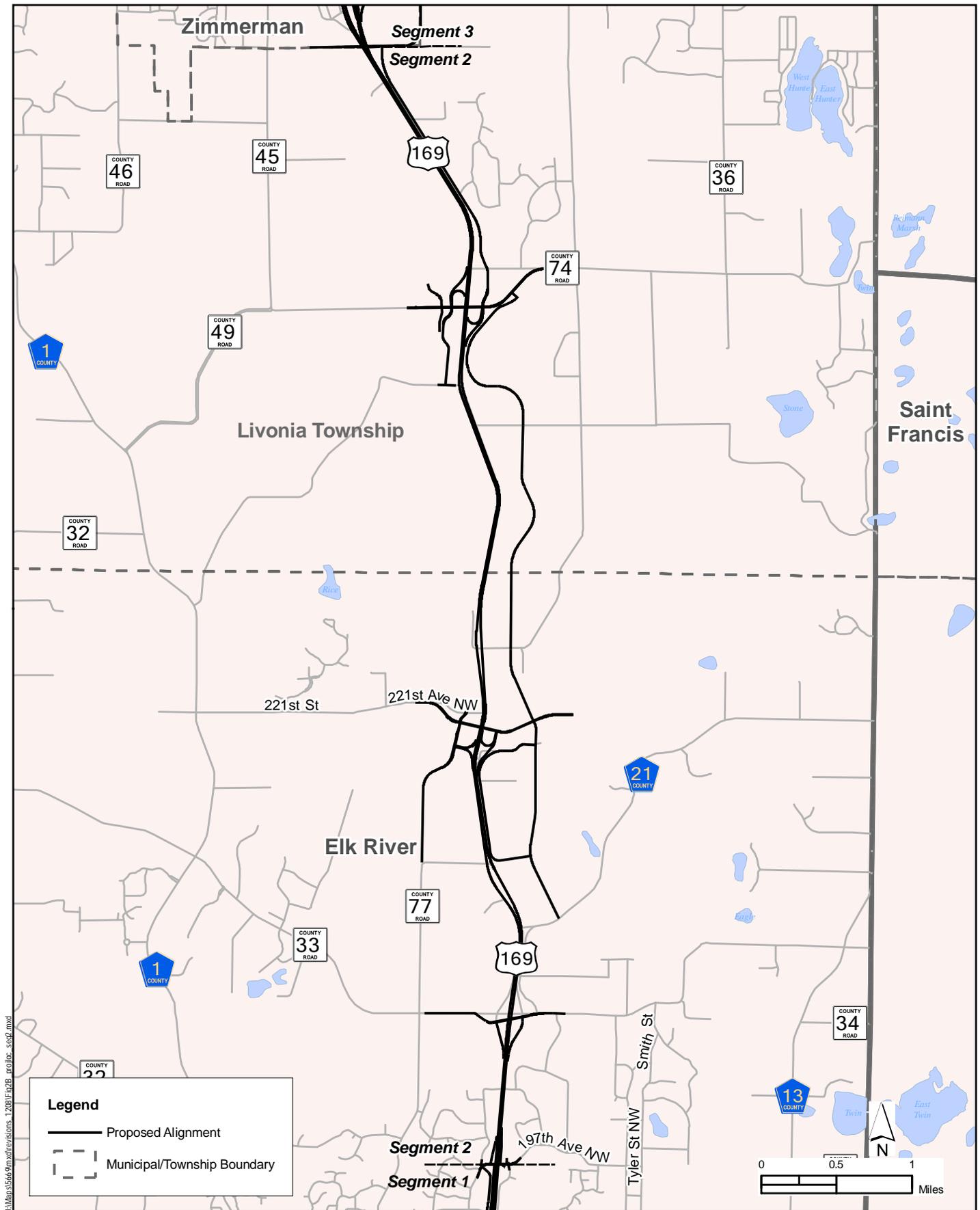
PROJECT LOCATION: SEGMENT ONE - URBAN ELK RIVER

Figure 2A

Segment One: CSAH 39 to 197th Avenue NW

ENVIRONMENTAL ASSESSMENT

T.H. 169 - SP 7106-73 and 7106-71



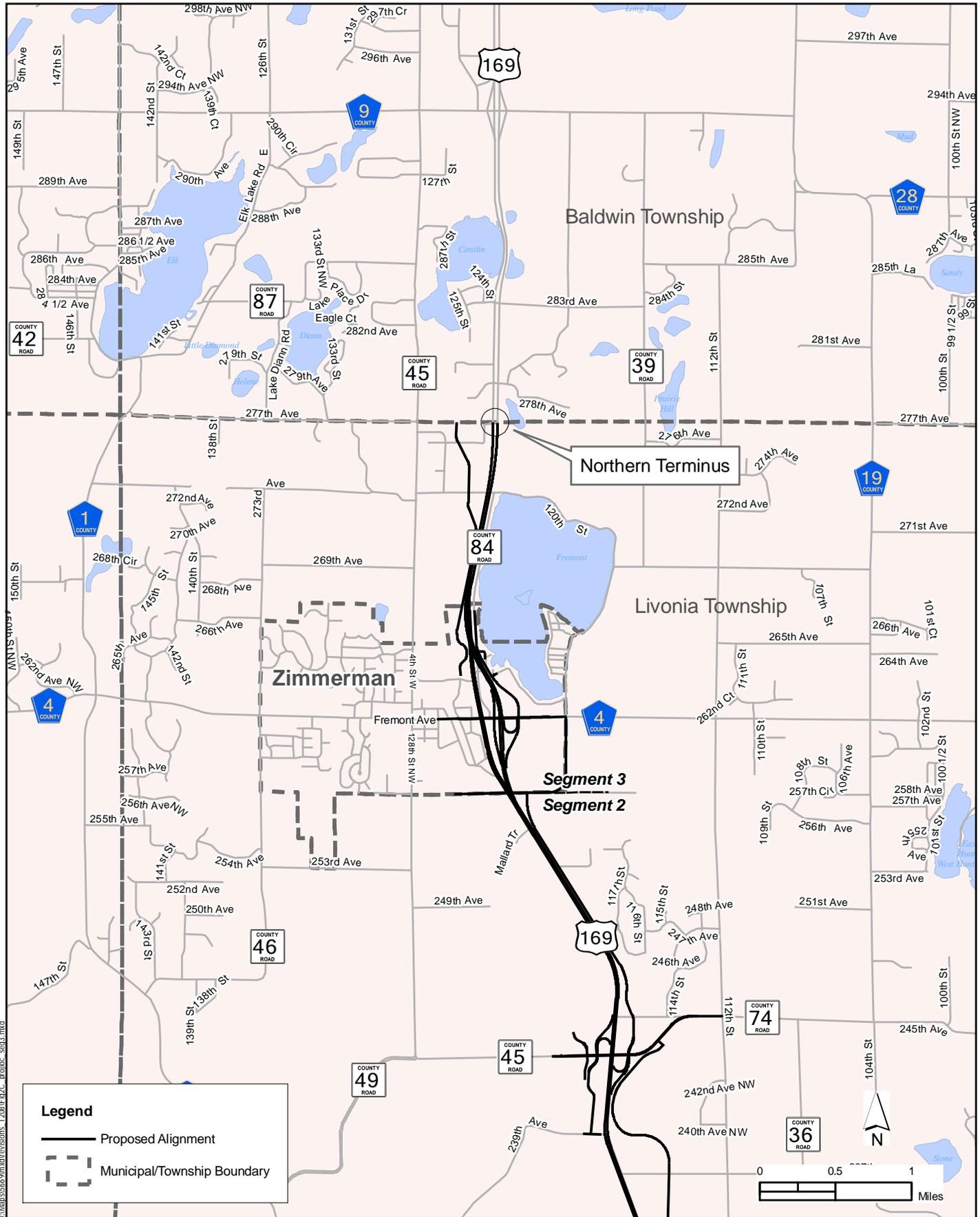
PROJECT LOCATION: SEGMENT TWO - RURAL ELK RIVER & S. LIVONIA TOWNSHIP

Figure 2B

Segment Two: 197th Avenue NW to Livonia Township/City of Zimmerman Boundary

ENVIRONMENTAL ASSESSMENT

T.H. 169 - SP 7106-73 and 7106-71



PROJECT LOCATION: SEGMENT THREE - ZIMMERMAN & N. LIVONIA TOWNSHIP

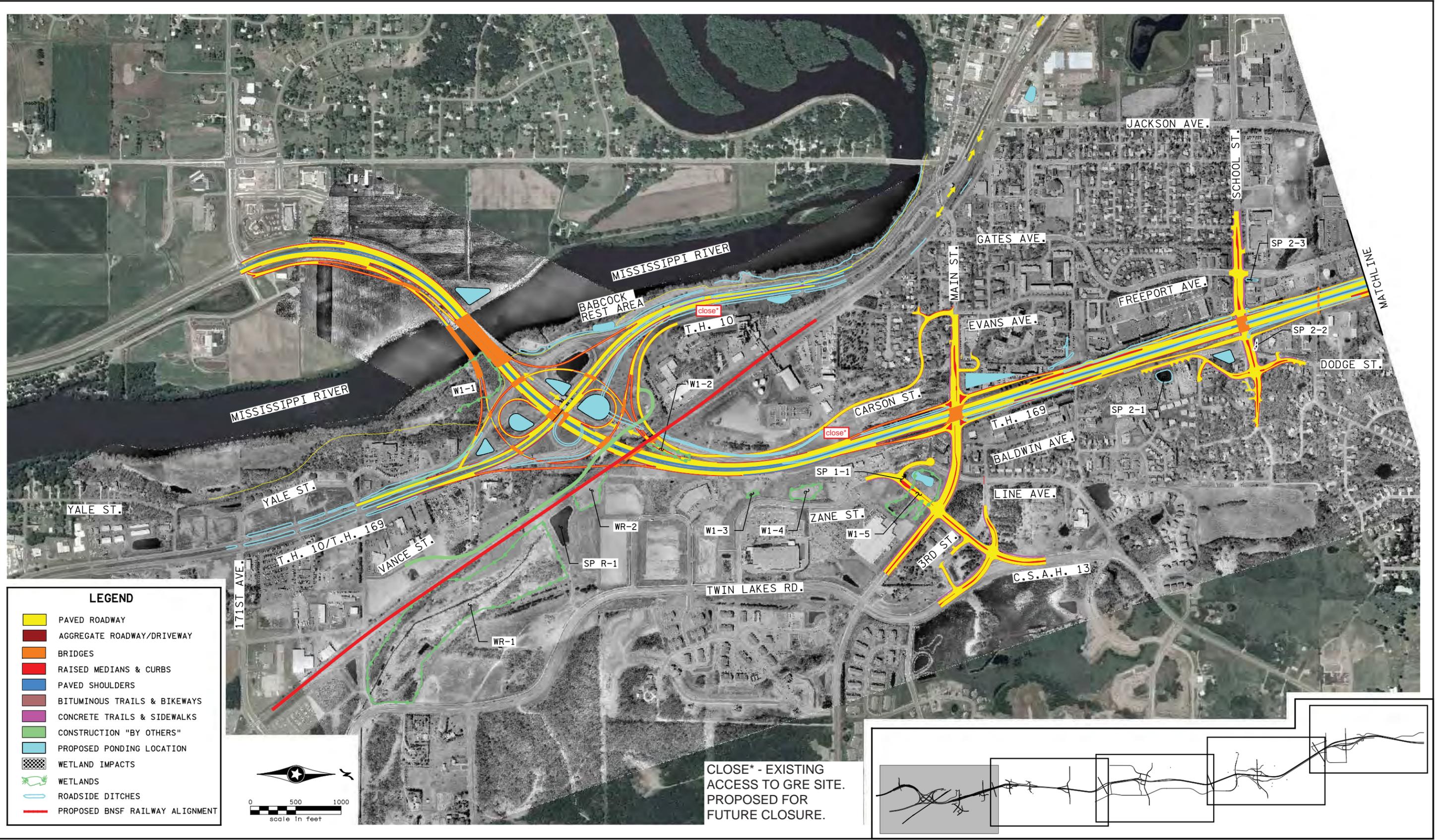
Figure 2C

Segment Three: City of Zimmerman municipal boundary to 277th Avenue in Livonia Township

ENVIRONMENTAL ASSESSMENT

T.H. 169 - SP 7106-73 and 7106-71

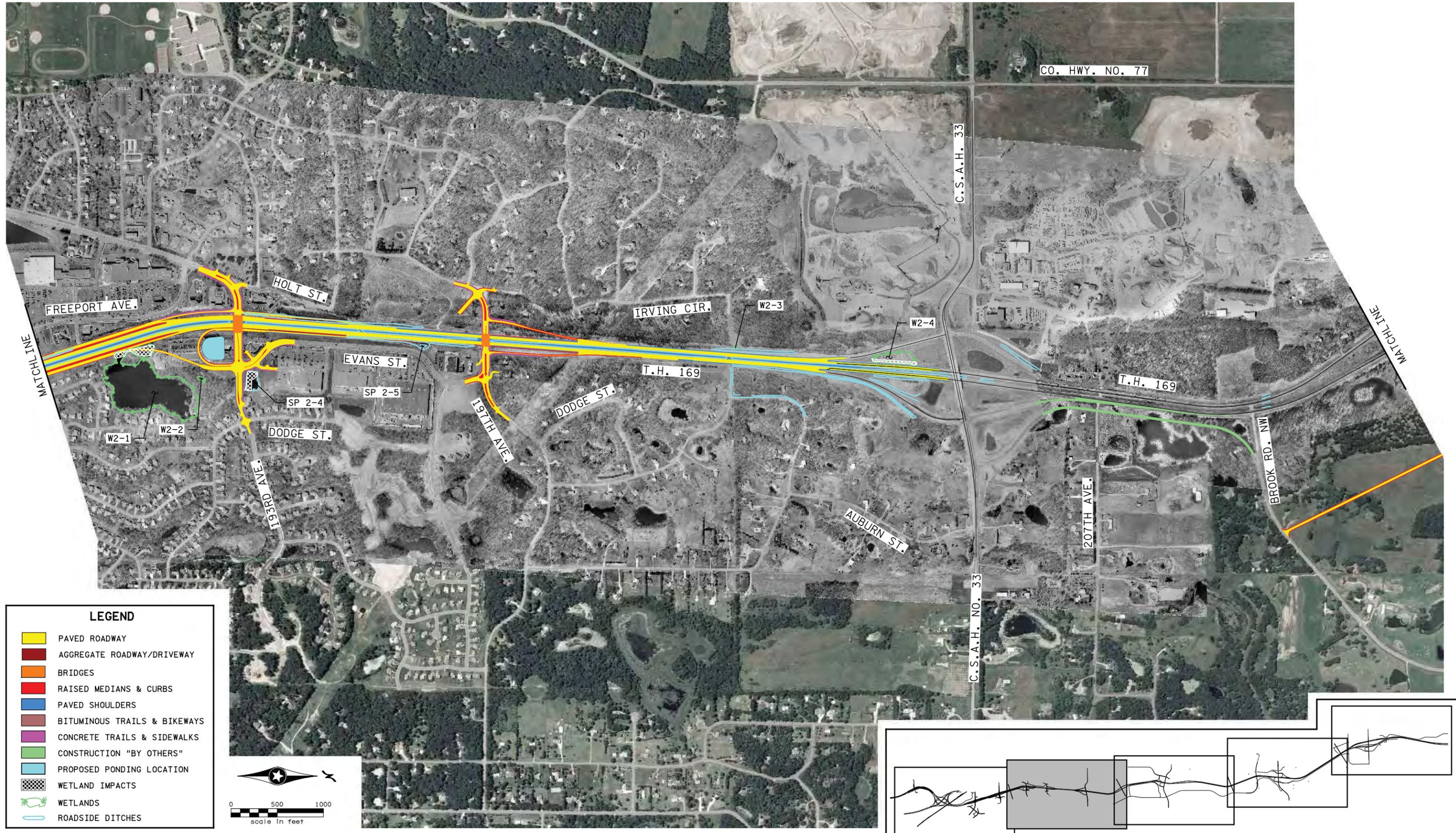
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PROPOSED IMPROVEMENTS / WETLAND IMPACTS
ENVIRONMENTAL ASSESSMENT
 T.H. 169 - SP 7106-73 and 7106-71

Figure 4A

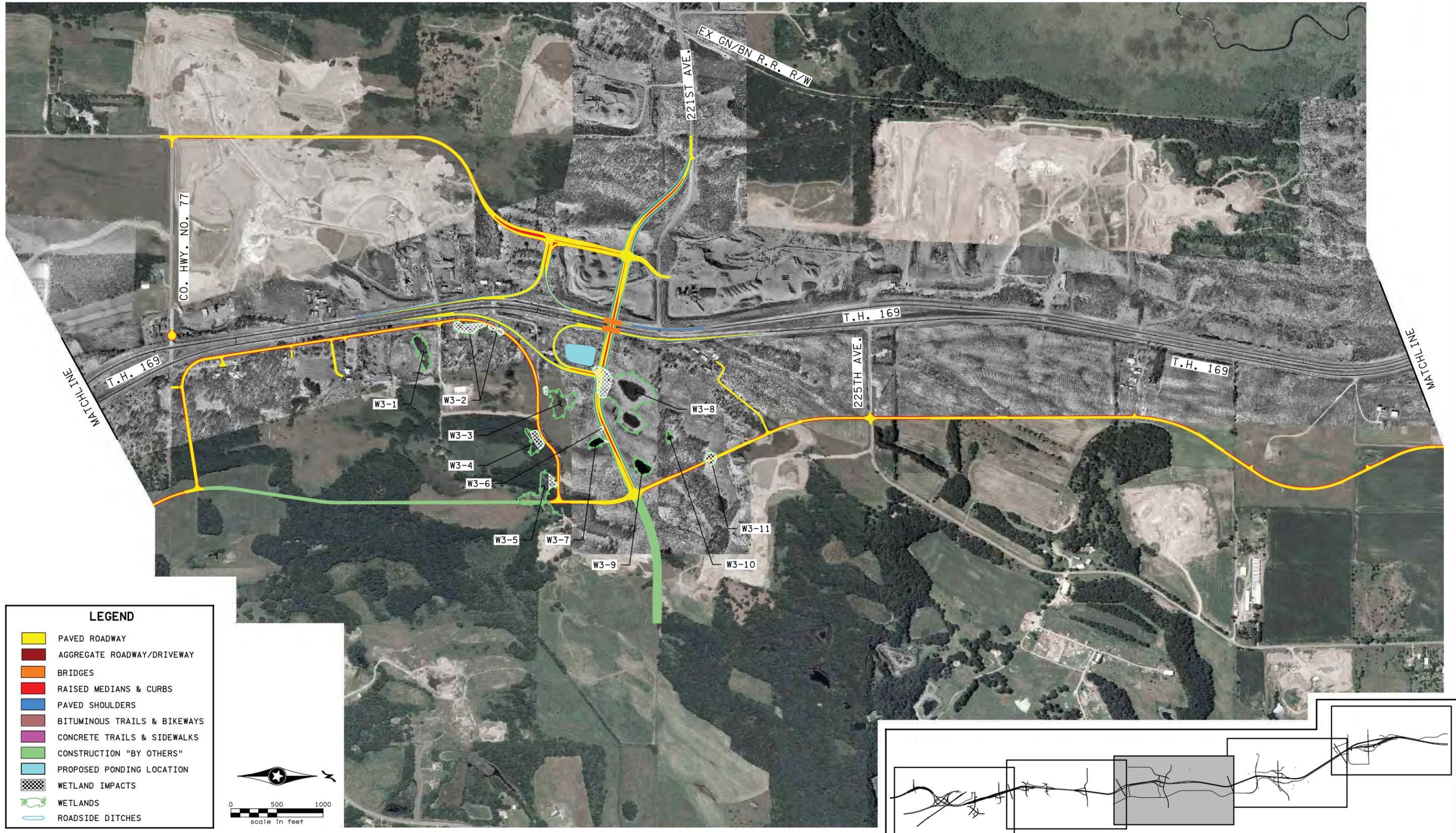
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PROPOSED IMPROVEMENTS / WETLAND IMPACTS
 ENVIRONMENTAL ASSESSMENT
 T.H. 169 - SP 7106-73 and 7106-71

