
Appendix B

Final Section 4(f) Evaluation

**HIGHWAY 371 NORTH
IMPROVEMENT PROJECT**

**FINAL
SECTION 4(f) EVALUATION**

January 2005

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1.0 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 privately owned historic sites, wildlife, and/or waterfowl refuges from conversion to a transportation use. The FHWA 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 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 purpose of this Final Section 4(f) Evaluation is to document the information 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.

This document describes all identified Section 4(f) and/or Section 6(f) properties, which may be acquired or partially acquired for the proposed Trunk Highway (Highway) 371 North reconstruction, potential impacts on those properties, and mitigation measures to minimize impacts.

The Section 4(f) process requires that any impacts from the use of a park, recreation area, historic site, or 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 initially completed for the Draft Environmental Impact Statement (EIS) and was based on a review of preliminary construction limits. Subsequent effects associated with the preferred alternative documented in the Final EIS were then examined using a more detailed level of design to refine the proposed footprint of the reconstructed highway.

2.0 Description of Proposed Action and Need for Project

The Minnesota Department of Transportation (Mn/DOT) proposes improvements to 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 (see Figure B-1).

The total length of the project corridor is approximately 16 miles. The preferred alternative generally follows the existing alignment as an urban and rural four-lane divided highway. A detailed description of the proposed improvements is located in Section 3.0 of the Highway 371 North Final EIS.

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 complete description of the project purpose and need was presented in Section 2.5 of the Highway 371 North Draft EIS.

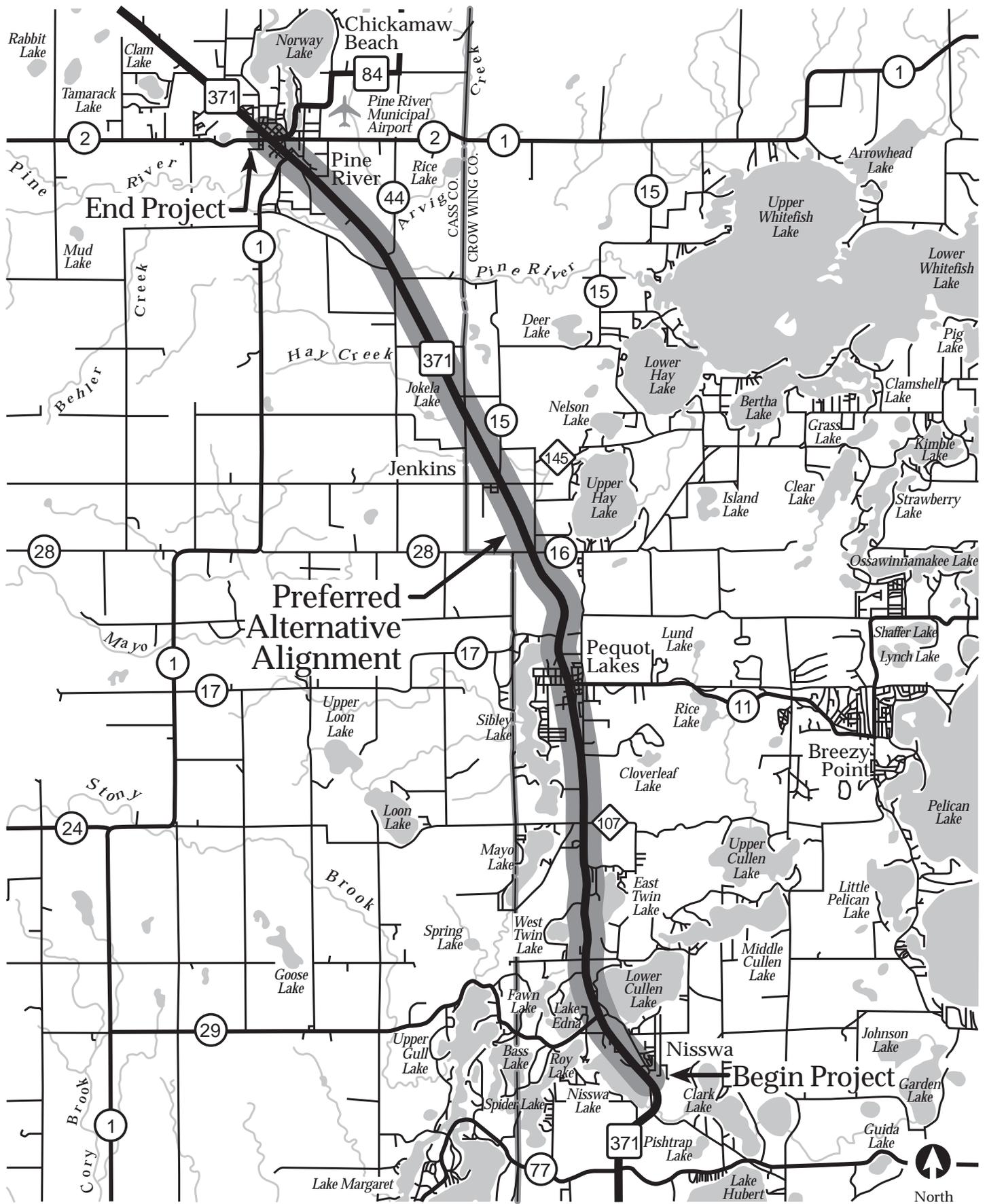
A brief description of each alternative considered in the Draft EIS is provided below. A more detailed description of the alternatives is provided in Section 3.0 of the Highway 371 North Draft EIS.

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 – Preferred Alternative

This alternative would reconstruct Highway 371 as a four-lane roadway primarily on its existing alignment from County Road 18 in Nisswa to County Road 2/42 in Pine River. Alternative 2 has been selected as the preferred alternative.



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

Figure B-1
 Project Location Map &
 Preferred Alternative

Alternative 3 – Existing Alignment with a Pequot Lakes Bypass

This 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.

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

This 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.

Alternative 5 – Existing Alignment with a Jenkins Bypass

This 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.

3.0 POTENTIAL SECTION 4(f) RESOURCES IN THE PROJECT AREA

The first step in completing the Section 4(f) Evaluation 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 in the Draft Section 4(f) Evaluation. A determination as to whether the resource was considered a Section 4(f) project impact is also included in the description of each resource. 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 Minnesota Department of Natural Resources (MNDNR) 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 four build alternatives would directly impact the trail property and as a result it is addressed as a Section 4(f) resource.

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 four build alternatives would directly impact the railroad corridor and as a result it is addressed as a Section 4(f) resource.

