
Appendix B

Draft Section 4(f) Evaluation

**HIGHWAY 371 NORTH
IMPROVEMENT PROJECT**

**DRAFT SECTION 4(f)
EVALUATION**

December 2003

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Purpose of Section 4(f) Evaluation

The Section 4(f) legislation as established under the Department of Transportation Act of 1966 (49 USC 303, 23 USC 138) provides protection for publicly owned parks, recreation areas, public and private historic sites, wildlife, and/or waterfowl refuges from conversion to a transportation use. The Federal Highway Administration may not approve the use of land from a significant publicly owned park, recreation, 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 CFR 771.135).

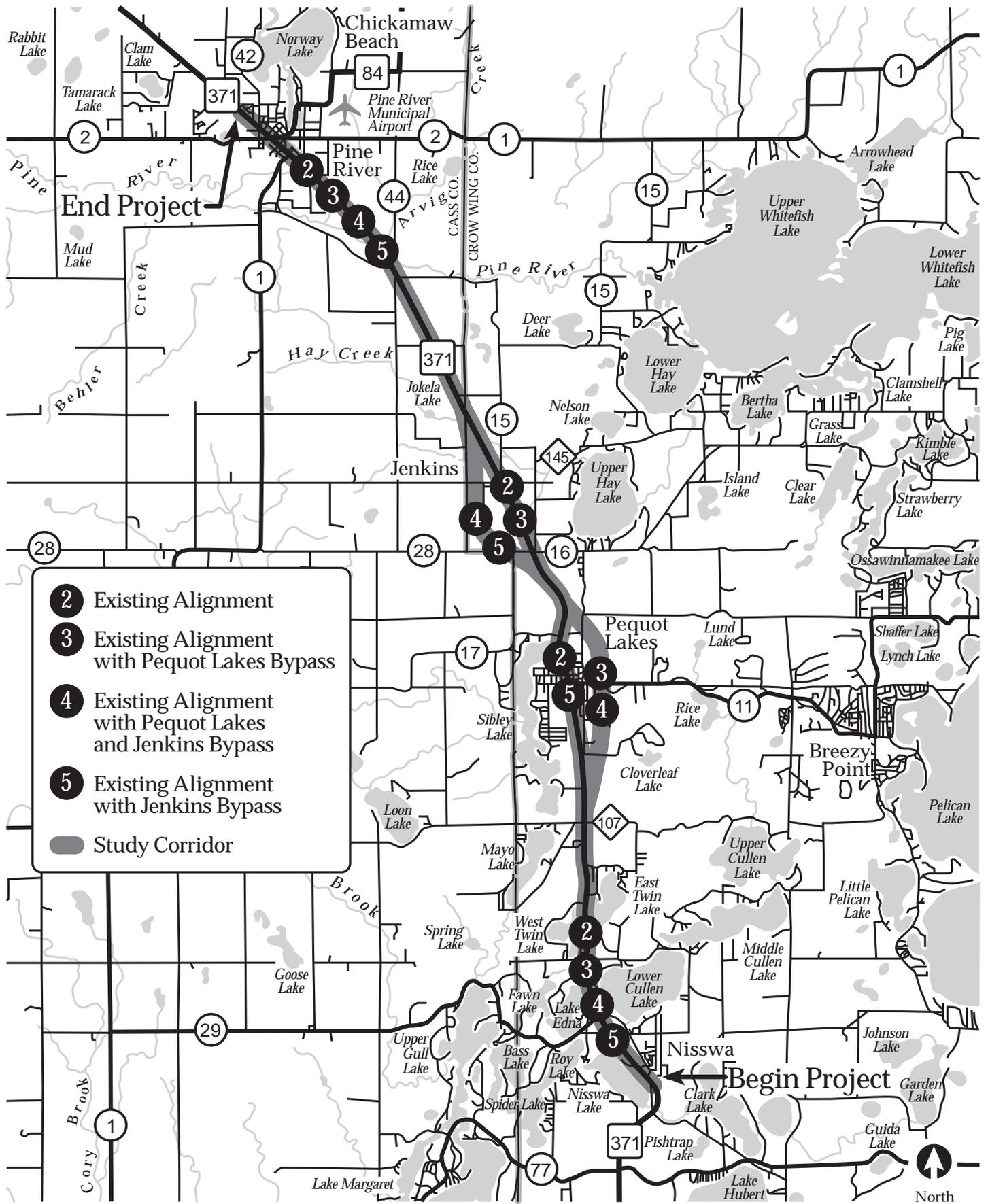
Additional protection is provided for outdoor recreational lands under the Section 6(f) legislation (16 USC 4602-8(f) (30)) where Land and Water Conservation (LAWCON) funds were used for the planning, acquisition, or development of the property. These properties may be converted to highway use, but only if replacement land of the same fair market value and equal usefulness is made available.