Figure 4B

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PROPOSED IMPROVEMENTS / WETLAND IMPACTS
 ENVIRONMENTAL ASSESSMENT
 T.H. 169 - SP 7106-73 and 7106-71

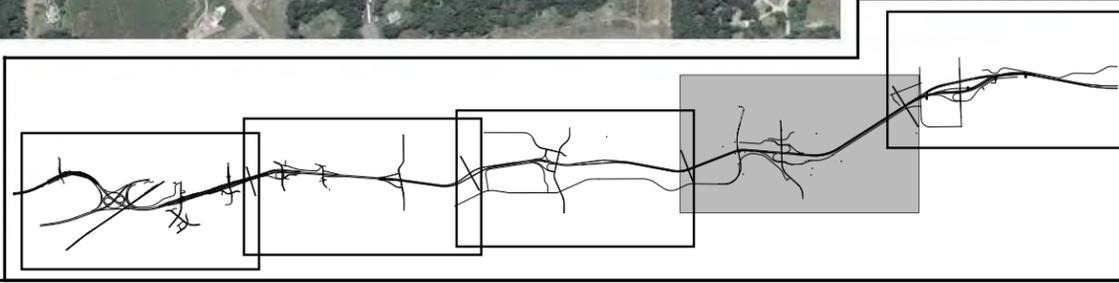
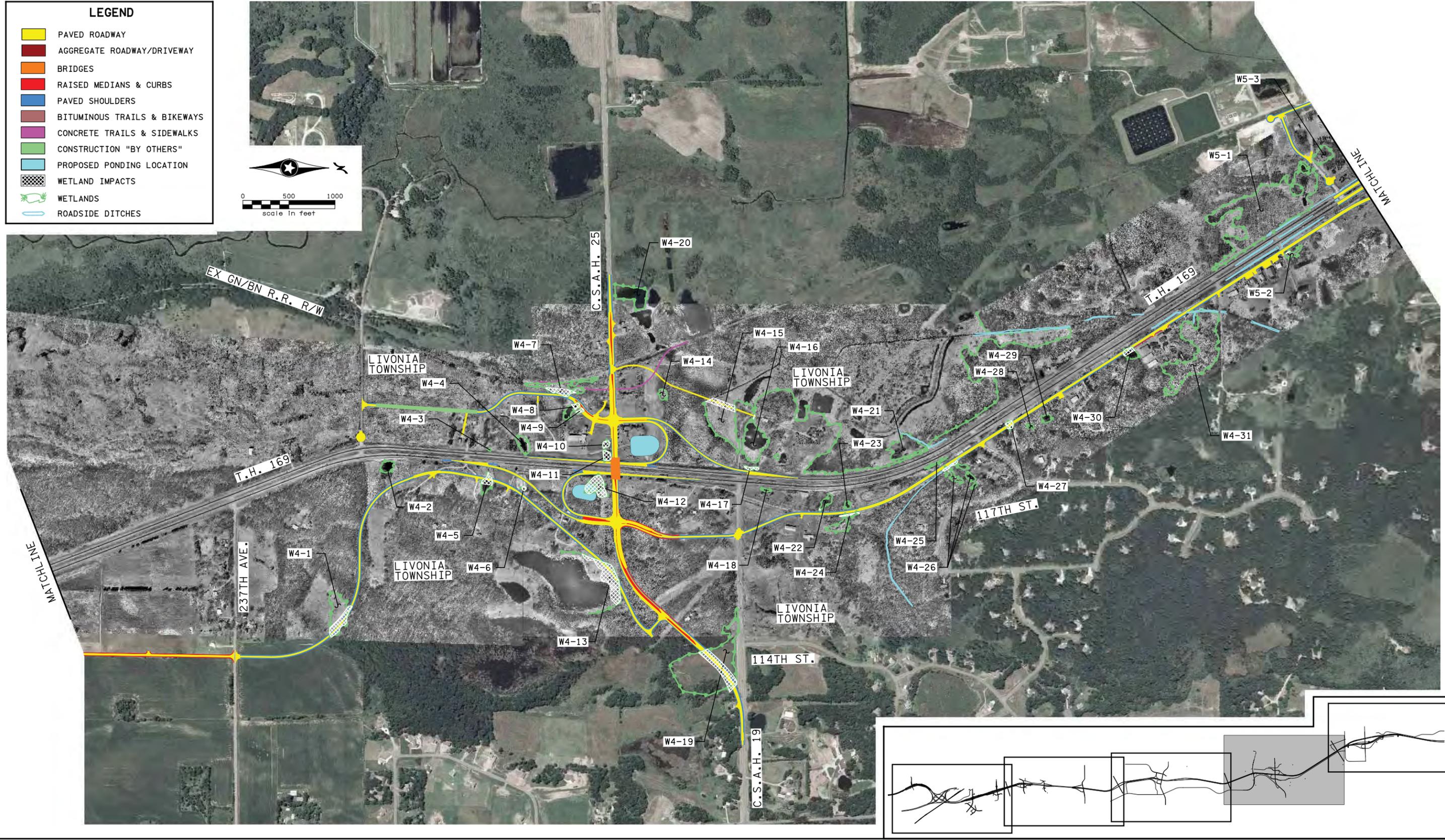
Figure 4C

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LEGEND

- PAVED ROADWAY
- AGGREGATE ROADWAY/DRIVEWAY
- BRIDGES
- RAISED MEDIANS & CURBS
- PAVED SHOULDERS
- BITUMINOUS TRAILS & BIKEWAYS
- CONCRETE TRAILS & SIDEWALKS
- CONSTRUCTION "BY OTHERS"
- PROPOSED PONDING LOCATION
- WETLAND IMPACTS
- WETLANDS
- ROADSIDE DITCHES

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scale in feet



PROPOSED IMPROVEMENTS / WETLAND IMPACTS
 ENVIRONMENTAL ASSESSMENT
 T.H. 169 - SP 7106-73 and 7106-71

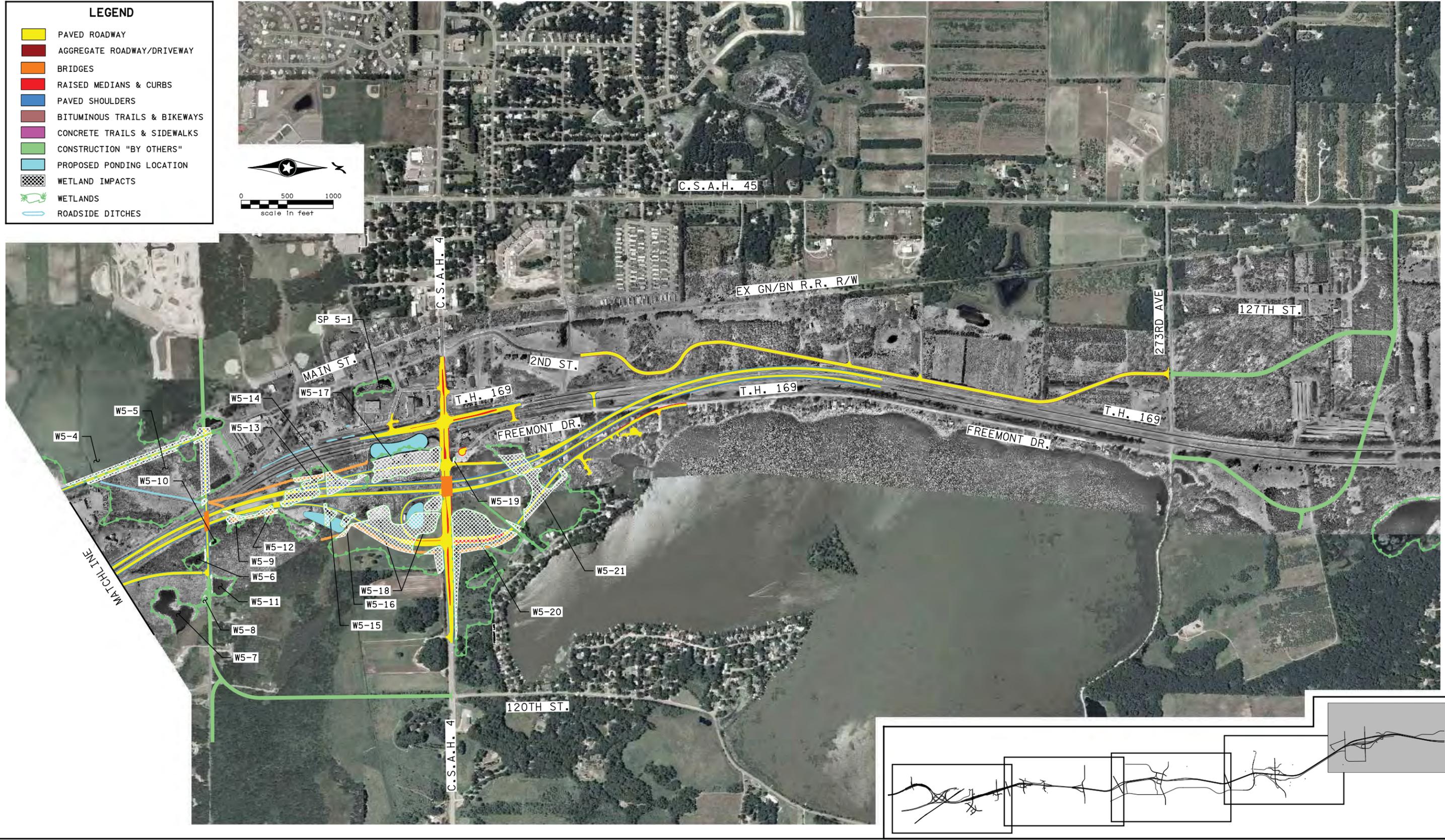
Figure 4D

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LEGEND

- PAVED ROADWAY
- AGGREGATE ROADWAY/DRIVEWAY
- BRIDGES
- RAISED MEDIANS & CURBS
- PAVED SHOULDERS
- BITUMINOUS TRAILS & BIKEWAYS
- CONCRETE TRAILS & SIDEWALKS
- CONSTRUCTION "BY OTHERS"
- PROPOSED PONDING LOCATION
- WETLAND IMPACTS
- WETLANDS
- ROADSIDE DITCHES

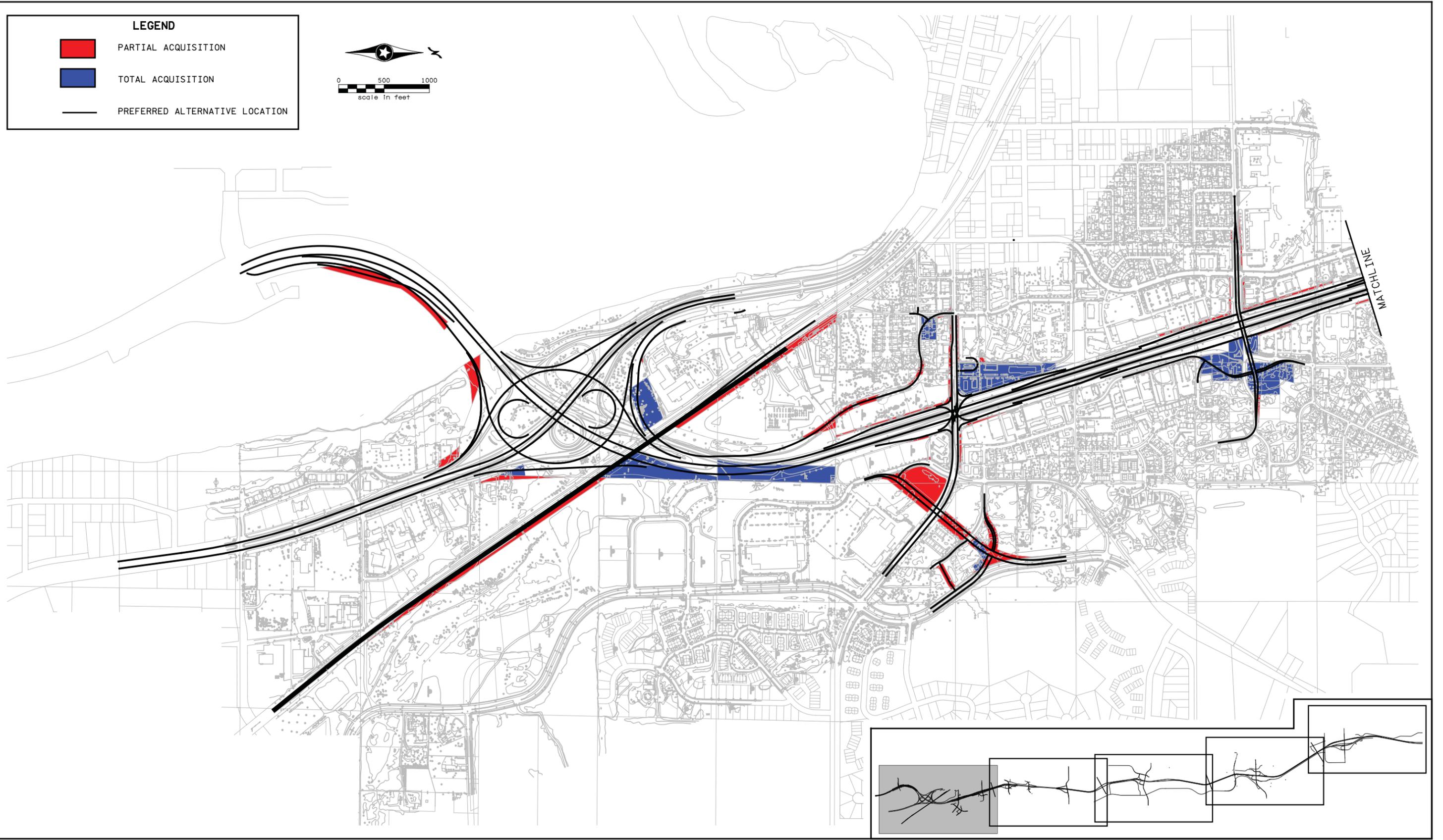
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scale in feet



PROPOSED IMPROVEMENTS / WETLAND IMPACTS
 ENVIRONMENTAL ASSESSMENT
 T.H. 169 - SP 7106-73 and 7106-71

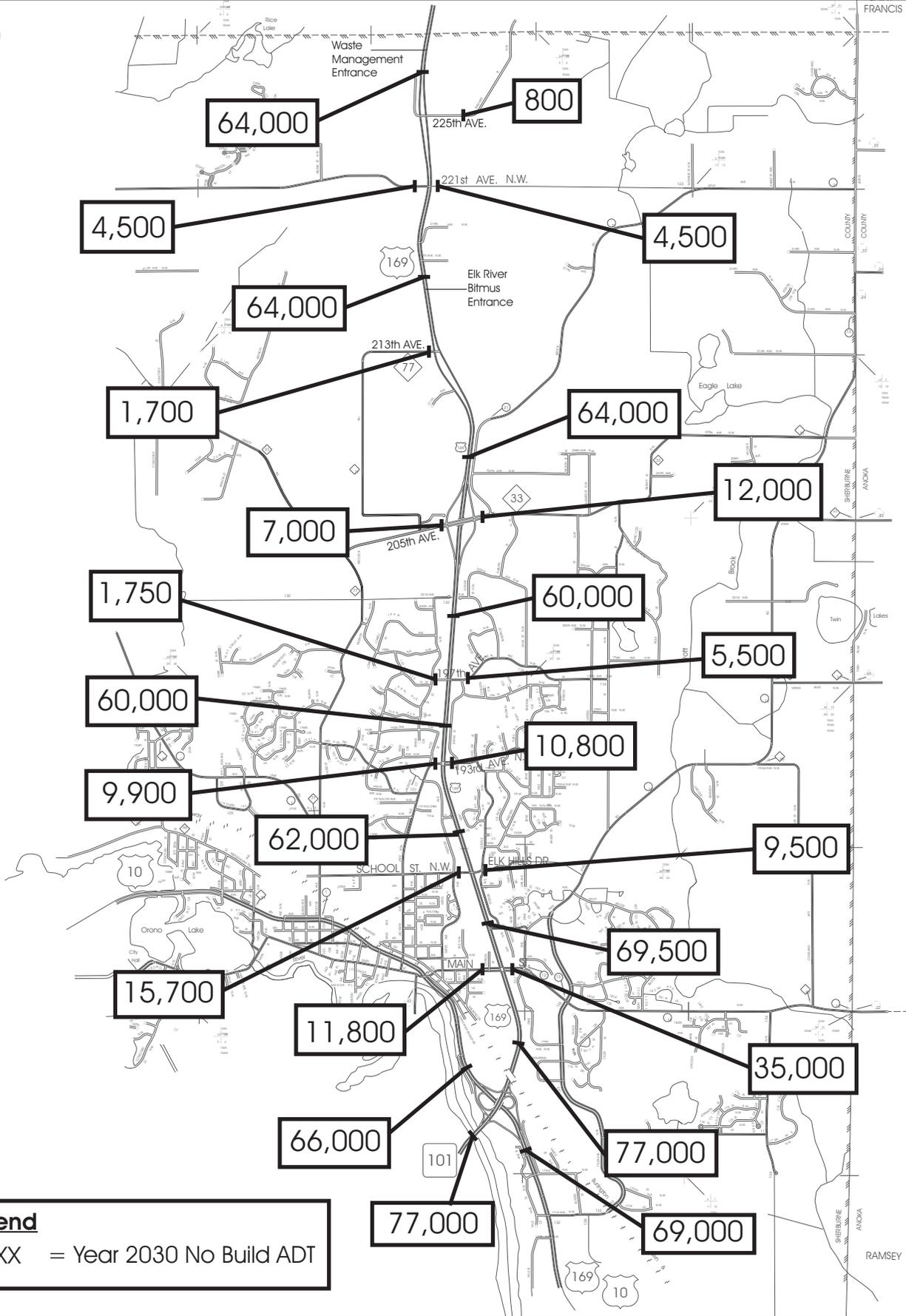
Figure 4E

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RIGHT-OF-WAY IMPACTS - (TOTAL/PARTIAL ACQUISITIONS)
ENVIRONMENTAL ASSESSMENT
T.H. 169 - SP 7106-73 and 7106-71

Figure 10 A



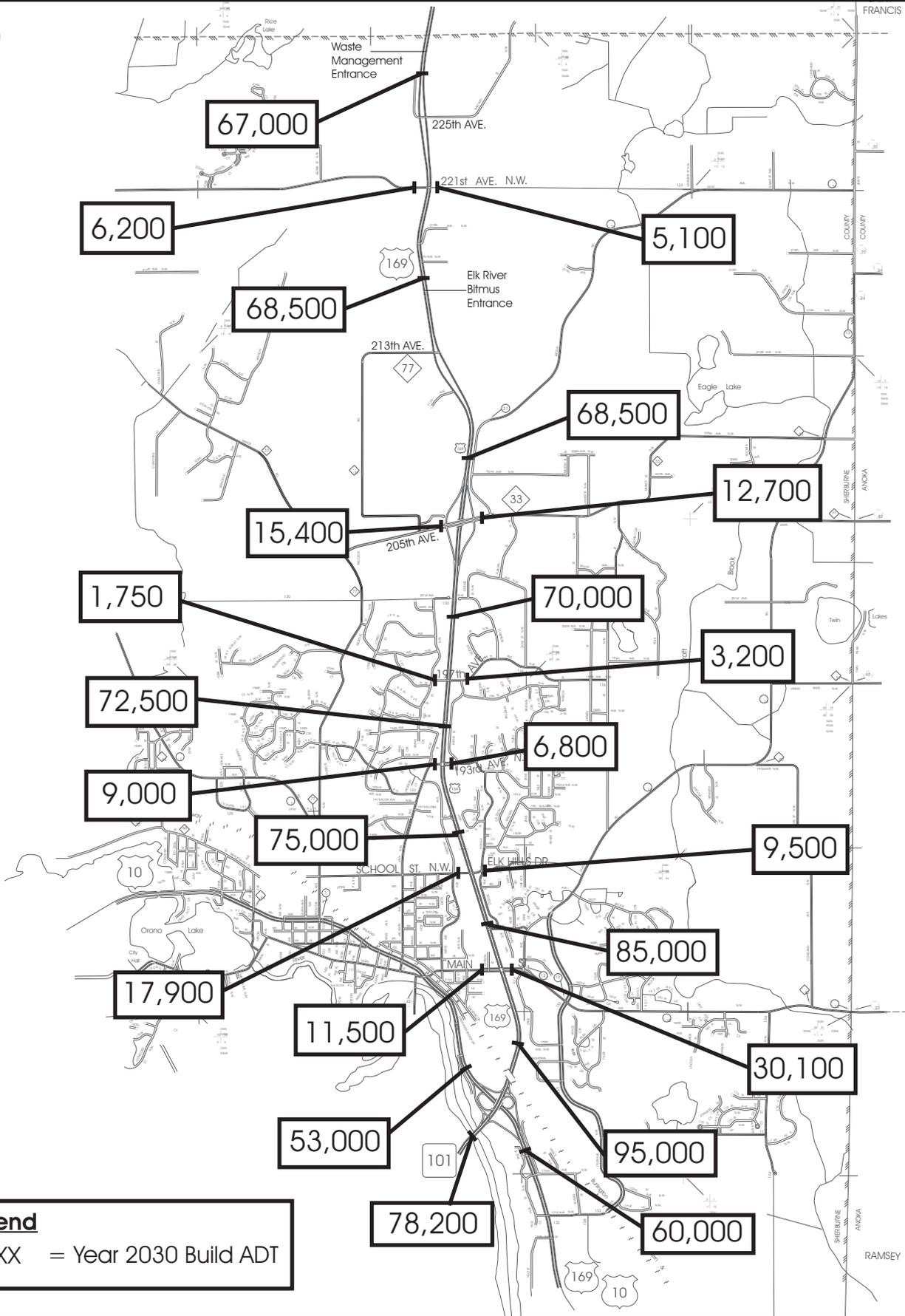
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Year 2030 No Build Average Daily Traffic Forecasts

TH 169 in Elk River Traffic Study
City of Elk River

Figure A-2



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Year 2030 Build Average Daily Traffic Forecasts

TH 169 in Elk River Traffic Study
City of Elk River

Figure A-3

Appendix B

Comments Received

From: [Allison Radke](#)
To: [Natalie Ries](#); [James Hallgren](#); [Greg Thompson](#)
Subject: Huber Court Reporting, public meetings 12/1 & 12/2 2010
Date: Wednesday, December 29, 2010 1:08:38 PM

Attn: Natalie Ries
SRF Consulting
One Carlson Parkway North #150
Plymouth, MN 55447-4443

Dear Natalie:

Please be advised that the services of our agency, Huber Court Reporting, were retained by the Minnesota Department of Transportation to take down and transcribe into written record any public comments regarding environmental concerns at three public meetings held on the following dates, in the following cities: On December 1, 2010, in Zimmerman, Minnesota, at 5 to 7 p.m., and two meetings on December 2, 2010, in Elk River, Minnesota, both meetings at 5 to 7 p.m. As you will recall, you appeared as a representative at each of these meetings on behalf of SRF Consulting.