Molstad Property

The Molstad property is located on the east shore of Niswaw Lake 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.

Drew Cabins

The Drew Cabins are located on the west shore of Lower Cullen Lake immediately east of the Paul Bunyan Regional Trail and 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 and immediately north of County Road 11. The

structure, which is owned by the MNDNR, 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 the 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, from the Draft EIS, 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 park users. Alternatives 2 and 3, from the Draft EIS, 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.

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 four build alternatives would directly impact the depot and as a result it is addressed as a Section 4(f) resource.

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.

4.0 ASSESSMENT OF AFFECTED SECTION 4(f) RESOURCES

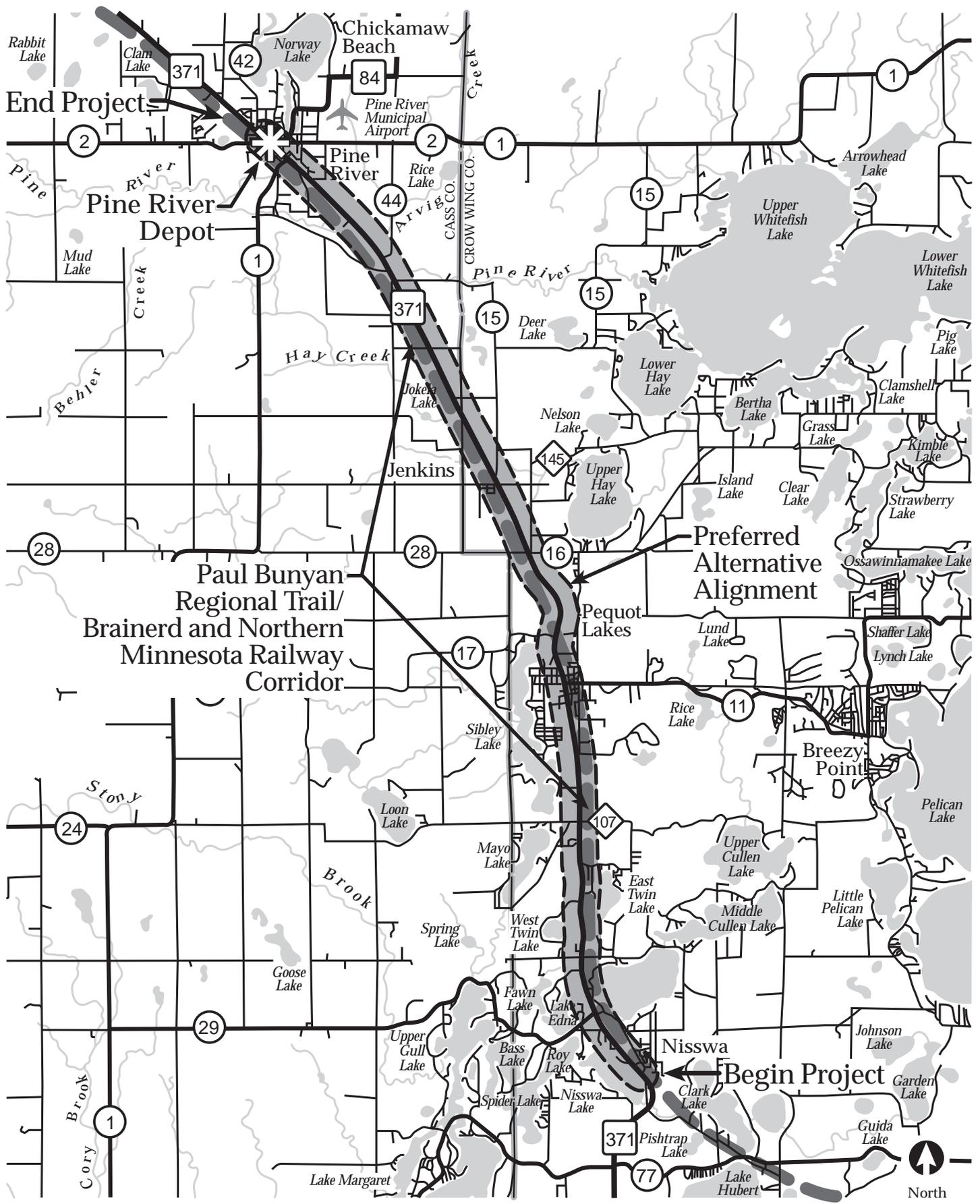
Of the resources described above and included in Figure B-2, the Paul Bunyan Regional Trail, Brainerd and Northern Minnesota Railway Corridor, and Pine River Depot are the only resources directly impacted by the proposed project.