The Section 4(f) process requires that any impacts from use of 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 properties of these types was completed based on a review of conceptual layouts for the alternatives being considered in the Draft EIS. The preliminary right-of-way requirements were used to determine if direct effects to any of the identified resources occurred.

This Draft Section 4(f) Evaluation provides an inventory of all identified and potential Section 4(f)/6(f) resources that may be adversely affected, acquired, or partially acquired for the proposed Highway 371 North Improvement Project. Furthermore, this evaluation describes potential impacts on those properties and possible mitigation measures to minimize impacts. This information is ultimately required by the Secretary of Transportation to make a decision regarding the use of properties protected by Section 4(f) legislation proposed for acquisition.

Description of Proposed Action and Need for Project

The Minnesota Department of Transportation (Mn/DOT) proposes improvements to State Trunk Highway (Highway) 371, in Cass County and Crow Wing County, Minnesota. The project limits extend from the intersection of Highway 371 and Crow Wing County Road 18 in Nisswa to the intersection of Highway 371 and Cass County Road 2/42 in the City of Pine River, Minnesota. The total length of the project corridor is approximately 16 miles (see Figure 1).



Highway 371 North Improvement Project
Draft Section 4(f) Evaluation

Figure 1
Project Location
and Alternatives



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The primary purpose for the Highway 371 North Improvement Project is to address the safety, traffic operation, and design deficiencies that characterize the existing highway corridor. A brief description of each alternative under consideration is provided below. A more detailed description of the project purpose and need and of the alternatives under consideration is provided in Sections 2.0 and 3.0 of the Highway 371 North Draft EIS, respectively.

Alternative 1 – No-Build Alternative

Under the No-Build Alternative, Highway 371 improvements would be limited to normal pavement maintenance and minor transportation system management improvements, including shoulder widening, turn lanes, periodic shoulder bypass lanes, access consolidation, and minor geometric changes.

Alternative 2 – Existing Alignment

This build alternative would reconstruct Highway 371 as a four-lane roadway on its existing alignment from County Road 18 in Nisswa to County Road 2/42 in Pine River (Figure 1).

Alternative 3 – Existing Alignment with a Pequot Lakes Bypass

This build alternative would reconstruct Highway 371 as a four-lane roadway on its existing alignment from County Road 18 in Nisswa to just north of County Road 107/168. At that location, Highway 371 would be reconstructed on a new alignment extending along the east edge of the downtown Pequot Lakes area crossing County Road 11 approximately 0.6 miles east of the existing Highway 371/County Road 11 intersection. The bypass would continue north and cross County Road 16 approximately 0.3 miles east of the existing Highway 371/County Road 16 intersection. The bypass alignment then returns to the existing Highway 371 corridor on the south edge of downtown Jenkins and continues along the existing alignment through the Jenkins and Pine River areas (Figure 1).

Alternative 4 – Existing Alignment with a Pequot Lakes Bypass and Jenkins Bypass

This build alternative would reconstruct Highway 371 as a four-lane roadway on its existing alignment from County Road 18 in Nisswa to just north of County Road 107/168. At that location, Highway 371 would be reconstructed on a new alignment extending along the east edge of the downtown Pequot Lakes area crossing County Road 11 approximately 0.6 miles east of the existing Highway 371/County Road 11 intersection. The bypass would continue northwest and cross County Road 16 immediately west of the existing Highway 371/County Road 16 intersection and extend around the west side of downtown Jenkins on a new alignment crossing County Road 15/115 approximately 0.3 miles west of the existing Highway 371/County Road 15 intersection. The alignment then returns to the current Highway 371 corridor near the Crow Wing/Cass County line and continues along the existing alignment north through Pine River (Figure 1).

Alternative 5 – Existing Alignment with a Jenkins Bypass

This build alternative would reconstruct Highway 371 as a four-lane roadway on its existing alignment from County Road 18 in Nisswa to just south of County Road 16 in Jenkins. At that location, Highway 371 would be reconstructed on a new alignment extending around the west side of downtown Jenkins on a new alignment crossing County Road 15/115 approximately 0.3 miles west of the existing Highway 371/County Road 15 intersection. The alignment then returns to the current Highway 371 corridor near the Crow Wing/Cass County line and continues along the existing alignment north through Pine River (Figure 1).