This electronic communication is to document that no public comments were offered to the court reporters in attendance at any of the above three meetings. Therefore, no transcripts were prepared. Invoices for appearance fees have been submitted to MnDot, who contracted our services.

I would respectfully request you acknowledge receipt of this communication.
If I can be of any further assistance, Natalie, please do not hesitate to contact me.

Sincerely,

Allison Radke
Office manager
Huber Court Reporting
20702 27th Avenue East
Clearwater, MN 55320
800-247-1343

c: James Hallgren, MnDOT
Greg Thompson, MnDOT

Minnesota Department of Natural Resources

Division of Ecological and Water Resources
1200 Warner Road
St. Paul, MN 55106
651-259-5738



December 17, 2010

Transmitted Via E-mail

Jim Hallgren, Project Manager
Mn/DOT District 3
7694 Industrial Park Road
Baxter, MN 56425
James.hallgren@state.mn.us

RE: Trunk Highway 169 from Elk River to Zimmerman Environmental Assessment/
Environmental Assessment Worksheet (EA/EAW)

Dear Mr. Hallgren:

The Minnesota Department of Natural Resources (DNR) Central Region has reviewed the EA/EAW for the Trunk Highway 169 from Elk River to Zimmerman project in Wright and Sherburne Counties. From a natural resources perspective, the document appears to be complete and accurate and does not require the preparation of an Environmental Impact Statement (EIS). However, the following comments are for your consideration.

The Natural Heritage review referenced is dated 19 April 2007. The Division of Ecological and Water Resources maintains the Natural Heritage Information System (NHIS), a collection of databases that provides information on Minnesota's rare plants, animals, native plant communities, and other rare features. The NHIS is the most complete source of data on Minnesota's rare natural features because it is continually updated as new information becomes available. As such, our general policy is that Natural Heritage reviews should not be considered valid if it has been more than one year since the review. Given that the project will not be constructed for several years, and that the Natural Heritage data is continually being updated, another Natural Heritage Review will need to be conducted closer to the actual construction date. The review request should allow enough time for any biological surveys that may be needed prior to construction. In addition, the data query referenced in the ERDB #20070708 letter refers to a data query on the project boundary for the scoping study; the data does not reflect the current project boundary. The EA/EAW under review includes #20080494, #20040317 and the Mississippi River crossing. Future requests should include a GIS shapefile or other map that includes the Township, Range and Section(s) of the current project boundary to facilitate an accurate review of resources and reference which ERDB numbers may be applicable.

A

Pertaining to the EAW Item 11.b beginning on page 40 of the document:

B

- The yes/no check space should be checked off as a "yes" as there are state-listed species, rare plant communities or other sensitive ecological resources on or near the site.

C

- As stated within the document, the project proposers should consult with the DNR prior to construction activities regarding Blanding's turtles and mussel survey methodology and recommendations.

Thank you for the opportunity to review this project and the EAW. We look forward to receiving your record of decision and responses to comments at the conclusion of environmental review.



Trunk Highway 169 Elk River to Zimmerman EA/EAW
DNR Comments
December 17, 2010

Minnesota Rules part 4410.1700, subparts 4 and 5, require you to send us your Record of Decision within five days of deciding on this action.

If you have any questions about these comments please call Melissa Doperalski, Regional Environmental Assessment Ecologist, at 651-259-5738, or by e-mail at melissa.doperalski@state.mn.us.

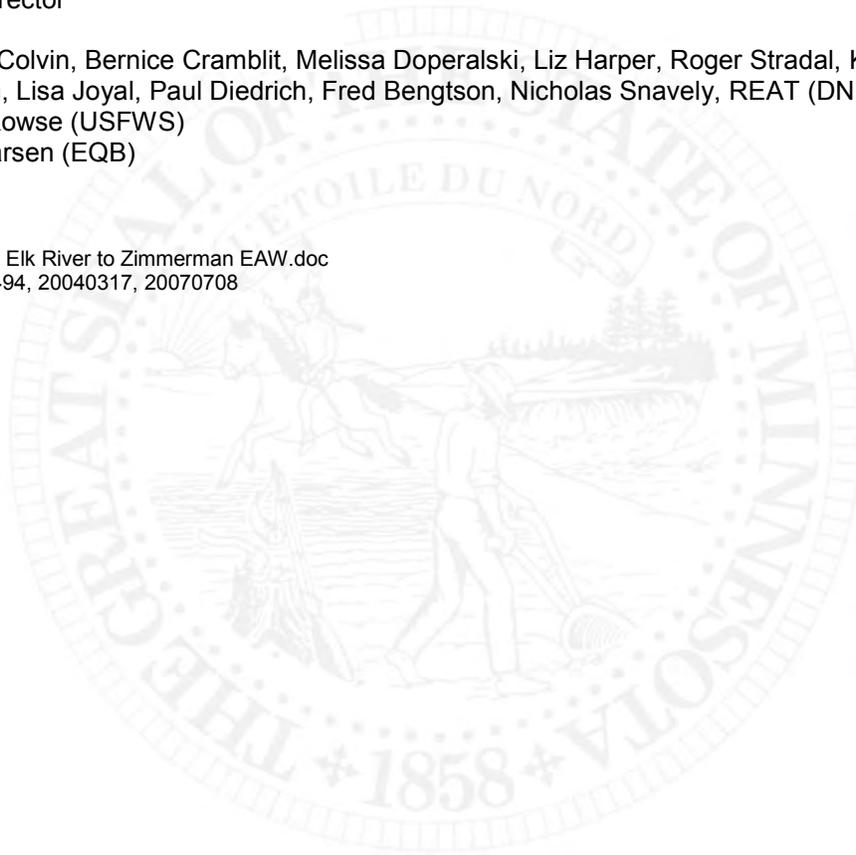
Sincerely,



Joseph M. Kurcinka
Regional Director

CC: Steve Colvin, Bernice Cramblit, Melissa Doperalski, Liz Harper, Roger Stradal, Krista Larson, Lisa Joyal, Paul Diedrich, Fred Bengtson, Nicholas Snavelly, REAT (DNR)
Nick Rowse (USFWS)
Jon Larsen (EQB)

ELK10 TH 169 Elk River to Zimmerman EAW.doc
ERDB#20080494, 20040317, 20070708





Minnesota Pollution Control Agency

520 Lafayette Road North | St. Paul, MN 55155-4194 | 651-296-6300 | 800-657-3864 | 651-282-5332 TTY | www.pca.state.mn.us

December 16, 2010

Mr. Jim Hallgren
Project Manager
Mn/DOT District 3
7694 Industrial Park Road
Baxter, MN 56425

Re: Trunk Highway 169 from Elk River to Zimmerman Environmental Assessment/
Environmental Assessment Worksheet

Dear Mr. Hallgren:

Thank you for the opportunity to review and comment on the Environmental Assessment/ Environmental Assessment Worksheet (EA/EAW) for the Trunk Highway 169 from Elk River to Zimmerman project (Project) in Sherburne County, Minnesota. The Project consists of the reconstruction of Highway 169 to a freeway between the cities of Elk River and Zimmerman. Regarding matters for which the Minnesota Pollution Control Agency (MPCA) has regulatory responsibility and other interests, MPCA staff has the following comments for your consideration.

Fish, Wildlife and Ecologically Sensitive Resources (Item 11)

A Regarding the discussion of the Blanding's Turtles, focus appears to be on isolating any turtles that are discovered from the Project. MPCA staff suggests considering the use of wildlife underpasses during and after construction to allow the turtles to continue their established life cycles to the extent practical if turtles or likely habitat is discovered during pre-construction surveys.

Physical Impacts on Water Resources (Item 12)

B The MPCA rules governing wetlands, Minn. R. 7050.0186, should also be mentioned in this section of the EA/EAW. The statement that on-site "incidental wetlands" can be legally impacted without providing any compensatory mitigation needs to be revised to identify that while this may be correct under the Wetland Conservation Act, compensatory mitigation will still have to be provided for these wetlands under the MPCA rules. The Project will need to provide adequate compensatory mitigation for all on-site wetland impacts.

Water Use (Item 13)

C The dewatering discussion states that if temporary dewatering is needed during Project construction, the appropriate Minnesota Department of Natural Resources groundwater appropriation permits would be obtained for any temporary dewatering activities. In addition to this, the EA/EAW should indicate that best management practices (BMPs), typically in the form of a sedimentation basin, will be required by the MPCA Construction Stormwater (CSW) National Pollutant Discharge Elimination System Permit to provide treatment of the discharge of dewater.

Erosion and Sedimentation (Item 16)

D Under the description of erosion and sedimentation control measures, the BMPs listed (ditches, dikes, siltation fences) seem to pertain more to sediment control than erosion control. As this part of the document does request erosion control description, MPCA staff requests more specificity of likely erosion control measures to be used during and after construction.

Water Quality: Surface Water Runoff (Item 17)

E This section describes the (lack of) impaired waters within 2,000 feet of the Project sites. The current MPCA CSW Permit requires examination for impaired waters and for waters designated Special waters that receive a discharge within one mile of the project site should be examined for the requirement of additional BMPs. The previous CSW permit's 2,000-foot examination requirement was expanded to one mile in the August 2008 reissuance of the CSW Permit. The additional BMPs requirements that will be applicable to any areas should be described in the EAW.

We appreciate the opportunity to review this Project. Please provide your specific responses to our comments and notice of decision on the need for an Environmental Impact Statement. Please be aware that this letter does not constitute approval by the MPCA of any or all elements of the Project for the purpose of pending or future permit action(s) by the MPCA. Ultimately, it is the responsibility of the Project proposer to secure any required permits and to comply with any requisite permit conditions. If you have any questions concerning our review of this EA/EAW, please contact me at 651-757-2508.

Sincerely,



Karen Kromar
Planner Principal
Environmental Review and Feedlot Section
Regional Division

KK:mbo

cc: Craig Affeldt, MPCA, St. Paul
Larry Zdon, MPCA, St. Paul
Scott Lucas, MPCA, Brainerd
Reed Larson, MPCA, Brainerd



GREAT RIVER
ENERGY®

12300 Elm Creek Boulevard • Maple Grove, Minnesota 55369-4718 • 763-445-5000 • Fax 763-445-5050 • www.GreatRiverEnergy.com

December 16, 2010

Jim Halgren
Project Manager
Mn/DOT District 3
7694 Industrial Park Road
Baxter, MN 56425-8096

SUBJECT: EAW and DRAFT SECTION 4(f) EVALUATION COMMENTS
TRUNK HIGHWAY 169 ELK RIVER TO ZIMMERMAN (S.P. 7106-71)
TRUNK HIGHWAY 10 ELK RIVER (S.P. 7102-123)

Dear Mr. Halgren:

Representatives of Great River Energy attended the open house meeting hosted by the Minnesota Department of Transportation at the City of Elk River offices on Thursday December 2, 2010. Subsequently, several other staff members of Great River Energy have reviewed the conceptual State Highway 10 and 169 layout plans that were recently provided to us. We have identified several economic and operational impacts that would be incurred by Great River Energy if the proposed highway and railroad improvements materialize in the future.

The following list outlines several issues identified by Great River Energy:

- A** • Economic impact resulting from the loss of four existing points of access
- B** • Negative impact resulting from one lengthy and circuitous access provided by the new Carson Street.
- C** • The new Carson Street access road travels through a residential neighborhood. Great River Energy needs guarantees from the City that all future truck traffic generated by its routine operations will be permitted to travel through this residential area. This issue may require modifications to the existing plant operating permit.
- D** • A second point of access is essential to GRE's operations. The plan identifies a possible second access "by others". Great River Energy needs assurances this second point of access will be provided in a timely manner and at no cost to Great River Energy.
- E** • A need for a traffic signal at the proposed Carson/Main intersection to provide safe and efficient ingress/egress movements for GRE's large trucks and trailers
- F** • Intersection geometrics at proposed Carson/Main and Main/169 must accommodate the ultra-long trailers used for transporting large turbines, generators, and transformers (see enclosed photo for reference)
- G** • Economic impact of potential generation plant shut-down during railroad realignment due to inability to operate the RDF conveyance system over the railroad tracks.

Direct Dial (763) 445-5979

E-Mail rheuring@greenergy.com

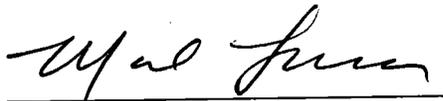
FAX (763) 445-6779

- H • Probable impacts to the ingress/egress routes used by trucks delivering RDF to the receiving building as a result of the railroad realignment at the private road crossing.
- I • Vertical conflicts with RDF conveyor system caused by railroad realignment.
- J • Horizontal conflicts with RDF conveyor system pier caused by railroad realignment.
- K • Potential safety issues resulting from railroad realignment located in proximity of the three large fuel storage tanks.
- L • Loss of existing outdoor storage area caused by the railroad realignment and the City's need for a new ingress/egress route through GRE's property adjacent to the sewage treatment facility.
- M • Impact to existing GRE utilities (fuel oil piping, electrical conductors, and steam lines) under railroad (old coal tunnel).
- N • Great River Energy needs to maintain its ability to utilize the private railroad crossing at all times before, during and after the railroad realignment in order to maintain the critical and essential operation of its generating facilities.
- O • Great River Energy's 69 kV transmission lines (CO-ELX, EPX, EMX, EW, EP, and CO-ES) and 230 kV transmission lines (EO and PE) will likely be impacted by the proposed interchanges and highway realignment at 10/169 and 169/Main. Modifications and/or relocation of these transmission facilities will require transmission outage scheduling of up to two years in advance. The construction, permitting and right of way costs to relocate and/or modify these facilities will be significant. Great River Energy's position is that these relocation costs are fully reimbursable.
- P • Impact to heat pump loop currently located in MnDOT right of way.
- Q • Impact to previous traffic patterns used for large trucks delivering/picking up materials at the outdoor storage yard located along Great River Energy Drive.
- R • Impact to the subsurface drainage collection system located adjacent to the main entrance along Hwy 10.

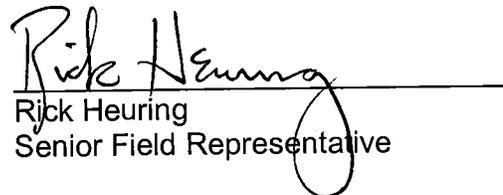
Thank you for providing Great River Energy the opportunity to comment on the two subject highway project reports.

Sincerely,

GREAT RIVER ENERGY

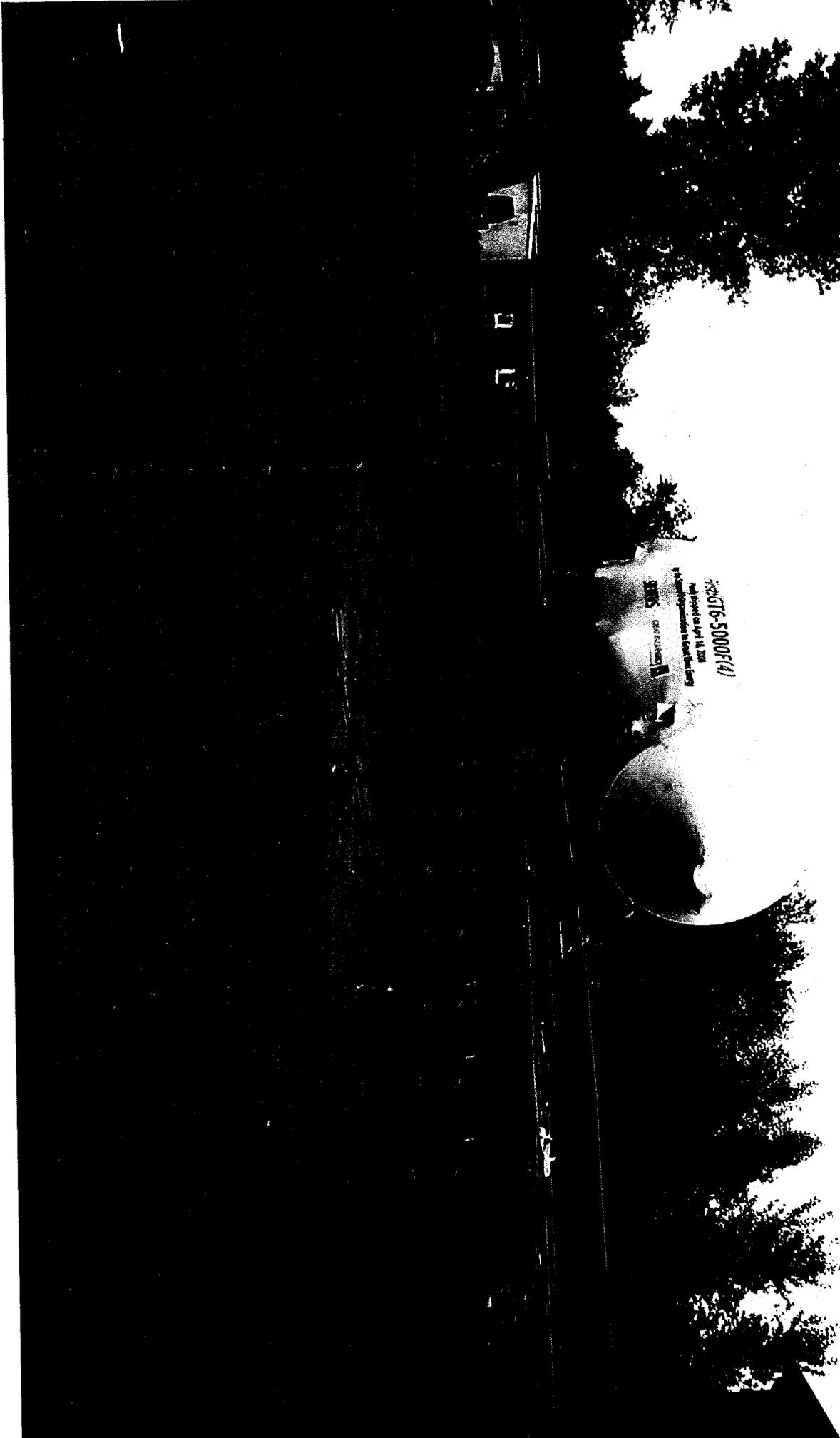


Mark Lucas
Manager, Facilities Services



Rick Heuring
Senior Field Representative

Enclosure



REG-5000F(4)
and Project on Apr 14, 2008
SERS

Brett Danner

From: Dave Montebello
Sent: Thursday, December 09, 2010 8:40 PM
To: James.Hallgren@dot.state.mn.us; Brett Danner
Subject: Fw: Proposed Hwy 169 & cty4 interchange discussed @ Livonia Town Hall 12/2/2010

Fyi we should discuss.