Paul Bunyan Regional Trail

Description of Resource

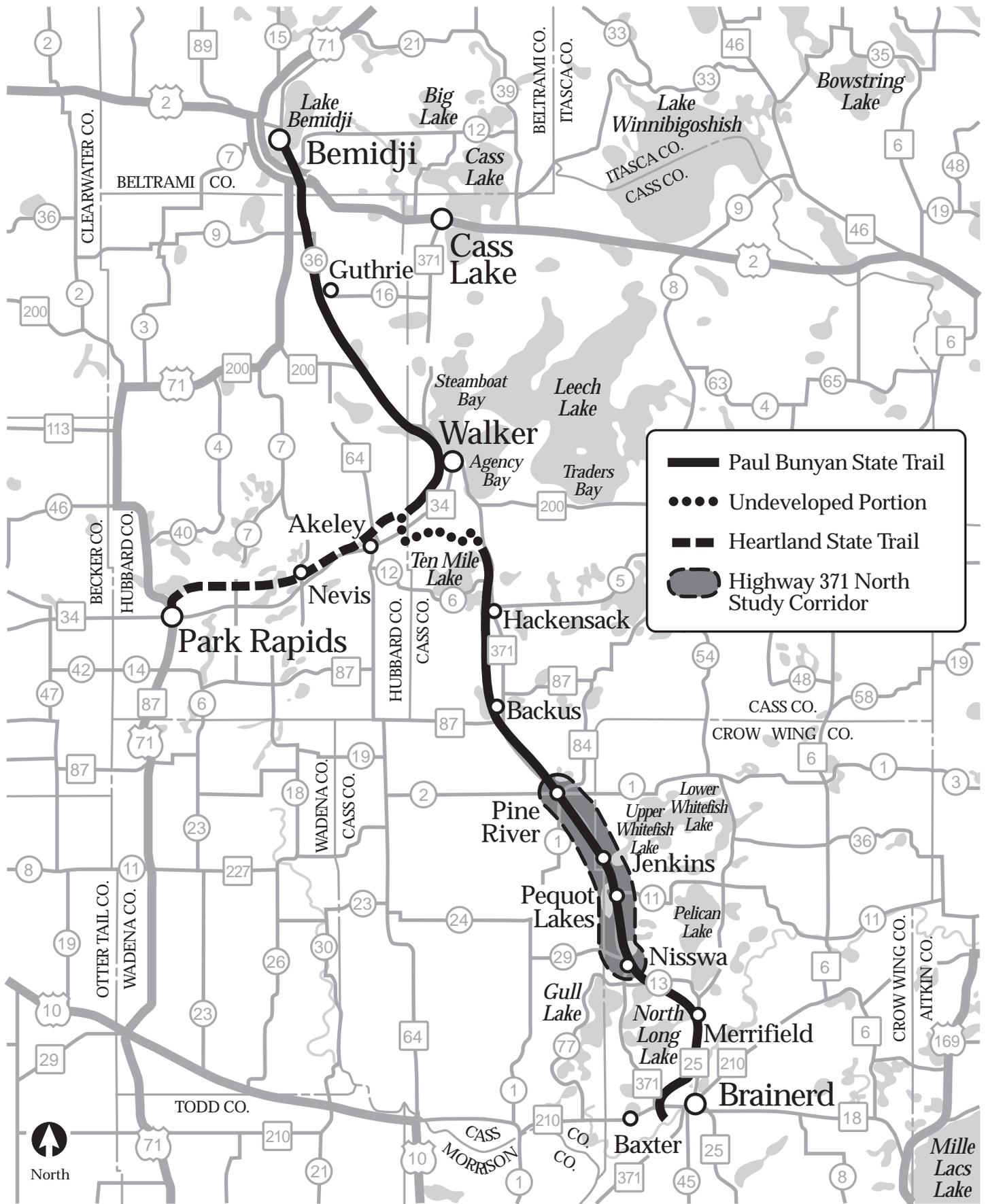
The Paul Bunyan Regional Trail is a multi-purpose trail located within the project corridor. The trail corridor was purchased by the MNDNR using state funds. The trail primarily follows the former Burlington Northern Railroad grade (see Figure B-3 and Figures A1 through A14 in Appendix A of the Final EIS). 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. Through the Highway 371 North project area, the Paul Bunyan Regional Trail has generally a 100 foot wide right-of-way. The approximately 100-mile long trail includes 54 miles of paved surface between Baxter and Hackensack and 5.5 miles between Lake Bemidji State Park and Beltrami County Road 20. The remaining portions are undeveloped with variable surface material. 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 Park Rapids and Cass Lake.

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. Currently, there is access to the trail at crossings with public roads and at trailheads located within the cities of Nisswa, Pequot Lakes, and Pine River.



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

Figure B-2
Preferred Alternative
and Section 4(f) Resources



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. Table 1 lists the approximate lengths of trail that would be impacted for each alternative that was considered in the Draft EIS.

Table 1
Potential Paul Bunyan Trail Impact by Draft EIS 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

Since the selection of the preferred alternative (Alternative 2), the direct impacts to the trail alignment have been reduced to approximately 19,350 feet of trail realignment. The following list provides a detailed breakdown of impact areas associated with the preferred alternative:

- Wilderness Ridge Road to East Twin Lake – The trail is shifted east for approximately 6,100 feet to accommodate the realignment of Highway 371 to improve the sub-standard curve at the County Road 29/107 intersection. The trail will cross the wetland immediately south of County Road 107 on a shared bridge with the northbound highway lanes (Figures A2 and A3 in Appendix A of the Final EIS).
- North of County Road 107/168 Intersection – The project includes constructing a new backage road along the east side of Highway 371 extending north from County Road 107 to service land uses that currently have direct access onto Highway 371. Depending on setback issues, the backage road construction may require a portion of the trail right-of-way (Figures A4 and A5 in Appendix A of the Final EIS).
- County Road 16 to County Road 15 – In order to accommodate the widened highway and trail through downtown Jenkins, approximately 10,750 feet of the trail will be shifted to the west (Figures A7, A8, and A9 in Appendix A of the Final EIS).
- Pine River Crossing – The trail will be realigned slightly for approximately 1,500 feet and cross the Pine River on a shared bridge with the southbound Highway 371 lanes. The existing trail bridge across the Pine River will no longer be needed (Figure A12 in Appendix A of the Final EIS).
- Downtown Pine River/Highway 84 intersection – A minor shift in the trail alignment will be required for approximately 1,000 feet to maintain a

minimal setback from the highway and provide a safe crossing of the Highway 84 intersection (Figure A14 in Appendix A of the Final EIS).

Paul Bunyan Regional Trail Avoidance Alternatives

Section IV of the Highway 371 North Scoping Document considered a full range of alternatives to address existing and forecasted Highway 371 issues and needs. The document included an assessment of alternatives that would include capacity expansion on a new highway corridor, which would have provided partial or complete avoidance of impacting the Paul Bunyan Regional Trail. These new highway corridor alternatives were dismissed from further consideration in Section V of the Scoping Decision Document because they failed to address the project purpose and need objectives of improving capacity, safety, design deficiencies, and mobility and connectivity concerns associated with the existing Highway 371 alignment.

Alternatives 1 (No-Build), as presented in the Draft EIS, 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 was determined that none of the build alternatives considered in the Draft EIS could completely avoid direct impacts to the trail corridor. Therefore, there are no practical avoidance measures.

Potential Measures to Minimize Harm to the Paul Bunyan Regional Trail

During the final design phase, efforts will be made to further minimize impacts to the trail property. However the wetlands, steep slopes, residences, and businesses along the entire corridor will limit the feasibility for substantial minimization efforts beyond that included in the preferred alternative.

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.

Since completion of the Draft Section 4(f) Evaluation, efforts have been made to design the preferred alternative in a manner that further minimizes impacts to the Paul Bunyan Regional Trail. Locations of trail impact minimization efforts include:

- Lower Cullen Lake Area; removed a portion of a frontage road that previously impacted the trail.
- Downtown Jenkins; shifted the highway alignment east to enable the trail to remain adjacent to the highway and not require a trail bypass route.
- South of Norway Brook; shifted highway alignment east to allow trail to maintain its existing alignment.

- Downtown Pine River; shifted alignment east to reduce length of trail realignment near the intersection of Highway 371 and Highway 84.

The presence of wetlands, steep slopes, residences, and businesses along the entire corridor limit the feasibility for substantial minimization beyond what has been included in the preferred alternative.