Potential Section 4(f) Resources in the Project Area

The first step in completing the Section 4(f) Evaluation for the proposed project was to conduct a comprehensive review to determine all potentially affected Section 4(f) and Section 6(f) resources in the study area. Based on a field review, research of available databases and documents, and the results of the historical and archaeological evaluations, the following potential Section 4(f) resources were identified and are illustrated on Figure 2. A determination as to whether the resource is considered a Section 4(f) project impact is included in the description of each resource below. Those properties identified as a Section 4(f) impact are assessed in detail in the following section. There were no Section 6(f) properties identified in the project area.

Paul Bunyan Regional Trail

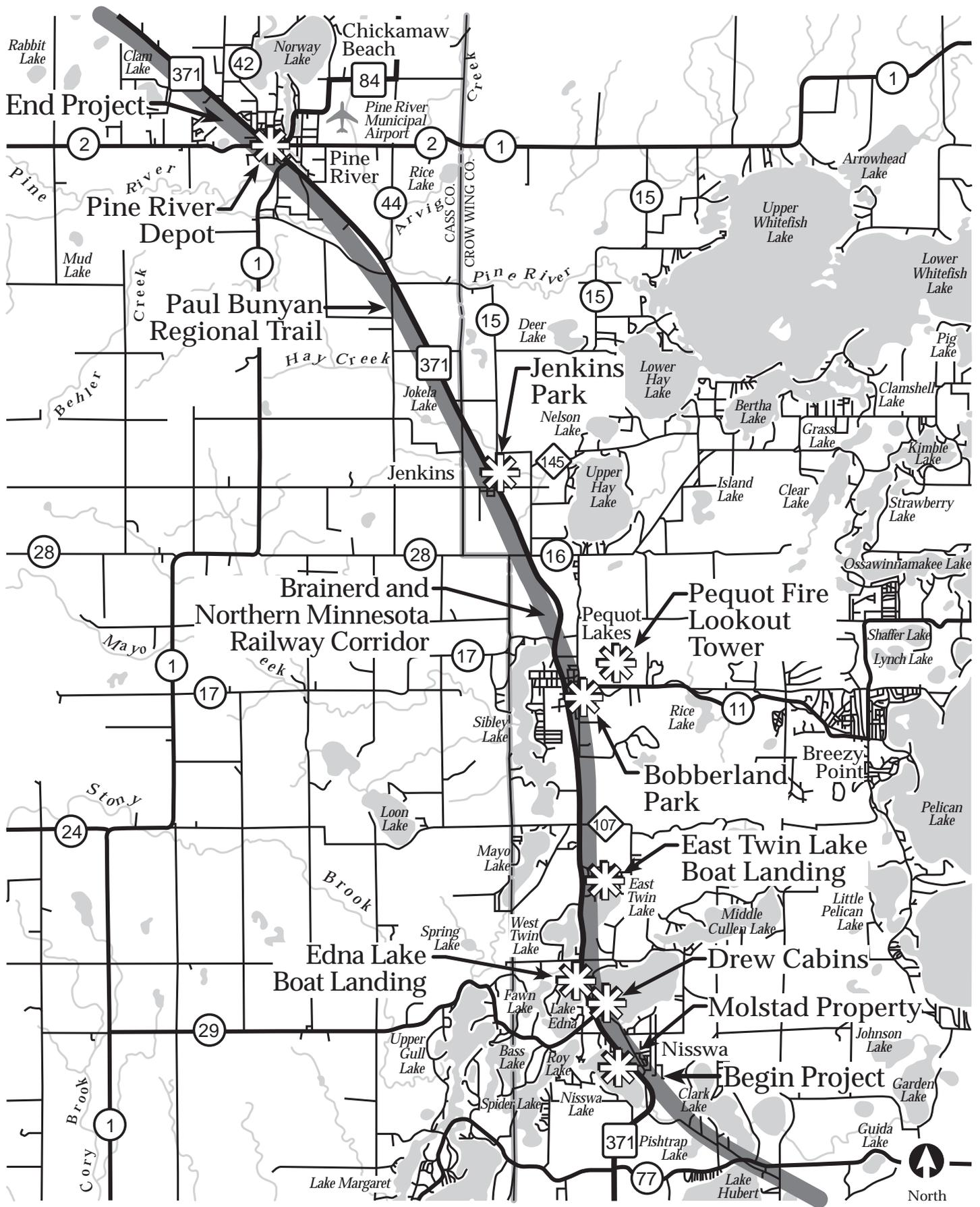
The Paul Bunyan Regional Trail is a multi-purpose trail owned and operated by the DNR that follows the former Burlington Northern Railroad grade. The Trail parallels Highway 371 throughout the entire project corridor and in several places is immediately adjacent to the highway. Each of the build alternatives directly impacts the trail property and as a result it is addressed as a Section 4(f) resource in the following section.