Sent via DROID on Verizon Wireless

-----Original message-----

From: "Dank, Steven J" <SDANK@amfam.com>
To: Dave Montebello <dmontebello@srfconsulting.com>
Sent: Thu, Dec 9, 2010 23:41:18 GMT+00:00
Subject: Proposed Hwy 169 & cty4 interchange discussed @ Livonia Town Hall 12/2/2010

David,

A I met you at this informational meeting regarding the Hwy 169 & cty4 interchange. Much was discussed; some of this design dramatically affecting our lake home @ 12400 Isle Rd Zimmerman, MN 55398 on Lake Fremont. I would like you to isolate our home on the oldest plat @ Lake Fremont called Fremont Terrace 1st addition; and provide a legible scale print out of my property relative to your Hwy 169 & cty4 interchange proposal.

B The Zimmerman City council apparently does not value our neighborhood enough to have been honest with the revisions to this plan. City officials have indicated to me that your firm and MN Dot design these projects "unemotionally" which concerns me and my dream of owning a lake home in such beautiful setting.

Please confirm my request as I hope the proper attention will be given to us: Steven & Sandy Dank 12400 Isle Rd Zimmerman, MN 55398. This will be far better than wading through hundreds of pages regarding this project.

Steven J. Dank Insurance Agency
(763)561-7292 Office
(763)561-7387 Fax
SDank@AmFam.com

As part of my commitment to providing excellent service; you may receive a satisfaction survey in the near future asking you to evaluate our agency. Please give me your honest feedback so that I can provide you with excellent service. Of course; if you ever have a concern, please contact us and we will do our best to address the issue. Thank You in advance for your time!"

If you do not want to receive future unsolicited commercial email advertisements or promotions from American Family Insurance you may [opt-out by clicking here](#)

Note: After opting-out, you may receive emails that you have specifically requested from American Family. If you are a current American Family customer, you may still receive transactional emails regarding your existing policies or accounts with American Family. American Family Mutual Insurance Company and its affiliates utilize the PossibleNow DNESolution to administer this email opt-out process.

Appendix C

Responses to Comments

COMMENT

Minnesota Department of Natural Resources

Division of Ecological and Water Resources
1200 Warner Road
St. Paul, MN 55106
651-259-5738



December 17, 2010

Transmitted Via E-mail

Jim Hallgren, Project Manager
Mn/DOT District 3
7694 Industrial Park Road
Baxter, MN 56425
James.hallgren@state.mn.us

RE: Trunk Highway 169 from Elk River to Zimmerman Environmental Assessment/
Environmental Assessment Worksheet (EA/EAW)

Dear Mr. Hallgren:

The Minnesota Department of Natural Resources (DNR) Central Region has reviewed the EA/EAW for the Trunk Highway 169 from Elk River to Zimmerman project in Wright and Sherburne Counties. From a natural resources perspective, the document appears to be complete and accurate and does not require the preparation of an Environmental Impact Statement (EIS). However, the following comments are for your consideration.

The Natural Heritage review referenced is dated 19 April 2007. The Division of Ecological and Water Resources maintains the Natural Heritage Information System (NHIS), a collection of databases that provides information on Minnesota's rare plants, animals, native plant communities, and other rare features. The NHIS is the most complete source of data on Minnesota's rare natural features because it is continually updated as new information becomes available. As such, our general policy is that Natural Heritage reviews should not be considered valid if it has been more than one year since the review. Given that the project will not be constructed for several years, and that the Natural Heritage data is continually being updated, another Natural Heritage Review will need to be conducted closer to the actual construction date. The review request should allow enough time for any biological surveys that may be needed prior to construction. In addition, the data query referenced in the ERDB #20070708 letter refers to a data query on the project boundary for the scoping study; the data does not reflect the current project boundary. The EA/EAW under review includes #20080494, #20040317 and the Mississippi River crossing. Future requests should include a GIS shapefile or other map that includes the Township, Range and Section(s) of the current project boundary to facilitate an accurate review of resources and reference which ERDB numbers may be applicable.

Pertaining to the EAW Item 11.b beginning on page 40 of the document:

- The yes/no check space should be checked off as a "yes" as there are state-listed species, rare plant communities or other sensitive ecological resources on or near the site.
- As stated within the document, the project proposers should consult with the DNR prior to construction activities regarding Blanding's turtles and mussel survey methodology and recommendations.

Thank you for the opportunity to review this project and the EAW. We look forward to receiving your record of decision and responses to comments at the conclusion of environmental review.



RESPONSE

Minnesota Department of Natural Resources (MnDNR)

Response A: There is currently no funding programmed for right of way acquisition and construction of the proposed project. It is anticipated that, at a minimum, a re-evaluation of the EA/EAW will be necessary prior to project implementation. MnDOT will coordinate with the MnDNR for further NHIS review at this time. The ERDB numbers have been corrected in the Findings of Fact and Conclusions document.

Response B: Comment noted. This has been corrected in the Findings of Fact and Conclusions document.

Response C: As stated in Section VII.A – Item 11b, MnDOT will consult with the MnDNR regarding Blanding's turtles and mussel survey methodology and recommendations once project funding is identified and prior to final design.

COMMENT

Trunk Highway 169 Elk River to Zimmerman EA/EAW
DNR Comments
December 17, 2010

Minnesota Rules part 4410.1700, subparts 4 and 5, require you to send us your Record of Decision within five days of deciding on this action.

If you have any questions about these comments please call Melissa Doperalski, Regional Environmental Assessment Ecologist, at 651-259-5738, or by e-mail at melissa.doperalski@state.mn.us.

Sincerely,



Joseph M. Kurcinka
Regional Director

CC: Steve Colvin, Bernice Cramblit, Melissa Doperalski, Liz Harper, Roger Stradal, Krista Larson, Lisa Joyal, Paul Diedrich, Fred Bengtson, Nicholas Snavelly, REAT (DNR)
Nick Rowse (USFWS)
Jon Larsen (EQB)

ELK10 TH 169 Elk River to Zimmerman EAW.doc
ERDB#20080494, 20040317, 20070708



RESPONSE

Minnesota Department of Natural Resources (MnDNR)

THIS COLUMN INTENTIONALLY LEFT BLANK

COMMENT



Minnesota Pollution Control Agency

520 Lafayette Road North | St. Paul, MN 55155-4194 | 651-296-6300 | 800-657-3864 | 651-282-5332 TTY | www.pca.state.mn.us

December 16, 2010

Mr. Jim Hallgren
Project Manager
Mn/DOT District 3
7694 Industrial Park Road
Baxter, MN 56425

Re: Trunk Highway 169 from Elk River to Zimmerman Environmental Assessment/
Environmental Assessment Worksheet

Dear Mr. Hallgren:

Thank you for the opportunity to review and comment on the Environmental Assessment/
Environmental Assessment Worksheet (EA/EAW) for the Trunk Highway 169 from Elk River to
Zimmerman project (Project) in Sherburne County, Minnesota. The Project consists of the
reconstruction of Highway 169 to a freeway between the cities of Elk River and Zimmerman.
Regarding matters for which the Minnesota Pollution Control Agency (MPCA) has regulatory
responsibility and other interests, MPCA staff has the following comments for your
consideration.

Fish, Wildlife and Ecologically Sensitive Resources (Item 11)

A Regarding the discussion of the Blanding's Turtles, focus appears to be on isolating any turtles
that are discovered from the Project. MPCA staff suggests considering the use of wildlife
underpasses during and after construction to allow the turtles to continue their established life
cycles to the extent practical if turtles or likely habitat is discovered during pre-construction
surveys.

Physical Impacts on Water Resources (Item 12)

B The MPCA rules governing wetlands, Minn. R. 7050.0186, should also be mentioned in this
section of the EA/EAW. The statement that on-site "incidental wetlands" can be legally impacted
without providing any compensatory mitigation needs to be revised to identify that while this
may be correct under the Wetland Conservation Act, compensatory mitigation will still have to
be provided for these wetlands under the MPCA rules. The Project will need to provide adequate
compensatory mitigation for all on-site wetland impacts.

Water Use (Item 13)

C The dewatering discussion states that if temporary dewatering is needed during Project
construction, the appropriate Minnesota Department of Natural Resources groundwater
appropriation permits would be obtained for any temporary dewatering activities. In addition to
this, the EA/EAW should indicate that best management practices (BMPs), typically in the form
of a sedimentation basin, will be required by the MPCA Construction Stormwater (CSW)
National Pollutant Discharge Elimination System Permit to provide treatment of the discharge of
dewater.

Equal Opportunity Employer

RESPONSE

Minnesota Pollution Control Agency (MPCA)

Response A: As the proposed project develops, the need for additional
habitat and Blanding's turtles (*Emydoidea blandingii*) surveys will be
evaluated. The need for protection measures will be evaluated prior to final
design in consultation with MnDNR.

Response B: The statements in the paragraph of the EA/EAW referenced in
this comment were addressing only the MnDNR Public Waters Work Permit
Program, the Wetland Conservation Act and COE Section 404 programs, and
were not intended to cover MPCA rules or other regulatory requirements. All
laws and rules in effect at the time of project implementation/permitting will
be used to determine the extent of jurisdictional authority and subsequent
mitigation requirements.

Response C: Given the proximity of groundwater to the roadway surface
within the project area, it is likely that temporary dewatering will be needed
during construction. Prior to construction, MnDNR groundwater
appropriation permits will be obtained. Best management practices (BMPs)
(e.g., temporary/permanent sedimentation basins, other BMPs) will be
implemented prior to any dewatering activities for treatment of dewatering
discharges as per National Pollutant Discharge Elimination System (NPDES)
Construction Stormwater (CSW) permit requirements. If water is discharged
from a permanent or temporary sedimentation basin, it will be checked to
ensure adequate treatment was obtained, and that no-nuisance conditions will
result from the discharge.

COMMENT

Mr. Jim Hallgren
December 16, 2010
Page 2

Erosion and Sedimentation (Item 16)

D Under the description of erosion and sedimentation control measures, the BMPs listed (ditches, dikes, siltation fences) seem to pertain more to sediment control than erosion control. As this part of the document does request erosion control description, MPCA staff requests more specificity of likely erosion control measures to be used during and after construction.

Water Quality: Surface Water Runoff (Item 17)

E This section describes the (lack of) impaired waters within 2,000 feet of the Project sites. The current MPCA CSW Permit requires examination for impaired waters and for waters designated Special waters that receive a discharge within one mile of the project site should be examined for the requirement of additional BMPs. The previous CSW permit's 2,000-foot examination requirement was expanded to one mile in the August 2008 reissuance of the CSW Permit. The additional BMPs requirements that will be applicable to any areas should be described in the EAW.

We appreciate the opportunity to review this Project. Please provide your specific responses to our comments and notice of decision on the need for an Environmental Impact Statement. Please be aware that this letter does not constitute approval by the MPCA of any or all elements of the Project for the purpose of pending or future permit action(s) by the MPCA. Ultimately, it is the responsibility of the Project proposer to secure any required permits and to comply with any requisite permit conditions. If you have any questions concerning our review of this EA/EAW, please contact me at 651-757-2508.

Sincerely,



Karen Kromar
Planner Principal
Environmental Review and Feedlot Section
Regional Division

KK:mbo

cc: Craig Affeldt, MPCA, St. Paul
Larry Zdon, MPCA, St. Paul
Scott Lucas, MPCA, Brainerd
Reed Larson, MPCA, Brainerd

RESPONSE

Minnesota Pollution Control Agency (MPCA)

Response D: Current erosion control measures that could be implemented for turf establishment include seeding and sodding. Additional erosion control measures that could be implemented include mulching, rapid stabilization, and the application of erosion control blanket. The application of any specific erosion control measure is dependent upon site conditions such as slope, location relative to receiving waters, etc.

Various methods of erosion control will be implemented during and after construction. Specific erosion and sedimentation control measures will be identified during final design, consistent with permitting requirements and MnDOT best management practices in place at that time.

Response E: This comment is noted. The current NPDES construction stormwater permit requirement regarding impaired waters and special waters is identified in Section II (Project Description) as an update to the information provided in the EA/EAW. Stormwater best management practices (BMPs) for the proposed project will be designed and implemented consistent with NPDES permit requirements in place at the time of permitting and construction.

COMMENT



12300 Elm Creek Boulevard • Maple Grove, Minnesota 55369-4718 • 763-445-5000 • Fax 763-445-5050 • www.GreatRiverEnergy.com
December 16, 2010

Jim Halgren
Project Manager
Mn/DOT District 3
7694 Industrial Park Road
Baxter, MN 56425-8096

SUBJECT: EAW and DRAFT SECTION 4(f) EVALUATION COMMENTS
TRUNK HIGHWAY 169 ELK RIVER TO ZIMMERMAN (S.P. 7106-71)
TRUNK HIGHWAY 10 ELK RIVER (S.P. 7102-123)

Dear Mr. Halgren:

Representatives of Great River Energy attended the open house meeting hosted by the Minnesota Department of Transportation at the City of Elk River offices on Thursday December 2, 2010. Subsequently, several other staff members of Great River Energy have reviewed the conceptual State Highway 10 and 169 layout plans that were recently provided to us. We have identified several economic and operational impacts that would be incurred by Great River Energy if the proposed highway and railroad improvements materialize in the future.

The following list outlines several issues identified by Great River Energy:

- A • Economic impact resulting from the loss of four existing points of access
- B • Negative impact resulting from one lengthy and circuitous access provided by the new Carson Street.
- C • The new Carson Street access road travels through a residential neighborhood. Great River Energy needs guarantees from the City that all future truck traffic generated by its routine operations will be permitted to travel through this residential area. This issue may require modifications to the existing plant operating permit.
- D • A second point of access is essential to GRE's operations. The plan identifies a possible second access "by others". Great River Energy needs assurances this second point of access will be provided in a timely manner and at no cost to Great River Energy.
- E • A need for a traffic signal at the proposed Carson/Main intersection to provide safe and efficient ingress/egress movements for GRE's large trucks and trailers
- F • Intersection geometrics at proposed Carson/Main and Main/169 must accommodate the ultra-long trailers used for transporting large turbines, generators, and transformers (see enclosed photo for reference)
- G • Economic impact of potential generation plant shut-down during railroad realignment due to inability to operate the RDF conveyance system over the railroad tracks.

Direct Dial (763) 445-5979

E-Mail rheuring@greenergy.com

FAX (763) 445-6779

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RESPONSE

Great River Energy (GRE)

Response A: At a March 2008 meeting between GRE and MnDOT, GRE indicated that their primary operations access is along Highway 10 with a secondary right-in/right-out access to Highway 169. The proposed project provides reasonably convenient and suitable access to the GRE property. Other access closure legality issues will be dealt with during the right of way process.

Response B: The proposed project provides reasonably convenient and suitable access to the GRE property. Other access closure legality issues will be dealt with during the right of way process.

Response C: Existing access to the GRE site from Highway 10 and Highway 169 will be closed with conversion of Highway 169 to a freeway facility and reconstruction of the Highway 10/101/169 system interchange. Access to the GRE property will be provided from Carson Street. The proposed project includes upgrades to Carson Street (i.e., 10-ton street, designed to accommodate MnDOT's standard design vehicle (WB-62 design vehicle)). This design will be fully capable of handling truck traffic that routinely accesses the GRE site.

The proposed upgrades to Carson Street also include realigning the Carson Street intersection with Main Street to the west of the existing intersection. This re-alignment is necessary to increase intersection spacing on Main Street to provide acceptable traffic operations. Re-aligning Carson Street to the west would place Carson Street through an area that is currently in residential uses as noted in Comment C (i.e., residential properties along the existing 2nd Street alignment). While this area is currently in residential uses, the area along Main Street adjacent to Carson Street is anticipated to be re-developed over time to business/commercial uses. These business/commercial uses would be compatible with the routine truck traffic that regularly accesses the GRE site.

It is understood that modifications to GRE's plant operating permit may be necessary if re-development has not yet occurred and residential land uses are in still in place adjacent to the proposed Carson Street access at the time

COMMENT

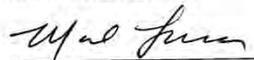
Jim Halgren
Mn/DOT District 3
Page Two

- H** • Probable impacts to the ingress/egress routes used by trucks delivering RDF to the receiving building as a result of the railroad realignment at the private road crossing.
- I** • Vertical conflicts with RDF conveyor system caused by railroad realignment.
- J** • Horizontal conflicts with RDF conveyor system pier caused by railroad realignment.
- K** • Potential safety issues resulting from railroad realignment located in proximity of the three large fuel storage tanks.
- L** • Loss of existing outdoor storage area caused by the railroad realignment and the City's need for a new ingress/egress route through GRE's property adjacent to the sewage treatment facility.
- M** • Impact to existing GRE utilities (fuel oil piping, electrical conductors, and steam lines) under railroad (old coal tunnel).
- N** • Great River Energy needs to maintain its ability to utilize the private railroad crossing at all times before, during and after the railroad realignment in order to maintain the critical and essential operation of its generating facilities.
- O** • Great River Energy's 69 kV transmission lines (CO-ELX, EPX, EMX, EW, EP, and CO-ES) and 230 kV transmission lines (EO and PE) will likely be impacted by the proposed interchanges and highway realignment at 10/169 and 169/Main. Modifications and/or relocation of these transmission facilities will require transmission outage scheduling of up to two years in advance. The construction, permitting and right of way costs to relocate and/or modify these facilities will be significant. Great River Energy's position is that these relocation costs are fully reimbursable.
- P** • Impact to heat pump loop currently located in MnDOT right of way.
- Q** • Impact to previous traffic patterns used for large trucks delivering/picking up materials at the outdoor storage yard located along Great River Energy Drive.
- R** • Impact to the subsurface drainage collection system located adjacent to the main entrance along Hwy 10.

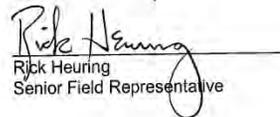
Thank you for providing Great River Energy the opportunity to comment on the two subject highway project reports.

Sincerely,

GREAT RIVER ENERGY



Mark Lucas
Manager, Facilities Services



Rick Heuring
Senior Field Representative

Enclosure

RR:\jrh\allpropinfo\outpost\locations\elkriver\renewed\GREcomments\toMndot\reports.doc

Direct Dial (763) 445-5979

E-Mail rheuring@greenergy.com

FAX (763) 445-6779

RESPONSE

Great River Energy (GRE)

of project implementation. See attached letter from the City of Elk River to MnDOT in Appendix F (Correspondence).