Paul Bunyan Regional Trail Coordination

To minimize harm and mitigate impacts to the Section 4(f) property, Mn/DOT has been working with the MNDNR to ensure the trail and its function are replaced in whole by Mn/DOT at no cost to the MNDNR.

On June 30, 2004, Mn/DOT prepared a Paul Bunyan Trail Impact and Mitigation Letter of Understanding. The purpose of the letter was to document the process followed by Mn/DOT and the MNDNR in addressing impacts to the trail as a result of the preferred alternative (see Attachment A). The MNDNR issued a letter of concurrence stating the MNDNR is in agreement with Mn/DOT on the proposed use of the Paul Bunyan Trail facility as part of the Highway 371 North Improvement Project (see Attachment A). The two agencies will continue to actively coordinate through the final design phase to define specific mitigation for each impact area to ensure the trail facility will be made whole as part of the highway reconstruction project.

Conclusion

Based upon the above considerations, it is determined there is no feasible and prudent alternative to the use of land from the Paul Bunyan Trail, and the proposed action includes all possible planning to minimize harm to the Paul Bunyan Regional Trail resulting from such use.

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 (see Figure B-2 and Figures A1 through A14 in Appendix A of the Final EIS). The railway 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 railway corridor was purchased by the MNDNR using state funds. The width of right-of-way for the railway corridor varies considerably depending on if the corridor is located in a rural area versus an urban area. Through the Highway 371 North project area, the railway corridor generally has a 100 foot wide right-of-way.

At the south end of the project corridor, the railway corridor runs through downtown Nisswa and is located east of Highway 371. Between the Cities of Nisswa and Pequot Lakes, the distance the railway corridor 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 railway corridor crosses over the highway at the north end of downtown Pequot Lakes. From this point, the railway corridor parallels the west side of the highway to the northern limits of the proposed improvement project in the City of Pine River. Currently, there is access to the railway corridor and regional trail via the existing Highway 371 alignment and at trailheads located within the cities of Nisswa, Pequot Lakes, and Pine River.

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, which is occupied by the Paul Bunyan Trail, will be encroached upon and impacted by the expansion of the highway. Impacts to the railway corridor have been determined to be an adverse effect on the historic property. Table 2 lists the approximate length of the railway corridor that would be impacted for each alternative that was considered in the Draft EIS.

**Table 2
Potential Brainerd and Northern Minnesota Railway Corridor Impact
by Draft EIS Alternative**

Alternative	Length of Railway Corridor 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

Since the selection of the preferred alternative (Alternative 2), the direct impacts to the railway corridor have been reduced. As discussed under the Paul Bunyan Regional Trail, the railway corridor will be potentially impacted. These impacts correlate to impacts to the Paul Bunyan Regional Trail and the actual impact of the railway corridor may be less. The following list provides a description of the locations and potential lengths of impact areas associated with the preferred alternative:

- Wilderness Ridge Road to East Twin Lake – The railway corridor is impacted for approximately 6,100 feet to accommodate the realignment of Highway 371 to improve the sub-standard curve at the County Road 29/107 intersection (Figures A2 and A3 in Appendix A of the Final EIS).
- County Road 16 to County Road 15 – In order to accommodate the widened highway and railway corridor through downtown Jenkins, approximately 10,750 feet of the railway corridor will be impacted (Figures A7, A8, and A9 in Appendix A of the Final EIS).

Brainerd and Northern Minnesota Railway Corridor Avoidance Alternatives

Section IV of the Highway 371 North Scoping Document considered a full range of alternatives to address existing and forecasted Highway 371 issues and needs. The document included an assessment of alternatives that would include capacity expansion on a new highway corridor, which would have provided partial or complete avoidance of impacting the Brainerd and Northern Minnesota Railway corridor. These new highway corridor alternatives were dismissed from further consideration in Section V of the Scoping Decision Document because they failed to address the project purpose and need objectives of improving capacity, safety, design deficiencies, and mobility and connectivity concerns associated with the existing Highway 371 alignment.

Alternatives 1 (No-Build), as presented in the Draft EIS, would avoid any impacts to the railway corridor. However, this alternative also 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 was determined that none of the build alternatives considered in the Draft EIS could completely avoid direct impacts to the railway corridor. Therefore, there are no practical avoidance measures.

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

During the final design phase, efforts will be made to further minimize impacts to the railway corridor to the extent practical. However, the presence of wetlands, steep slopes, residences, and businesses along the entire corridor will limit the feasibility for substantial minimization efforts beyond what has already occurred.

Mn/DOT and FHWA have worked with SHPO and Heritage Group North to determine the extent of permanent and direct impacts on the railway corridor and developed a Memorandum of Agreement (MOA) that includes mitigation stipulations (see Attachment B). The MOA, requires that Mn/DOT implement a Brainerd and Northern Minnesota Railway interpretation strategy that documents the location of the historic railway.

Brainerd and Northern Minnesota Railway Corridor Coordination

Mn/DOT, SHPO, and FHWA staffs have met several times to discuss the Brainerd and Northern Minnesota Railway Corridor, define the impacts, and determine appropriate mitigation measures.

A MOA has been executed by the appropriate agencies that describes the impacts to the historical rail corridor and the agreed upon mitigation (see Attachment B).

Conclusion

Based upon the above considerations, it is determined there is no feasible and prudent alternative to the use of land from the Brainerd and Northern Minnesota Railway Corridor, and the proposed action includes all possible planning to minimize harm to the Brainerd and Northern Minnesota Railway Corridor resulting from such use.

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 (see Figure B-4). The depot structure is owned by Mn/DOT and 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, but has been previously determined to be eligible for listing in the National Register of Historic Places. The depot structure is squeezed between the highway and the Paul Bunyan Regional Trail. Therefore, access to the depot can be gained via the highway or trail. A citizen group (Heritage Group North) has expressed an interest in improving the depot.