Brainerd and Northern Minnesota Railway Corridor

The Brainerd and Northern Minnesota Railway Corridor (also known as the Burlington Northern Railroad grade) parallels Highway 371 throughout the entire project corridor and in several places is immediately adjacent to the highway. The railroad corridor, which is currently occupied by the Paul Bunyan Regional Trail, was identified as eligible for the National Register of Historic Places by the Mn/DOT Cultural Resources Unit. Each of the build alternatives directly impacts the railroad corridor and as a result it is addressed as a Section 4(f) resource in the following section.

Molstad Property

The Molstad property is located on the east shore of Nisswa Lake immediately west of the Highway 371 corridor. The property, which is privately owned, was identified as eligible for the National Register of Historic Places by the Mn/DOT Cultural Resources Unit. Based on the assessment of the proposed highway improvements, the Molstad property would not be directly impacted by any of the alternatives.



Highway 371 North Improvement Project
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Figure 2
Identified Potential
Section 4(f) Resources

Drew Cabins

The Drew Cabins are located on the west shore of Lower Cullen Lake immediately east of the Highway 371 corridor. The property, which is privately owned, was identified as eligible for the National Register of Historic Places by the Mn/DOT Cultural Resources Unit. Based on the assessment of the proposed highway improvements, the Drew Cabins would not be directly impacted by any of the alternatives.

Pequot Fire Lookout Tower

The Pequot Fire Lookout Tower is located approximately one-half mile east of downtown Pequot Lakes immediately north of County Road 11. The structure, which is owned by the Minnesota Department of Natural Resources, has been identified by the Mn/DOT Cultural Resources Unit as eligible for the National Register of Historic Places. Based on the assessment of the proposed highway improvements, the Pequot Fire Lookout Tower would not be directly impacted by any of the alternatives.

Bobberland Park

Bobberland Park is located in downtown Pequot Lakes along the east edge of Highway 371. The Park, which is owned by the City of Pequot Lakes, was developed on the site of former railroad lines and switching yards and is a focal point for community activities throughout the year. The Paul Bunyan Regional Trail also extends through the park and a trailhead parking lot and visitor center building is located in the southern portion of the park. Alternatives 2 and 5 include expanding Highway 371 through downtown Pequot Lakes. However, based on the assessment of the proposed highway improvements the park property would not be directly impacted.

Jenkins Park

Jenkins Park is located in downtown Jenkins in the southeast corner of the Highway 371/County Road 15 intersection. The Park, which is owned by the City of Jenkins, provides recreational opportunities including play equipment and picnic facilities for Jenkins residents. Alternatives 3 and 4, include expanding Highway 371 through downtown Jenkins. However, based on the assessment of the proposed highway improvements, the park property would not be directly impacted by either Alternative 3 or Alternative 4.

Pine River Depot

The Pine River Depot is located at the intersection of Highway 371 and Highway 84 in downtown Pine River. The Depot was constructed to service the Brainerd and Northern Minnesota Railway. It is currently not in use, but has been previously determined to be eligible for listing in the National Register of Historic Places. Each of the build alternatives directly impacts the depot and as a result it is addressed as a Section 4(f) resource in the following section.

Edna Lake Boat Landing

The Edna Lake boat landing is located west of Highway 371 on the northeast corner of Edna Lake. The landing, which is owned by the MNDNR, provides lake access for area residents and tourists. Based on the assessment of the proposed highway improvements, the Edna Lake boat landing would not be directly impacted by any alternative.

East Twin Lake Boat Landing

The East Twin Lake boat landing is located east of Highway 371 on the northwest corner of East Twin Lake. The landing, which is owned by the MNDNR, provides lake access for area residents and tourists. Based on the assessment of the proposed highway improvements, the East Twin Lake boat landing would not be directly impacted by any alternative.