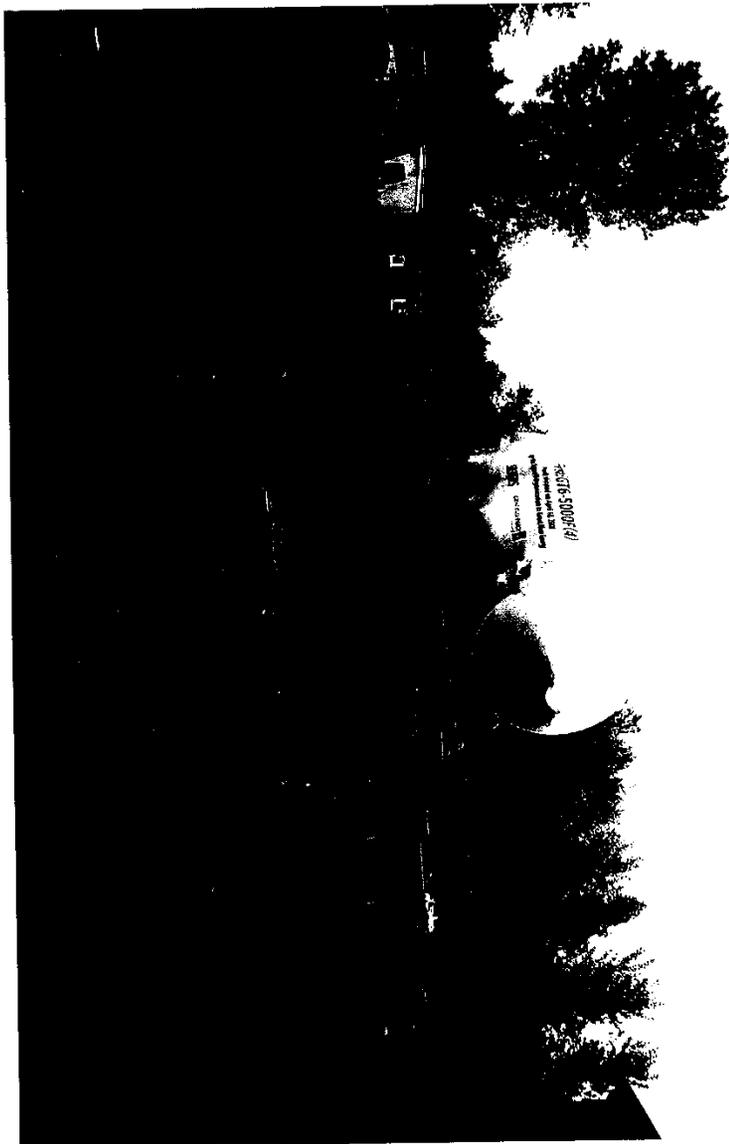
Response D: The proposed project provides multiple accesses to the GRE property off of Carson Street and upgrades to the Main Street/Highway 169 intersection which will be sufficient to handle truck traffic and additional future traffic volumes. The BNSF railroad will be grade-separated from Carson Street, which will eliminate conflicts between trains and truck traffic traveling to/from GRE via Carson Street.

Response E: Appropriate traffic control will be provided at the Carson Street/Main Street intersection. It is anticipated that a traffic signal would be needed at this intersection by the time this project would be constructed.

Response F: The intersections of Main Street/Carson Street and Main Street/TH 169 ramps were designed to accommodate MnDOT's standard design vehicle (the "interstate" semi-trailers, or WB-62 design vehicle). If GRE requires site access for an ultra-long trailer, GRE will be required to obtain an oversize/overweight permit from MnDOT. As part of the permitting process, MnDOT will work with GRE to determine the appropriate access as described below.

- Review the ultra-long trailer to determine if access can be provided at Carson Street/Main Street and TH 169/Main Street.
- Review the ultra-long trailer to determine if access can be provided at Carson Street/Main Street and TH 169/Main Street with modifications to structures within the right of way (e.g., move roadway signs, move traffic signal arms, etc.).
- GRE has an existing access to southbound TH 169 south of Main Street. This access will be graded in-place with the proposed project for use as an "access of last resort" for ultra-long vehicles. The access will be gated and locked, and only accessible by MnDOT permit for out of the ordinary circumstances that cannot be accommodated with the proposed access at Carson Street/Main Street and TH 169/Main Street.

COMMENT



Trunk Highway 169
Elk River to Zimmerman (SP 7106-71 & SP 7106-73)
Findings of Fact and Conclusions

RESPONSE

Great River Energy (GRE)

Response G: Construction sequencing for BNSF realignment will be addressed during final design, and MnDOT will work to minimize GRE shutdowns.

Response H: Construction sequencing for BNSF realignment will be addressed during final design, and MnDOT will work to minimize any impacts to RDF deliveries.

Response I: Construction sequencing for BNSF realignment will be addressed during final design, and MnDOT will work to minimize any vertical conflicts with RDF conveyer system.

Response J: Construction sequencing for BNSF realignment will be addressed during final design, and MnDOT will work to minimize any horizontal conflicts with RDF conveyer system piers.

Response K: The need for walls/barriers to protect fuel storage tanks in proximity to BNSF railway realignment will be examined during final design.

Response L: The proposed railroad right of way width is 100 feet. The realignment of Railroad Drive is not anticipated to encroach on GRE's storage area.

Response M: Construction sequencing for utilities will be addressed during final design; utility connections will be maintained throughout project construction.

Response N: The BNSF realignment will use phased construction in order to maintain access at all times so GRE can utilize the private railroad crossing. Construction phasing will be determined during final design.

COMMENT

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RESPONSE

Great River Energy (GRE)

Response O: MnDOT will work with GRE during final design in order to determine exact locations of transmission lines and identify potential impacts. Compensation will be determined during the right of way and permitting process. MnDOT will pay for items eligible for reimbursement, consistent with MnDOT policy at that time.

Response P: MnDOT will work with GRE during final design in order to determine exact location of heat pump loop and identify potential impacts. Compensation will be determined during the right of way and permitting process. MnDOT will pay for items eligible for reimbursement, consistent with MnDOT policy at that time.

Response Q: A meeting was held with GRE in March 2008 to discuss early project design and GRE operations and access needs. The proposed project design is based on overall project needs for mobility and safety as well as the needs indicated by GRE at this meeting. The proposed project provides reasonably convenient and suitable access to the GRE property. Other access closure legality issues will be dealt with during the right of way process.

Response R: Impacts and mitigation to the subsurface drainage collection system will be addressed during final design. Minimal impacts are anticipated because the proposed project will raise the existing groundline profile in this area.

COMMENT

Highway 169 (Elk River to Zimmerman)
Environmental Assessment / Environmental Assessment Worksheet
Public Hearing - December 1 & 2, 2010

COMMENT SHEET

YOUR COMMENTS ARE IMPORTANT TO US! Please write your comments regarding the EA/EAW on this form. Your comments will become part of the formal project record and will be used by Mn/DOT to help determine if further environmental study is needed. You may either put your completed form in the comment box or mail it to the address listed on the back.

Name: Marjorie Book

Address: 26501 Fremont Dr. Zimmerman

Your Comments:

Would greatly appreciate a pedestrian bridge over the highway 169 at about Pine Street, to facilitate my walk to Golds Gym!

Thank you for participating!

NOTE: Mailed comments must be received by Monday, December 20, 2010.

RESPONSE

Marjorie Book (26501 Fremont Drive, Zimmerman, MN 55398)

Response: The CSAH 4 bridge over Highway 169 (approximately 0.3 miles from Pine Street) has been designed to accommodate a pedestrian and bicycle facility along the north side of the bridge. The City of Zimmerman plans to develop a revised transportation plan, including trail and sidewalk plans, in the near future. The City will identify their trail and sidewalk facility needs through this planning process. The proposed project design does not preclude implementation of a pedestrian and bicycle facility along CSAH 4 from east of Highway 169 to downtown Zimmerman.

COMMENT

**Highway 169 (Elk River to Zimmerman)
Environmental Assessment / Environmental Assessment Worksheet
Public Hearing - December 1 & 2, 2010**

COMMENT SHEET

YOUR COMMENTS ARE IMPORTANT TO US! Please write your comments regarding the EA/EAW on this form. Your comments will become part of the formal project record and will be used by Mn/DOT to help determine if further environmental study is needed. You may either put your completed form in the comment box or mail it to the address listed on the back.

Name: Roger Gensmer

Address: 12065 Fremont Ave

Your Comments: I don't think that it is needed at this time, its too big of a project for that amount of traffic.

Thank you for participating!

NOTE: Mailed comments must be received by Monday, December 20, 2010.

RESPONSE

Roger Gensmer (12065 Fremont Avenue, Zimmerman, MN 55398)

Response: As stated in the EA/EAW, there is currently no funding programmed for right of way acquisition and construction of the proposed project. It is likely that the proposed project would be implemented in stages over time as funding becomes available. The purpose of the project is to identify improvements to Highway 169 from Elk River to Zimmerman that will enhance long-term regional mobility while also preserving local access. In the near term, the EA/EAW will be used to help inform local land use and transportation planning decisions that are consistent with future roadway plans.

The need for the project is to address safety, traffic congestion, and access considerations given the function of Highway 169 as a principal arterial roadway and high priority interregional corridor (IRC). The safety and traffic congestion problems are anticipated to worsen over time as traffic volumes increase. As described in Section III of the EA/EAW, safety is a concern on the project segment of Highway 169 because of the high traffic volumes traveling at high speeds through at-grade intersections. At-grade intersections along the Highway 169 project segment are projected to operate at an unacceptable level of service (LOS) F under future year 2030 No-Build conditions.

COMMENT

Brett Danner

From: Dave Montebello
Sent: Thursday, December 09, 2010 8:40 PM
To: James Hallgren@dot.state.mn.us; Brett Danner
Subject: Fw: Proposed Hwy 169 & ct4 interchange discussed @ Livonia Town Hall 12/2/2010

Fyi we should discuss.
Sent via DROID on Verizon Wireless

-----Original message-----

From: "Dank, Steven J" <SDANK@amfam.com>
To: Dave Montebello <dmontebello@srfconsulting.com>
Sent: Thu, Dec 9, 2010 23:41:18 GMT+00:00
Subject: Proposed Hwy 169 & ct4 interchange discussed @ Livonia Town Hall 12/2/2010

David,

A I met you at this informational meeting regarding the Hwy 169 & ct4 interchange. Much was discussed, some of this design dramatically affecting our lake home @ 12400 Isle Rd Zimmerman, MN 55398 on Lake Fremont. I would like you to isolate our home on the oldest plat @ Lake Fremont called Fremont Terrace 1st addition, and provide a legible scale print out of my property relative to your Hwy 169 & ct4 interchange proposal.

B The Zimmerman City council apparently does not value our neighborhood enough to have been honest with the revisions to this plan. City officials have indicated to me that your firm and MN Dot design these projects "unemotionally" which concerns me and my dream of owning a lake home in such beautiful setting.

Please confirm my request as I hope the proper attention will be given to us Steven & Sandy Dank 12400 Isle Rd Zimmerman, MN 55398. This will be far better than wading through hundreds of pages regarding this project.

Steven J. Dank, Insurance Agency
(763)561-7292 Office
(763)561-7387 Fax
SDank@amfam.com

As part of my commitment to providing excellent service you may receive a satisfaction survey in the near future asking you to evaluate our agency. Please give me your honest feedback so that I can provide you with excellent service. Of course if you ever have a concern, please contact us and we will do our best to address the issue. Thank you in advance for your time!

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RESPONSE

Steven Dank (12400 Isle Road, Zimmerman, MN 55398)

Response A: A 300-scale, 11x17 figure illustrating the proposed Highway 169 alignment and CSAH 4 interchange was provided to Mr. Dank by MnDOT District 3 in December 2010.

Response B: All alternatives studied for the proposed CSAH 4 interchange would impact the surrounding environment, and there are trade-offs associated with these impacts. For example, while one interchange alternative may reduce or avoid impacts in some areas, it may also result in greater impacts in others. Ultimately, the goal of the alternatives development and evaluation process is to identify an alternative that addresses the project need while best balancing all of the different impacts. It is understood that not all potential impacts can be avoided.

MnDOT and its study partners (Sherburne County, Elk River, Zimmerman, Livonia Township, Baldwin Township) did consider potential impacts to residences and residential land uses east of Highway 169 and adjacent to Lake Fremont as part of the CSAH 4 interchange evaluation process. Many different transportation goals and social, economic and environmental factors were considered when the CSAH 4 interchange alternatives were developed and evaluated. This evaluation process is summarized on page 30 through page 36 of Appendix B of the Highway 169 EA/EAW.

The Compressed Diamond Interchange with loop in the southeast quadrant (Highway 169 alignment shifted to the east) was identified as the Preferred Alternative. This decision was made after detailed analysis and public and agency meetings. Primary considerations for selecting this alternative over the other alternative include, but are not limited to fewer impacts to businesses and commercial properties, ability to maintain a more cohesive downtown business district, and the potential for visual impacts related to elevating TH 169 through this area. In addition, this selected alternative would provide easier staging and result in fewer construction disruptions.

COMMENT

THIS COLUMN INTENTIONALLY LEFT BLANK

RESPONSE

Steven Dank (12400 Isle Road, Zimmerman, MN 55398)

Two CSAH 4 interchange alternatives and their evaluation were presented to the Zimmerman Chamber of Commerce and at a public open house meeting on February 1, 2007. Figures illustrating the County Highway 4 alternatives as shown at the February 1, 2007 meetings are available on the project website (<http://projects.dot.state.mn.us/srf/169elkriver/maps.html>).

Comments received at the February 1, 2007 meeting were supportive of both interchange alternatives, although a greater number of responses were received from Chamber of Commerce members in support of the Compressed Diamond Interchange with loop in the southeast quadrant and the Highway 169 alignment shifted to the east (the selected alternative). On June 4, 2007 the Zimmerman City Council approved a resolution in support of the Compressed Diamond Interchange with loop in the southeast quadrant (Highway 169 alignment shifted to the east).

Appendix D

Final Section 4(f) Evaluation

Final Section 4(f) Evaluation

**Trunk Highway 169
Elk River to Zimmerman**

**State Project: 7106-73 (Elk River); 7106-71 (Zimmerman)
Minnesota Project: To Be Assigned**

From: Trunk Highway 101/County State Aid Highway 39 interchange

To: 277th Avenue

in

Cities: Otsego, Elk River, and Zimmerman

Township: Livonia

Counties: Wright and Sherburne

Section(s), Township(s), Range(s):

Sections: 3-5, 8-10, 15-17, 27-29, 32-34; T35N; R26W

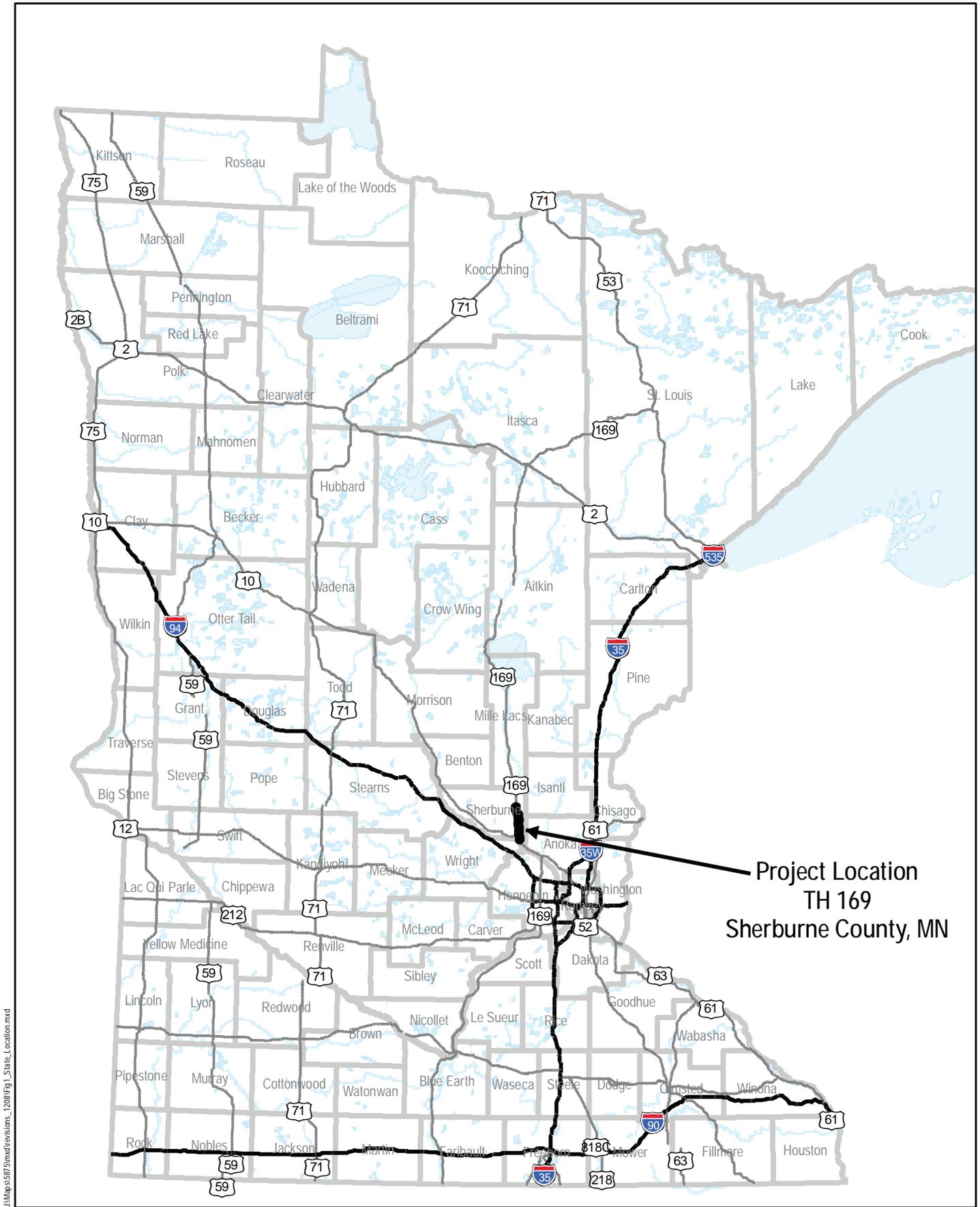
3-5, 8-10, 15-17, 20-22, 27-29, 32-34; T34N; R26W

2-4, 9-11, 14-16, 21-23, 26-28, 33-35; T33N; R26W

3, 10, 11; T32N; R26W

Conversion of Trunk Highway (TH) 169 from an expressway facility to a freeway facility from Elk River through Zimmerman, including TH 101 lane addition in Otsego from County State Aid Highway (CSAH) 39 to the TH 10/101/169 system interchange and expansion of the TH 101 Mississippi River crossing between Otsego and Elk River.

This document is available in alternative formats to individuals with disabilities by calling the Minnesota Relay Service at 1-800-627-3529.