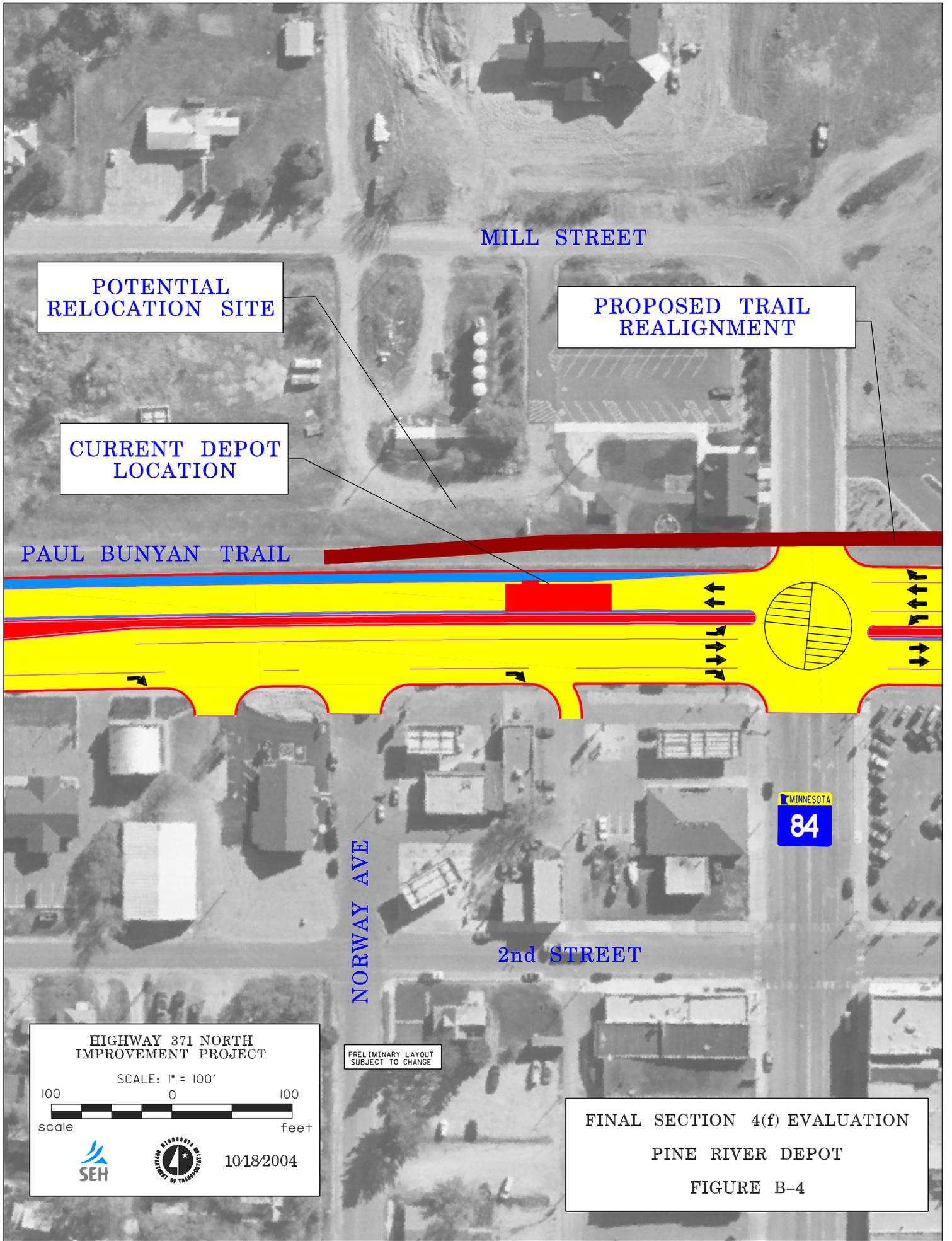
Impacts to the Pine River Depot

Each of the build alternatives considered in the Draft EIS would require removal of the depot structure. The preferred alternative proposes to use the land on which the depot is located for expansion of the existing highway. As a result, the preferred alternative will require the relocation of the depot.

Pine River Depot Avoidance Alternatives

Constructing a bypass alignment around downtown Pine River was considered in the Highway 371 North Scoping Document. 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.

Alternative 1 (No-Build) from the Draft EIS 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 B-5 illustrates the associated impacts of an eastern or western avoidance alternative.



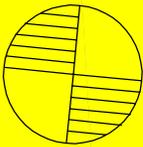
MILL STREET

POTENTIAL
RELOCATION SITE

PROPOSED TRAIL
REALIGNMENT

CURRENT DEPOT
LOCATION

PAUL BUNYAN TRAIL



NORWAY AVE

MINNESOTA
84

2nd STREET

HIGHWAY 371 NORTH
IMPROVEMENT PROJECT

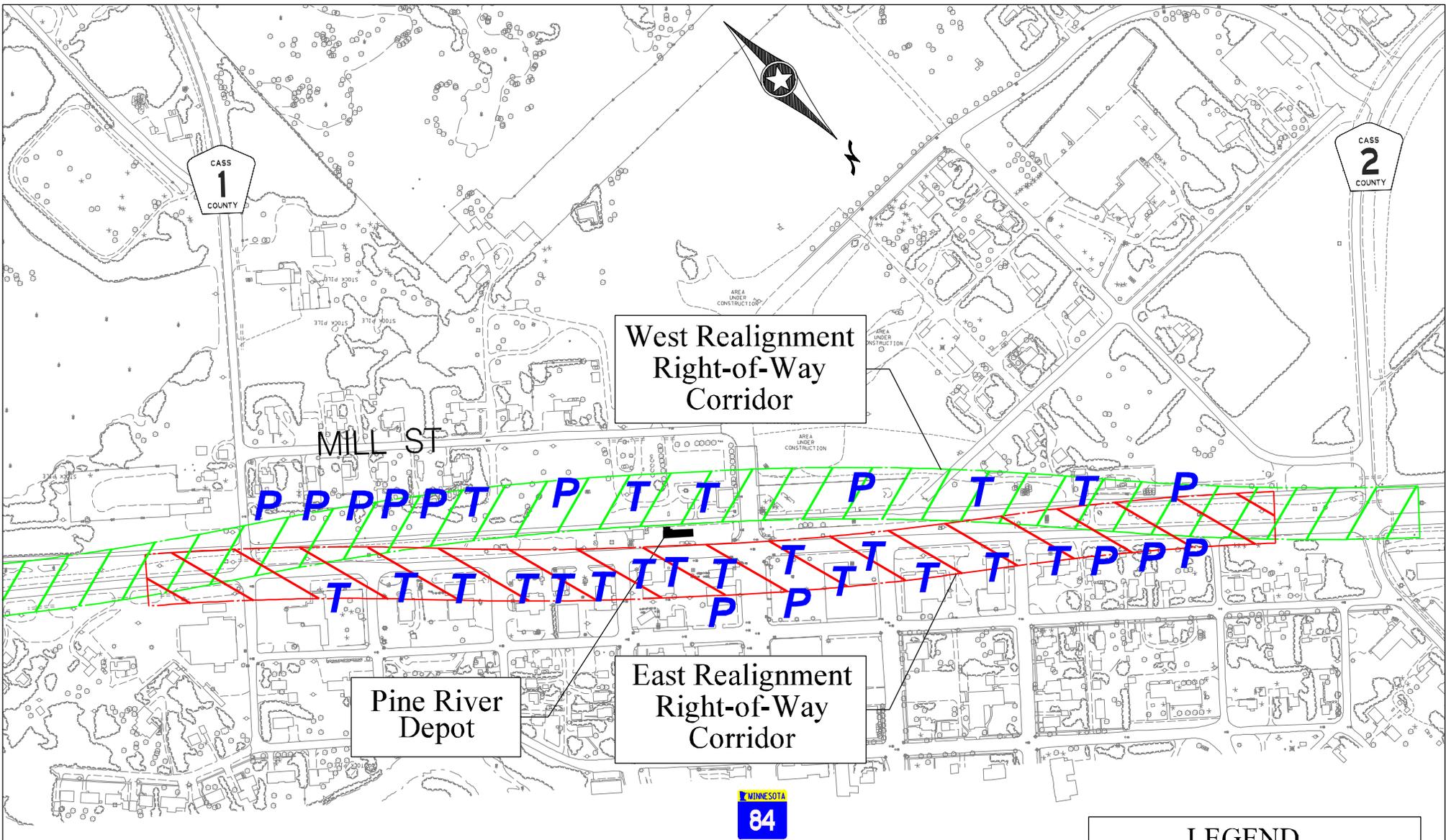
SCALE: 1" = 100'