In summary, of the resources included in Figure 2 and described above, the Paul Bunyan Regional Trail, Brainerd and Northern Minnesota Railway Corridor, and Pine River Depot are the only resources directly impacted by the proposed project.

Assessment of Affected Section 4(f) Resources

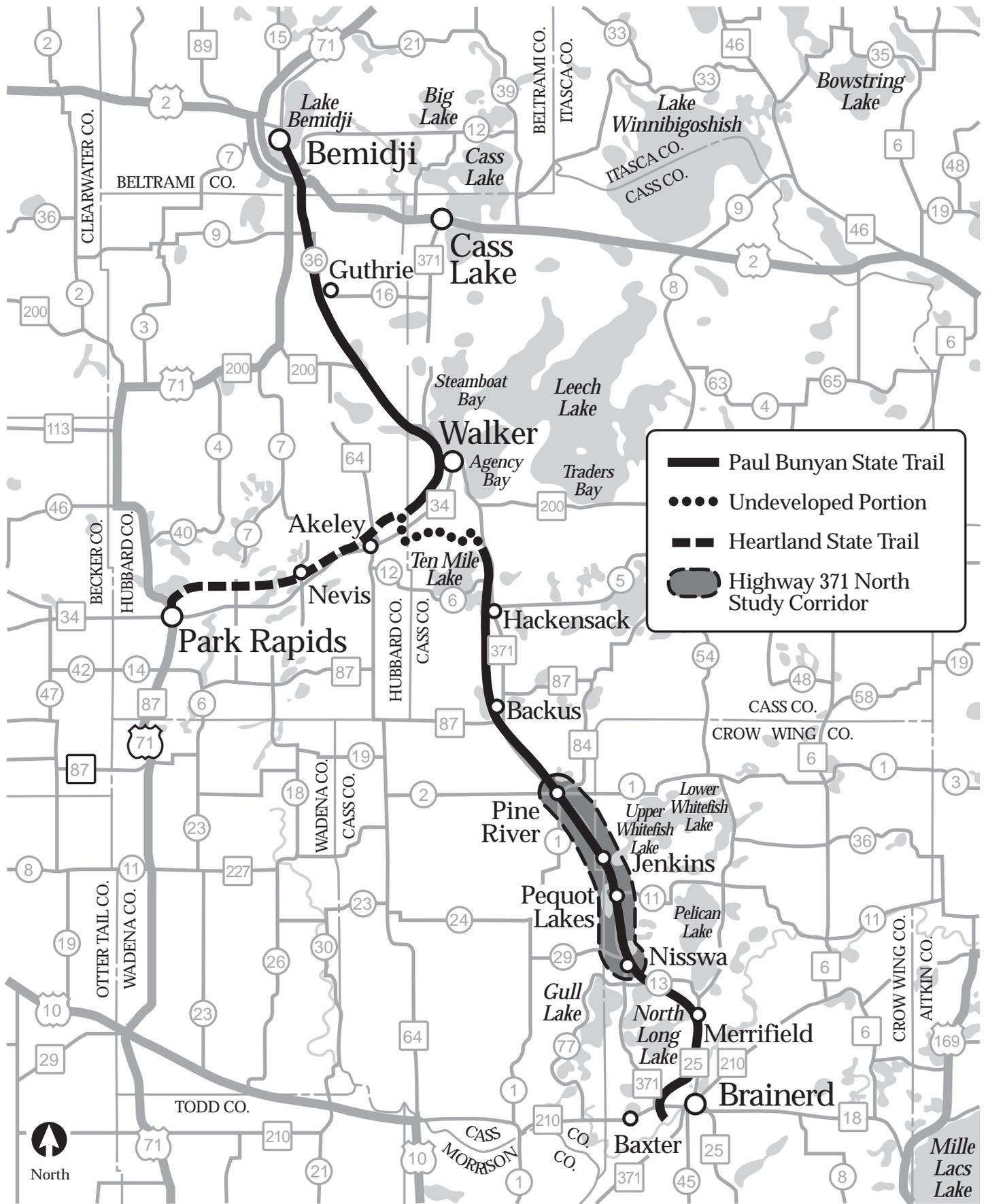
Paul Bunyan Regional Trail

Description of Resource

The Paul Bunyan Regional Trail is a multi-purpose trail located within the project corridor. The trail corridor was purchased by the Minnesota Department of Natural Resources (MNDNR) using state funds, and the trail is considered a Section 4(f) property.