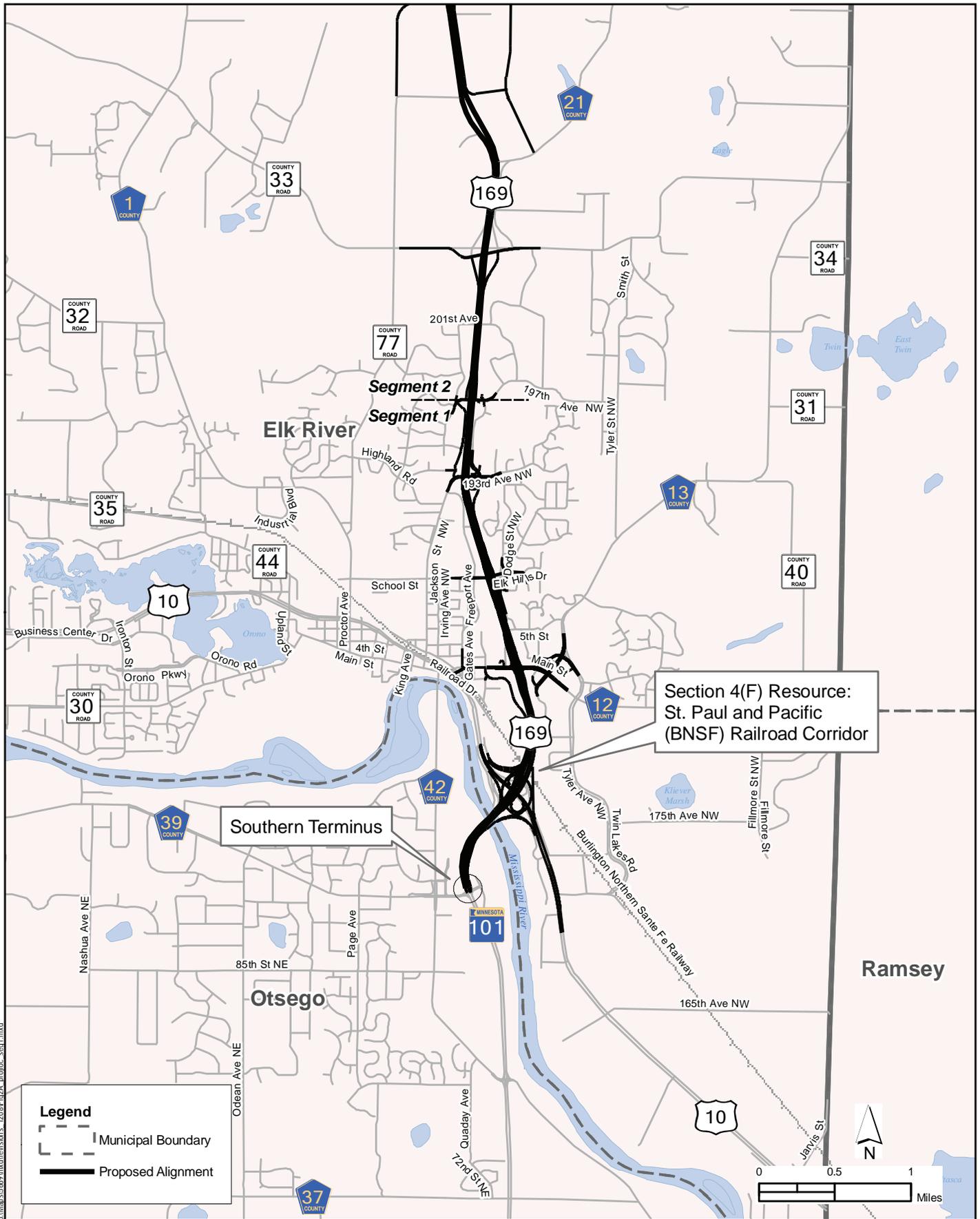
Project Location
 TH 169
 Sherburne County, MN

J:\Maps\51875.mxd\visions_1208\Fig1_State_Location.mxd

STATE LOCATION MAP

Figure 1

FINAL SECTION 4(F) EVALUATION
 T.H. 169 - SP 7106-73 AND 7106-71

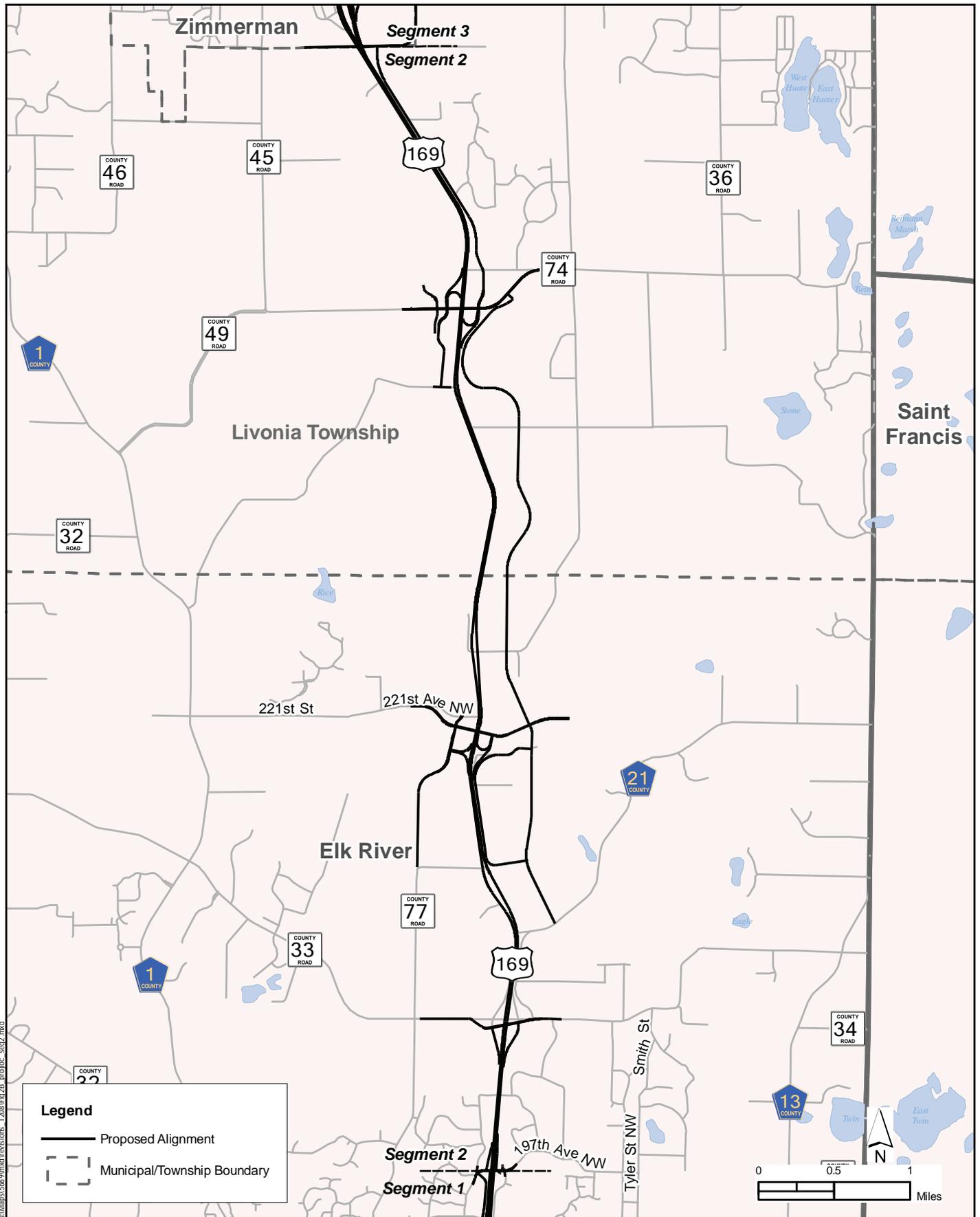


PROJECT LOCATION: SEGMENT ONE - URBAN ELK RIVER

Segment One: CSAH 39 to 197th Avenue NW

FINAL SECTION 4(F) EVALUATION
T.H. 169 - SP 7106-73 AND 7106-71

Figure 2A



PROJECT LOCATION: SEGMENT TWO - RURAL ELK RIVER & S. LIVONIA TOWNSHIP

Figure 2B

Segment Two: 197th Avenue NW to Livonia Township/City of Zimmerman Boundary

FINAL SECTION 4(F) EVALUATION
 T.H. 169 - SP 7106-73 AND 7106-71

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I. INTRODUCTION

The Section 4(f) legislation as established under the Department of Transportation Act of 1966 (49 USC 303, 23 USC 138) and as revised in 2005 by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (which included moving the Section 4(f) regulations to 23 CFR 774) provides protection for publicly owned parks, recreation areas, historic sites, wildlife and/or waterfowl refuges from conversion to a transportation use. The Federal Highway Administration (FHWA) may not approve the use of land from a significant publicly owned park, recreation area, or wildlife and waterfowl refuge, or any significant historic site unless a determination is made that:

- There is no feasible and prudent alternative to the use of land from the property; and
- The action includes all possible planning to minimize harm to the property resulting from such use (23 CFR774.17).

Additional protection is provided for outdoor recreational lands under the Section 6(f) legislation (16 USC 4602-8(f) (3)) where Land and Water Conservation (LAWCON) funds were used for the planning, acquisition or development of the property. These properties may be converted to a non-outdoor recreational use only if replacement land of at least the same fair market value and reasonably equivalent usefulness and location is assured.

The purpose of this Section 4(f) Evaluation is to provide the information required by the Secretary of Transportation to make the decision regarding the use of properties protected by Section 4(f) and/or Section 6(f) legislation under the preferred alternative selected in the Trunk Highway (TH) 169 Elk River to Zimmerman Environmental Assessment/Environmental Assessment Worksheet (EA/EAW).

This Section 4(f) Evaluation describes all identified Section 4(f) and/or Section 6(f) properties proposed to be “used” under the preferred alternative, potential impacts on those properties, and possible mitigation measures to minimize impacts. A “use” occurs (1) when land from a Section 4(f) site is acquired for a transportation project, (2) when there is an occupancy of land that is adverse in terms of the statute's preservationist purposes, or (3) when the proximity impacts of the transportation project on the Section 4(f) sites, without acquisition of land, are so great that the purposes for which the Section 4(f) site exists are substantially impaired (normally referred to as a constructive use).

The Section 4(f) process requires that any impacts from use of a park, recreation area, historic site, wildlife or waterfowl refuge for highway purposes be evaluated in context with the proposed highway construction/reconstruction activity. An inventory of these types of properties was completed for the TH 169 (Elk River to Zimmerman) project area. Based on this inventory, a review of the proposed design, and assessment of the project's impacts, the realignment of the St. Paul and Pacific (BNSF) Railroad Corridor

constitutes a Section 4(f) use. The St. Paul and Pacific (BNSF) Railroad Corridor was determined eligible for the National Register of Historic Places as an historic rail corridor. The Measures to Minimize Harm section (Section VI) below describes efforts made to avoid and minimize use of the Section 4(f) resource.

The TH 169 (Elk River to Zimmerman) Project has been reviewed for potential Section 6(f) involvement. No Section 6(f) involvement exists on this project.

II. PROPOSED ACTION

A description of the proposed project, and an explanation of the purpose and need for the project, are in the Environmental EA/EAW document. Please refer to the Alternatives section of that document for a description of the proposed action (Section IV.B.2 of the EA/EAW), and the Purpose and Need section of that document (Section III) for the purpose and need of the project.

III. SECTION 4(f) PROPERTY

Map of Section 4(f) Property/Location

The project map on page ii (Figure 2A) illustrates the location of the Section 4(f) resource (St. Paul and Pacific Railroad Corridor) relative to the project area.

Description of St. Paul and Pacific (BNSF) Railroad Corridor

The St. Paul and Pacific (BNSF) Railroad Corridor runs in a northwesterly direction parallel to Highway 10. The St. Paul and Pacific (BNSF) Railroad Corridor crosses Highway 169 just north of the Highway 10/101/169 interchange, runs through downtown Elk River, and separates from the Highway 10 corridor as the Highway turns to the west. The railroad corridor is double tracked. The railroad corridor bridges over Highway 169, and is at-grade with local street crossings in downtown Elk River and to the east of Highway 169. The railroad right of way is generally 100 feet wide, but expands to approximately 200 feet in downtown Elk River, in the area that historically accommodated the Elk River Station.

A Phase I Architectural History Survey and Phase II Architectural History Evaluation conducted for this project determined that the former St. Paul and Pacific Railroad Corridor constitutes a railroad corridor historic district. The St. Paul and Pacific (BNSF) Railroad Corridor District is eligible for listing on the National Register of Historic Places (NRHP). Contributing elements to the railroad corridor historic district are the double-tracked railroad corridor and associated ditches within the right of way.

The corridor is significant for its association with the St. Paul and Pacific railroad, which built the first railroad in Minnesota in 1862 between St. Paul and St. Anthony Falls. The

corridor through Elk River was built in 1864 and reached the Sauk Rapids area by 1867. Portions of the railroad corridor's setting have been redeveloped with modern buildings and other transportation infrastructure, such as the Highway 10/101/169 interchange, and other portions retain the general historic characteristics.

The railroad crosses over Highway 169 to the north of the existing Highway 10/101/169 interchange. The railroad bridge is a steel deck girder bridge (four spans) constructed in 1961. Because the railroad bridge post-dates the period of significance described above, it is not a contributing element to the railroad corridor historic district.

Ownership of Section 4(f) Property

The St. Paul and Pacific Railroad Corridor is currently owned and operated by the BNSF Railway Corporation.

Function of Section 4(f) Property

Historic Function

The historical function of the corridor, as described in the Phase I Architectural History Survey and Phase II Architectural History Evaluation is summarized below.

The St. Paul and Pacific Railroad built the first railroad in Minnesota in 1862 between St. Paul and St. Anthony Falls. The corridor through Elk River was built in 1864 and reached the Sauk Rapids area by 1867. The railroad was an important early transportation corridor, providing the first railroad access to the communities and sawmills along the Mississippi River north of Minneapolis. The corridor also served the Northern Pacific, the St. Paul Minneapolis and Manitoba (Manitoba) and the Great Northern Railroads. The corridor provided the Northern Pacific with its only northwest route into and out of Minneapolis from 1870, when it gained control of the St. Paul and Pacific, through the end of the historic period... For the Manitoba/Great Northern, the corridor was also critical from 1879, when the Manitoba gained control of the St. Paul and Pacific and gained access to Duluth, albeit in a roundabout fashion, until 1898, when the Great Northern built the Coon Creek cutoff south of Anoka.

The St. Paul and Pacific Railroad Corridor historic district was previously determined eligible for listing in the NRHP. Prior to the Phase I and Phase II cultural resource studies completed for the proposed TH 169 Project, the segment within Elk River had not been previously surveyed. The St. Paul and Pacific Railroad Corridor within Elk River constitutes a railroad corridor historic district, is significant for its association with the St. Paul and Pacific Railroad, and is eligible for listing on the NRHP.

Current Function

The BNSF Railway Corporation currently operates the St. Paul and Pacific (BNSF) Railroad Corridor as a rail transportation facility. BNSF Railway refers to this rail line as the Staples Subdivision, which extends from Moorhead, Minnesota to Minneapolis, Minnesota.

Description and Location of all Existing and Planned Facilities

Historic Context (Railroads and Agricultural Development)

As described above, St. Paul and Pacific Railroad Corridor within Elk River constitutes a railroad corridor historic district and is significant for its association with the St. Paul and Pacific Railroad. The railroad was an important early transportation corridor, providing the first railroad access to the communities and sawmills along the Mississippi River north of Minneapolis. Within the context of agricultural development, railroad corridors, including the St. Paul and Pacific, hauled crops and animal products from farm to market facilitating a transition to diversified agriculture by connecting commodity producers with processors, as well as facilitating industrial crop production, large-scale milling, and mass marketing of food products.

Current Railroad Operations

The existing railroad corridor is described in the Description section above. According to information from BNSF Railway, more than 40 freight trains travel on this rail line through Elk River each day.

In addition to freight services, the Northstar Commuter Rail operates on the St. Paul and Pacific (BNSF) Railroad Corridor from Big Lake, Minnesota to downtown Minneapolis, Minnesota. A park-and-ride facility and rail station is located along the St. Paul and Pacific (BNSF) railroad corridor in Elk River, east of the TH 169 (Elk River to Zimmerman) project area at 171st Street and Twin Lakes Road.

Future Railroad Expansion

The addition of a third track by BNSF Railway parallel to the existing tracks is planned for the future.

Access

The St. Paul and Pacific (BNSF) railroad corridor is owned by a private company. BNSF Railway maintains access roads parallel to the railroad tracks for maintenance activities. There are several at-grade crossings to the west of Highway 169 (Proctor Avenue, Jackson Street, Main Street) and to the east of Highway 169 in Elk River.

Relationship to Other Similarly Used Lands in the Vicinity

Not applicable to this railroad corridor historic district.

Applicable Clauses Affecting the Ownership

None. This property is owned by BNSF Railway and is used for transportation purposes.

Unusual Characteristics Reducing or Enhancing the Value of the Property

None.

IV. IMPACTS ON THE SECTION 4(f) PROPERTY

The proposed project would include realigning the St. Paul and Pacific (BNSF) Railroad Corridor to the north of its existing alignment from west of 171st Avenue to a point located approximately 2,500 feet west of Highway 169. The existing railroad bridge over Highway 169 will be removed and replaced with a new structure over the highway. As noted above in Section III, the existing railroad bridge over Highway 169 is not a contributing element to the historic railroad corridor. This new structure would be located to the east of the existing bridge because the proposed Highway 169 alignment would be located to the east of the existing highway alignment at the crossing of the St. Paul and Pacific (BNSF) Railroad Corridor. New structures would also be constructed along the St. Paul and Pacific (BNSF) Railroad to accommodate interchange ramps from westbound Highway 10 to northbound Highway 169, and southbound Highway 169 to westbound Highway 10. The proposed railroad grade would be constructed approximately one to two feet higher than the existing railroad corridor grade.

Total length of the St. Paul and Pacific (BNSF) Railroad Corridor reconstruction is approximately 6,000 feet. The centerline of the proposed double track alignment is located approximately 70 feet to the north of the existing centerline alignment. The proposed railroad right of way width in the realigned section is approximately 100 feet. The proposed alignment would accommodate construction of a future third track by BNSF Railway at a later time.

Realignment and impacts to the St. Paul and Pacific (BNSF) Railroad Corridor and are necessary as part of the TH 169 (Elk River to Zimmerman) Project for the following reasons:

- Construction Staging: The St. Paul and Pacific (BNSF) Railroad Corridor is part of the BNSF Staples Subdivision between the Twin Cities region and Fargo/Moorhead region. This BNSF Railway line currently carries approximately 46 freight trains per day. The St. Paul and Pacific (BNSF) Railroad Corridor also carries the Northstar Commuter Rail between Big Lake and Minneapolis (additional 12 trains per day). Because of the importance of this corridor for freight movement and commuter rail,

maintaining operations on this railroad line during project construction was a key consideration during project development.

It is not feasible to construct the proposed Highway 169 capacity improvements (see discussion below, “Highway 169 Capacity”) and Highway 10/101/169 system interchange improvements (see discussion below, “Highway 10/101/169 Interchange”) across the existing St. Paul and Pacific (BNSF) Railroad Corridor alignment and maintain rail operations at the same time. Realignment of the railroad corridor would allow rail operations to continue on the existing tracks during railroad grade separation and highway construction. After the new railroad tracks and grade separations are constructed and in place, train traffic would shift to the new tracks and the existing tracks and bridge over Highway 169 would be removed.

- Flood Elevation, Railroad Profile and Clearance Requirements: The Mississippi River is located immediately to the south of the Highway 10/101/169 system interchange and the St. Paul and Pacific (BNSF) Railroad Corridor. Highway 10 currently runs east-west through the interchange; Highway 101/169 crosses over Highway 10. The flood elevation of the Mississippi River is approximately 863 feet. Highway 10 must be reconstructed through the system interchange such that it is located above the flood elevation. This design requirement increases the proposed profile elevation of Highway 169 through the Highway 10/101/169 system interchange to the St. Paul and Pacific (BNSF) Railroad alignment. In order to meet minimum clearance requirements between the Highway 169 roadway profile and the bottom of the proposed BNSF Railway bridge over Highway 169, the railroad grade must be raised by approximately one foot relative to existing conditions. Realignment of the railroad corridor would allow for rail operations to continue on the existing tracks while the new railroad corridor is constructed
- Highway 169 Capacity: As discussed in the project need, forecast traffic volumes on Highway 169 are projected to exceed the capacity of the existing facility, resulting in poor operations and delays. In order for Highway 169 to provide adequate capacity and levels of service for forecast traffic volumes, it must be expanded to a six-lane facility (three lanes in both the north- and southbound directions). The existing BNSF Railway bridge over Highway 169 is a four-span bridge, with bridge piers located along the outside shoulders of the north- and southbound travel lanes, and a pier located between the travel lanes in the center median. The existing bridge openings are not wide enough to accommodate the three through travel lanes in both the north- and southbound directions that is needed to provide adequate capacity for projected traffic volumes.
- Highway 10/101/169 Interchange: As discussed in the project need, the Highway 10/101/169 interchange currently operates at unacceptable levels during the p.m. peak hour, and is projected to operate at unacceptable levels of service in the future (year 2030 conditions) during the a.m. and p.m. peak hours as well. One of the goals of the project is to provide for acceptable traffic operations, consistent with current engineering standards. Reconstruction of the Highway 10/101/169 system interchange to accommodate free-flow for all interchange movements between

Highway 10, 101, and 169 are necessary to address mobility and traffic operations needs, and are consistent with conversion of Highway 169 to a freeway facility.