100 0 100
scale feet

1018/2004

PRELIMINARY LAYOUT
SUBJECT TO CHANGE

FINAL SECTION 4(f) EVALUATION
PINE RIVER DEPOT
FIGURE B-4



West Realignment
Right-of-Way
Corridor

Pine River
Depot

East Realignment
Right-of-Way
Corridor

LEGEND

P Partial Acquisition

T Total Acquisition

Potential Measures to Minimize Harm to the Pine River Depot

To minimize harm and mitigate impacts to the Section 4(f) property, Mn/DOT has been working with the SHPO, City of Pine River, and the Heritage Group North to relocate the depot on the western side of the rail corridor.

A MOA has been executed that describes the impacts to the historic resource, as well as the agreed upon mitigation measures (see Attachment B).

Pine River Depot Coordination

Mn/DOT and FHWA has met several times with SHPO and Heritage Group North to discuss the Pine River Depot, define impacts, and determine mitigation measures.

Conclusion

Based upon the above considerations, it is determined there is no feasible and prudent alternative to the use of land occupied by the Pine River Depot, and the proposed action includes all possible planning to minimize harm to the Pine River Depot resulting from such use.

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Attachment A

Mn/DOT Letter of Understanding, dated June 30, 2004
MNDNR Letter of Concurrence



Minnesota Department of Transportation

District 3

1991 Industrial Park Road
Baxter, MN 56425

Tel: 218/828-2460

Fax: 218/828-2210

Toll Free: 1/800/657-3971

June 30, 2004

Lowell Jaeger
MN Department of Natural Resources
Trails & Waterways
1601 Minnesota Drive
Brainerd, MN 56401

RE: Highway 371 North Improvement Project
Paul Bunyan Trail Impact and Mitigation
Letter of Understanding

Dear Lowell:

The purpose of this letter is to document the process followed by Mn/DOT and the DNR in addressing the impacts to the Paul Bunyan Trail as a result of the Highway 371 North Improvement Project between Nisswa and Pine River. This letter relates the mutual understanding between Mn/DOT and the DNR and should serve as the basis for the DNR to submit a letter of concurrence as required for the Final Section 4(f) and Final EIS.

Mn/DOT and DNR staff have met several times over the course of the Highway 371 North Improvement Project to discuss issues related to the Paul Bunyan Trail and determine the appropriate actions to ensure the Trail and its function are replaced in whole by Mn/DOT at no cost to the DNR.

Summary of Trail Impacts

Trail alignment impacts resulting from the reconstruction of Highway 371 have been limited to the following areas:

- Wilderness Ridge Road to East Twin Lake – The trail is shifted east to accommodate the realignment of Highway 371 to improve the sub-standard curve at the County Road 29/107 intersection. The trail will cross the wetland immediately south of County Road 107 on a shared bridge with the northbound highway lanes.
- North of County 107/168 Intersection – The project includes constructing a new backage road along the east side of Highway 371 extending north from County Road 107 to service land uses that currently have direct access onto Highway 371. Depending on setback issues the backage road construction may require a portion of the trail right-of-way but should not have any direct impact on the trail.
- County Road 16 to County Road 15 – In order to accommodate the widened highway and the trail through downtown Jenkins, the trail will be shifted to the west.
- Pine River Crossing – The trail will be realigned slightly and cross the Pine River on a shared bridge with the southbound Highway 371 lanes. The existing trail bridge across the Pine River will no longer be needed.

- Downtown Pine River/TH 84 intersection – A minor shift in the trail alignment will be required to maintain a minimal setback from the highway and provide a safe crossing at the TH 84 intersection.

DNR Trail Preferences and Standards

In considering possible mitigation for the trail impacts, the DNR provided the following expectations and trail design standards:

- 12' paved trail surface
- 1-2' topsoil shoulder
- 3:1 slopes for drainage
- Road crossings should be at intersection crosswalks
- Provide a minimum 20' adjacent corridor for snowmobiles
- Provide an exclusive 100' trail right-of-way wherever practical
- Rural conditions - provide 50' between edge of highway shoulder and edge of trail. In low speed conditions and in extreme pinch-point areas the setback may be reduced to less than 50'
- Urban condition - locate trail 10' from property line and maximize space between trail and highway
- Cable barrier between trail and highway will be required if setback encroaches on the highway clear zone

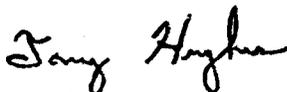
Understanding and Next Steps

The DNR and Mn/DOT will continue to actively coordinate through the final design phase to define specific mitigation for each impact area and to ensure the trail facility will be made whole as part of the highway reconstruction project.

Prior to proceeding into final design, the DNR will need to prepare a letter of concurrence stating they are in agreement with Mn/DOT on the proposed use of the Paul Bunyan Trail facility as part of the Highway 371 North Improvement Project. The concurrence letter is required to address the Final Section 4(f) and Final EIS procedures.