The trail primarily follows the former Burlington Northern Railroad grade (Figure 3). The approximately 100-mile long recreational trail includes 54 miles of paved surface between Baxter and Hackensack (48.5 miles) and 5.5 miles between Lake Bemidji State Park and Beltrami County Road 20. The remaining 46 miles is undeveloped with variable surface material. The width of right-of-way for the trail varies considerably depending on if the trail is located in a rural area versus an urban area.

The Paul Bunyan Trail parallels Highway 371 throughout the entire project corridor and in several places is immediately adjacent to the highway. At the south end of the project corridor, the trail runs through downtown Nisswa and is located east of Highway 371. Between the Cities of Nisswa and Pequot Lakes, the distance the trail is set back away from the highway varies from being immediately adjacent to the highway to being several hundred feet east of the highway. The trail crosses over the highway on a bridge on the north end of downtown Pequot Lakes. From this point, the trail parallels the west side of the highway to the northern limits of the proposed improvement project in the City of Pine River.



The trail provides an array of recreational opportunities, including bicycling, in-line skating, walking, and snowmobiling. Plans are currently underway to connect the Paul Bunyan Trail to the Heartland State Trail, which runs between the Cities of Park Rapids and Cass Lake. Ultimately, the two trails could be an improved recreational trail network between the Cities of Brainerd/Baxter, Park Rapids, Cass Lake, and Bemidji.

Impacts to the Paul Bunyan Regional Trail

Throughout the project corridor, portions of right-of-way from the Paul Bunyan Trail will be encroached upon and impacted by the expansion of the highway.

The degree to which the project will potentially impact the trail corridor varies among the alternatives. Table 1 lists the approximate lengths of trail that would be impacted for each alternative.

**Table 1
Potential Paul Bunyan Trail Impact by Alternative**

Alternative	Length of Trail Impact (feet)
Alternative 1 – No Build	0
Alternative 2 – Existing Alignment	32,500
Alternative 3 – Existing Alignment with a Pequot Lakes Bypass	32,930
Alternative 4 – Existing Alignment with Pequot Lakes and Jenkins Bypasses	25,460
Alternative 5 – existing Alignment with Jenkins Bypass	26,110

Paul Bunyan Regional Trail Avoidance Alternatives

Alternatives 1 (No-Build) would avoid any impacts to the Paul Bunyan Regional Trail. However, this alternative does not address the project purpose and need objectives. Due to physical constraints associated with lakes, wetlands, residences, and businesses throughout the study corridor, it is not possible to completely avoid direct impacts to the trail under any build alternative.

Potential Measures to Minimize Harm to the Paul Bunyan Regional Trail

Efforts will be made to minimize impacts to the trail property to the extent practical. However the wetlands, steep slopes, residences, and businesses along the entire corridor will limit the feasibility for substantial minimization efforts beyond what has already occurred.

To mitigate impacts to the Section 4(f) property, Mn/DOT is proposing to relocate the trail and maintain the recreational corridor throughout the project area. The MNDNR has informally concurred with this mitigation approach. If either Alternatives 2, 3, 4, or 5 are selected as the preferred alternative, detailed coordination will occur between Mn/DOT, the MNDNR, and the effected cities to define the specific mitigation plan for the trail.

Paul Bunyan Regional Trail Coordination

Several coordination meetings with the MNDNR have taken place regarding the Paul Bunyan Regional Trail. In addition, meetings were held with the Cities of Nisswa, Pequot Lakes, Jenkins, and Pine River to discuss the Highway 371 project and the impacts on the trail. Furthermore, several public open house meetings, and community workshops have been held during the project development process to discuss issues associated with the proposed project including the trail.

Brainerd and Northern Minnesota Railway Corridor

Description of Resource

The Brainerd and Northern Minnesota Railway Corridor (also known as the Burlington Northern Railroad grade) parallels Highway 371 throughout the entire project corridor and in several places is immediately adjacent to the highway. The railroad corridor, which is currently occupied by the Paul Bunyan Regional Trail, was identified as eligible for the National Register of Historic Places by the Mn/DOT Cultural Resources Unit. The Paul Bunyan Regional Trail is also considered a Section 4(f) resource and the potential impacts have been described above.

Impacts to the Brainerd and Northern Minnesota Railway Corridor

Throughout the project corridor, portions of right-of-way from the Brainerd and Northern Minnesota Railway Corridor will be encroached upon and impacted by the expansion of the highway. The extent of impact by alternative to the railroad corridor is identical to the impacts listed under the Paul Bunyan Regional Trail.