The distance between the north ramps of the existing interchange and the St. Paul and Pacific (BNSF) Railroad Corridor is approximately 550 feet. The Mississippi River is located immediately to the south of the Highway 10/101/169 interchange, and is a barrier to any alignment locations to the south (discussed in greater detail below, “Build on Alternative Alignment Location”). Because of this distance between the railroad and the interchange, and the Mississippi River to the south, proposed interchange ramps from westbound Highway 10 to northbound Highway 169, and southbound Highway 169 to westbound Highway 10, would merge to/from Highway 169 north of the St. Paul and Pacific (BNSF) Railroad Corridor. As such, new structures are needed along the St. Paul and Pacific (BNSF) Railroad Corridor to grade-separate these interchange movements from the railroad.

V. AVOIDANCE ALTERNATIVES

No Build/Do Nothing Alternative

The No Build Alternative would avoid any impacts to the BNSF Railway. However, the No Build Alternative would not adequately address safety concerns related to the existing at-grade access along the Highway 169 corridor. The No Build Alternative does not correct the capacity and operational deficiencies associated with the existing Highway 169 corridor and the Highway 10/101/169 system interchange. The No Build Alternative does not meet the Purpose and Need for the project; therefore, it is not a feasible and prudent alternative.

Slight Alignment Changes

Slight alignment changes in Highway 169 were considered. Highway 169 runs perpendicular to the St. Paul and Pacific (BNSF) Railroad Corridor. Because of the north-south alignment of Highway 169, and the east-west alignment of the St. Paul and Pacific (BNSF) Railroad Corridor, any Highway 169 alignment change will affect the St. Paul and Pacific (BNSF) Railroad Corridor. The proposed Highway 169 alignment is located approximately 300 feet east of the existing Highway 169 crossing under the St. Paul and Pacific (BNSF) Railroad Corridor. Moreover, slight alignment changes to the west of the existing Highway 169 alignment are not feasible because of impacts to the Great River Energy site and power plant (refuse-derived fuel power plant). Slight alignment changes to the east or west of the existing Highway 169 alignment would require a new grade-separation between Highway 169 and the railroad corridor, requiring construction of a new railroad alignment to maintain railroad operations during construction.

Build on Alternative Alignment Location

Reconstructing the Highway 10/101/169 interchange on an alternative alignment location to the south to permit the existing St. Paul and Pacific (BNSF) Railroad Corridor to remain was considered; however this alternative was not considered feasible because of physical constraints surrounding the interchange area (e.g., the Mississippi River is located directly south of the Highway 10/101/169 interchange). The avoidance alignment concept was developed maintaining the St. Paul and Pacific (BNSF) Railroad Corridor along its existing alignment, while also utilizing the existing the Highway 169 alignment under the railroad. The avoidance alignment location incorporated the same roadway geometrics and relationship between interchange components (e.g., distance between interchange ramps) as the Preferred Alternative design to provide the traffic operations and capacity necessary to address the purpose and need for the project. This avoidance alignment also assumed that it is feasible to design a six-lane freeway section (three lanes in both the north- and southbound directions) on Highway 169 under the existing four-span railroad bridge over the highway.

Maintaining the existing St. Paul and Pacific (BNSF) Railroad Corridor and existing rail crossing location under Highway 169 under this scenario would allow for rail operations to be maintained on the existing rail line during project construction. The avoidance alignment concept is illustrated in the attached Figure 3. Impacts as a result of this avoidance alignment concept are summarized below.

- Highway 10/101/169 Interchange: Build on an alternative alignment location to permit the existing St. Paul and Pacific (BNSF) Railroad Corridor to remain places the Highway 10/101/169 system interchange on a new location to the southwest of the existing interchange. As previously noted, a system interchange to accommodate free-flow for all interchange movements between Highways 10, 101, and 169 is necessary to address mobility and traffic operations needs of the proposed project, and is consistent with conversion of Highway 169 to a freeway facility. Transportation improvements in this area are constrained by the Mississippi River to the south, the St. Paul and Pacific (BNSF) Railroad Corridor to the north, and the Great River Energy (GRE) Site (refuse-derived powerplant) to the northwest. The Mississippi River is a state-designated Wild and Scenic River. The segment of the Mississippi River within the project area is designated by the Minnesota Department of Natural Resources (DNR) as “recreational.”

Maintaining the existing St. Paul and Pacific (BNSF) Railroad Corridor and existing railroad crossing location over Highway 169 would result in substantial shift in the interchange location. This is because of roadway geometrics and relationships between interchange features. In order for the proposed Highway 169 travel lanes to utilize the existing rail line crossing location, the interchange ramp from westbound Highway 10 to northbound Highway 169 must merge with Highway 169 south of the St. Paul and Pacific (BNSF) Railroad Corridor. In addition, the ramps to west- and eastbound Highway 10 must also exit from southbound Highway 169 south of the St. Paul and Pacific (BNSF) Railroad Corridor. Locating the entrance and exit points for

these interchange ramps south of the St. Paul and Pacific (BNSF) Railroad Corridor to utilize the existing crossing under the rail line forces the location of the system interchange to the southwest.

The existing Highway 169 alignment is on a tangent section under the St. Paul and Pacific (BNSF) Railroad Corridor. The proposed Highway 169 alignment is on a curve under the St. Paul and Pacific (BNSF) Railroad Corridor alignment. The proposed highway alignment transitions to a tangent section north of the St. Paul and Pacific (BNSF) Railroad Corridor. Maintaining the existing rail line alignment and utilizing the existing rail crossing over Highway 169 requires that the proposed roadway tangent section north of the rail line match the existing roadway tangent section under the St. Paul and Pacific (BNSF) Railroad Corridor. As a result, this constraint would also force the location of the system interchange to the southwest.

Shifting the Highway 10/101/169 interchange to the southwest to permit the existing St. Paul and Pacific (BNSF) Railroad Corridor and existing railroad crossing location over Highway 169 to remain would place the system interchange within the Mississippi River, resulting in extensive impacts to the Mississippi River and surrounding environment.

- Highway 10: It is not feasible to relocate Highway 10 on a new alignment to accommodate the Highway 10/101/169 system interchange location describe above. Locating the system interchange to the south would place Highway 10 on a new alignment within the Mississippi River.
- Highway 101: It is not feasible to maintain the existing Highway 101 alignment to accommodate the Highway 10/101/169 system interchange location described above. Locating the Highway 10/101/169 system interchange to the southwest of its existing location would require substantial realignment and reconstruction of Highway 101 to the south of the Mississippi River in Otsego, resulting in extensive impacts to the surrounding community.

Conclusion

Because none of the avoidance alternatives were found to be feasible and prudent, the only remaining alternative was the preferred alternative.

VI. MEASURES TO MINIMIZE HARM

To mitigate the unavoidable impacts to the Section 4(f) resource – St. Paul and Pacific (BNSF) Railroad Corridor – resulting from the preferred alternative, measures to minimize harm/mitigate were jointly developed between the MnDOT CRU, MnDOT District 3, SHPO and FHWA. The Memorandum of Agreement in the Attachments describes the agreement reached among these parties.

As previously described, St. Paul and Pacific (BNSF) Railroad Corridor is also used as a commuter rail facility. A park-and-ride facility and commuter rail station (under construction) is located to the east of Highway 169 at 171st Avenue and Twin Lakes Road. Mitigation for impacts to the St. Paul and Pacific Railroad Corridor includes future construction of an interpretive display on MnDOT property at the park and ride facility. The details of this interpretive display, such as content and design, will be subject to SHPO review prior to design and construction.

The proposed project is not funded for construction. Timing of implementation of this mitigation measure will be dependent upon project construction funding. Implementation of mitigation will occur in the future concurrent with project implementation.

VII. COORDINATION

The development process for this project included coordination between the Minnesota Department of Transportation (MnDOT) Cultural Resources Unit (CRU), the Minnesota State Historic Preservation Office (SHPO), and the FHWA. As a result of the Phase I and Phase II studies, CRU determined, and SHPO concurred, that there would be an adverse effect to the St. Paul and Pacific Railroad Corridor. A consensus was reached regarding the impacts and the proposed mitigation of Section 4(f) resources. A copy of correspondence between CRU and SHPO is attached. A copy of the Memorandum of Agreement between the FHWA, MnDOT and Minnesota SHPO is also attached.

VIII. CONCLUSION

Basis for Concluding That There Are No Feasible and Prudent Alternatives to the Use of the Section 4(f) Property

The supporting information in Sections IV and V demonstrates that based on social, economic, and environmental impacts and project need, the use of alternatives that avoid the St. Paul and Pacific (BNSF) Railroad Corridor reach extraordinary magnitude as summarized below:

No Build Alternative

The No Build alternative is not feasible and prudent because it would not address the purpose and need of the proposed action. The No Build alternative would not adequately address safety concerns related to the existing at-grade access along the Highway 169 corridor. The No Build Alternative would not correct the capacity and operational deficiencies associated with the existing Highway 169 corridor and the Highway 10/101/169 system interchange.

Minor Alignment Shifts or Design Alternatives

It is not feasible and prudent to avoid Section 4(f) lands by making slight alignment changes to Highway 169 because the existing Highway 169 alignment runs perpendicular to the St. Paul and Pacific (BNSF) Railroad Corridor.

Because of the north-south alignment of Highway 169, and the east-west alignment of the St. Paul and Pacific (BNSF) Railroad Corridor, any Highway 169 alignment change will affect the St. Paul and Pacific (BNSF) Railroad Corridor. Slight alignment changes to the east or west of the existing Highway 169 alignment would require a new grade-separation between Highway 169 and the railroad corridor, requiring construction of a new railroad alignment to maintain railroad operations during construction. Moreover, slight alignment changes to the west of the existing Highway 169 alignment are not feasible because of impacts to the Great River Energy site and power plant (refuse-derived fuel power plant).

Constructing on a New Alignment

It is not feasible and prudent to construct the proposed Highway 169 project on an alternative alignment location because of physical constraints surrounding the Highway 10/101/169 interchange area (e.g., the Mississippi River is located directly south of the interchange, the St. Paul and Pacific (BNSF) Railroad Corridor to the north, and the Great River Energy (GRE) Site to the northwest).

An avoidance alignment concept was developed maintaining the St. Paul and Pacific (BNSF) Railroad Corridor along its existing alignment, while also utilizing the existing the Highway 169 alignment under the railroad. The avoidance alignment concept is illustrated in the attached Figure 3. Based on the geometrics necessary for the interchange, shifting the Highway 10/101/169 interchange to the southwest to permit the existing St. Paul and Pacific (BNSF) Railroad Corridor and existing railroad crossing location over Highway 169 to remain would place the system interchange within the Mississippi River. This would result in extensive impacts to the Mississippi River and surrounding environment.

Basis for Concluding That the Proposed Action Includes All Possible Planning to Minimize Harm to the Section 4(f) Property

The preferred alternative is a feasible and prudent alternative as it addresses the project purpose and need and has the least harm on the St. Paul and Pacific (BNSF) Railroad Corridor after considering mitigation. As described in Section VI, mitigation measures include future construction of an interpretive display on MnDOT property at the park and ride facility (located east of Highway 169 at 171st Avenue and Twin Lakes Road). The details of this interpretive display, such as content and design, will be subject to SHPO review prior to design and construction.

The officials having jurisdiction over the St. Paul and Pacific (BNSF) Railroad Corridor have agreed, in writing, with the assessment of impacts resulting from the use of the St. Paul and Pacific (BNSF) Railroad Corridor and with the mitigation measures to be provided. This project included close coordination between the MnDOT CRU, Minnesota SHPO, and FHWA. This coordination includes development of a Section 106 MOA. A copy of the signed MOA between the FHWA, MnDOT and Minnesota SHPO is attached.

Summary of the Formal Coordination

Coordination has occurred with BNSF, MnDOT, Minnesota SHPO, and FHWA. A Section 106 Memorandum of Agreement has been developed to identify measures to avoid or minimize adverse effects to the Section 4(f) property. The mitigation measures identified in the Memorandum of Agreement are summarized above. A copy of the signed Memorandum of Agreement is attached.

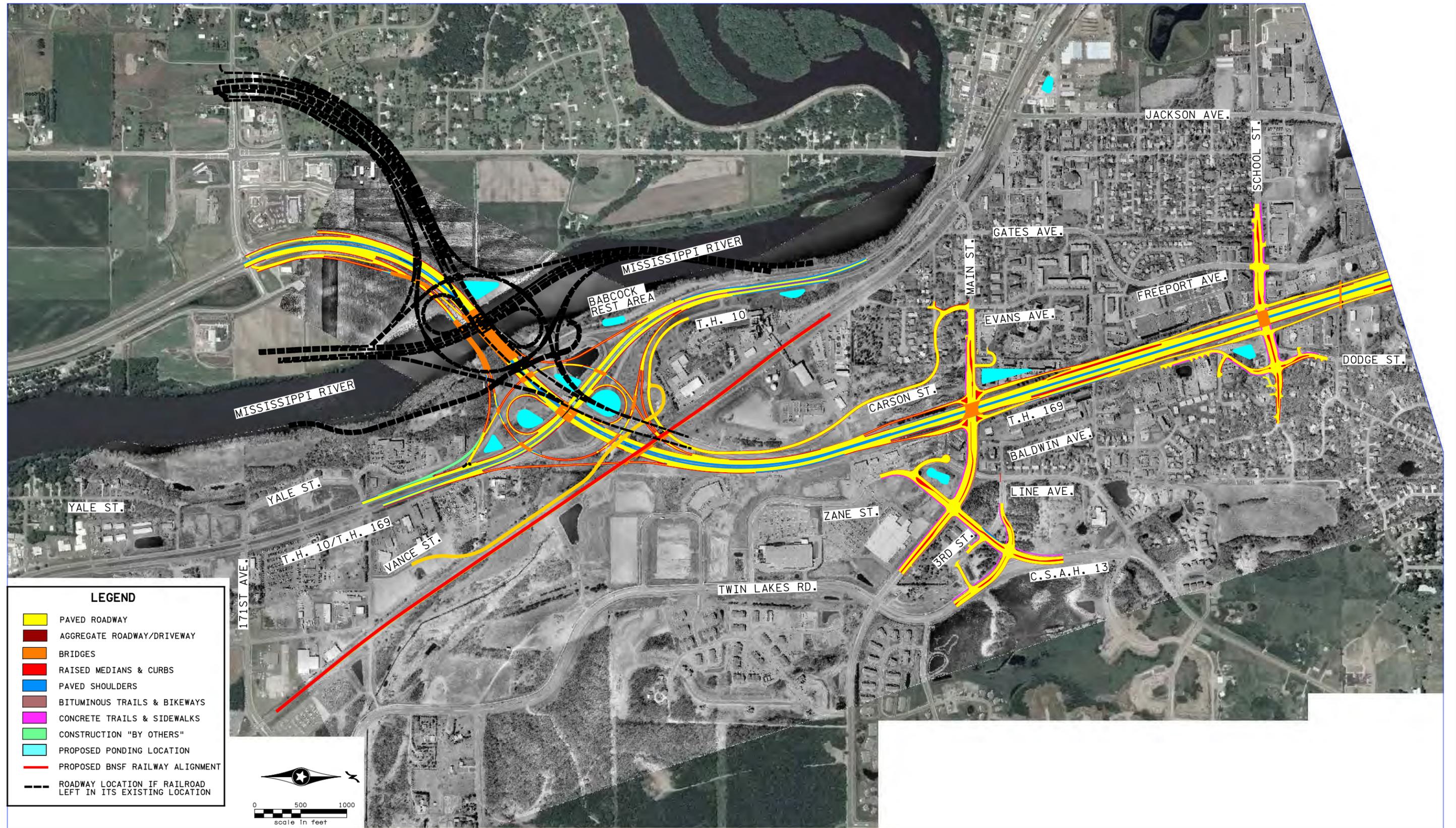
Concluding Statement

Based upon the above considerations, there is no feasible and prudent alternative to the use of land from the St. Paul and Pacific (BNSF) Railroad Corridor, and the proposed action includes all possible planning to minimize harm to the St. Paul and Pacific (BNSF) Railroad Corridor resulting from such use.

ATTACHMENTS

- **Avoidance Alternative Location**
- **Minnesota State Historic Preservation Office Concurrence Letter**
- **Section 106 Memorandum of Agreement**

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AVOIDANCE ALTERNATIVE
FINAL SECTION 4(f) EVALUATION
T.H. 169 - SP 7106-73 and 7106-71

Figure 3



State Historic Preservation Office

February 5, 2009

Mr. Craig Johnson
Cultural Resources Unit
MN Dept. of Transportation
Transportation Building, MS 620
395 John Ireland Boulevard
St. Paul, MN 55155-1899

Re: S.P. 7106-71 & 7106-73, T.H. 169
Grade-separated interchanges & overpasses at various locations
Zimmerman & Elk River, Sherburne County
SHPO Number: 2009-0776

Dear Mr. Johnson:

Thank you for the opportunity to review and comment on the above project. It has been reviewed pursuant to the responsibilities given the State Historic Preservation Officer by the National Historic Preservation Act of 1966 and the Procedures of the Advisory Council on Historic Preservation (36CFR800), and to the responsibilities given the Minnesota Historical Society by the Minnesota Historic Sites Act and the Minnesota Field Archaeology Act.

Based on our review of the survey reports submitted, we have the following comments on this project at this time:

1. We concur with the determination that there are no National Register eligible archaeological properties on the parcels surveyed. We note that additional survey is yet to be completed.
2. We concur with the determination that the St. Paul and Pacific Railroad corridor District meets National Register criteria.
3. The submittal recommends that a portion of the Vernon Cemetery and the Farmers and Merchants Bank of Zimmerman both meet National Register criteria. We do not feel that there is adequate justification for the significance of either of these properties, and recommend that they are not eligible to the Register.

We look forward to working with you to complete this review after the remaining survey work has been completed. Contact us at 651-259-3456 with questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dennis A. Gimmestad'.

Dennis A. Gimmestad
Government Programs & Compliance Officer

cc: Andrew Schmidt, Summit Envirosolutions
Michael Justin, HDR
Michael Kolb, Strata Morph
Tom Cinadr, SHPO



Minnesota
Historical Society

STATE HISTORIC PRESERVATION OFFICE

June 19, 2009

Mr. Craig Johnson
Cultural Resources Unit
MN Dept. of Transportation
Transportation Building, Mail Stop 620
395 John Ireland Blvd.
St. Paul, MN 55155-1899

RE: S.P. 7106-71 & 7106-73, T.H. 169
Grade-separated interchanges and overpasses at various locations
Zimmerman & Elk River, Sherburne County
SHPO Number: 2009-0776

Dear Mr. Johnson:

Thank you for your letter regarding the above-referenced project.

We concur with your assessment that the project will have an adverse effect on the St. Paul and Pacific Railroad Historic District.

We note that your letter acknowledges that an archaeological survey of this project is yet to be completed. We will not be able to reach a determination of effect for the project as a whole until that survey is reviewed.

Contact us at (651) 259-3456 with questions or concerns.

Sincerely,

 Dennis A. Gimmestad
Government Programs & Compliance Officer



U.S. Department
of Transportation
Federal Highway
Administration

Minnesota Division

October 28, 2009

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Mr. Don Kilma
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Advisory Council on Historic Preservation
Old Post Office Building
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Washington, D.C. 20004

Re: Section 106 Memorandum of Agreement
SP 7106-71 & 7106-73, TH-169 Freeway Conversion Project City of Otsego, Wright
County & Cities of Elk River & Zimmerman & Livonia Township, Sherburne County,
Minnesota

Dear Mr. Klima:

We have consulted with the Minnesota State Historic Preservation Officer and the Minnesota Department of Transportation, and we have agreed on measures to mitigate the effects on the historic property for the above referenced project; as documented in the enclosed executed Memorandum of Agreement (MOA). By copy of this letter, a copy of the fully executed MOA is being provided to all the signatories of the MOA.

If you have any questions about the project or the enclosed MOA, please contact me at (651) 291-6126.