Please feel free to contact me at 218-828-2465 if you have any questions or would like to discuss the matter in more detail.

Sincerely,



Tony Hughes
Project Manager

✓cc: Chris Hiniker, AICP, SEH, Inc., 3535 Vadnais Center Drive, St. Paul, MN 55110-5196



Minnesota Department of Natural Resources

BRAINERD AREA TRAILS AND WATERWAYS

1601 Minnesota Drive, Brainerd, MN 56401

218-828-2557

23 August 2004

Tony Hughes, Project Manager
Minnesota Department of Transportation, District 3
1991 Industrial Park Road
Baxter MN 56425

RE: Highway 371 North Improvement Project
Paul Bunyan Trail Impact and Mitigation
Letter of Understanding

Dear Tony:

This is a letter of concurrence as a response to the Mn/DOT and DNR understanding regarding the impacts to the Paul Bunyan Trail as a result of the Highway 371 North Improvement Project between Nisswa and Pine River. This letter continues the process as required by the Final Section 4(f) and Final EIS.

Our meetings prior to this letter have focused on issues related to the Paul Bunyan Trail. We are now in a position to agree with Mn/DOT on the proposed use of the Paul Bunyan Trail facility as part of the Highway 371 North Improvement Project. MNDNR, Trails and Waterways agrees to actions proposed by Mn/DOT to ensure the Trail and its function are replaced in whole by Mn/DOT at no cost to the DNR.

Summary of Trail Impacts

Trail alignment impacts resulting from the reconstruction of Highway 371 have been limited to the following areas:

- Wilderness Ridge Road to East Twin Lake – The trail is shifted east to accommodate the realignment of Highway 371 to improve the sub-standard curve at the County Road 29/107 intersection. The trail will cross the wetland immediately south of County Road 107 on a shared bridge with the northbound highway lanes.
- North of County 107/168 Intersection – The project includes constructing a new backage road along the east side of Highway 371 extending north from County Road 107 to service land uses that currently have direct access onto Highway 371. Depending on setback issues the backage road construction may require a portion of the trail right-of-way but should not have any direct impact on the trail.
- County Road 16 to County Road 15 – In order to accommodate the widened highway and the trail through downtown Jenkins, the trail will be shifted to the west.

DNR Information: 651-296-6157 • 1-888-646-6367 • TTY: 651-296-5484 • 1-800-657-3929

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- Pine River Crossing – The trail will be realigned slightly and cross the Pine River on a shared bridge with the southbound Highway 371 lanes. The existing trail bridge across the Pine River will no longer be needed.
- Downtown Pine River/TH 84 intersection – A minor shift in the trail alignment will be required to maintain a minimal setback from the highway and provide a safe crossing at the TH 84 intersection.

DNR Trail Preferences and Standards

In considering possible mitigation for the trail impacts, the DNR has provided the following expectations and trail design standards:

- 12' paved trail surface
- 1-2' topsoil shoulder
- 3:1 slopes for drainage
- Road crossings should be at intersection crosswalks
- Provide a minimum 20' adjacent corridor for snowmobiles
- Provide an exclusive 100' trail right-of-way wherever practical
- Rural conditions - provide 50' between edge of highway shoulder and edge of trail. In low speed conditions and in extreme pinch-point areas the setback may be reduced to less than 50'
- Urban condition - locate trail 10' from property line and maximize space between trail and highway
- Cable barrier between trail and highway will be required if setback encroaches on the highway clear zone

Wetland Impacts

MnDOT will obtain all required wetland permits and approvals as required for the relocation or modification of the trail as required by this highway improvement project. Permits that may be required include Clean Water Act, Section 404 permit from the US Corps of Engineers; DNR Public Waters Permit; Wetland Conservation Act(WCA) approval and National Pollutant Discharge Elimination System (NPDES) permit. MnDOT will be responsible for all sequencing and replacement requirements.

Natural Plant Communities

In addition to replacement of the paved trail and associated ROW special consideration will be given to the existing natural plant communities along the Paul Bunyan Trail. Reference here to the impacts that are to be considered is given in a July 26, 2004 memo, Angela Anderson DNR, Trails and Waterways Natural Communities Management Coordinator to Tony Hughes, MN DOT Project Manager.

Tony Hughes
23 August 2004
Page 3

Thank you for your consideration regarding these items. I am available at 218-828-2690 for further questions and comments.

Best Regards,

A handwritten signature in black ink, appearing to read "Lowell Jaeger". The signature is fluid and cursive, with a large initial "L" and a long, sweeping tail.

Lowell Jaeger
Brainerd Area Trails and Waterways Supervisor

cc: Chris Hiniker, AICP, SEH, Inc., 3535 Vadnais Center Drive, St. Paul, MN 55110-5196
Forrest Boe
Les Ollila
Tom Danger
Angela Anderson
Mike North
Denny Thompson

Attachment B

Pine River Depot and Brainerd & Northern Minnesota Railway Corridor
Memorandum of Agreement

(To be inserted pending final approval of MOA)

SECTION 106 MEMORANDUM OF AGREEMENT (MOA) AMONG THE FEDERAL HIGHWAY ADMINISTRATION (FHWA), THE DEPARTMENT OF THE ARMY, ST. PAUL DISTRICT CORPS OF ENGINEERS (USCOE), THE MINNESOTA STATE HISTORIC PRESERVATION OFFICE (MNSHPO), AND THE MINNESOTA DEPARTMENT OF TRANSPORTATION (MNDOT)

**REGARDING
STATE PROJECT 1116-22**

WHEREAS, the Federal Highway Administration (FHWA) is proposing to provide funding to the Minnesota Department of Transportation (MnDOT) for the reconstruction of TH 371 between Pine River and Nisswa; and

WHEREAS, the project will require a Department of the Army permit issued by the St. Paul District Corps of Engineers (USCOE) as required under Section 404 of the Clean Water Act; and

WHEREAS, for the purposes of this project, the FHWA will be recognized as the lead federal agency; and

WHEREAS, the Pine River Depot and the Brainerd and Northern Minnesota Railroad will be adversely affected by this project; and

WHEREAS, FHWA and MnDOT have consulted with the Minnesota State Historic Preservation Office (MnSHPO) pursuant to 36CFR 800; and

WHEREAS, FHWA has consulted with Heritage Group North (HGN), the City of Pine River, the Pine River Chamber of Commerce (PRCC); and the City of Pequot Lakes in the review of the project; and

WHEREAS, MnDOT, the Depot property owner, has responsibilities under this MOA, and has been invited to be a signatory to the MOA; and

NOW THEREFORE, the FHWA, USCOE, MnSHPO, and MnDOT agree that the project shall be implemented with the following stipulations in order to take into account the effects of the undertaking on historic properties:

STIPULATIONS

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

■ MnDOT will perform all activities included in the Phase I scope of work in Attachment A and will move the depot building to the parcel of land owned by the City of Pine River as described in Attachment C. Prior to the completion of any relocation activities, the plans for the relocation work will be submitted to both the MnDOT Cultural Resources Unit and the MnSHPO for review and written concurrence.