Brainerd and Northern Minnesota Railway Corridor Avoidance Alternatives

Alternatives 1 (No-Build) would avoid any impacts to the Brainerd and Northern Minnesota Railway Corridor. However, this alternative does not address the project purpose and need objectives. Due to physical constraints associated with lakes, wetlands, residences, and businesses throughout the study corridor, it is not possible to completely avoid direct impacts to the railroad corridor under any build alternative.

Potential Measures to Minimize Harm to the Brainerd and Northern Minnesota Railway Corridor

As discussed under the Paul Bunyan Regional Trail evaluation, efforts will be made to minimize impacts to the railroad corridor to the extent practical. However the wetlands, steep slopes, residences, and businesses along the entire corridor will limit the feasibility for substantial minimization efforts beyond what has already occurred.

Brainerd and Northern Minnesota Railway Corridor Coordination

Once a preferred alternative has been selected, detailed coordination, in accordance with the Section 106 process, will occur between Mn/DOT and the SHPO to define the specific mitigation plan for the historic railroad corridor. This plan will be describe in a Memorandum of Agreement (MOA) and will be included in the Final EIS.

Pine River Depot

Description of Resource

The Pine River Depot is located at the intersection of Highway 371 and Highway 84 in downtown Pine River (Figure 4). The structure is owned by Mn/DOT and is located partially on Mn/DOT right-of-way as well as right-of-way for the Paul Bunyan Trail. The Depot was constructed to service the Brainerd and Northern Minnesota Railway. The structure is currently not in use and has become rundown, but has been previously determined to be eligible for listing in the National Register of Historic Places. A citizen group has expressed an interest in relocating and improving the Depot. However, this plan has not come to realization at this time.

Impacts to the Pine River Depot

Each of the proposed build alternatives would require removal.

Pine River Depot Avoidance Alternatives

Alternative 1 (No-Build) would avoid any impacts to the Pine River Depot. However, this alternative does not address the project purpose and need objectives. Due to limited space through downtown Pine River, shifting the highway alignment to the east to avoid the Depot would result in the acquisition of up to thirteen existing businesses and six residences. Shifting the alignment to the west would impact one business and eight residences. Figure 4 illustrates the associated impacts of an eastern or western avoidance alternative.