Sincerely yours,

Timothy J. Anderson, PE
Highway Engineer

Enclosure



TJA/jer

cc: 1 Mn/DOT – Craig Johnson, MS 620
1 SHPO – Dennis Gimmestad
1 RF
1 Anderson

SECTION 106 MEMORANDUM OF AGREEMENT
BETWEEN
THE FEDERAL HIGHWAY ADMINISTRATION (FHWA)
AND THE
MINNESOTA STATE HISTORIC PRESERVATION OFFICE (SHPO)
PURSUANT TO 36 CFR 800.6 (B) (IV)
REGARDING THE TRUNK HIGHWAY 169 FREEWAY CONVERSION PROJECT
(S.P. 7106-71 AND S.P. 7106-73)
IN
OTSEGO, WRIGHT COUNTY, MINNESOTA
ELK RIVER, SHERBURNE COUNTY, MINNESOTA
LIVONIA TOWNSHIP, SHERBURNE COUNTY, MINNESOTA
ZIMMERMAN, SHERBURNE COUNTY, MINNESOTA

WHEREAS, the Minnesota Department of Transportation (Mn/DOT) plans to reconstruct Trunk Highway (TH) 169 as a freeway facility from the TH 10/101/169 system interchange in Elk River to County State Aid Highway (CSAH) 4 in Zimmerman. The project also includes reconstruction of TH 101 from the CSAH 39 interchange in Otsego to the TH 10/101/169 system interchange, including reconstruction of the TH 101 bridge over the Mississippi River; and

WHEREAS, the Federal Highway Administration (FHWA) is providing Federal-Aid highway funds to Mn/DOT for preliminary engineering and design for interchange construction at CSAH 4 and TH 169 in the City of Zimmerman (S.P. 7106-71); and

WHEREAS, the Project is not funded for construction within the 2009-2028 planning period for Mn/DOT District 3. The TH 169 freeway conversion from TH 10 in Elk River to Zimmerman is identified in the *Draft District 3 Highway Investment Plan 2009-2028* (February 2009) as an unfunded high priority need; and

WHEREAS, the FHWA, in consultation with the Minnesota State Historic Preservation Office (SHPO) identified the St. Paul and Pacific (BNSF) Railroad Corridor Historic District as a historic property eligible for the National Register of Historic Places; and

WHEREAS, the FHWA, in consultation with the SHPO, has determined that reconstruction an approximately one-mile long segment of the St. Paul and Pacific (BNSF) Railroad Corridor Historic District on a new alignment located approximately 75 feet to the north of the existing alignment will have adverse effects to the property under Section 106 of the National Historic Preservation Act and its implementing regulations (36 CFR 800); and

WHEREAS, the FHWA has consulted with the SHPO and the Minnesota Department of Transportation (Mn/DOT) pursuant to 36 CFR 800.6(b)(1) to resolve the adverse effects of the undertaking on historic properties; and

WHEREAS, the FHWA has notified the Advisory Council on Historic Preservation (ACHP) of its finding of adverse effect in accordance with 36 CFR 800.6(a)(1), and has provided the

documentation specified in 36 CFR 800.11(e) and the ACHP has declined to participate in the consultation;

WHEREAS, the FHWA, in consultation with the SHPO, has invited Mn/DOT to sign this MOA as an invited signatory in accordance with 36 CFR 800 (c) (4); and

WHEREAS, since this project has the same adverse effect on the St. Paul and Pacific (BNSF) Railroad Corridor Historic District as the TH 10 freeway facility project in Elk River (S.P. 7102-123), the mitigation to resolve the adverse effect is the same for both projects and require separate MOA's; and

NOW, THEREFORE, the FHWA, the SHPO, and Mn/DOT agree that upon the FHWA's approval of the undertaking, the FHWA will ensure that the following stipulations shall be implemented in order to take into account the effect of the undertaking on historic properties.

STIPULATIONS

The FHWA will ensure that the following measures are carried out:

STIPULATION I. INTERPRETIVE DISPLAY

A. The Mn/DOT will develop an interpretive display (e.g., kiosk) for the St. Paul and Pacific (BNSF) Railroad Corridor Historic District. This interpretive display will focus on the role of the St. Paul and Pacific (BNSF) Railroad Corridor Historic District in the development of the Elk River area and the importance of the railroad corridor in providing railroad access to communities along the Mississippi River. The interpretive display will be placed on Mn/DOT-owned property at the Elk River Northstar Commuter Rail Park and Ride facility (north of the St. Paul and Pacific [BNSF] Railroad Corridor). The placement of the interpretive display on Mn/DOT property at the Northstar Commuter Rail Park and Ride facility will be coordinated with the SHPO.

B. Mn/DOT will submit a draft of the interpretive display content and draft design of the interpretive display, including how it relates to the Park and Ride facility and Northstar Commuter rail station to the SHPO for review and concurrence.

C. Mn/DOT will construct and install the interpretive display at the Elk River Northstar Commuter Rail Park and Ride facility within one (1) year of project letting .

STIPULATION II. AMENDMENTS

Any signatory to this Memorandum of Agreement (MOA) may request in writing to the FHWA that it be amended, whereupon the parties shall consult to consider the proposed amendment. The regulations at 36 CFR 800 shall govern the execution of any such amendment.

STIPULATION III. DISPUTE RESOLUTION

Disputes regarding the completion of the terms of this agreement shall be resolved by the signatories. If the signatories cannot agree, any one of the signatories may request the participation of the ACHP to assist in resolving the dispute.

STIPULATION IV. TERMINATION

Any signatory to this MOA may terminate the agreement by providing thirty (30) days' written notice to the other signatories, provided the signatories consult during the period prior to termination to agree on amendments or other actions that would avoid termination.

STIPULATION V. DURATION

If the terms of this agreement have not been completed within two (2) years from the date the project is let, this agreement will be considered null and void. If the FHWA anticipates that the agreement will not be implemented within this timeframe, it will notify the signatories in writing at least thirty (30) days prior to the agreement becoming invalid. The agreement may be extended by the written concurrence of the signatories. If the agreement becomes invalid and the FHWA elects to continue with the undertaking, the FHWA will reinstate review of the undertaking in accordance with 36 CFR 800.

Execution of this MOA by the FHWA and the SHPO and implementation of its terms evidence that the FHWA has taken into account the effects of its undertaking on historic properties and has afforded the ACHP opportunity to comment.

FEDERAL HIGHWAY ADMINISTRATION (FHWA)

By: Cheryl B. Martin
for Derrell Turner, Division Administrator

10/22/09
Date

MINNESOTA STATE HISTORIC PRESERVATION OFFICE (SHPO)

By: Nina Archibal
Nina Archibal, State Historic Preservation Officer
Britta L. Bloomberg, Deputy SHPO

9/28/09
Date

Invited Signatories:

MINNESOTA DEPARTMENT OF TRANSPORTATION (Mn/DOT)

By: Thomas K. Sorel
Thomas K. Sorel, Commissioner

9/30/09
Date

Appendix E

Public Hearing Documentation

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA) SS
COUNTY OF SHERBURNE)

PUBLIC HEARING FOR THE TRUNK HIGHWAY 169 (ELK RIVER TO ZIMMERMAN) ENVIRONMENTAL ASSESSMENT/ ENVIRONMENTAL ASSESSMENT WORKSHEET AND DRAFT SECTION 4(f) EVALUATION

The Minnesota Department of Transportation (Mn/DOT) encourages the public to attend an open house and public hearing for the proposed Trunk Highway (TH) 169 (Elk River to Zimmerman) project (S.P. 7106-71 and S.P 7106-73). The proposed project is located in the Cities of Otsego, Elk River, and Zimmerman, and Livonia Township in Sherburne and Wright Counties. To afford an opportunity for all interested persons and agencies to formally comment on the proposed action, two public hearings will be held. The first public hearing will be held on Wednesday, December 1, 2010 from 5:00 to 7:00 p.m. at the Livonia Town Hall (11162 265th Avenue, Zimmerman). The second public hearing will be held on Thursday, December 2, 2010 from 5:00 to 7:00 p.m. at the Elk River City Hall (13065 Orono Parkway, Elk River). An open house format will be used, and Mn/DOT and consultant personnel will be available to answer questions about the proposed project. The Environmental Assessment/Environmental Assessment Worksheet (EA/EAW) document and Draft Section 4(f) Evaluation, along with maps, drawings, and supporting documents, will be available for public viewing; the same content will be available at both public meetings. Comments will be received either written or orally (by a court reporter), and will become part of the official public hearing record. The comments will be considered when making future project related decisions.

The proposed project includes reconstruction of Highway 169 to a freeway between TH 10 in Elk River and CSAH 4 in Zimmerman, including redesign of the TH 10/101/169 system interchange. The project also includes improvements to TH 101 from TH 10 in Elk River to CSAH 39 in Otsego, including reconstruction of the TH 101 bridge over the Mississippi River. The proposed project will remove at grade intersections and signals along the project

Marlys Ellingson, being duly sworn on oath says that she is the sales manager of the Newspaper known as the Star News, and has full knowledge of the facts which are stated below:

(A) The Newspaper has complied with all of the requirements constituting qualifications as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07 and other applicable laws, as amended.

(B) The printed legal notice, which is attached was cut from the columns of said newspaper and was printed and published once a week for one week; it was first published on Saturday, the 30th day of October, 2010, and was therefore printed and published on every Saturday to and including Saturday, the 30th day of October, 2010, and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice

abcdefghijklmnopqrstuvwxyz

Handwritten signature of Marlys Ellingson

Sales Manager

Subscribed and sworn to before me on this 30th day of October, 2010

Handwritten signature of Heidi Jo Quanrud



Notary Public

RATE INFORMATION

Table with 2 columns: Description of rate and Amount. (1) Lowest classified rate paid by commercial users for comparable space: \$ 21.00 (line, word or inch rate); (2) Maximum rate allowed by law for the above matter: \$ 15.50 (line, word or inch rate); (3) Rate actually charged for the above matter: \$ 15.00 (line, word or inch rate)

To request an ASL interpreter, call the Minnesota Relay Service at 1-800-627-3529 (TTY, Voice or ASCII) or 711. To request other reasonable accommodation(s) call 218-828-5797. Or email your request (for either above) to ADArequest@dot.state.mn.us.
(O 30)

and signals along the project corridor. A system of interchanges, overpasses, and frontage/backage roads will replace existing at-grade intersections. A collector-distributor road design will be constructed providing full access interchanges at Main Street and School Street in Elk River. Interchanges will also be constructed at Jackson Avenue/193rd Avenue/197th Avenue and 221st Avenue in Elk River. Interchanges will be constructed at CSAH 25/19 in Livonia Township and CSAH 4 in Zimmerman. The proposed project will result in consolidation and closure of access along Highway 169.

The purpose of the project is to address safety, mobility, and operational issues to maintain the functionality of Highway 169 as a principal arterial route. There is no funding in place for right of way acquisition or construction of the proposed project. This EA/EAW process is intended to support the anticipated future use of federal funding and to allow for improvements, consistent with the proposed project, to be implemented over time as funding becomes available. In the near term, this EA/EAW will be used to help inform local land use and transportation planning decisions.

The EA/EAW, which documents the purpose and need of the project along with the anticipated social, economic, and environmental impacts, including Federal Section 106 and Section 4(f) impacts, will be available for review during the public hearing, and copies are also available for public viewing at the following locations:

- Project Web site: <http://projects.dot.state.mn.us/srf/169elkriver/>
- Mn/DOT District 3 Offices, 7694 Industrial Park Road, Baxter, MN 56425
- Mn/DOT District 3 Offices, 3725 12th Street North, St. Cloud, MN 56303
- Elk River City Hall, 13065 Orono Parkway, Elk River, MN 55330
- Zimmerman City Hall, 12980 Fremont Avenue, Zimmerman, MN 55398
- Livonia Town Hall, 11162 265th Avenue, Zimmerman, MN 55398
- Sherburne County Public Works, 425 Jackson Avenue, Elk River, MN 55330
- Elk River Public Library, 13020 Orono Parkway, Elk River, MN 55330
- Great River Regional Library, 1300 W St. Germain, St. Cloud, MN 56301

Written comments can be mailed, prior to the close of the public comment period on December 20, 2010, to Jim Hallgren, Project Manager, Mn/DOT District 3, 7694 Industrial Park Road, Baxter, MN 56425, E-mail james.hallgren@state.mn.us.

STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION

..... CERTIFICATE OF COMPLIANCE.....

MINNESOTA PROJECT NO. _____ STATE PROJECT NO. SP 7106-71 and SP 7106-73

TRUNK HIGHWAY NO. 169 **OR** LOCAL AGENCY ROUTE NO. _____
(CSAH, MSAS, Other)

Being that section of the highway between TH 101/CSAH 39 interchange in City of Otsego to 277th Avenue North in City of Zimmerman

_____ in Wright and Sherburne Counties, the State of Minnesota.

In conformance with the requirements of SECTION 128, TITLE 23, UNITED STATES CODE, the undersigned does hereby certify that

_____ the public has been afforded an opportunity for a public hearing, **or**

X a public hearing was held

and that consideration has been given to the social and economic effects of the project, its impact on the environment, and its consistency with the goals and objectives of such urban planning as has been promulgated by the community.

The public was advised of the

_____ objectives of such a hearing, the procedures for requesting a hearing, the deadline for the submission of such a request, **or**

X time, place, and objectives of the hearing

by notices published in news media having a general circulation within the area of said project. Affidavit(s) of such publication is (are) enclosed herewith.

_____ The deadline date for the submission of a request for a hearing was _____ 20____, **or**

X The hearing was held on December 1, 20 10 in Livonia Township, Minnesota.
(City, Township, Other)

Signed  this 1ST day of December 20 10
Mn/DOT District Engineer

OR

Signed _____ this _____ day of _____ 20 ____
Local Agency Title:

STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION

..... CERTIFICATE OF COMPLIANCE.....

MINNESOTA PROJECT NO. _____ STATE PROJECT NO. SP 7106-71 and SP 7106-73

TRUNK HIGHWAY NO. 169 OR LOCAL AGENCY ROUTE NO. _____
(CSAH, MSAS, Other)

Being that section of the highway between TH 101/CSAH 39 interchange in City of Otsego to 277th Avenue North in City of Zimmerman

_____ in Wright and Sherburne Counties, the State of
Minnesota.

In conformance with the requirements of SECTION 128, TITLE 23, UNITED STATES CODE, the undersigned does hereby certify that

_____ the public has been afforded an opportunity for a public hearing, or

X a public hearing was held

and that consideration has been given to the social and economic effects of the project, its impact on the environment, and its consistency with the goals and objectives of such urban planning as has been promulgated by the community.

The public was advised of the

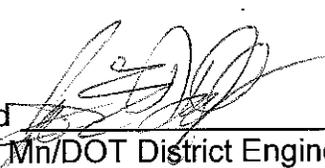
_____ objectives of such a hearing, the procedures for requesting a hearing, the deadline for the submission of such a request, or

X time, place, and objectives of the hearing

by notices published in news media having a general circulation within the area of said project. Affidavit(s) of such publication is (are) enclosed herewith.

_____ The deadline date for the submission of a request for a hearing was _____ 20____,
or

X The hearing was held on December 2, 20 10 in Elk River, Minnesota.
(City, Township, Other)

Signed  this 2nd day of December 20 10
Mn/DOT District Engineer

OR

Signed _____ this _____ day of _____ 20 ____
Local Agency Title:

Appendix F

Correspondence



13065 Orono Parkway
Elk River, MN 55330

December 21, 2012

Mr. Jim Hallgren, P.E.
Project Manager
MINNESOTA DEPARTMENT OF TRANSPORTATION
7694 Industrial Park Road
Baxter, MN 56425-8096

SUBJECT: HIGHWAY 169 ENVIRONMENTAL ASSESSMENT
GREAT RIVER ENERGY SITE ACCESS – CARSON STREET

Dear Mr. Hallgren:

This letter is being provided to the Minnesota Department of Transportation (MnDOT) in response to comments received from Great River Energy (GRE) on the Highway 169 Environmental Assessment/Environmental Assessment Worksheet (EA/EAW). GRE operates a waste burning facility in the northwest quadrant of the Highway 10/101/169 interchange. In their December 16, 2010 letter to MnDOT, GRE noted the following:

The new Carson Street access road travels through a residential neighborhood. Great River Energy needs guarantees from the City that all future truck traffic generated by its routine operations will be permitted to travel through this residential area. This issue may require modifications to the existing plant operating permit.

The purpose of this letter is to provide additional information regarding GRE's operating permit, the City's commitment to work with MnDOT to implement the long-term vision for the Highway 169 corridor, and the City's commitment to work with GRE to ensure reasonable access to their Facility within the context of their plant operating permit.

Highway 169 Project

The Highway 169 Project identified a long-term vision for the Highway 169 corridor that could be implemented over time, and that could be used to help inform local land use and transportation planning decisions. This long-term vision includes reconstruction of Highway 169 as a freeway facility north of Highway 10 through Elk River, and also includes redesign of the

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Fax: 763.635.1090

www.ci.elk-river.mn.us



Highway 10/101/169 interchange. As a result of these identified improvements, it is understood that direct access to the GRE waste burning facility from Highway 10 and Highway 169 would be closed, and that access to the GRE facility would be from a proposed redesign of Carson Street via Main Street.

GRE Operating Permit

GRE holds a Solid Waste Facility License for the establishment and operation of a waste burning facility (i.e., refuse derived fuel (RDF) facility) from the City of Elk River. III.12 of GRE's Solid Waste Facility License (Requirements and Conditions, RDF and Ash Truck Haul Routes) states the following:

To minimize the impact of the Facility on other land uses and activities in the area, all hauling RDF to the Facility from [the] Resource Processing Plant must enter the Facility directly from Highway 10, GRE Drive, or Highway 169. RDF trucks returning from the facility to the RRT Facility shall use the following route: From the Facility directly onto Highway 169, Highway 169 to Highway 10, Highway 10 to 165th Avenue, and from 165th Avenue directly into the Resource Processing Plant. All ash and other hauling truck traffic must enter the Facility directly from Highway 10, GRE Drive, or Highway 169; and must exit the facility directly onto Highway 169. As needed, routes other than those described above may be approved or ordered by the Environmental Administrator and his/her designees. Incoming and outgoing traffic from the Facility shall be controlled by the Licensee in such a manner as to provide orderly and safe ingress and egress and so as not to impede or interfere with general traffic.

Carson Street and GRE Facility Access

Land uses in the southwest quadrant of the Highway 169 interchange consist of commercial uses. Trucks currently travel on Carson Street to deliver goods to the commercial businesses between Carson Street and Highway 169. Residential land uses are currently located to the west of Highway 169, south of Main Street along 2nd Street.

Under the long-term vision for Highway 169 identified in the EA/EAW, Carson Street would be realigned to the west of its existing intersection with Main Street to 2nd Street. The City's long-term plans for the area north and west of the GRE facility and Highway 10 and south of Main Street are guided towards future business/commercial uses. It is understood that, if improvements at the Highway 10/101/169 interchange and the Highway 169/Main Street are implemented prior to planned land use changes south of Main Street, truck traffic generated by routine operations of the GRE facility would be routed through an existing residential neighborhood located along 2nd Street/realigned Carson Street.

The City of Elk River does not have a local ordinance regarding the routing of truck traffic through residential neighborhoods, and there are no freight routes specifically designated by the City. Therefore, routing truck traffic generated by routine GRE operations on a realigned Carson Street would be legally permissible under current City ordinances. As noted above, GRE's Solid Waste Facility License specifies truck routes to/from the facility, and states that truck routes other than those described in the License may be approved or ordered by the City's Environmental Administrator. As such, the long-term vision for the Carson Street access to the GRE facility must also be considered within the context of the current GRE Solid Waste Facility License.

The City of Elk River has been an active participant in the project development process for the Highway 169 Project. The City is committed to cooperating with MnDOT to implement the long-term vision for the Highway 169 corridor, including the realignment of Carson Street. It is understood that the realigned Carson Street would serve as the primary access to the GRE facility from Main Street, and could result in the routing of freight traffic through an existing residential neighborhood along 2nd Street. The City will coordinate with GRE to ensure that truck traffic necessary for their facility operations can be accommodated along a realigned Carson Street, and that realignment of Carson Street would not invalidate their Solid Waste Facility License (or subsequent renewals).

Sincerely,



Calvin Portner
City Administrator

cc: Justin Femrite, P.E., City Engineer
Rebecca Haug, Environmental Administrator
Tim Steinbeck, Great River Energy