2. Upon completion of the depot building relocation, MnDOT will lease the building to a party or parties able to maintain and restore the building consistent with the Secretary of Interior's Standards for the Treatment of Historic Properties. The Depot is eligible for listing on the National Register of Historic Places. Any lessee will be required to complete the activities included in the outline for Phase II of the Pine River Depot Restoration as detailed in Attachment B. Prior to completion of any of the Phase I or Phase II I rehabilitation work plans for the proposed activities will need to be submitted to both the MnDOT Cultural Resources Unit and the MnSHPO for review and written concurrence. MnDOT District 3 will complete annual reviews of the depot building and site to ensure that the building remains in a stable and secure condition and that any approved rehabilitation work is being completed in accordance with an approved plan. Results of the annual review should be submitted to MnDOT CRU for review.

■ Until an appropriate lessee is found, or if a lessee terminates its agreement with MnDOT, MnDOT will ensure that the building remains in a stable and secure condition.

4. A historical narrative about the Brainerd and Northern Minnesota Railroad will be completed by an historian who meets the Secretary of Interior's Professional Standards. The narrative will be reviewed by the MNDOT Cultural Resource Unit and forwarded to the MnSHPO for review and concurrence. It will be made available to county and local historical societies for their use in the interpretation of the Depot and its importance to transportation history.
5. All work on items outlined in Attachments A and B and stipulation 4 shall be completed by December 1, 2008. If the terms of this agreement have not been implemented by the assigned date, FHWA shall notify the parties of this agreement of the expiration, and if appropriate, shall initiate consultation to renegotiate its terms
6. Disputes regarding the completion of the terms of this agreement shall be resolved by the signatories. If the signatories cannot agree regarding a dispute, any one of the signatories may request the participation of the Advisory Council on Historic Preservation to assist in the dispute.

Execution of this agreement by FHWA, MnSHPO, USCOE, and MnDOT, and implementation of its terms, evidences that FHWA has taken into account the effects of the undertaking on historic properties.

FEDERAL HIGHWAY ADMINISTRATION

By: [Signature] Date: 1/7/05

DEPARTMENT OF THE ARMY, ST. PAUL DISTRICT CORPS OF ENGINEERS

By: Maria T. Valencia Date: 12/17/04

MINNESOTA STATE HISTORIC PRESERVATION OFFICE

By: Nue D. Archabal Date: 12/13/04

Invited signatory:

MINNESOTA DEPARTMENT OF TRANSPORTATION

By: [Signature] Date: Dec 3, 05

Concurring parties:

CITY OF PINE RIVER - Mayor

By: Robert J. Hedberg Date: 12/22/04

CITY OF PINE RIVER - City Clerk

By: Wanda Morgan Date: 12/22/04

HERITAGE GROUP NORTH

By: Alan Johnson Date: 12/22/04

PINE RIVER CHAMBER OF COMMERCE

By: Juhelletsosky Date: 12-22-04

CITY OF BEQUOT LAKES

By: Sandra G. Penic Date: 12/22/04

Attachment A

Phase I Project Scope Outline Pine River Depot Relocation November 2004

1. Completion of plans and specifications (architectural drawings) for all work items described in attachments A and B of this agreement.

2. Archaeology of existing depot site to locate historic structural elements

3. Relocation of picnic shelter and reclamation of platform pavers in shelter area

4. Stabilization of depot prior to and after relocation

Stabilization of building

Temporary power

Earth and concrete removal for joist installation

Asphalt roof repair/replacement if necessary

5. Construction of new foundation

Foundation construction

New platform curbing

Replacement of asphalt walkways

6. Relocation of building

Moving

Resetting platform pavers

Attachment B

Phase II Project Scope Outline Pine River Depot Restoration November 2004

Restoration of Building Exterior

- 1. Repair of trim, siding, soffits, doors, and windows**
- 2. Exterior Painting**
- 3. Canopy Restoration**
- 4. Wood shingle roof**
- 5. Brick chimneys**

Attachment C

Description for Quitclaim Deed State of Minnesota to Village of Pine River

Lots 1 and 2, Block 1, Dawes 3rd Addition to Pine River, Cass County, Minnesota and being the same parcel of land conveyed to the Burlington Northern Railroad Company by warranty deed dated December 12, 1968 from Donald F. Wilson and Lola R. Wilson and recorded December 20, 1968 as Document No. 191705 in and for Cass County, Minnesota; also,

The southwesterly 35.0 feet of the southwesterly 77.0 feet of the former Burlington Northern Railroad Company's (formerly Northern Pacific Railway Company) 100.0 foot wide Brainerd to Bemidji, Minnesota Branch Line right of way, now discontinued, being 50.0 feet wide on each side of said Railroad Company's Main Track centerline as originally located and constructed upon, over and across the NW $\frac{1}{4}$ of Section 6, Township 137 North, Range 29 West of the Fifth Principle Meridian, Cass County, Minnesota lying northeasterly of a line drawn parallel with, distant 50.0 feet southwesterly, measured at right angles from said Main Track centerline and lying southwesterly of a line drawn parallel with and distant 27.0 feet northeasterly, measured at right angles from said Main Track centerline, bounded on the northwest by the northeasterly extension of the northwesterly line of Lot 1, Block 1, Dawes 3rd Addition to Pine River and bounded on the southeast by the northeasterly extension of the southeasterly line of Lot 3, Block 1, Fifth Addition to Pine River, Minn.; also,

An additional 50.0 foot wide strip of land lying adjacent to and southwesterly of the hereinabove described 100.0 foot wide Branch Line right of way lying between two lines drawn parallel with distant, respectively, 50.0 feet and 100.0 feet southwesterly, measured at right angles from said Main Track centerline bounded on the northwest by the northeasterly extension of the said northwesterly line of Lot 1, Block 1, Dawes 3rd Addition to Pine River and bounded on the southeast by said northeasterly extension of the southeasterly line of Lot 3, Block 1, Fifth Addition to Pine River, Minn.

Compiled by John D. Walker, 6-2-97