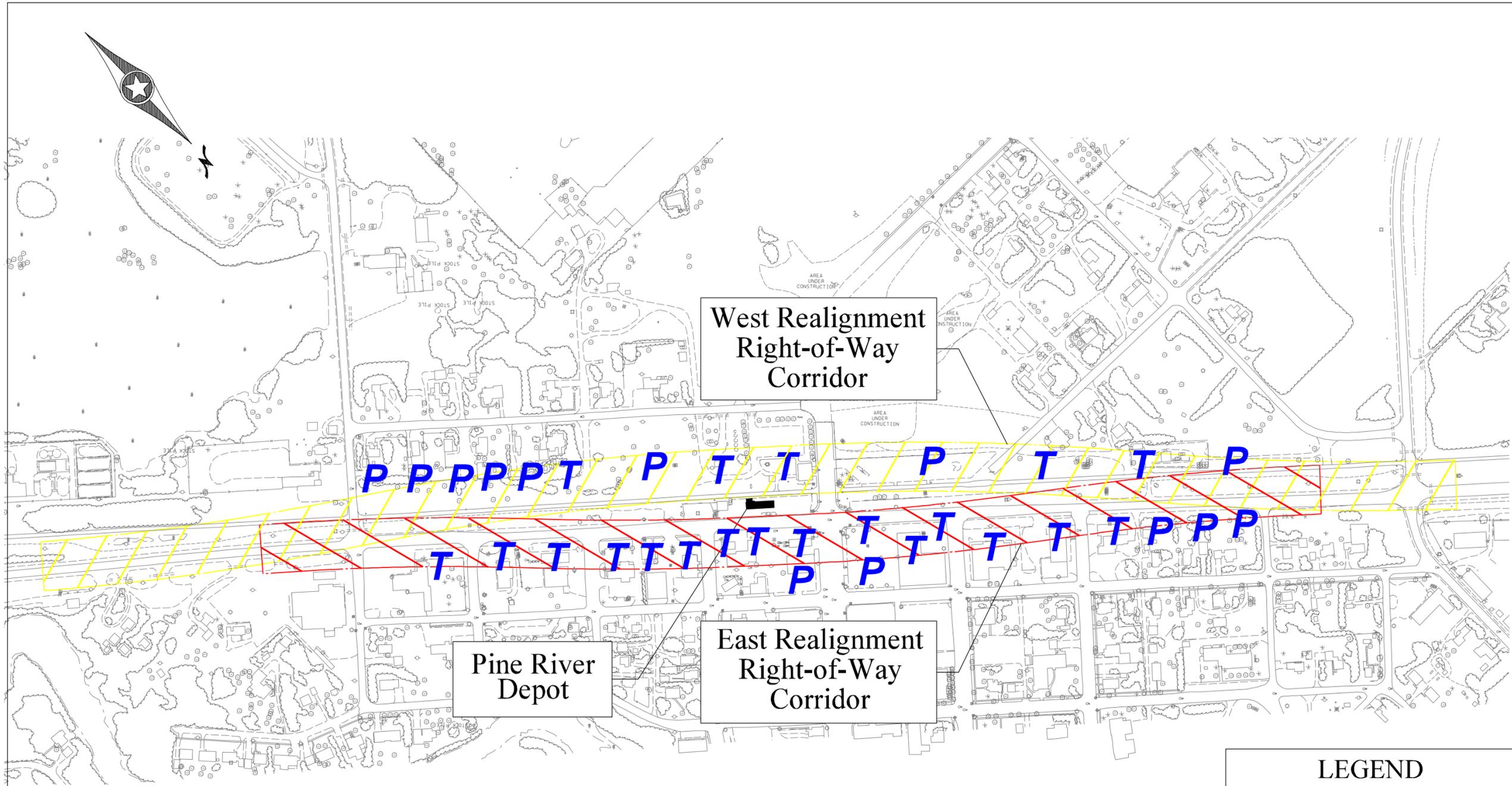
Constructing a bypass alignment around downtown Pine River was also considered. This alternative would avoid impacts to the Depot; however, based on the information documented in the November 2003 Amended Scoping Decision Document, the bypass, as compared to improving Highway 371 through town, had substantially higher construction costs, impacted more acres of sensitive wetlands, required acquisition of substantially more residences, and impacted an area of old-growth forest. As a result of the disproportionately high impacts, it was decided that the Pine River Bypass alternative should be removed from further consideration in the Draft EIS.

Potential Measures to Minimize Harm to the Pine River Depot

There are no practical minimization measures available. Total avoidance is the only option to not impact the Depot. As noted above, shifting the highway to avoid impacting the Depot would require substantial business and residential acquisitions.

Pine River Depot Coordination

Mn/DOT has met several times with the State Historic Preservation Office (SHPO) regarding the Pine River Depot. In addition, several public open house meetings and community workshops have been held during the project development process to discuss issues in the Pine River area including the Depot site. If either Alternatives 2, 3, 4, or 5 are selected as the preferred alternative, detailed coordination, in accordance with the Section 106 process, will occur between Mn/DOT, SHPO, and the City of Pine River to define the specific mitigation plan for the Depot. This plan will be described in a Memorandum of Agreement (MOA) and will be included in the Final EIS.



LEGEND

- P** Partial Acquisition
- T** Total Acquisition

SCALE : 1 INCH = 300 FEET
 0 300 600

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Figure 4
 Pine River Depot Location and
 Avoidance Alternatives



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Summary of Affected Section 4(f) Resources

The purpose of this section is to provide a comparative summary of the Section 4(f) impacts for the four build alternatives, with the No-Build Alternative as a baseline. The No-Build Alternative would not introduce any adverse impacts on the Section 4(f) resources. Table 2 presents the three affected Section 4(f) resources and identifies the anticipated impacts under each of the build alternatives.

Table 2
Affected Section 4(f) Resources By Alternative

Alternative	Affected Section 4(f) Resources		
	Paul Bunyan Trail (length of impact)	Brainerd & Northern Minnesota Railway Corridor (length of impact)	Pine River Depot
Alternative 1 – No-Build	None	None	None
Alternative 2 – Existing Alignment	32,500 ft.	32,500 ft.	Removal
Alternative 3 – Existing Alignment with Pequot Lakes Bypass	32,930 ft.	32,930 ft.	Removal
Alternative 4 – Existing Alignment with Pequot Lakes and Jenkins Bypasses	25,460 ft.	25,460 ft.	Removal
Alternative 5 – Existing Alignment with Jenkins Bypass	26,110 ft.	26,110 ft.	Removal

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